

STAFF REPORT
Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-AO-001

Request: Amends Indy Rezone, G.O. 24, 2015. Amends portions of the “Revised Code of the Consolidated City and County” including Chapter 740 General Provisions, Chapter 742 Primary Districts, Chapter 743 Uses & Use-Specific Standards, and Chapter 744 Development Standards by adding and making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references, to take effect immediately.

RECOMMENDATION

Staff **recommends approval** of the proposal.

Indy Rezone, Section 740-202: Definitions

Change	Explanation
Bed and Breakfast	CLARIFICATION: Eliminate any perceived restriction on the clientele of the use.
Clear Sight Triangular Area	ADDITION: Addition of term to clarify purpose of the clear sight triangle and clarify that it applies to all structures and obstructions.
Commercial and Building Contractor	CLARIFICATION: Amendment of the definition helps to clarify the scope of the use for easier classification.
Coping	ADDITION: Addition of term intended to eliminate ambiguity when calculating the height of a building with a flat roof.
Park or Playground	ADDITION: Addition of private lands being used for the purpose of a park or playground.
Pergola	ADDITION: Addition of term intended to reduce ambiguity of what is considered a pergola, given their exemption from requiring an Improvement Location Permit.
Yard, Transitional or Yard, Transitional Required	CLARIFICATION: Amendment establishes that no structures may encroach within a transitional yard due to yard encroachment exceptions.

Indy Rezone, Section 740-303: Building Measurements and Calculations

Change	Explanation
B. Diagram L	CLARIFICATION: Diagram amended to depict roof line coping more accurately.

Indy Rezone, Section 740-306: Parking Measurements and Calculations

Change	Explanation
Section 6	CORRECTION: Deletion of entire section. The contents of this section are relocated to a more appropriate section of the Ordinance by a separate revision in this proposal.

Indy Rezone, Section 740-308: Separation Measurements and Calculations

Change	Explanation
Section 8, Title	CORRECTION: properly retitles the section to express that it is for buildings.
A. Measuring the distance between a use and a Protected District	CORRECTION: Establishes that the right-of-way of an intervening street counts in the calculation of the distance from a particular use to a Protected District.

Indy Rezone, Table 742.103.03: Residential Building Type Standards

Change	Explanation
Footnote [3]	CORRECTION: Section 744. Article VII. Section 01. "E" should read "D"
Description and applicability of Mixed-Use Districts	ADDITION: footnote that requires Commission approval of a village land use plan prior to rezoning.

Indy Rezone, Section 743, Article 1: Use Table

Change	Explanation
Park or Playground	ADDITION: Allows a Park or Playground to be a Permitted Use in any zoning district.
Parking Lot, Commercial	ADDITION: changes the use from permitted by-right to requiring a Special Exception in C-4, C-5, C-7, I-1, I-2, I-3, I-4 and CBD 1
Commercial and Building Contractors	ADDITION: requires a Special Exception in C-4 and permits the use by-right in C-5. Adds Use-Specific Standards.
Formatting	TYPOGRAPHICAL: reformatted Land Use table in its entirety.

Indy Rezone, Section 743, Article 3: Use Specific Standards

Change	Explanation
Section 743-305.I Bed and Breakfasts	CORRECTION: Adjustment of maximum consecutive guest stays to consistently align with nature of Bed and Breakfasts. Deletion of standard related to maximum number of events held per year, in which guest attendance exceeds approved capacity of dining area is due to unenforceability. Also provides that a plan of operation and site plan must be approved as part of a Special Exception.
Section 743.305.L Commercial and Building Contractors	ADDITION: provides Use -Specific Standards
Section 743-305.BB, Parking Lot, Commercial	ADDITION: provides an additional use-specific standard for maximum acreage.
Section 743-305.LL, Truck Stop	ADDITION: provides an additional use-specific standard for proximity to a Protected District.
Formatting	TYPOGRAPHICAL: re-letters the remainder of the section.
Section 743-306.K Game Courts	CORRECTION: Deletion of subsection four to clarify that game courts are considered building area. This change eliminates confusion as the calculation for Open Space in Section 740-303.D.1 states that game courts count as building area.

Indy Rezone, Section 744, Article 2

Change	Explanation
Table(s) 744-201-1/2 Dimensional Standards (Dwelling Districts)	CORRECTIONS: Reconciling these existing charts with the Walkable Neighborhoods' dimensional table (742.103.03) that was added. ADDITION: Footnote 8 added to clarify the setbacks for Minor Residential Structures.
Section 744-202.A Setback exception for homes built before 1989 on D-A Lots	CLARIFICATION: Deletion of existing language and replacement with language that clarifies that an exception is applicable to all D-A lots previously platted prior to December 20, 1989, regardless of state of development.
Section 744-202.C Lot Area and Width Exceptions for Previously Recorded Lots	ADDITION: Adding D-6II and D-7 Districts to existing exemption to allow for redevelopment of such lots with similar characteristics and histories.

Section 744-204 Table 744-204-1 Encroachments and Exceptions	ADDITION: Adding Wheelchair Ramps and Walkways to existing driveways exception due to similar use related to site accessibility.
Section 744-204(5)(A) Stream Protection Corridor	ADDITION: Insert language clarifying that construction projects exceeding one (1) acre of land disturbance are subject to State and Federal stormwater regulations. <i>*Compliance with IDEM Construction Stormwater General Permit</i>

Indy Rezone, Section 744, Article 4: Parking, Loading, And Drive-Through

Change	Explanation
Section 744-401 Applicability	ADDITION: Information related to parking measurements and calculations, previously included in Section 740-306, have been relocated as new subsections, lettering G-I, in 744-401.
Section 744-404 Location and Design of Parking Facilities	CORRECTION: Corrected misspelling of ordinance. Updated reference to reflect relocation of information to 744-401.

Indy Rezone, Section 744, Article 5: Landscaping

Change	Explanation
Section 744-503 (D)(2)(O)(P) General Landscaping Standards	CORRECTION: renaming of DPW's Stormwater Design and Construction. <i>*Compliance with IDEM Construction Stormwater General Permit</i>

Indy Rezone, Section 744, Article 9: Signs

Change	Explanation
Section 744-904	ADDITION: language pursuant to the Indiana Code for the required relocation or elevation of Outdoor Advertising Signs <i>*Compliance with I.C. 8-23-20-25.6 and 8-23-20.5-3</i>