

**Sec. 733-212. Special exception provisions.**

Statement of purpose: *Because of the exceptional land use characteristics and locational impacts of certain industrial uses which, if inappropriately located within industrial zoning districts, may have a negative effect upon other land uses and values within the county, it is recognized that the further classification and regulation of such uses is essential in order to preserve property values, as well as to promote the public health, safety, comfort, morals, convenience and general welfare within Marion County.*

- (a) **Uses permitted by special exception.** In addition to those uses noted specifically in section 733-201, the following uses shall be permitted only upon the grant of a special exception by the Board of Zoning Appeals:
- (1) Classified industrial uses - may be permitted in a more restrictive industrial district by special exception. Any industrial use specified as a permitted use in an I-3 or I-4 "U" or "S" District may be permitted in any more restrictive industrial district (I-1 or I-2 Districts), by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212) and will be subject to additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 733-212(c), provided:
    - a. The petitioner shall present adequate evidence that the proposed use will conform to all development and performance standards of such higher industrial district.
    - b. All developmental standards and uses shall conform to the requirements of the higher industrial zoning district and all conditions and restrictions attached to the grant of special exception by such Board.
  - (2) Industrial parks may be permitted in any industrial district by special exception. An industrial park shall be permitted in any industrial district by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)). An industrial park, as defined in section 733-213, shall be developed according to a master plan which provides serviced sites for uses permitted in the applicable industrial zoning district - including manufacturing, processing, assembly plants, distribution, wholesalers, warehouses or related industrial uses and accessory facilities therefor; and commercial, professional and public and semi-public uses as provided for in this section.
  - (3) Commercial sales and services, professional, public and semi-public uses may be permitted in any industrial district by special exception. Commercial sales and services, offices, retail, wholesale, and discount establishments, professional and public or semi-public uses shall be permitted in any industrial district by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)) and subject to any additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 733-212(b)(1).
  - (4) Storage, utilization, or manufacture of explosives may be permitted in any industrial district by special exception. The storage, utilization, or manufacture of materials intended for detonation (explosives) shall be permitted in any industrial district by special exception only (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)), provided all development standards and performance standards of such district shall be met, as well as the additional standards of section 733-214(b)(2).
- (b) **Special regulations for uses permitted by special exception.** In whatever industrial zoning district within Marion County the uses designated in section 733-212(a) are included as

permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's standards and requirements and, in case of any conflict, the more stringent regulations shall prevail:

- (1) **Commercial sales and services, professional, public and semi-public uses.** Adequate off-street parking shall be provided for nonindustrial uses in accordance with applicable off-street parking standards required for the proposed use as required in Chapter 732 of this Code.
- (2) **Storage, utilization, manufacture of explosives.** Explosives shall not be stored, utilized, or manufactured within any building which is five hundred (500) feet or less from a protected or commercial district boundary, measured from the building in which the use is to be housed.
- (3) **Industrial parks.**

a. General purpose. An industrial park shall be designed so as:

1. To assure that all special treatment and handling of street patterns, and arrangements of grouping of buildings, off-street parking and loading, accessory uses, etc., shall result in a superior land development scheme which accomplishes the objectives and carries out the intent of the applicable comprehensive plan and zoning ordinances;
2. To create and maintain desirable, efficient and economical use of land with high aesthetic value, attractiveness and compatibility of land use;
3. To permit reasonable deviation from standard zoning district requirements where necessary due to special size or shape of site(s) or character of condition of topography and terrain or other special conditions;
4. To permit adequate private interior access roads to serve a variety of industrial sites and uses within the industrial park;
5. To provide sufficient and adequate access, parking and loading areas for all uses and structures within the industrial park;
6. To provide adequate traffic control and street plan integration with existing and planned streets;
7. To provide for pedestrian connectivity and public transit accessibility;
8. To provide adequate sanitation, drainage and public utilities servicing the industrial park; and
9. To allocate adequate land for all uses proposed, the site design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

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- b. Exceptions. In order to allow flexibility in the development of an industrial park, certain exceptions to development standards of the applicable industrial district may be authorized by grant of special exception for an industrial park including, but not limited to:
1. Front setback and frontage on public street. Sites for uses within the industrial park may front upon and be serviced by private interior access roads, provided:

- i. Each such site shall have a front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area.
  - ii. A front yard and setback in accordance with the industrial zoning district's standard requirements shall be provided along all public streets abutting the periphery of the industrial park.
2. Required side yards. The total of the required side yards and setbacks may be provided entirely on one (1) side or divided in any proportion between the two (2) sides of the site.
3. Building separation - setback between side of buildings. The sides of any two (2) buildings shall be separated by a minimum of twenty (20) feet unless they abut one another.
4. Deceleration lane. No deceleration lane shall be required within the industrial park provided the street or private interior access roads are of sufficient width and number of lanes that continuous movement of through traffic is not impeded.
5. Pedestrian Accessibility. 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.

[2007-AO-02, G.O. 4, 2008]

- (c) **Grant of special exception.** The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant special exceptions to the industrial district's standard terms, regulations and requirements, as specified in this chapter, and issue special exceptions to permit uses designated in section 733-212(a), subject to the following requirements:
- (1) **A petition for special exception** to permit any use designated in section 733-212(a) shall be filed with the Board of Zoning Appeals in accordance with the Board's rules of procedure. In addition to the site plan and area map filing requirements of the Board's rules of procedure or special exception petition forms, the petitioner shall file with the special exception petition:
- a. A site plan, drawn to scale, noting:
    1. Primary building(s) and accessory building(s);
    2. Off-street parking layouts;
    3. Vehicular entrances, exits, and turn-off lanes;
    4. Sidewalk and pedestrian walkways;
    5. Setbacks;

6. Landscaping and screening (including walls and fences);
  7. Storm drainage and sewage disposal facilities;
  8. Other utilities, if located above ground.
- b. Building elevations.
  - c. Exceptions, exhibits. In the case of a petition for an industrial park, provide notation, either on the site plan or by written reference, of any exceptions or deviations from the standard regulations and requirements of the industrial zoning district or districts comprising an industrial park. The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the subject site or other land uses and properties in the subject area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.

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**(2) Findings of fact.** A special exception shall be granted following public hearing of the petition and upon the Board's determination that:

- a. The grant will not be injurious to the public health, safety, convenience or general welfare.
- b. The grant will not injure or adversely affect the adjacent area or property values therein.
- c. The grant will be in harmony with the character of the district and land uses authorized therein.

The following additional findings of fact shall also be met, in addition to a., b., and c., above: Commercial sales and services, professional, public and semipublic uses.

- d. The proposed use is provided primarily for service to industrial uses within the industrial district and to employees, guests and visitors to such industrial uses.

Storage, utilization, manufacture of explosives.

- e. The petitioner shall present adequate evidence that the proposed storage, utilization or manufacture of explosive materials shall not endanger life or property outside any property line of the proposed use. (Such evidence and petitioner's site plan shall show all measures taken to provide a safe development.)
- f. In no case shall any explosives be stored, utilized, or manufactured within any building which is five hundred (500) feet or less from a protected or commercial district boundary, measured from the building in which the use is to be housed.

**(3) The grant** of a special exception shall be subject to the following requirements:

- a. The proposed use shall conform to all performance standards of the applicable industrial district; and
- b. The proposed use shall conform to all development standards of the applicable industrial district, except as specifically modified by the grant of special exception; and
- c. The proposed use shall conform to all other applicable requirements of this chapter and all restrictions and conditions attached to the grant of special exception by such Board. All restrictions, conditions, or site plan requirements attached to the grant of any special exception by the Metropolitan Board of

Zoning Appeals shall be limited by section 733-212(c)(2) and shall be imposed by such Board to ensure compliance with such standards. Such restrictions, conditions or site plan requirements shall become a part of and be incorporated in the grant of the special exception by the Board of Zoning Appeals.

- d. In any industrial zoning district, in cases where the grant of a special exception by the Board of Zoning Appeals for an industrial park includes a condition that the park be platted, the regulations of Chapter 731, Article III of this Code shall govern the park's platting.

**Sec. 733-213. Construction of language and definitions.**

- (a) **Construction of language.** The language of this article shall be interpreted in accordance with the following regulations:
- (1) The particular shall control the general.
  - (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
  - (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  - (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  - (5) A "building" or "structure" includes any part thereof.
  - (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
  - (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . ." the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

- (b) **Definitions.** The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

**Abut.** To physically touch or border upon; or to share a common property line.

**Access.** The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

**Access drive.** That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram B).

**Accessory.** A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

**Administrator.** Administrator of the division of planning of the department of metropolitan development or such division having jurisdiction, or their appointed representative.

**Alley.** Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise

abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

**Alteration.** Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

**Awning.** A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

**Batching plant.** A facility which manufactures or prepares bituminous paving materials, aggregate concrete or bulk cement.

**Blended transitions.** A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram J) [2007-AO-02, G.O. 4, 2008]

**Buildable area.** The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram C).

**Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

**Building area.** The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram C).

**Bulk storage.** The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

**Canopy.** A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, on a support which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

**Collector street.** See street, collector.

**Commission.** The Metropolitan Development Commission of Marion County, Indiana.

**Commitment.** An officially recorded agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

**Comprehensive plan.** The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

**Condition.** An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or secretary of the Board of Zoning Appeals.

**Corner lot.** See lot, corner.

**Covenant.** A legal agreement concerning the use of land.

**Crown of the street.** The highest point, most often at the centerline, of a street cross-section of the street pavement between the existing curb lines.

**Cul-de-sac.** See street, cul-de-sac.

**Curb cut.** The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram B).

**Curb line.** A line located on either edge of the pavement, but within the right-of-way line (see Diagram B).

**Curb ramps.** A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb. [2007-AO-02, G.O. 4, 2008]

**Dripline.** The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

**Driveway.** Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram B).

**Erect.** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

**Excavation.** The breaking of ground, except common household gardening, ground care and agricultural activity.

**Floor area, gross.** The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) abutting buildings.

**Full control of access.** The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48<sup>th</sup> Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96<sup>th</sup> Street. [2007-AO-02, G.O. 4, 2008]

**Front lot line.** See lot line, front.

**Front yard.** See yard, front.

**Frontage.** The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

**Frontage, public street.** The line of contact of a property along the front lot line between the public street and the abutting property which allows unobstructed direct access to the property.

**Grade, established street.** The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

**Grade level (adjacent ground elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

**Gross acre.** A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

**Gross floor area.** See floor area, gross.

**Gross floor area, total.** The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the centerlines of walls separating two (2) abutting buildings.

**Ground cover.** Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

**Handicap ramp.** See pedestrian ramp.

**Hardsurfaced.** Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

**Hedge.** A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

**Height, building.** The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

**Heliport.** An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as parking areas, waiting rooms, fueling, storage and maintenance equipment areas.

**Helistop.** An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

**Industrial park.** See integrated center.

**Integrated center.** An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, unrelated and separately operated uses in one (1) building sharing common-site facilities; or
- (2) One (1) or more buildings containing unrelated and separately operated uses occupying a common-site, which utilize one (1) or a combination of common-site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

**Interior access drive.** A minor roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line. (see Diagram B) [2007-AO-02, G.O. 4, 2008]

**Interior access driveway.** Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram B).

**Laboratory, research.** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

**Landscaping.** Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

**Legally established nonconforming building or structure.** Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

**Legally established nonconforming use.** Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

**Loading area.** A hardsurfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

**Loading space.** A hardsurfaced off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

**Local street.** See street, local.

**Lot.** A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram D).

**Lot area.** The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

- Lot, corner.** A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram D).
- Lot, freestanding.** A lot that is not located in or a part of an industrial park, integrated center, or project. [2007-AO-02, G.O. 4, 2008]
- Lot, through.** A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram D).
- Lot line.** The legal boundary of a lot as recorded in the Office of the Marion County Recorder.
- Lot line, front.** The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram C).
- Lot line, rear.** A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line (see Diagram C).
- Lot line, side.** Any lot line not designated as a front or rear lot line (see Diagram C).
- Lot of record.** A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana.
- Manufacture/manufacturing.** Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
- Marginal access street.** See street, marginal access.
- Mini-warehouses.** A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.
- Motor truck terminal.** A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.
- Mulch.** A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.
- Neighborhood recycling collection point.** A site where collectors bring household recycling materials. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to recycling stations or recycling facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

- Off-street.** A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.
- Outdoor storage.** See storage, outdoor.
- Parking area.** An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram B).
- Parking space.** An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram B).
- Pavement.** A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.
- Pedestrian ramp.** An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.
- Permitted use.** Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
- Physically handicapped.** An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.
- Plat.** An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
- Primary building.** The building in which the permitted primary use of the lot is conducted.
- Processing.** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.
- Project.** A lot or parcel of contiguous land to be developed for a use or uses which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
- Project boundaries.** The perimeter lot lines encompassing an entire project.
- Proposed right-of-way.** See right-of-way, proposed.
- Protected district.** Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.
- Public street frontage.** See frontage, public street.
- Rear yard.** See yard, rear.
- Recreation facility.** A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

- Recycling container.** Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.
- Recycling facility.** A recycling operation, the process by which waste products of any type are reduced to raw materials and may further be transformed into new and often different materials.
- Recycling station.** A recycling operation involving further processing of household recycling materials (relative to a neighborhood recycling collection point) to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. A recycling station does not include automotive or construction recycling.
- Research laboratory.** See laboratory, research.
- Required yard.** See yard, required.
- Retail trade.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.
- Right-of-way.** Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.
- Right-of-way, private.** Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.
- Right-of-way, proposed.** Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.
- Right-of-way, public.** Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.
- Roof line.** The uppermost edge of the water-carrying surface of a building or structure.
- Screening.** A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.
- Setback.** The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).
- Setback line.** A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).
- Shrub.** A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

**Side yard.** See yard, side.

**Sidewalk.** A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures. [2007-AO-02, G.O. 4, 2008]

**Sign.** Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

**Site plan.** The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, dimensions.

**Storage, outdoor.** An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

**Storage area.** An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

**Street, collector.** A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram E).

**Street, cul-de-sac.** A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram E).

**Street, eligible public.** Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access. [2007-AO-02, G.O. 4, 2008]

**Street, expressway.** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

**Street, freeway.** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

**Street, local.** A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram E).

**Street, marginal access.** A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram E).

**Street, parkway.** A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

**Street, primary arterial.** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

**Street, private.** A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street,

road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

**Street, public.** A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

**Street, secondary arterial.** A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

**Structure.** A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

**Subdivision.** The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

**Temporary use.** An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Thoroughfare.** A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

**Thoroughfare plan.** The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

**Through lot.** See lot, through.

**Total gross floor area.** See gross floor area, total.

**Transitional yard.** See yard, transitional.

**Trash container.** Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

**Trash enclosure.** An accessory structure enclosed on at least three (3) sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.

**Tree survey.** An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface), the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper is often substituted for a detailed inventory.

**Unit.** A single, complete entity.

**Visibly obstructed.** The view of an object which is blocked by a building or other manmade structure so as to be incapable of being seen from that line of sight.

**Walkway.** A hardsurfaced walk or raised path for pedestrian traffic.

**Warehouse.** A building used primarily for the storage of goods and materials.

**Warehousing.** Terminal facilities for handling freight with or without maintenance.

**Wholesaling.** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wrecker service.** A service in which towing or emergency services are provided to disabled automotive vehicles.

**Yard, front.** An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

**Yard, rear.** An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

**Yard, required.** That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located (see Diagram C).

**Yard, side.** An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram C).

**Yard, transitional required.** That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts (see Diagram C).

[2007-AO-02; G.O. 4, 2008]

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