

Date:	Reference No.:	Agenda Item No.:
10/13/2011	Ordinance 2011-23	

Subject: Regional Outdoor Entertainment Zoning Classification

Summary of Request:
 This district has been established to adequately address large scale outdoor uses that have a regional impact during events held at a facility.

Financial Summary:

Budget Funds Available	If Yes, Amount
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	

	Line Item Name	Line Item Number
Budget Fund Information:		

Recommend Bid/Contract Amount: N/A

Estimated Project Costs: (whole numbers)	Architecture/Engineering	N/A
	Construction/Procurement	N/A
	Contingency	N/A
	Miscellaneous Costs	N/A
	TOTAL ESTIMATE	N/A
	Future Expenses (if any)	N/A
	Revenue Generated (if any)	N/A

Department Head Approval: 

Date: 10/5/2011

Assistant Town Manager Approval:

Shant A. Whiting

Date: 10/5/2011

ATM Comments:

With the Brownsburg East Annexation being approved later this month, the Town has created this Outdoor Entertainment Zoning Classification to address situations such as Lucas Oil Raceway at Indianapolis. I recommend that the Town Council holds 1st Reading of the ordinance.

Supporting Documentation:

Ordinance 2011-24

Action Requested:

Approval of the zoning on separate readings: 1st Reading on 10/13/2011; and 2nd, 3rd Readings & Final Adoption on 10/27/2011.

Town Manager Approval:

Jac

Date: 5 Oct 11

TM Comments:

STATE OF INDIANA
TOWN OF BROWNSBURG
ORDINANCE NO. 2011-23

**AN ORDINANCE TO AMEND TITLE XV: LAND USAGE
BY ADDING §155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO)
TO THE "ZONING ORDINANCE" OF THE BROWNSBURG TOWN CODE**

WHEREAS, the Town of Brownsburg Town desires to add a zoning district classification to the zoning ordinance; and

WHEREAS, the Town of Brownsburg desires to add §155.219 Regional Outdoor Entertainment (RO) zoning district to the "Zoning Ordinance" of the Brownsburg Town Code.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG AS FOLLOWS:

Section I. By the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, said Council finds that the text amendment is in conformity with the master plan and Municipal Plan of the Town of Brownsburg, Hendricks County, Indiana.

FURTHERMORE, it is ordered and ordained that §155.219 Regional Outdoor Entertainment (RO) shall read pursuant to Exhibit "A".

Section II. All prior ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This amendment shall take effect immediately upon its passage and proper publication of this Ordinance.

SAID ORDINANCE OF ZONING AMENDMENT is hereby PASSED and ADOPTED THIS ____ DAY of _____, 2011.

TOWN OF BROWNSBURG
HENDRICKS COUNTY, INDIANA

By: _____
Matthew S. Bowles, President

ATTESTED BY:

Jeanette Brickler, Clerk-Treasurer

Prepared by:
Town of Brownsburg
61 North Green Street
Brownsburg IN 46112

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO)

(A) Purpose:

It is the purpose and intent of this Section to establish a district that addresses substantial regional economic, cultural, entertainment, and/or other characteristics or conditions not generally shared by other areas of Town. Because the Regional Outdoor Entertainment District addresses situations that have regional impacts, which create intermittent or unusual impacts and public benefits, and which require flexibility in the administration of land use regulations, and in order to avoid the potential for abuse of the Regional Outdoor Entertainment District it is the intent of this Section that only existing Regional Outdoor Entertainment facilities that exist at the adoption of this ordinance will be mapped as the Regional Outdoor Entertainment district. The existing Regional Outdoor Entertainment facilities will be permitted to operate pursuant to the previous approvals listed below, new structures and uses must comply with the standards within the subsections of this district.

(1) The existing facilities include:

(a) Lucas Oil Raceway at Indianapolis (*formerly, O'Reilly Raceway Park, and Indianapolis Raceway Park*) as previously approved in the below approvals:

1. Hendricks County BZA

- a. 1960 Docket #3 Indianapolis Raceway Park, Inc. – Conditional Use to permit a motor vehicle racing and testing establishment;
- b. 1982 Docket #13 Indianapolis Raceway Park – Variance to permit non-motorized sporting events and to permit activities & functions that are motorsports related;
- c. 2003 VAR-19 NHRA – Sign Variance;
- d. 2003 VAR-20 NHRA – Sign Variance; and
- e. 2003 VAR-25 NHRA – Sign Variance.

2. Hendricks County Plan Commission

- a. 1995 SPR-83/LN95-01 Indianapolis Raceway Park – Site Plan;
- b. 1996 ZA-144/LN 96-05 NHRA – Rezone C2 to C4;
- c. 1997 SPR-152/LN 97-02 Indianapolis Raceway Park – Site Plan Maintenance Facility;
- d. 1999 SPR-213/LN 99-01 Indianapolis Raceway Park – Expansion & Improvements of the oval track;
- e. 2003 DPR-314/LN03-03 Indianapolis Raceway Park – Suites addition and seating;

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO) *continued*

- f. 2005 DPR-366/05 Indianapolis Raceway Park – Sprint Monopole;
- g. 2006 DPR-381/06 O'Reilly Raceway Park – Hospitality Building; and
- h. 2008 DPR-414/08 O'Reilly Raceway Park – Office Building.

(B) Permitted Uses

- (1) Amphitheatres, Stadiums, and Racetracks for cultural or sporting events;
- (2) Business or professional services; and
- (3) Uses customarily incidental and subordinate to an amphitheatre, stadium or racetrack including activities related to major cultural, and sports activities, excluding gambling.

(C) Accessory Uses

- (1) Those uses customarily incidental and subordinate to an amphitheatre, stadium, or racetrack (including but not limited to live performances, temporary hospitality facilities, vehicle/product entertainment/trade shows); and
- (2) Temporary camping facilities for staff, participants, and/or patrons of events (camping is limited to the duration of each event plus two days prior to and two days after each event).

(D) Development Standards

- (1) Minimum Lot Area: Twenty-five (25) acres
- (2) Minimum Lot Width: One-thousand (1,000) feet
- (3) Minimum Front Yard Setback:
 - (a) Primary Structure: Fifty (50) feet
 - (b) Accessory Structure: Ten (10) feet
- (4) Minimum Side Yard Setback:
 - (a) Primary Structure: Fifty (50) feet
 - (b) Accessory Structure: Ten (10) feet
- (5) Minimum Rear Yard Setback:
 - (a) Primary Structure: Fifty (50) feet
 - (b) Accessory Structure: Ten (10) feet

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO) *continued*

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|-----------------------------------|----------------------------|
| (6) Sewer Service: | Municipal Service Required |
| (7) Water Service: | Municipal Service Required |
| (8) Maximum Lot Coverage: | Seventy-five (75) percent |
| (9) Maximum Number of Structures: | |
| (a) Primary Structure: | Ten (10) |
| (b) Accessory Structure: | |
| 1. Recreation-based: | Unlimited |
| 2. Storage-based: | Five (5) |
| 3. Support-based: | Unlimited |
| (10) Maximum Structure Height: | |
| (a) Primary Structure: | Sixty-five (65) feet |
| (b) Accessory Structure: | Fifty (50) feet |
- (E) Additional Development Standards
- | | |
|--|---|
| (1) Environmental Performance Standards: | Pursuant to §§155.305, 155.306, 155.307, 155.308, 155.309, 155.310 (A) (B) (C) (D) (E) (F) (G) (H) (K) (L) (M) (N) & (O) of the Municipal Code. |
| (2) Fence: | |
| (a) Setback:
line | Three (3) feet to any property |
| (b) Materials: | Chain link, Wood, or as approved by the Plan Commission through the Site Development Plan approval process. |
| (c) Maximum height: | Ten (10) feet |
| (3) Floodplain, Stormwater, and Erosion Control: | Pursuant to §151 of the Municipal Code. |
| (4) Landscaping: | As approved by the Plan Commission through the Site Development Plan approval process. |

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO) *continued*

- (5) Lighting:
- (a) Existing Lighting: Pursuant to previous approvals listed in section 1) a) i) of this ordinance.
 - (b) New Lighting: Pursuant to §155.310 (O) of the Municipal Code.
- (6) Noise & Vibration: Noise and Vibrations emitted from Amphitheatres, Stadiums, and Racetracks for cultural or sporting events, which are scheduled to commence during the following dates and times: Sunday through Thursday, excluding the Sunday of Holiday Weekends, between the hours of 8:00 a.m. to 9:00 p.m.; and Friday, Saturday, and Holidays including the Sunday of Holiday Weekends, between the hours of 7:00 a.m. and 10:00 p.m. and Two (2) Twenty-four (24) hour endurance events, per calendar year, per location, (the Planning and Building Department must be notified of the event no less than Sixty (60) days prior to the scheduled event) shall be exempt from Subsection 155.310 (I) & (J) of the Municipal Code (commencement of the events are subject to adverse conditions i.e. weather delay).
- (7) Outdoor Storage:
- (a) Screening: Must be completely screen from the perimeter of the property or must have a minimum setback of One-hundred (100) feet from any property line.
- (8) Parking:
- (a) Office Space: One (1) per Three-hundred (300) sq.ft. of gross floor area
 - (1) Minimum parking stall dimensions: Nine (9) feet wide by Twenty (20) feet in depth
 - (2) Parking surface requirements: Must be a hard surface suitable for supporting applicable vehicles in all weather conditions, subject to previous approvals or subject to Plan Commission approval through a Site Development Plan approval.
 - ii) Events
 - (1) Minimum number of spaces: One 1 per Four (4) seats
 - (2) Parking surface: All surfaces are acceptable
 - i) Scoreboards/Video Displays
 - i) Maximum number: Unlimited

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO) *continued*

- ii) Maximum height: Thirty (30) feet
 - iii) Placement: All display must be directed inward of the facility toward spectators
 - iv) Lighting: The light from any illuminated Scoreboard/Video Display shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding areas.
- j) Signs:
- i) Facility Signs
 - (1) Existing Signage: Pursuant to previous approvals identified in section 1) a) i) of this ordinance.
 - (2) New Signage:
 - (a) Maximum number: One (1) per street frontage
 - (b) Maximum height: Thirty-five (35) feet
 - (c) Maximum sign area per sign: Two-hundred (200) sq.ft.
 - (d) Maximum changeable copy area: Forty (40) percent
 - ii) Gate/Entrance Signage
 - (1) Number of signs: One (1) per Gate/Entrance
 - (2) Maximum area: Nine (9) sq.ft. per sign
 - (3) Maximum height: Nine (9) feet
 - (4) Minimum Setback: Five (5) feet
 - (5) Lighting: No lighting permitted
 - (6) Sponsorship/Event Information: Permitted
 - iii) Sponsorship Signage:
 - (1) Number of signs: Unlimited
 - (2) Maximum area: Unlimited
 - (3) Maximum height: Sixty-five (65) feet

EXHIBIT "A"

§155.219 REGIONAL OUTDOOR ENTERTAINMENT (RO) *continued*

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|---|---------------------------------|
| (4) Minimum Setback:
(325) feet | Three-hundred twenty-five |
| (5) Lighting: | No lighting permitted |
| (6) Temporary Fence Banners & Inflatables:
days prior to the start of an event, during an event, and Two (2) days after an event ends. | Shall only be permitted Two (2) |
- k) Telecommunication Facilities Standards:
- | | |
|---|--------------------------------|
| i) Existing:
identified in section 1) a) i) of this ordinance. | Pursuant to previous approvals |
| ii) New:
Municipal Code. | Pursuant to §155.149 of the |
- l) Trash Receptacle:
- | | |
|--|----------------------------------|
| i) Dumpsters | |
| (1) Existing:
identified in section 1) a) i) of this ordinance. | Pursuant to previous approvals |
| (2) New:
Municipal Code. | Pursuant to § 155.273 (H) of the |
- m) Vision Clearance:
Municipal Code.
- Pursuant to § 155.141 of the