

EXHIBIT A:

§ 153.085 Overlay Zone Purpose, Boundaries, & Applicability

- A. **Purpose.** In addition to the Zoning Districts listed and their associated regulations set forth in the Zoning Ordinance, additional regulations and requirements are imposed upon the State Route 18 Corridor and the interchange of SR18 and I-69 interchange, more commonly known as the I-69 Corridor Overlay Zone, or “Overlay Zone”. In said Overlay Zone, the City desires to enhance the visual appearance and image of the corridor and interchange and advance the public welfare through the resulting benefits to the economy and quality of life for the City. The intersection of Interstate 69 and State Route 18 form an important entrance point and gateway corridor to the City of Marion. The City recognizes the importance of SR18 as a thoroughfare for regional traffic, the impact its character has on the image of the community, and the need to provide restrictions and guidelines in order to enhance the visual appearance and image of the Corridor.
- B. **District boundaries.** As shown on the Official Zoning Map of the City of Marion, the Overlay Zone boundaries are as follows:
1. Along State Route 18: The boundaries extend 1,000 feet on either side of the right-of-way line of Indiana State Route 18 in Center and Monroe Township, with the following boundaries:
 - a. West: the west section line of Sections 4 and 9 in Center Township
 - b. East: 200 feet east of the centerline of County Road 700E in Monroe Township.
 2. Along I-69: The boundaries extend approximately one-half mile on either side of I-69 bounded more specifically by the following:
 - a. North: the centerline of County Road 100N
 - b. East: a line measured 200 feet east of, and parallel to, the centerline of County Road 700E.
 - c. South: a line measured 2,640 feet south of, and parallel to, the centerline of SR18
 - d. West: a line measured 200’ west of, and parallel to, the centerline of County Road 600E,
- C. **Applicability.** The restrictions, regulations, and guidelines on development and construction set forth by the Overlay Zone shall apply to the following:
1. the properties within the Overlay Zone that are under the jurisdiction of the City of Marion;
 2. the properties within the Overlay Zone that come under the City’s jurisdiction through annexation or other means; and
 3. development that desires access to the designated Corridor Streets within the Overlay Zone. The standards of the Overlay Zone shall apply to the entire development, even if portions of the property fall outside of the Overlay Zone Boundaries.

The standards of the Overlay Zone shall prevail over those of the underlying zoning district. However, a Planned Unit Development (PUD) is not subject to the Overlay Zone standards.

D. **Definitions Specific to the Overlay Zone.**

COMMERCIAL OUTLOT. A lot that is part of a commercial/retail shopping project that does not meet the minimum area required by this ordinance.

FRONT YARD. That side of a lot, including any corner lot, which abuts or is close to the right-of-way of the designated highway. Corner lots have two front yards and two rear yards.

GREENBELT, CORRIDOR. That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of SR18, Interstate I-69, County Road 600 E, and County Road 700 E, and having a minimum depth of 30 feet from the street right-of-way line.

GREENBELT, INTERIOR STREET. That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of Interior Streets within the Overlay Zone and having a minimum depth of 15 feet from the street right-of-way line.

LOT COVERAGE. The part of the lot that is covered by impervious surfaces.

LOT, UNDERSIZED. A lot within the Overlay Zone and recorded prior to the effective date of this ordinance that does not meet the minimum area required by this section.

STREET, CORRIDOR. The portions of SR18, Interstate I-69, County Road 600E, and County Road 700E that lie within the Overlay Zone.

STREET, INTERIOR. All streets not identified as Corridor Streets and with a right-of-way greater than 55 feet.

(1985 Code, § 36-7-4-600(4.5))

§ 153.086 I-69 Corridor Overlay Project Approval Procedure.

- A. **Consultation with Planning Department Staff.** Applicants shall meet with the Planning Director or his designated representative prior to making application in order to review the zoning classification of their site, obtain copies of the regulatory ordinances and application forms, review the procedures and examine the proposed use and development of the property. The Planning Director shall advise the applicant in preparing his application and supporting documents as necessary.
- B. **Application and Supporting Documents.** The adopted application forms and copies of the site plan or conceptual subdivision plat shall be submitted in the form and quantities prescribed by the Plan Commission. As a minimum, the following must be part of the plans submitted.
1. Site Plan and/or Plat;
 2. Existing and proposed primary structures and accessory structures on-site and on adjacent sites;
 3. Architectural design standards
 4. Traffic circulation plan (vehicular and pedestrian)
 5. Drainage plans and calculations
 6. Parking Plan
 7. Landscape Plan
 8. Utility Plan (on-site and off-site)
 9. Lighting Plan
 10. Sign Plan

Following the receipt of the written application and accompanying documents, the Planning Director shall then determine if the application is complete and if so, schedule the plan for review by the Technical Advisory Committee and the Overlay Review Committee. Detailed review procedures and plan content shall be established by the Plan Commission in its written Rules of Procedures.

- C. **Technical Advisory Committee Review.** The Technical Advisory Committee shall review the proposed development and make a recommendation to the Plan Commission. Review of the plans shall be completed prior to the Overlay Committee's review of the plans.

As part of its review, the Technical Advisory Committee shall consider:

1. Circulation, ensuring that:
 - a. the design and location of proposed street and highway access points minimize safety hazards and congestion;
 - b. the capacity of adjacent streets and highways are sufficient to safely and efficiently accept traffic that will be generated by the new development;
 - c. the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments; and
 - d. vehicle and pedestrian circulation are coordinated.
2. Utility Layout. Availability and coordination of water, sanitary sewers, storm water drainage and other utilities;
3. Site Design and Context:
 - a. Compatibility of the development with surrounding land uses;
 - b. Building setback lines;
 - c. Building coverage;
 - d. Building separation;
 - e. Parking;
 - f. Landscaping;
 - g. Height, scale, materials and style of improvements;
 - h. Signage;
 - i. Recreation space;
 - j. Outdoor lighting;

- D. **Overlay Review Committee.** An Overlay Review Committee shall be established and appointed by the Plan Commission for purposes of reviewing projects proposed to be located in the Overlay District. At the discretion of the Plan Commission, Staff may serve as the Overlay Review Committee until project load warrants the formation of a separate committee.

The Overlay Committee shall hold a public meeting to review the plans required by this Ordinance and make recommendations to the Plan Commission. Review of the plans shall be completed prior to the Plan Commission's consideration of said plans.

As part of its review, the Overlay Committee shall consider:

1. Compatibility of the development with surrounding land uses;
2. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community;
3. Building coverage;
4. Vehicle and pedestrian circulation;
5. Parking;
6. Landscaping;
7. Height, scale, materials and style of improvements;
8. Signage;
9. Recreation space;
10. Outdoor lighting;

- E. **Plan Commission Action.** At said subsequent public meeting, the Plan Commission shall review the application and plans, the recommendations of the Technical Advisory Committee, and the recommendations of the Overlay Committee before making its determination. The matter may be continued from time to time as may be deemed necessary by the Commission. Within 15 days of the initial public meeting for consideration, the Plan Commission shall notify the applicant in writing of any further changes which are required before approval or denial of the application can be given. Within 30 days of the receipt of the materials incorporating the required changes into the application, the Plan Commission shall then approve or deny the application and may require written conditions.

1. If the proposed development is denied by the Plan Commission, the Commission shall provide the applicant with the reason for denial in writing.
2. If the proposed development is approved by the Plan Commission, but requires variances or other approvals from the Board of Zoning Appeals, the applicant shall then make the appropriate application with the Board before proceeding on to part 3 below.
3. If the proposed development is approved by the Plan Commission and all other applicable approvals have been granted, the applicant shall record any required commitments before proceeding with the project.
 - a. Site Plan - after approval and necessary recordings, the applicant may apply for applicable permits to begin site work and construction.
 - b. Subdivision - after approval and necessary recordings, the applicant may apply for Primary Plat approval per the application process adopted by the Plan Commission.

(1985 Code, § 36-7-4-600(4.5.1))

§ 153.087 Permitted, Excluded, & Special Exception Uses.

- A. **Permitted Uses.** All uses which are permitted in the underlying zoning district(s), except those uses expressly excluded by division(C) of this section, shall be permitted in the Overlay Zone.
- B. **Special Exception Uses.** All special exception uses which are permitted(upon obtaining special exception approval) in the underlying zoning district(s), except the uses expressly excluded by division(C) of this section are permitted as provided in §§ 153.120 et seq.
- C. **Excluded Uses.** The following uses shall be excluded from the underlying zoning districts within the Overlay Zone:

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| auction house | agricultural livestock and confinement |
| automobile and truck sales | feeding uses |
| mobile home sales | kennels |
| billiard parlor | roadside sales stands |
| car wash | sanitary landfills, transfer stations |
| farm implement sales and service | welding shops |
| fuel or ice dealers | vehicle/boat/rv/personal storage |
| grain elevators | auto parts or tire sales |
| general and heavy industry | outside storage or display of products, |
| junk or salvage yards | merchandise, or materials |
| lumber/building materials sales | residential uses |
| mineral extraction | confined agricultural feeding |
| race tracks | operations |
| | rodeo facilities |
- D. **Accessory Buildings and Uses.** All accessory buildings and uses which are permitted in the underlying district(s), except that any detached accessory building shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated as well as a roof.

(1985 Code, § 36-7-4-600(4.5.2))

§ 153.088 Development Standards.

A. Lot Size Requirements.

1. Minimum Lot Size. All lots within the Overlay Zone shall contain a minimum area of five (5) acres, except those classified as a “commercial outlot” below.
2. Pre-Existing Undersized Lot. If a lot was recorded prior to the effective date of this Ordinance, and said lot does not contain the minimum area required by this section, said undersized lot may be used for any use permitted in the Overlay Zone provided that:
 - a. On or before the effective date of this Ordinance, the undersized lot met the requirements for minimum lot size then in effect for a lot in the underlying zoning district(s); and
 - b. all other applicable regulations of the Overlay Zone can be met.
3. Commercial Outlot. Commercial outlots shall be permitted as part of a commercial/retail shopping project within the Overlay Zone provided that:
 - a. the minimum size of the outlot is 21,780 square feet; and
 - b. the outlot is an integral part of the commercial/retail project with respect to traffic circulation, development plan requirements, landscaping, architecture, and signage; and
 - c. the outlet does not have direct access to a corridor street.

B. Setback Requirements. All setbacks are measured from the right-of-way of the adjacent roadway(s). For purposes of this section, corner lots have two front yards and two side yards.

1. Minimum front yard setback:
 - a. Corridor Street: 90 feet.
 - b. Interior Street: 40 feet.
2. Minimum side yard setback:
 - a. Commercial Outlot: 30 feet.
 - b. Residential Lot: 30 feet.
 - c. All other lots: 45 feet
3. Minimum rear yard setback: 45 feet.
 - a. Commercial Outlot: 20 feet
 - b. Residential Lot: 20 feet
 - c. All other lots: 30 feet

C. Lot Coverage Requirements. No more than 40% of the lot area may be covered by impervious surfaces, including structures, parking, and other hard surfaces unless one or more of the following green construction methods are utilized:

1. Green Roof Construction: All building surface area under green roof construction is not counted towards the impervious surface cover calculations, and therefore increases potential square footage for construction.
2. Parking Lot and other surfaced elements: Natural filtration of water through soil is the simplest way to control the volume of run-off and pollutants associated with run-off, which is a direct advantage of permeable pavement. Therefore, all surface areas constructed with permeable pavement materials, including porous asphalt, porous concrete, plastic grid systems, or block pavers are not counted towards the impervious surface cover calculations and therefore increase potential square footage of impervious construction.

D. Architectural Design Requirements. In reviewing the architectural design of a building(s) proposed to be built in the Overlay Zone, factors to be considered by the Overlay Committee and the Commission shall include but are not limited to:

1. Scale and proportion;

2. Suitability of building materials, including color;
3. Design in relation to surrounding buildings;
4. Design in relation to topography of the site;
5. Design in relation to proposed landscaping;
6. Aesthetics of the proposed building, including color; and
7. Context.

E. Context & Design Standards.

1. Relationship of Building to Site.
 - a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate landscaping, safe pedestrian movement, and parking areas.
 - b. The height and scale of each building shall be compatible with its site.
 - c. Newly-installed utility services and service revisions necessitated by exterior alterations shall be underground.
2. Relationship of Buildings and Site to Adjoining Area.
 - a. Adjacent buildings of different architectural styles shall be made compatible by such means as screening, setbacks, sight breaks, and materials.
 - b. Attractive landscaping transition to adjoining properties shall be provided.
 - c. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
3. Building Design.
 - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - b. Buildings shall have a good scale and be in harmonious conformance with permanent, neighboring development.
 - i. Materials shall have appropriate architectural character and shall be selected for harmony of the building with adjacent buildings.
 - ii. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Building facades which are visible from public ways shall all have the same materials or those that are architecturally harmonious.
 - iii. Façade articulation shall be no less than 75 feet for all sides of the structure(s).

F. Landscaping. A landscaping plan shall be submitted as part of the application. Said plan shall be drawn to scale, including dimensions and distances, shall delineate all existing and proposed structures, private parking areas, walks, ramps for handicapped, terraces, driveways, signs, lighting, steps and similar structures, and shall delineate the location, size, and description of all landscape materials to be used. Landscape treatment of plazas, driveways, paths, and service and parking areas shall be designed in an integral and coordinated fashion with the entire lot. Whenever possible, existing trees shall be conserved and incorporated in the landscaping plan. All landscaping required by the approved plan shall be installed within six months of the first occupancy of the building on the lot.

1. Total Landscaping. A minimum of 15% of the lot shall be landscaped, which includes the Greenbelt Plantings, Parking Lot Landscaping, Building Perimeter Plantings, and Property Perimeter Plantings.
2. Greenbelt Plantings. Greenbelts shall be provided along each property frontage and be suitably landscaped and otherwise unoccupied except for steps, walks, terraces, driveways, lighting standards, signs, and other similar structures (excluding private parking areas). Mounding and other treatments are to be especially encouraged in this greenbelt.
 - a. Corridor Street Greenbelt. 30 feet wide, measured along right-of-way. One shade tree and four large shrubs shall be provided for every 50 linear feet.
 - b. Interior Street Greenbelt. 15 feet wide, measured along right-of-way. One shade tree and 10 medium shrubs every 50 linear feet.

3. **Parking Lot Landscaping.** All parking lot landscaping shall be of a quality to improve and enhance the site and the surrounding area. Effective use of mounding and topography is encouraged. Landscaping and planting areas shall be reasonably dispersed throughout the parking areas.
 - a. **Perimeter planting.** There shall be a perimeter landscaping strip, four (4) feet wide, located along the side of any private parking area which abuts any side or rear property line. One shade tree for each 50 lineal feet shall be incorporated into the landscaping strip.
 - b. **Interior planting.** Not less than 8% of all parking areas shall be landscaped. For the purposes of this requirement, plantings in the greenbelts and parking lot perimeter plantings shall not be included.
4. **Building Perimeter Plantings.** A planting area equal to an area measuring an average of 10 feet in depth and extending along the entirety of each wall of the building shall be installed adjacent to the building. Sidewalks may be permitted in these areas, but shall not occupy more than 50% of the entire area on any side of the building. If an approach driveway cuts into a planting area adjacent to the building, additional planting area equal to the area displaced by the driveway shall be added to the building perimeter planting. These perimeter planting areas need not be rectangular in shape as long as the required total area is landscaped and dispersed on at least three different sides of the building.
5. **Property perimeter plantings.** A property perimeter planting area shall be a minimum of five (5) feet in width and shall be provided along the common perimeter of the property except for frontage areas. Perimeter planting areas are not in addition to the required yard areas. Perimeter property plantings shall include one shade tree and four medium shrubs every 50 feet.

G. **Parking Requirements.** Parking is to be discouraged between the greenbelt and the front line of the building when other suitable areas exist on the property. Total parking space and loading berth requirements shall be those of the underlying zoning district.

- H. **Lighting Requirements.** In reviewing the lighting plan for a lot proposed to be developed in the Overlay Zone, factors to be considered by the Commission shall include but are not limited to:
1. Safety provided by the lighting;
 2. Security provided by the lighting;
 3. Possible light spillage or glare into adjoining properties;
 4. Attractiveness of the lighting standards and their compatibility with the overall treatment of the property;
 5. Height and placement of lighting standards considering the use.

I. **Signage Standards.**

1. **Design.** Signage shall be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site.
2. **Location.** Signs shall not be placed within the greenbelt areas.
3. **Wall Signs.** Wall sign area shall not exceed 15% of the total wall area on which it is placed.
4. **Free-standing Signs.** One sign per business shall be permitted and the sharing of signs is encouraged and at the discretion of the Plan Commission. Free-standing signs shall not exceed 10 feet in height or 200 square feet in area. Free-standing signs shall be no closer than 300 feet to another free-standing sign.
5. **Coordinated Sign Plan.** Developments that submit a coordinated sign plan at the time of overlay zone review submittal shall be allowed a 20% increase in permitted sign area. Said plan shall indicate the size, design, and anticipated placement of all signs on the site.

- J. **Access.** Having numerous entrances to lots from the Corridor Streets in the Overlay Zone is inconsistent with the intent of this section. Access roads and frontage roads shall be constructed whenever possible. No entrances shall be permitted directly from the Corridor Streets. Access roads to contiguous lots shall be coordinated so as to form one main access road to those adjoining developments. These roads should be designed so as to funnel traffic onto major arterial or collector roads.
- K. **Other Requirements.**
1. No outside storage, unenclosed storage of refuse (whether in containers or not) or display of merchandise shall be permitted on any lot.
 2. Screening of trash receptacles, recyclable receptacles, refuse areas, and outside material/equipment storage. No outside, unenclosed storage of refuse, materials, or equipment (whether or not in containers) shall be permitted on any lot. All refuse, recyclables, materials, and equipment shall be contained within an area enclosed on all sides by a fence, wall, mound, or similar means of enclosure, even when inside a dumpster, compactor, or other refuse container. The enclosure does not have to have a roof. The sides of the enclosure shall be a minimum of six feet or at least two feet taller than the container, dumpster, compactor, or assemblage of material that is being screened from view, whichever height is greater. All sides of the enclosure structure, including doors or gates, shall be opaque.
 2. All commercial and industrial operation on any lot in the Overlay Zone shall be contained within a building.

(1985 Code, § 36-7-4-600(4.5.3))