

CHAPTER 733 ZONING--INDUSTRIAL COMMERCIAL DISTRICTS*

[*Editor's note: This chapter consists of the industrial commercial districts ordinance, G.O. 120, 1996, adopted July 22, 1996, as amended by G.O. 173, 1996, adopted Nov. 25, 1996; G.O. 1, 1998, adopted Jan. 12, 1998; and G.O. 111, 1998, adopted Aug. 3, 1998. Future amendments will be indicated by a parenthetical history note following the amended section.]

ARTICLE I. IN GENERAL

Sec. 733-100. Establishment of official zoning map; establishment of industrial zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of primary industrial zoning districts. The following primary industrial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the official zoning map by the following zoning district symbols, respectively:

Industrial Zoning District

<u>District</u>	<u>Symbol</u>
Restricted Industrial Suburban	I-1-S
Light Industrial Suburban	I-2-S
Medium Industrial Suburban	I-3-S
Heavy Industrial Suburban	I-4-S
Restricted Industrial Urban	I-1-U
Light Industrial Urban	I-2-U
Medium Industrial Urban	I-3-U
Heavy Industrial Urban	I-4-U

(G.O. 31, 2001, § 3)

ARTICLE II. INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 733-200. General industrial regulations.

The following regulations shall apply to all land within the industrial zoning districts:

(a) **Applicability of regulations.** After the effective date of this chapter:

- (1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this chapter.
- (2) A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all the applicable provisions of this chapter. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
- (3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this chapter.
 - a. **Restoration of legally established nonconforming uses, structures, buildings.** Legally established nonconforming uses and structures or buildings not located in any flood control district may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure, or facilities affected.
 - b. **Established setback exception.** In any block in which an existing front yard depth and setback are established (by legally established buildings within a commercial or industrial district) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of four hundred (400) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this chapter. Provided, however, that in no case shall a building or structure:
 - Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 733-211(a);
 - Encroach upon any existing right-of-way; or
 - Encroach into a clear sight triangular area, as required in section 733-211(c).
 - c. **Expansion along an existing legally established nonconforming front setback line.** The minimum required front setback in any industrial district for any existing building, having a legally established front setback line which is less than the required front setback of the district, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:
 1. Only a one-time expansion along the legally established nonconforming setback line shall be permitted; and

2. The linear front footage of the expansion does not exceed fifty (50) percent of the linear front footage of the existing building, and all other requirements of this chapter are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

- o Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of section 733-211(a);
 - o Encroach upon any existing right-of-way; or
 - o Encroach into a clear sight triangular area, as required in section 733-211(c).
- d. **Expansion along an existing legally established nonconforming side setback line.** The minimum required side setback in any industrial district for any existing building, having a legally established side setback line which is less than the required side setback of the district, shall be modified to permit expansion of such building along its legally established nonconforming side setback line between the minimum required front setback line and the minimum required rear setback line provided that:
 1. Only a one-time expansion along the legally established setback line shall be permitted; and
 2. The linear footage of such expansion does not exceed fifty (50) percent of the linear footage of the building along that side setback line, and all other requirements of this chapter are maintained for the expansion; and
 3. This exception shall not apply to required side transitional yards.
 - e. **Setback exception - canopies, eaves, cornices.** Canopies, eaves, cornices or other laterally supported extensions may extend a maximum of four (4) feet into any required front, side or rear yard or required front, side or rear transitional yard.
 - f. **Discontinuation of nonconformity.** The lawful nonconforming use or occupancy of any lot, in an industrial district, existing at the time of the effective date of this chapter, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of such land shall be in conformity with the use provisions of this chapter.
 - g. **Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969 (Amendment 96-AO-4; G.O. 173, 1996).**
 1. A nonconforming use in a district of the industrial zoning ordinance (as adopted by the Metropolitan Development Commission under docket number 63-AO-4) shall be deemed to be legally established (relative to both use and development standards) if the use:
 - i. Existed prior to April 8, 1969; and
 - ii. Has continued to exist from April 8, 1969, to the present; and
 - iii. Has not been abandoned; and
 - iv. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

2. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this chapter. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this chapter.
3. Section 733-200(a)(3)g. shall:
 - i. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 - ii. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
 - iii. Not apply to a property if written records of:
 - Health and Hospital Corporation of Marion County;
 - Fire department having jurisdiction over the property;
 - Local law enforcement agency or agencies having jurisdiction over the property; or
 - Indiana Department of Environmental Management or Department of Natural Resources;for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety, or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.
4. Definition of "significant violation." For purposes of this provision, a violation is defined to be significant as:
 - Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in section 733-200(a)(3)g.3.iii. of this chapter; or

- Any citation or violation of sections 302, 304, 310, 311, 313, and 701 of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (housing and environmental standards ordinance); or
 - One (1) or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.
- (4) **Industrial park.** Land uses permitted in an industrial district established by this chapter may be grouped together to create an industrial park, subject to all requirements of the district and the special exception provisions of section 733-212. The term industrial park is defined in section 733-213.
- (5) **Building or structural height exception.** The following exceptions to the maximum vertical height of buildings and structures shall be permitted:
- a. Parapet walls not exceeding two (2) feet in height from the roof line.
 - b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, sky lights, or similar equipment to operate and maintain the building or structure.
 - c. Chimneys, flag poles, radio and television antennas, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.
- (6) **Heliports/helistops.** Landing pads and stations for helicopters and vertical take-off aircraft shall be subject to the following special requirements:
- a. Minimum heliport size shall be two hundred (200) feet by four hundred (400) feet.
 - b. No heliport shall be located within two hundred (200) feet of a protected district.
 - c. A clear zone (which no structures shall penetrate) shall be provided. Such clear zone shall be described by a projected imaginary surface, the base of which encompasses the landing area, extends upward and outward at a slope equal to one (1) foot of vertical elevation to eight (8) feet of horizontal distance, and extends to a vertical projection of the heliport boundary.
 - d. A clean landing surface shall be provided free of dust, loose gravel, and debris which may be blown about by the downwash of the helicopter's rotors.
 - e. The landing area shall be well drained.
 - f. If a roof top is used as a landing area, it shall be located on a building not more than four (4) stories or fifty (50) feet in height, whichever is the lesser, and the same obstruction clearance as required under paragraph c. above shall apply.
 - g. The minimum setbacks required by this district shall apply to all structures and the landing area associated with such heliport.
 - h. A fence or other suitable barrier, not less than three (3) feet in height, shall be erected at least seventy-five (75) feet from all landing surfaces.

Sec. 733-201. I-1-S and I-1-U uses.

(a) Permitted I-1-S and I-1-U uses. The following uses shall be permitted in the I-1-S and I-1-U Districts. All permitted uses located in an I-1-S District shall conform to the I-1-S development standards (section 733-202(a)) and I-1-S performance standards (section 733-202(b)). All permitted uses in an I-1-U District shall conform to the I-1-U development standards (section 733-206(a)), and I-1-U performance standards (section 733-206(b)).

- (1) Agricultural uses, buildings and structures, including associated dwelling structures.
- (2) Data processing or analysis.
- (3) Day care center, subject to all state and local requirements for the location and operation of such facility.
- (4) Dental laboratory (excluding clinic or dental office for individual examinations/treatment).
- (5) Distribution operation (completely enclosed within a building).
- (6) Engineering or research laboratories.
- (7) Engraving (nonretail).
- (8) Heliports - landing pads and stations for helicopters (helistop); vertical take-off helipads for helicopter aircraft, as regulated in section 733-200(a)(6) (including facilities for maintenance of helicopters and accessory uses therefor).
- (9) Industrial schools or training facilities.
- (10) Manufacture, assembly or repair of:
 - a. Appliances, light portable household.
 - b. Clocks, watches.
 - c. Cloth products (from finished cloth - including any type of apparel, curtains, towels, bedding. This entry does not include carpet or rug manufacturing).
 - d. Jewelry.
 - e. Leather products (from finished leather).
 - f. Light component parts of products.
 - g. Optical, ophthalmic goods.
 - h. Phonograph, tape, compact disc, or other audio or video products or equipment.
 - i. Photographic equipment.
 - j. Premanufactured parts, subassemblies, or components.
 - k. Recording instruments.
- (11) Mini-warehouses - self-storage facility.
- (12) Offices, in conjunction with a permitted industrial use, attached or detached, and including service facilities for employees or guests. Provided any service facilities shall be wholly within a building and shall have no exterior signs.
- (13) Outdoor advertising signs, subject to Chapter 734 of this Code.
- (14) Railroad or other mass transportation rights-of-way and trackage, including railroad passenger station, off-street turnaround, layover areas for transit vehicles, shelter

stations and off-street parking facilities, provided such uses (except operating rights-of-way) do not extend within twenty (20) feet of a protected district boundary.

- (15) Warehousing (completely enclosed within a building).
- (16) Wholesaling, any type.
- (17) Temporary structures incidental to the development of land or to the erection of structures, provided such temporary structures shall be removed at the termination of development or construction, subject to the additional requirements of section 733-211(d).
- (18) Accessory utility structures or facilities.
- (19) Accessory recreation facilities, indoor or outdoor, provided primarily for the convenience and use of employees of a specific industry or an industrial area as a whole.
- (20) Wireless communication facility, as defined in, and subject to the additional regulations of, Chapter 735, Article IX of this Code.

(b) Permitted I-2-S and I-2-U uses. The following uses shall be permitted in the I-2-S and I-2-U Districts. All permitted uses located in an I-2-S District shall conform to the I-2-S development standards (section 733-203(a)) and I-2-S performance standards (section 733-203(b)). All permitted uses located in an I-2-U District shall conform to the I-2-U development standards (section 733-207(a)) and I-2-U performance standards (section 733-207(b)).

- (1) Any use permitted in the I-1-S or I-1-U Districts.
- (2) Antennas or support structures for: private or commercial mobile radio communications, broadcast radio or television; and associated equipment buildings, broadcasting studios, or radio or television business offices, subject to the additional provisions of: section 733-203(a)(1)d. (I-2-S); section 733-204(a)(1)d. (I-3-S); section 733-205(a)(1)b. (I-4-S); section 733-207(a)(1)d. (I-2-U); section 733-208(a)(1)d. (I-3-U); section 733-209(a)(1)b. (I-4-U).
- (3) Bottling of alcoholic or nonalcoholic beverages.
- (4) Construction companies, contractors, and home remodeling companies, including storage of materials and equipment with accessory offices but not retail commercial activities.
- (5) Food products (secondary processing and packaging of food products initially processed off the premises).
- (6) Manufacture, assembly or repair of:
 - a. Bicycles, motorcycles, and parts.
 - b. Biological products.
 - c. Bottled gas; equipment/storage.
 - d. Cabinets.
 - e. Carpets and rugs.
 - f. Computers, computer equipment, office equipment.
 - g. Cosmetics, perfumes.
 - h. Cutlery.
 - i. Electrical components, motors, and subassemblies.
 - j. Electric lighting and wiring equipment.
 - k. Ice or dry ice.
 - l. Laboratory apparatus and analytical optical measuring and controlling instruments.

- m. Mattresses.
 - n. Medicines.
 - o. Milk/dairy products (including processing).
 - p. Musical instruments.
 - q. Office machinery or equipment (electrical or mechanical).
 - r. Paper box and paper products (from finished paper).
 - s. Pharmaceutical products.
 - t. Search, detection, navigation, guidance aeronautical and nautical systems, instruments, and equipment.
 - u. Signs, electric, neon or other types.
 - v. Sporting and athletic goods.
 - w. Surgical, medical and dental instruments and supplies.
 - x. Tools and implements, electrical or nonelectrical.
 - y. Toys, dolls, or games.
- (7) Printing, publishing (any type except those primarily engaged in providing photocopying services).
- (8) Upholstering shops.
- (9) I-2-S and I-2-U uses may also include (as accessory or incidental uses thereto) any of the I-3-S and I-3-U District uses specified in section 733-201(c) (I-3-S or I-3-U uses) provided that:
- a. Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices or storage) is devoted to such I-3-S or I-3-U uses;
 - b. Such I-3-S and I-3-U uses shall conform with all I-2-S or I-2-U development and performance standards; and
 - c. Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with light industry.

(c) Permitted I-3-S and I-3-U uses. The following uses shall be permitted in the I-3-S and I-3-U districts. All permitted uses located in an I-3-S District shall conform to the I-3-S development standards (section 733-204(a)) and I-3-S performance standards (section 733-204(b)). All permitted uses located in an I-3-U District shall conform to the I-3-U development standards (section 733-208(a)) and I-3-U performance standards (section 733-208(b)).

- (1) Any use permitted in the I-2-S or I-2-U Districts.
- (2) Bakery, industrial (not for direct sale on the premises to household consumers).
- (3) Canning, bottling, processing, and packaging of food. (Does not include slaughtering of animals or fowl.)
- (4) Coffee roasting.
- (5) Electric transmission and distribution.
- (6) Electroplating operations.
- (7) Granaries, grain processing, milling.
- (8) Machine shop.

- (9) Manufacture, assembly or repair of:
 - a. Appliances, major household: electric or gas.
 - b. Boats.
 - c. Cans or containers.
 - d. Ceramic and clay products.
 - e. Colors, dyes, lacquers, paints, varnishes and other coating, excluding tar products.
 - f. Communication equipment.
 - g. Construction equipment and machinery.
 - h. Elevators.
 - i. Fabricated structural metal products.
 - j. Glass or glass products.
 - k. Furniture (office or household - including partitions, shelving and store fixtures).
 - l. Machinery and machinery components.
 - m. Malt products, brewing and distillation of liquor and spirits.
 - n. Marine equipment.
 - o. Motor vehicles.
 - p. Natural gas transmission and distribution.
 - q. Oleomargarine.
 - r. Paper.
 - s. Screw machine products, bolts, nuts, rivets and washers.
 - t. Starch.
 - u. Textiles/textile mill products.
 - v. Tobacco products.
- (10) Motor truck terminals less than ten (10) acres in total area and subject to the regulations of section 733-204(a)(1)e. (I-3-S) or section 733-208(a)(1)e. (I-3-U).
- (11) Power plant; electric, steam, thermal.
- (12) Propane gas storage.
- (13) Recycling facility (does not include automotive or construction material recycling).
- (14) Refrigeration and service industry machinery.
- (15) Rolling or extruding of metal.
- (16) Sand blasting.
- (17) Stamping and fabricating metal shops using press, brakes and rolls.
- (18) Storage of heavy equipment (as a primary use).
- (19) Tool and die shop.
- (20) Transmission reconditioning.
- (21) Vehicle storage (new or operable only).
- (22) Welding shops.
- (23) I-3-S and I-3-U uses may also include (as accessory or incidental uses thereto) any of the I-4-S and I-4-U District uses specified in section 733-201(d), provided that:
 - a. Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices or storage) is devoted to such I-4-S or I-4-U uses;
 - b. Such I-4-S and I-4-U uses shall conform with all I-3-S or I-3-U development and performance standards; and
 - c. Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with medium industry.

(d) Permitted I-4-S and I-4-U uses.

- (1) Permitted I-4-S and I-4-U uses **without** a special exception. The following uses shall be permitted in the I-4-S and I-4-U Districts. All permitted uses located in an I-4-S District shall conform to the I-4-S development standards (section 733-205(a)) and I-4-S performance standards (section 733-205(b)). All permitted uses located in an I-4-U District shall conform to the I-4-U development standards (section 733-209(a)) and I-4-U performance standards (section 733-209(b)).
- a. Any use permitted in the I-3-S and I-3-U Districts.
 - b. Abrasive, asbestos, metallic and nonmetallic mineral products.
 - c. Batching plant.
 - d. Concrete mixing; production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
 - e. Construction machinery and equipment (manufacture, storage or repair).
 - f. Engines and turbines (manufacture, storage or repair).
 - g. Farm machinery and equipment (manufacture, storage or repair).
 - h. Lumber yards.
 - i. Manufacture of:
 1. Boiler tanks.
 2. Detergents and soaps.
 3. Railroad equipment, including repair and servicing.
 4. Rubber, rubber products.
 5. Structural steel fabrication.
 6. Tires and inner tubes.
 - j. Motor truck terminals, any acreage, subject to the regulations of section 733-205(a)(1)c. (I-4-S) or section 733-209(a)(1)c. (I-4-U).
 - k. Oil or gas bulk storage.
 - l. Prefabricated wood buildings or structural members (manufacture or storage).
 - m. Processing of forest products such as, but not limited to, veneer mills, planing mills, saw mills, mill work, wood pallets and skids.
 - n. Railroad equipment (manufacture, storage or repair).
 - o. Tire recapping.
 - p. Utility pole yards and pipe yards.

(2) I-4-S and I-4-U uses **permitted by special exception**. In addition, the following uses shall be permitted in the I-4-S and I-4-U Districts by special exception only, upon the grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 733-212. These uses shall conform to the I-4-S development standards (section 733-205(a)); I-4-S performance standards (section 733-205(b)); or I-4-U development standards (section 733-209(a)), and I-4-U performance standards (section 733-209(b)); as well as all requirements set forth in section 733-212 and all conditions attached to the grant of such special exception by the Metropolitan Board of Zoning Appeals. In case of conflict, the more restrictive standards or requirements shall prevail.

- a. Bulk storage of petroleum products.
- b. Coke ovens, blast furnaces, steel and iron production.
- c. Fat rendering.
- d. Foundries.
- e. Leather curing and tanning.
- f. Manufacture of:
 1. Batteries, storage or primary batteries, wet or dry.
 2. Cement, lime and gypsum.
 3. Chemicals and gases.
 4. Creosote, including treatment.
 5. Explosives, matches, and fireworks.
 6. Fertilizer.
 7. Oil, including refining or processing.
 8. Plastic materials and synthetic resin.
 9. Smelting (primary) and refining of nonferrous metals.
 10. Tar, tar paper and tar products - manufacturing or processing.
- g. Open hearths and blast furnaces.
- h. Production of emulsified asphalt and preparation of asphaltic concrete paving material.
- i. Sand, gravel or aggregate washing, screening or processing (not including mining or dredging).
- j. Scrap metal, junk or salvage storage or operation, open or enclosed, including automobile or truck wrecking or recycling, construction materials recycling, or similar uses.
- k. Slaughtering or meat packing.
- l. Stock yards for shipping, holding and the sale of animals.
- m. Vehicle storage (wrecked or inoperable).
- n. Vehicle wrecking and salvage operation, shredder.
- o. Wrecker service.
- p. Any similar use requiring outside storage.