MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA

REGULAR MEETINGS
MONDAY, NOVEMBER 20, 1989

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:05 p.m. on Monday, November 20, 1989, with Councillor SerVaas presiding.

Councillor Cottingham lead the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
2 ABSENT: Durnil, Giffin

A quorum of twenty-seven members being present, the President called the meeting to order.

[Councillor Giffin arrived later.]

INTRODUCTION OF GUESTS AND VISITORS

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers on Monday, November 20, 1989, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all other business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
Beurt SerVaas, President
City-County Council

November 7, 1989

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published In The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, November 9, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 515 and 601, 1989, to be held on Monday, November 20, 1989, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

November 10, 1989

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 117, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Hundred Thousand Dollars ($200,000) in the Park Land Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park Land Fund.

FISCAL ORDINANCE NO. 118, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twenty-four Thousand Dollars ($24,000) in the State and Federal Grant Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

GENERAL RESOLUTION NO. 18, 1989, amending and supplementing City-County Resolution No. 4, 1979 concerning the Hospital Authority of Marion County.

SPECIAL RESOLUTION NO. 69, 1989, recognizing Mr. P. E. MacAllister.

SPECIAL RESOLUTION NO. 70, 1989, congratulating Mary Kay Baker.

SPECIAL RESOLUTION NO. 71, 1989, stopping the effective date of the Transportation Board Resolution 89-38, temporarily regulating traffic from Monument Circle and connecting streets.

COUNCIL RESOLUTION NO. 50, 1989, approving a schedule of regular council meetings for the year 1990.

Respectfully submitted,
s/William H. Hudnut, III
William H. Hudnut, III

November 10, 1989

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the Solid Waste Collection Special Service District, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

SPECIAL RESOLUTION NO. 1, 1989, authorizing and directing the execution of an appeal to the State Board of Tax Commissioners for an increase in the tax rate and levy as fixed by the Marion County Board of Tax Adjustment and for an approval of a tax rate and levy sufficient to fund certain appropriations as originally submitted to the Marion County Board of Tax Adjustment.

Respectfully submitted,
s/William H. Hudnut, III
William H. Hudnut, III

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of November 6, 1989. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 632, 1989. This proposal congratulates Wishard's state EMS Governor's Cup winners. Thirty-six emergency medical technician and paramedic teams from around the State participated in the competition. Wishard Memorial Hospital had five teams qualify and two of those teams placed first. The Council also congratulated Peter Dillman, Director of Ambulance Service at Wishard Memorial

Hospital, for maintaining such an outstanding program. Councillor Clark read the resolution and presented a framed document to Mr. Dillman, Steve Cline, Jim Glad, Russ Cuthbert and Todd Lappin. Mr. Dillman expressed his appreciation for the recognition. Councillor Clark moved, seconded by Councillor West, for adoption. Proposal No. 632, 1989, was adopted by unanimous voice vote.

Proposal No. 632, 1989, was retitled SPECIAL RESOLUTION NO. 72, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 1989

A SPECIAL RESOLUTION congratulating Wishard's state EMS Governor's Cup winners.

WHEREAS, thirty-six emergency medical technician and paramedic teams from throughout the state participated in the 1989 EMS Governor's Cup competition; and

WHEREAS, the teams were judged upon using current emergency medical service standards of approach, assessment and skills during a mock disaster located at the Wayne Township Fire Department Training Academy; and

WHEREAS, all five of the Wishard Memorial Hospital teams that participated earned qualifying scores during the preliminary round of competition, and two Wishard teams earned first place scores in the state finals; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates all five Wishard Memorial Hospital teams for qualifying at the 1989 state EMS Governor's Cup competition, and specifically recognizes Steve Cline and Jim Glad of Wishard's Paramedic Team and Russ Cuthbert and Todd Lappin of the Emergency Medical Technician Team for earning first place in the state competition.

SECTION 2. The Council additionally congratulates Peter Dillman, Director of Ambulance Service, Wishard Memorial Hospital, for maintaining an outstanding program which serves the citizens of our community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 634, 1989. This proposal establishes a Poor Relief Costs Task Force. Councillor Strader read the resolution and stated that the Community Affairs Committee has heard testimony on this matter at two of their last meetings. It is the consensus of the members of the Community Affairs Committee that a Poor Relief Costs Task Force should be established. Councillor Strader moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 634, 1989, was adopted by unanimous voice vote.

Proposal No. 634, 1989, was retitled COUNCIL RESOLUTION NO. 51, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 1989

A COUNCIL RESOLUTION establishing a Poor Relief Costs Task Force.

WHEREAS, along with other duties, elected township trustees are responsible for being the overseers of the poor within their townships; and

WHEREAS, Indiana's townships have historically been an emergency and temporary source of aid for food, shelter, clothing, burial and other assistance for the townships's destitute residents; and

WHEREAS, several recent events, including a series of class action lawsuit judgments, have become the basis for: broadened poor relief benefit amounts; increased number of persons receiving aid; indebtedness for Center

Township, Marion County, through loans secured to sustain its poor relief fund; and increased future property tax obligations upon homeowners and businesses that are above the property tax freeze level; and

WHEREAS, the Indianapolis City-County Council's standing Community Affairs Committee conducted initial hearings on the poor relief situation, and recommends the establishment of a fact-finding task force to study this issue in more detail; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and is concerned about the rapidly escalating costs of emergency public assistance for the destitute, including concern for the needy as well as concern for rising property taxes upon homeowners and businesses because of township poor relief expenditures.

SECTION 2. The Council hereby creates a special Poor Relief Costs Task Force to objectively examine all aspects of this community problem and to attempt to identify solutions.

SECTION 3. The council president shall appoint from two (2) to five (5) council members and from five (5) to ten (10) knowledgeable and interested additional persons to comprise the task force.

SECTION 4. The task force shall investigate the statistics, facts and opinions of those involved, including township trustees and their poor relief supervisors, poor relief recipients, tax experts, property taxpayers, appropriate attorneys, the Marion County Welfare Department, social service organizations, and anyone else who may wish to testify; and shall develop options for remedies, including any recommendations for law changes, and a timetable for action.

SECTION 5. The task force shall make periodic reports of its research to the Community Affairs Committee of the Council, and shall prepare a final report to the council president and to the mayor.

SECTION 6. All task force hearings shall be open to the public, and Section 5.01 of City-County Fiscal Ordinances No. 93, 1988 and 88, 1989 shall apply.

SECTION 7. This resolution shall expire March 4, 1990, unless the task force is granted an extension by the council president to finalize its work.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 618, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Louis Lopez to the Community Centers of Indianapolis Board"; and the President referred it to the Administration Committee.

PROPOSAL NO. 619, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating $204,000 for the Department of Administration, Office of the Director, to cover a projected shortage in the Workmen's Compensation Fund financed from the respective departments"; and the President referred it to the Administration Committee.

PROPOSAL NO. 620, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $50,000 for the Department of Administration, CEMD, to provide funds for fuel site projects"; and the President referred it to the Administration Committee.

PROPOSAL NO. 621, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $142,500 for the County Treasurer to follow through with a three year capital improvement plan by purchasing additional computer equipment, peripheral equipment and to replace worn furnishings"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 622, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Sec. 23-71, to increase the amount of holiday premium paid to firefighters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 623, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $3,000 for the Prosecuting Attorney to utilize earned income from the Metro Drug Task Force in order to cover an under-estimation of supply costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 624, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating $12,909 for the Prosecuting Attorney to transfer funds within the Drug Alcohol Services Grant for reagents and for a new appropriation to the Adult Probation Services Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 625, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $55,000 for the Prosecuting Attorney to cover various expenditures associated with different law enforcement projects"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 626, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $3,500 for the Presiding Judge of the Municipal Court to replace aging personal computer equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 627, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $17,500 for the Presiding Judge of the Municipal Court to replace worn out personal computers and recording equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 628, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE expanding the Solid Waste Disposal Special Service District to include the City of Southport"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 629, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $161,383 for the Department of Transportation, Finance and Administration Division, to provide sufficient amounts to cover actual workmen's compensation expenses"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 630, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by restricting trucks on certain streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 631, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing intersection controls at Andre Dr, Normandy Bl, Dubonnet Way and Chablis Circle"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 633, 1989. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION concerning the proliferation of traffic lights"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 616, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 616, 1989, on November 15, 1989. The proposal authorizes the issuance of City of indianapolis Economic Development Revenue Bonds, Series 1989 (K & F Industries, Inc. Project) in an aggregate principal amount not to exceed $3,500,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Irvin stated that he will not support this proposal, basing his decision on the number of trucks that travel through his district's neighborhoods in order to reach K & F Industries, Inc.

Councillor Schneider moved, seconded by Councillor McGrath, for adoption. Proposal No. 616, 1989, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader
2 NAYS: Irvin, Williams
3 NOT VOTING: Dumil, Giffin, West

Proposal No. 616, 1989, was retitled SPECIAL ORDINANCE NO. 19, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 19, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1989 (K & F Industries, Inc. Project)" in an aggregate principal amount not to exceed $3,500,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for K & F Industries, Inc., and the Metropolitan Development Commission of Marion County has commented hereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") on November 15, 1989 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by K & F Industries, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of an expansion of a currently existing metal recycling facility located at 2115 South West Street on approximately 20 acres of land, and the acquisition of machinery, equipment and furnishings for use in such facilities; and the acquisition, construction, installation and equipping of various site improvements at the facilities, including a shell building necessary to house certain motors included in and necessary to drive such machinery, equipment and furnishings, such facilities to be owned and operated by K & F Industries, Inc., in its metal recycling operations (the "Project"); complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Trust Indenture between the City of Indianapolis, Indiana (the "Issuer"); and Peoples Bank and Trust Company (the "Trustee") (the "Trust Indenture"); the Security Agreement from the Company to the Issuer (the "Security Agreement"); the Placement Agency Agreement among INB National Bank (the "Placement Agent"), the Issuer, and the Company (the "Placement Agreement"); the Real Estate Mortgage, Security Agreement, Assignment of Rents and Leases, Fixture Filing and Assignment from the Company to the Issuer (the "Mortgage"); the collateral Assignment of Rents and Leases from the Company to the Issuer (the "Assignment"); the Loan Agreement between the Issuer and the Company (the "Loan Agreement"); the Preliminary Private Placement Memorandum; the Credit Agreement among the Company and INB National Bank (the "Credit Agreement"); the Letter of Credit issued by INB National Bank in favor of the Company (the "Letter of Credit"); the Promissory Note from the Company to the Issuer (the "Note"); and the form of the Economic Development Revenue Bonds, Series 1989 (K & F Industries, Inc. Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of its economic development revenue bonds, the loan of the net proceeds thereof to the Company of the purposes of financing the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the City of Indianapolis and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed $3,500,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by K & F Industries, Inc. to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Placement Agent designated in the Placement Agency Agreement at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest as set forth in the Financing Documents. The use of a Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 617, 1989. Councillor Schneider reported that the Economic Committee heard Proposal No. 617, 1989, on November 15, 1989. The proposal is an

inducement resolution authorizing certain proceedings under IC 36-7-11.9 and IC 36-7-12 for Economic Development Commission financing of National Benevolent Association Robin Run Village Apartments in an amount not to exceed $11,000,000. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Boyd, for adoption.

President SerVaas passed the gavel to Councillor West.

Councillor SerVaas inquired if the National Benevolent Association will be paying taxes on Robin Run Village Apartments. Councillor Schneider replied that since it is a not-for-profit organization, it will not pay taxes.

Councillor SerVaas then questioned if the Council should encourage tax-exempt organizations to build apartments.

Councillor West returned the gavel to President SerVaas.

Jay Rose, Counsel to the Economic Development Commission and Special Counsel to the City of Indianapolis, stated that it is prohibited by City policy for taxable corporations to build apartment units in the city limits unless those units are going to be a rehabilitation of a currently existing facility or if they are going to be constructed in a redevelopment target area.

Councillor Williams reminded the Council that not too long ago another retirement community did not meet its financial obligations and she asked Mr. Rose if this could happen with Robin Run Village Apartments. Mr. Rose responded that Councillor Williams was referring to Westside Christian Retirement Village where there was a default on the bonds that were issued. Robin Run Village has a direct pay letter of credit that will be issued by the National Bank of Paris through its New York branch for full payment of the bonds, if needed; whereas Westside Christian Retirement Village had no letter of credit.

Proposal No. 617, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Dowden, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, Solenberg, Strader, West, Williams
3 NAYS: Curry, Irvin, SerVaas
3 NOT VOTING: Durnil, Giffin, Shaw

Proposal No. 617, 1989, was retitled SPECIAL RESOLUTION NO. 73, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 1989

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "Issuer") is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, The National Benevolent Association of the Christian Church (Disciples of Christ), a 501(c)(3) not-for-profit corporation (the "Applicant") has advised the Indianapolis Economic Development Commission and

the Issuer that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities described as the acquisition, renovation, construction, installation and equipping of a three-story, multi-wing, brick, and frame apartment and office building (the "Building") and related facilities (the "Facilities") to be built in two phases, the first phase containing 103 apartments, a clock tower, two guest rooms, a library, multi-purpose athletic courts, walking trails, a laundry facility, temporary dining facilities, and administrative offices, and the second phase containing between 85 and 95 apartment units, a dining facility, and a swimming pool. Also included in the Building will be space for a sundries store, a barber/beauty shop, and banking facilities. Each apartment unit in the building will be rented to persons over age 55 and will include wheelchair accesses, safety grab bars in bathrooms, and portable and installed emergency calling systems. The Building will contain approximately 277,000 square feet. The Building and the Facilities will be located on approximately 11 acres of land at 5354 West 62nd Street, Indianapolis, Indiana. The project shall also encompass the acquisition, construction, installation and equipping of various site improvements in the Building and the Facilities and the acquisition of machinery, equipment, fixtures and furnishing for use in the Building and the Facilities. The Building and the Facilities will be initially owned by the Applicant and will be operated by Greater Indianapolis Disciples Housing, Inc., an Indiana 501(c)(3) not-for-profit corporation (collectively, the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately 39 (full-time equivalents) at the end of one year, including construction jobs required to build the Project and 41 (full-time equivalents) at the end of three years) with estimated additional payrolls of $617,000 and $640,000 respectively) and the creation of business opportunities to be achieved by the acquisition, renovation, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, renovation, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis, Indiana; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in the City of Indianapolis, Indiana, is desirable, serves a public purpose and is of benefit health or general welfare of the Issuer; and that it is in the public interest that said Issuer take such action as it lawfully may to encourage diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in the City of Indianapolis.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in a principle amount not to exceed $11,000,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, renovation, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires April 30, 1990 unless such bonds have been issued or an ordinance authorizing the issuance of such bonds has been adopted by the government body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the Issuer by taking this action is not making any representation nor any assurances that any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions

to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas asked for consent to amend the agenda and hear Proposal No. 615, 1989, next. Consent was given.

PROPOSAL NO. 615, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 615, 1989 on November 15, 1989. The proposal authorizes the issuance of Indianapolis Economic Development Revenue Bonds, Series 1989 (Shepard Poorman Communications Corporation Project) in the aggregate principal amount of $4,000,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:54 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 615, 1989, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams
0 NAYS:
4 NOT VOTING: Clark, Durnil, Giffin, Solenberg

Proposal No. 615, 1989, was retitled SPECIAL ORDINANCE NO. 18, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1989 (Shepard Poorman Communications Corporation Project)" in the aggregate principal amount of $4,000,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a Report and Supplemental Report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Shepard Poorman Communications Corporation, and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 on November 15, 1989 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Shepard Poorman Communications Corporation (the "Company") consisting of the acquisition and installation of various site improvements at the facilities; and the acquisition of machinery, equipment and furnishings for use in the facilities (the "Project"); which will be initially owned and operated by Shepard Poorman Communications Corporation complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase and Loan Agreement between the City of Indianapolis, Indiana (the "Issuer"), Shepard Poorman Communications Corporation (the "Borrower") and INB National Bank (the "Original Purchaser") dated as of November

1, 1989 (the "Bond Purchase Agreement"); the Tax Regulatory Agreement between Borrower and Original Purchaser dated as of November 1, 1989 (the "Tax Regulatory Agreement"); the Security Agreement from Borrower to Issuer dated as of November 1, 1989 (the "Security Agreement"); the Bond Guaranty Agreement from Shepard Poorman Investments, Robert E. Shepard and Robert W. Poorman, Jr. to the Original Purchaser; the Form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1989 (Shepard Poorman Communications Corporation Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of its economic development revenue bonds, the loan of the net proceeds thereof to the Company of the purposes of financing the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the City of Indianapolis and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Bonds in the aggregate principal amount of $4,000,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by Shepard Poorman Communications Corporation to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Placement Agent designated in the Placement Agency Agreement at a price of not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest as set forth in the Financing Documents.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in Indiana Code 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PRIORITY BUSINESS (continued)

PROPOSAL NOS. 635 - 639, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 17, 1989". The Council did not schedule Proposal Nos. 635 - 639, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 635 - 639, 1989, were retitled REZONING ORDINANCE NOS. 212 - 216, 1989, and are identified as follows:

REZONING ORDINANCE NO. 212, 1989. 89-Z-191 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
7201 EAST WASHINGTON STREET, INDIANAPOLIS.
NARDINI DEVELOPMENT, INC. by James L. Tuohy, requests the rezoning of 16.9 acres, being in the C-2 and D-2 districts, to the C-4 classification to provide for the construction of an integrated, commercial shopping center.

REZONING ORDINANCE NO. 213, 1989. 89-Z-196 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 24
419 NORTH 17TH AVENUE, INDIANAPOLIS.
FLETCHER DEVELOPMENT GROUP requests the rezoning of 1.976 acres, being in the C-1 district, to the D-5 classification to provide for the construction of single-family residences.

REZONING ORDINANCE NO. 214, 1989. 89-Z-197 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
5605 WEST 71ST STREET, INDIANAPOLIS.
MARATHON OIL COMPANY, by Philip Nicely, requests the rezoning of .09 acres, being in an A-2 district, to the C-3 classification to provide for the improvements to an existing gasoline service station.

REZONING ORDINANCE NO. 215, 1989. 89-Z-209 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 2
7705 NORTH MICHIGAN ROAD, INDIANAPOLIS.
MIDWEST EQUIPMENT AND SUPPLY COMPANY, INC., by Halbert Kunz, requests the rezoning of 1.2 acres, being in the C-S district, to the C-3 classification to provide for the commercial development.

REZONING ORDINANCE NO. 216, 1989. 89-Z-221 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
7502 INDIAN LAKE ROAD, INDIANAPOLIS.
CITY OF LAWRENCE, by J. Lyn Boese, requests the rezoning of 15 acres, being in the SU-9, D-S and D-2 districts, to the SU-39 classification to provide for a new well field for its municipal water utility.

President SerVaas asked for consent to amend the agenda and hear Proposal Nos. 293, 515, 603 and 605, 1989 next. Consent was given.

PROPOSAL NO. 293, 1989. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 293, 1989, on November 7, 1989. The proposal designates Boulevard Place from 24th Street to 38th Street as "Rev. Richard T. Andrews Memorial Area". By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst stated that the R. T. Andrews Memorial Area is the first memorial area adopted under a new ordinance that sets up a procedure for honoring deceased individuals. Councillor Howard thanked the Metropolitan Development Committee and all the members of Mt. Zion Church who worked so hard to make Rev. Richard T. Andrews Memorial Area a reality. Councillor Borst moved, seconded by Councillor Howard, to amend Proposal No. 293, 1989, to read Memorial Area, not Memorial Way. This motion passed by unanimous voice vote. Councillor Borst moved, seconded by Councillor Howard, for adoption. Proposal No. 293, 1989, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Giffin, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS
5 NOT VOTING: Clark, Dowden, Durnil, Holmes, Schneider

Proposal No. 293, 1989, was retitled SPECIAL RESOLUTION 74, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 1989

A SPECIAL RESOLUTION designating Boulevard Place from 24th Street to 38th Street "Rev. Richard T. Andrews Memorial Area".

WHEREAS, Richard Taylor Andrews was born in Houston, Texas on February 10, 1886 and passed away on November 26, 1984; and

WHEREAS, He was the grandson of a slave and the son of Robert Lee and Modesta Allen Andrews; and

WHEREAS, Reverend Andrews became pastor of Mt. Zion Baptist Church on January 1, 1939, and at the time of his transition was in the 46th year of his pastorate; and

WHEREAS, Reverend Andrews helped to form the progressive National Baptist Convention, and participated in organizing the Midwest National Bank; and

WHEREAS, He went about God's work in an effective and genteel fashion and set many profound examples for all religious institutions; and

WHEREAS, He proved the effectiveness of parishioners who pooled their resources to produce and build a better community, evidenced by Andrews Garden Apartments, Mt. Zion Day Care Center and the geriatric center; and

WHEREAS, Reverend Andrews as a member of the Masonic Order, NAACP, past president of the General Missionary Baptist Convention of Indiana, Honorary member of Kiwanis International and many other organizations; and

WHEREAS, The City of Indianapolis has benefitted immensely from Reverend Andrews' good work and goodwill; and

WHEREAS, He leaves a legacy which enriches the Indianapolis community and the personal life of anyone who knew him; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis, Marion County, City-County Council on behalf of all citizens of our community hereby honor Rev. Richard T. Andrews by naming Boulevard Place, from 24th Street to 38th Street, "Rev. Richard T. Andrews Memorial Area".

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 515, 1989. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 515, 1989, on October 17 and November 7, 1989. The proposal, Metropolitan Development Commission Docket 89-AO-2 and which was certified on September 22, 1989, amends Marion County Council Ordinance No. 8, 1957, as amended, by repealing the current Dwelling districts Zoning Ordinance of Marion County and certain sections of the Marion County Master Plan Permanent Zoning Ordinance, and establishing a new Dwelling Districts Zoning Ordinance for Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it amend and pass proposal.

Councillor Borst stated that all councillors received copies of the dwelling district zoning ordinance and the six amendments passed by the Committee. He recognized Jon Meeks, Ed Mitro and Tammy Tracy from the Department of Metropolitan Development who worked on the ordinance.

Councillor Clark moved, seconded by Councillor Gilmer, to amend Proposal No. 515, 1989, by deleting subsections A, B and C of Section 2.20 and inserting in lieu thereof the language of subsections A and B of Section 2.16 of the present dwelling district zoning ordinance. Councillor Clark stated that this is the section on home occupation and he and other councillors have some questions concerning the language in the section.

President SerVaas passed the gavel to Councillor West.

Councillor SerVaas stated that the Metropolitan Development Committee should give further consideration to the home occupation section. He suggested that the old section be substituted for the new section and after the passage of the zoning ordinance the Committee consider making some changes in the home occupation section.

Councillor West returned the gavel to President SerVaas.

Councillor Clark's amendment to Proposal No. 515, 1989, passed on the following roll call vote; viz:

27 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS
2 NOT VOTING: Boyd, Durnil

Councillor Brooks moved, seconded by Councillor Irvin, to amend Proposal No. 515, 1989, by deleting in Section 2.00, subsection A, paragraph 3, subparagraph b, the following language "but if such non conforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance". This motion failed on the following roll call vote; viz:

13 YEAS: Brooks, Clark, Coughenour, Curry, Giffin, Holmes, Irvin, McGrath, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Solenberg
14 NAYS: Borst, Boyd, Cottingham, Gilmer, Golc, Hawkins, Howard, Jones, Moriarty, Rhodes, Shaw, Strader, West, Williams
2 NOT VOTING: Dowden, Durnil

Councillor Borst moved, seconded by Councillor Boyd, for passage with the additional amendments recommended by the Council. Proposal No. 515, 1989, was amended, and passed on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS
2 NOT VOTING: Durnil, Ruhmkorff

Because of the amendments the proposal must be returned to the Metropolitan Development Commission for further proceedings in accordance with IC 36-7-4-607. Proposal No. 515, 1989, As Amended, was retitled GENERAL ORDINANCE NO. 100, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1989

DOCKET NUMBER 89-AO-2
THE DWELLING DISTRICTS ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, as amended, and the Marion County Master Plan Permanent Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, I.C. 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana an ordinance or ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, The Marion County Master Plan Permanent Zoning Ordinance, adopted November 12, 1948 and subsequently amended, contains provisions which are obsolete and in need of revision or removal; and

WHEREAS, The Dwelling Districts Zoning Ordinance for Marion County, Indiana, 66-AO-02, as subsequently amended, has not been revised substantially in twenty-three years; and

WHEREAS, in the time period since the original adoption of the Dwelling Districts Zoning Ordinance for Marion County, technology in the home building industry has changed, with many new innovations not being reflected in the Dwelling Districts Zoning Ordinance; and

WHEREAS, in the time period since the original adoption of the Dwelling Districts Zoning Ordinance for Marion County, development patterns and consumer preferences within the County have changed, with these changes also not being reflected in the Dwelling Districts Zoning Ordinance; and

WHEREAS, in the same time period, neighborhoods have grown increasingly concerned over the type and quality of residential environment and development occurring in and near their areas; and

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of both the home building industry and neighborhoods in creating an ordinance which meets the long term needs of the City/County as a whole; and

WHEREAS, in creating such an ordinance, the Metropolitan Development Commission and the City-County Council desire to consolidate all zoning districts, classifications, and applicable permitted uses and standards pertaining to development currently found in the two sections of the Marion County Master Plan Permanent Zoning Ordinance that pertain to agricultural and forestry districts, into a single zoning classification in the Dwelling Districts Zoning Ordinance; and

WHEREAS, in order to accomplish the consolidation of zoning districts noted above, the Metropolitan Development Commission and the City-County Council have created the D-A (Dwelling-Agricultural) District as a successor district to the A, A-1 and A-2 (Agricultural) Districts and the F (Forestry) District of the Marion County Master Plan Permanent Zoning Ordinance, allowing within the newly created district all uses currently provided for in the current Agricultural and Forestry Districts; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, adopted as an amendment to Marion County Council Ordinance No. 8, 1957, as adopted and amended under Metropolitan Development Commission Docket Numbers 66-AO-02, 67-AO-1, 67-AO-2, 67-AO-3, 67-AO-6, 67-AO-8, 68-AO-5, 69-AO-4, 69-AO-5, 71-AO-5, 73-AO-1, 74-AO-3, 75-AO-1, 81-AO-2, 82-AO-1, 86-AO-2, and 87-AO-1, is hereby repealed.

SECTION 2. Marion County Council Ordinance No. 8, 1957 is hereby amended to include the following language as the Dwelling Districts Zoning Ordinance:

CHAPTER I
DWELLING ZONING DISTRICTS

SECTION 1.00. ESTABLISHMENT OF DWELLING ZONING DISTRICTS

The following primary DWELLING ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):

DWELLING ZONING DISTRICTS

DISTRICT	SYMBOL
DWELLING AGRICULTURE DISTRICT	D-A
DWELLING SUBURBAN DISTRICT	D-S

DWELLING DISTRICT ONE	D-1
DWELLING DISTRICT TWO	D-2
DWELLING DISTRICT THREE	D-3
DWELLING DISTRICT FOUR	D-4
DWELLING DISTRICT FIVE	D-5
DWELLING DISTRICT FIVE-TWO	D-5II
DWELLING DISTRICT SIX	D-6
DWELLING DISTRICT SIX-TWO	D-6II
DWELLING DISTRICT SEVEN	D-7
DWELLING DISTRICT EIGHT	D-8
DWELLING DISTRICT NINE	D-9
DWELLING DISTRICT TEN	D-10
DWELLING DISTRICT ELEVEN	D-11
DWELLING DISTRICT TWELVE	D-12
PLANNED UNIT DEVELOPMENT DISTRICT	D-P

CHAPTER II
DWELLING DISTRICT REGULATIONS

SECTION 2.00. GENERAL DWELLING DISTRICT REGULATIONS

The following regulations shall apply to all land within the DWELLING DISTRICTS.

A. After the effective date of this ordinance:

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 ordinance.

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 of the applicable provisions of the Dwelling Districts Zoning Ordinance of Marion County. 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 ordinance with the exception of the following provisions:

a. Restoration of Legally Established Nonconforming Uses, Structures, Buildings Legally established nonconforming uses and structures or buildings may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other 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. Except, however, all land within any Flood Control District shall be bound by the forty percent (40%) limitation of Section 2.00, B.2. of the Flood Control Districts Zoning Ordinance of Marion County, Indiana, (71-AO-3, as amended).

b. Discontinuation of Nonconformity

The lawful nonconforming use or occupancy of any lot, in a Dwelling District, existing at the time of the effective date of this ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance.

c. Legally Established Nonconforming Uses - Public Schools

Any legally established nonconforming use public elementary, middle, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be converted, enlarged, extended, reconstructed or relocated for such public school use on the same lot or parcel as it existed on August 8, 1966, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable DWELLING DISTRICT.

d. Side and rear yard exceptions

(1) The minimum side and rear yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8, (for a lot containing single or two- dwelling units) Zoning Districts shall be subject to the following exceptions:

i. Legally established, detached, accessory garages may be reconstructed on an existing foundation even though such reconstruction would not comply with required side or rear yards.

ii. The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the lineal footage of such enlargement or extension does not exceed fifty percent (50%) of the lineal footage of the primary building along that side setback line.

(2) The minimum side and rear yard setback requirements of all Dwelling Zoning Districts shall be subject to the following exception:

Eave or cornice overhangs, bay windows, chimneys and other similar appurtenant structural projections from a primary or accessory building may encroach into a required side or rear yard no more than two (2) feet.

e. Lot area, lot width exception

Any lot recorded or any platted lot recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the applicable DWELLING DISTRICT regulations of this ordinance for a single-family dwelling, shall be deemed an exception to such minimum lot area and lot width requirement, and a single-family dwelling may be constructed hereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.

f. D-A District exceptions

(1) Any single-family dwelling on any lot in a D-A District, developed prior to the adoption of this ordinance under the applicable A-1 or A-2 Agricultural District standards of the Marion County Master Plan Permanent Zoning Ordinance, may be converted, enlarged, extended, reconstructed or relocated if such activity is in accordance with the standards previously applicable thereto as said lot was previously zoned. Except, however, the previously applicable size limitations for garages and other accessory use standards shall not be applicable, in which case the standards of this ordinance shall apply.

(2) For any lot or platted lot in the D-A District recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the D-A District regulations of this ordinance, the following development standards may be modified as set forth below:

i. minimum lot width at setback: 80 feet.
ii. minimum side yard setback: aggregate - 24 feet, provided no side yard shall be less than twelve (12) feet.
iii. minimum rear yard setback: fifteen (15) feet.
iv. minimum street frontage: 80 feet on a public street right-of-way.

g. D-6 and D-6II District single family exception

In the D-6 and D-6II District, a single or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to the adoption of this ordinance which was specifically platted for single family dwelling purposes. Such development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.

4. The front setback and minimum front yard requirements of all Dwelling Zoning Districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:

The required front setback and minimum yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the Class R-1, R-2, and R-3 area Districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land. (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).

5. Secondary Means of Escape.

Any secondary means of escape which includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side facades of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the facade of any building or structure which has frontage along a public or private street.

6. Side Yard Setback - Zero Lot Line Option

The minimum side yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, and D-5II Zoning Districts shall be subject to the following exceptions:

Any plat of a subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce the minimum side yard requirement for one side yard of each lot to zero (0) feet provided that:

a. A minimum distance of ten (10) feet shall be required and maintained between all buildings on adjacent lots; and,

b. No windows or doors shall be provided or maintained on that portion of the structure which reduces the required side yard by use of this exception; and,

c. The aggregate side yard(s) is provided on the lot according to the applicable dwelling district regulations; and,

d. An easement, providing for the continual maintenance of that portion of the structure which reduces the required side yard by use of this exception, is provided, recorded and maintained.

7. Exceptions to dwelling district development standards for the development of Cluster Subdivisions.

In any plat of a subdivision recorded after January 1, 1990 in the D-S, D-1, D-2, D-3 and D-4 Zoning Districts the following exceptions shall apply.

Any subdivision, the plat of which is submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana may be developed as a cluster subdivision in accordance with the following:

a. Purpose

Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

b. Exceptions to dwelling district development standards.

Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision, as follows:

(1) Project Area (Minimum Size of Subdivision).

There shall be a minimum of five (5) acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

(2) Project Density.

The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and The Subdivision Control Ordinance of Marion County, Indiana.

(3) Sewers.

Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than 24,000 sq. ft.

(4) Area, Width, Setback, and Open Space for Individual Lots.

Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:

i. minimum lot area.
ii. minimum lot width.
iii. minimum lot width at setback.
iv. minimum side and rear yard setback regulations. Minimum side and rear yard setback regulations may be modified by the following:
(a) Setback from any subdivision boundary property lines: Twenty (20) feet.
(b) The minimum rear yard setback: Fifteen (15) feet.
(c) The minimum side yard setback shall have a minimum depth in accordance with Section 2.00, 6., Side yard setback - Zero lot line option.
v. The minimum street frontage. Minimum street frontage may be reduced to fifteen (15) feet provided, however, that each individual lot shall have direct access to a public street, and,
vi. Minimum open space. Individual cluster lots shall have a minimum open space of fifty (50) percent.

(5) Project Open Space.

The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least seventy-five (75) percent of the total amount of open space shall consist of tracts of land at least fifty (50) feet wide.

The open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and non-descriminatory rate of charge.

c. Procedures for Cluster Subdivision Approval.

1. The petitioner shall submit two site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.

   i. Site Plan One shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and the Subdivision Control Ordinance of Marion County, Indiana. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.
   ii. Site Plan Two shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in Site Plan One.

2. The Administrator shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable dwelling district and determine the appropriateness of cluster design for the site.

3. In determining the appropriateness of cluster design for the site, the Administrator shall look for the following attributes:

   i. Protection of unique topographical features on the site, including, but not limited to: slopes, streams, natural water features.
   ii. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
   iii. Development of common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways.
   iv. Provide a more efficient use of the land.
   v. Produce innovative residential environments.
   vi. Minimize the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings.
   vii. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
   viii. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings, and units.

4. The administrator shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the

development and use of neighboring property, in accordance with the applicable district regulations, to include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.

5. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within five (5) business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.

6. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator.

d. Maintenance of common open space areas.

As a condition of Administrator's Approval of the cluster subdivision permitting exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the plat committee at the time of a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

B. All uses established or placed into operation after August 2, 1966 shall comply with the following performance standards. No use in existence of the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.

2. SMOKE. No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Division of Development Services, and is hereby incorporated by reference and made a part hereof.

3. DUST. No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.

4. NOXIOUS MATTER. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

5. ODOR. No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

6. SOUND. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.

7.HEAT AND GLARE. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.

8.WASTE. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

SECTION 2.01. D-A DWELLING AGRICULTURE DISTRICT REGULATIONS

STATEMENT OF PURPOSE

The D-A District provides for a variety of agricultural enterprises. It is intended to provide for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals and any mutations or hybrids thereof, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; the breeding or grazing of animals; hog operations; bee and apiary products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such an agricultural enterprise. A secondary intent of this district is large estate development of single-family dwellings. This district represents the very low density residential classification of the Comprehensive General Land Use Plan, and in fact provides for the lowest density of the Dwelling Districts Zoning Ordinance. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-A USES

The following uses shall be permitted in the D-A DISTRICT. All uses in the D-A DISTRICT shall conform to the D-A Development Standards (section 2.01, B) and the Dwelling District Regulations of section 2.00.

1. Either one SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22, or One GROUP HOME, as defined in section 2.25, or One RELIGIOUS USE, as regulated in section 2.24.

2. FORESTS, FOREST PROPAGATION NURSERIES, ARBORETUMS.

3. FISH HATCHERIES, LAKES AND PONDS.

4. PROJECTS SPECIFICALLY DESIGNED FOR CONSERVATION OF SOIL OR WATER OR WATERSHED PROTECTION.

5. COMMERCIAL GREENHOUSES AND PLANT NURSERIES, excluding retail sales.

6. TRUCK GARDENS AND RELATED FIELD CROPS, MUSHROOM CELLARS, GENERAL GARDENING AND APIARIES.

7. PRODUCTION OF GRAINS, GRASSES, PLANTS, VINES, AND ORCHARDS.

8. STANDS FOR THE SALE OF AGRICULTURAL PRODUCTS PRODUCED ON THE LOT.

9. GRAZING OR FEEDING OF LIVESTOCK FOR ANIMAL INCREASE OR VALUE INCREASE. Provided, however, any area devoted to confinement operations for cattle, hogs or poultry shall be a minimum of five hundred (500) feet from any dwelling unit which is located on a lot of less than three (3) acres, other than the principal homestead.

10. BARNS, SHEDS, STORAGE BUILDINGS AND FENCES ESSENTIAL TO AN AGRICULTURAL ENTERPRISE. Provided, however, an agricultural enterprise must be conducted on the lot and shall encompass a minimum of one-half (1/2) acre.

11. TEMPORARY USES, as regulated in section 2.18.

12. ACCESSORY USES, as regulated in section 2.19.

13. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-A DEVELOPMENT STANDARDS

1. USE. a. No operations or activities for pecuniary gain which package products for final market distribution or which mechanically, electrically or chemically transform raw materials into new products, other than cultivation or animal husbandry, shall be permitted.

b. The use of lakes and ponds shall not include commercial or recreational activities which are open to the general public for a fee.

2. MINIMUM LOT AREA. Minimum lot area: 3 acres

3. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line: 250 feet, provided, however, a minimum lot width of 125 feet shall be maintained between the right-of-way line and the front setback line established by existing structures on the lot or structures proposed for the lot.

b. Minimum street frontage: Each lot shall have at least 125 feet of frontage on a public street and shall gain direct access from said street.

4. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard: Front yards having a minimum depth in Saccordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 75 feet
c. Minimum side yard: Aggregate: 75 feet Provided, however, no side yard shall be less than 30 feet.

5. MINIMUM OPEN SPACE. Minimum open space: 85 percent of the lot area. However, in the case of greenhouses and plant nurseries, the minimum open space shall be fifty (50) percent of the lot area.

6. MAXIMUM HEIGHT. a. Primary building (single-family dwelling): 35 feet

b. Accessory buildings to a single-family dwelling: 20 feet
c. Accessory buildings essential to an agricultural enterprise: unlimited

7. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building (single-family dwelling), exclusive of garage, carports, and open porches:

.One-story building: 1,200 sq. ft.
.Building higher than one story: 800 sq. ft., provided the total floor area shall be at least 1,200 sq.ft.

8. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.02. D-S DWELLING SUBURBAN DISTRICT REGULATIONS

STATEMENT OF PURPOSE

The D-S District is intended for use in areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low density development, (such as adjacent to flood plains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Of the dwelling districts providing for only single-family dwellings, the D-S District provides the lowest density in the ordinance. The D-S District provides for single-family residential building lots consisting of at least one acre. A typical density for the D-S District is 0.4 units/gross acre. This district represents the very low density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation,topography, drainage and wildlife, (refer to the Cluster Subdivision option of Section 2.00).

A. PERMITTED D-S USES

The following uses shall be permitted in the D-S DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-S DISTRICT shall conform to the D-S Development Standards (section 2.02, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
b. GROUP HOME, as defined in section 2.25.
c. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-S DEVELOPMENT STANDARDS

1. MINIMUM LOT AREAMinimum lot area: 1 acre

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 1-acre requirement, provided the average size of all lots within said approved plat shall be at least one (1) acre.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line: 150 feet

Provided, however, any plat of a subdivision consisting of 5 or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to 20 percent of the total number of lots within said plat, to the extent of up to 20 percent below such 150-foot requirement.

b. Minimum street frontage: Each lot shall have at least 75 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 25 feet
c. Minimum side yard: Aggregate: 35 feet

Provided, however, no side yard shall be less than 15 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 85 percent of the lot area.

5. MAXIMUM HEIGHT a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 1,200 sq. ft.
.Building higher than one story: 800 sq. ft., provided the total floor area shall be at least 1,200 sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.03. D-1 DWELLING DISTRICT ONE REGULATIONS

STATEMENT OF PURPOSE

The D-1 District is intended for use in suburban areas. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the Comprehensive General Land Use Plan. The D-1 District has a typical density of 0.9 units/gross acre. This district represents the very low density residential classification of the Comprehensive General Land Use Plan. Under most circumstances, public water and sewer facilities should be present, but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the Cluster Subdivision option of Section 2.00).

A. PERMITTED D-1 USES

The following uses shall be permitted in the D-1 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-1 DISTRICT shall conform to the D-1 Development Standards (section 2.03, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
b. GROUP HOME, as defined in section 2.25.
c. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-1 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. Minimum lot area: 24,000 sq. ft.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 24,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 24,000 sq. ft.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line: 90 feet

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 90-foot requirement.

b. Minimum street frontage: Each lot shall have at least 45 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and yard: Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 25 feet
c. Minimum side yard: Aggregate: 22 feet

Provided, however, no side yard shall be less than 8 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 80 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 1,200 sq. ft.
.Building higher than one story: 800 sq. ft., provided the total floor area shall be at least 1,200 sq. ft..

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.04. D-2 DWELLING DISTRICT TWO REGULATIONS

STATEMENT OF PURPOSE

The D-2 District is intended for use in suburban areas of the County. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the Comprehensive General Land Use Plan. The D-2 District has a typical density of 1.9 units/gross acre. Two-family dwellings are permitted on corner lots in this district. This district represents the most intense development recommended for the very low density classification of the Comprehensive General Land Use Plan. Public water and sewer facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the Cluster Subdivision option of Section 2.00).

A. PERMITTED D-2 USES

The following uses shall be permitted in the D-2 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-2 DISTRICT shall conform to the D-2 Development Standards (Section 2.04, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
b. TWO-FAMILY DWELLING, (permitted on corner lots only) as regulated in section 2.04, B, 2, c.
c. GROUP HOME, as defined in section 2.25.
d. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-2 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. Minimum lot area:

.Single-family Dwelling: 15,000 sq. ft..
.Two-family Dwelling: 20,000 sq. ft.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 15,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 15,000 sq. ft..

Provided further, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line:

.Single-family Dwelling: 80 feet
.Two-family Dwelling: 120 feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 80-and 120-foot requirements.

b. Minimum street frontage: Each lot shall have at least 40 feet of frontage on a public street and shall gain direct access from said street.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 25 feet
c. Minimum side yard: Aggregate: 19 feet Provided, however, no side yard shall be less than 7 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 75 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 1,200 sq. ft. for each dwelling unit.
.Building higher than one story: 800 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 1,200 sq. ft..

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.05. D-3 DWELLING DISTRICT THREE REGULATIONS

STATEMENT OF PURPOSE

The D-3 District is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two family dwellings are permitted on corner lots in this district. The D-3 District has a typical density of 2.6 units/gross acre. This district represents the low density residential classification of the Comprehensive General Land Use Plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the Cluster Subdivision option of Section 2.00).

A. PERMITTED D-3 USES

The following uses shall be permitted in the D-3 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-3 DISTRICT shall conform to the D-3 Development Standards (2.05, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

   a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
   b. TWO-FAMILY DWELLING, (permitted on corner lots only) as regulated in section 2.05, B, 2, c.
   c. GROUP HOME, as defined in section 2.25.
   d. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-3 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. a. Minimum lot area:

   .Single-Family Dwelling: 10,000 sq. ft..
   .Two-Family Dwelling: 15,000 sq. ft..

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 10,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 10,000 sq. ft..

b. An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line:

   .Single-family Dwelling: 70 feet
   .Two-family Dwelling: 105 feet (on each street)

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 70-and 105-foot requirements.

b. Minimum street frontage: Each lot shall have at least 35 feet of frontage on a public street and shall gain direct access from said street.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 20 feet

c. Minimum side yard: Aggregate: 16 feet Provided, however, no side yard shall be less than 6 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 70 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 1,200 sq. ft. for each dwelling unit.
.Building higher than one story: 800 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 1,200 sq. ft..

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.06. D-4 DWELLING DISTRICT FOUR REGULATIONS

STATEMENT OF PURPOSE

The D-4 District is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-4 District has a typical density of 4.2 units/gross acre. This district represents the low density residential classification of the Comprehensive General Land Use Plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the Cluster Subdivision option of Section 2.00).

A. PERMITTED D-4 USES

The following uses shall be permitted in the D-4 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-4 DISTRICT shall conform to the D-4 Development Standards (section 2.06, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
b. TWO-FAMILY DWELLING, (permitted on corner lots only) as regulated in section 2.06, B, 2, c.
c. GROUP HOME, as defined in section 2.25.
d. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-4 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. a. Minimum lot area:

.Single-family Dwelling: 7,200 sq. ft..
.Two-Family Dwelling: 10,000 sq. ft..

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 7,200 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 7,200 sq. ft.

b. An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line:

.Single-family Dwelling: 60 feet
.Two-family Dwelling: 90 feet (on each street)

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of the ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 60- and 90- foot requirements.

b. Minimum street frontage: Each lot shall have at least 30 feet of frontage on a public street and shall gain direct access from said street.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling on corner lots shall be toward a different street frontage.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 20 feet
c. Minimum side yard: Aggregate: 13 feet

Provided, however, no side yard shall be less than 5 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 65 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 900 sq. ft. for each dwelling unit.
.Building higher than one story: 660 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 900 sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.07. D-5 DWELLING DISTRICT FIVE REGULATIONS

STATEMENT OF PURPOSE

The D-5 District is intended for areas of medium intensity singlefamily residential development. The application of this district will be found within urban, built-up areas of the community, and where all urban public and community facilities, and services are available. The district is not intended for suburban use. Due to its strong reliance upon complete urban facilities, D-5 district location should be applied judiciously. Two-family dwellings are permitted on any lot in this district. The D-5 District has a typical density of 4.5 units/ gross acre. This district represents the low and medium density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-5 USES

The following uses shall be permitted in the D-5 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-5 DISTRICT shall conform to the D-5 Development Standards (section 2.07, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.

b. TWO-FAMILY DWELLING.
c. GROUP HOME, as defined in section 2.25.
d. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-5 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. Minimum lot area:

.Single-Family Dwelling: 5,000 sq. ft.
.Two-family Dwelling: 9,000 sq. ft.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line:

.Single-family Dwelling: 50 feet
.Two-family Dwelling: 90 feet (on each street)

b. Minimum street frontage: Each lot shall have at least 25 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 20 feet
c. Minimum side yard: Aggregate: 10 feet

Provided, however, no side yard shall be less than 4 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 65 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 900 sq. ft. for each dwelling unit.
.Building higher than one story: 660 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 900 sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.08. D-5II DWELLING DISTRICT FIVE-TWO REGULATIONS

STATEMENT OF PURPOSE

The D-5II District provides the smallest single-family lot size in the zoning ordinance. It is intended for carrying out both the low density and medium density residential classification expressed in the Comprehensive General Land Use Plan. The district is designed to be used with the zero lot line option of this ordinance. The district's application may be found within built-up areas of the community where redevelopment is occurring or where infill development is necessary. The district is also intended for suburban use. The district must be applied judiciously in suburban areas, however, due to the unique characteristics of this district. Two-family dwellings are permitted on any lot in this district. The D-5II district has a typical density of 5 units/gross acre. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-5II USES

The following uses shall be permitted in the D-5II DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-5II DISTRICT shall conform to the D-5II Development Standards (section 2.08, B) and the Dwelling District Regulations of section 2.00.

1. PRIMARY USES:

a. SINGLE-FAMILY DWELLING, including a Manufactured Home as regulated in section 2.22.
b. TWO-FAMILY DWELLING.
c. GROUP HOME, as defined in section 2.25.
d. RELIGIOUS USE, as regulated in section 2.24.

2. TEMPORARY USES, as regulated in section 2.18.

3. ACCESSORY USES, as regulated in section 2.19.

4. HOME OCCUPATIONS, as regulated in section 2.20.

B. D-5II DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. Minimum lot area:

.Single-Family Dwelling: 3,200 sq. ft.
.Two-family Dwelling: 7,600 sq. ft.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the required setback line:

.Single-family Dwelling: 40 feet
.Two-family Dwelling: 80 feet (on each street)

b. Minimum street frontage: Each lot shall have at least 25 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 10 feet
c. Minimum side yard: Aggregate: 10 feet

Provided, however, no side yard shall be less than 3 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 65 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet

b. Accessory buildings: 20 feet

6.MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 900 sq. ft. for each dwelling unit.
.Building higher than one story: 660 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 900 sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, E and C.

SECTION 2.09. D-6 DWELLING DISTRICT SIX REGULATIONS

STATEMENT OF PURPOSE

The D-6 District is principally intended for medium intensity multifamily dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The D-6 District has a typical density of 6-9 units/gross acre. This district represents the medium density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-6 USES

The following uses shall be permitted in the D-6 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-6 DISTRICT shall conform to the D-6 Development Standards (Section 2.09, B) and the Dwelling District Regulations of Section 2.00.

1. PRIMARY USES:

   a. ATTACHED MULTIFAMILY DWELLINGS.
   b. GROUP HOME, as defined in Section 2.25.
   c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-6 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE. Each project shall have at least 150 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards, having a minimum depth in accordance with the setback requirements Section 2.21 A, shall be provided wherever the project abuts a public street right- of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least 30 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three or four units, the required minimum depth of such yards shall be five (5) feet for each building.

(2) For buildings containing more than four units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be five (5) feet, plus one (1) foot for each story in height, plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than ten (10) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3) Parking areas may be located in the yards between buildings, provided no parking area shall be closer than ten (10) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: 35 feet but not to exceed 3 stories containing a dwelling unit or units.

b. Accessory buildings: 25 feet.

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Maximum Floor Area: floor area ratio (FAR) 0.200
b. Minimum Open Space: open space ratio (OSR) 3.850
c. Minimum Livability Space: livability space ratio (LSR) 2.600
d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.180
e.Minimum Parking Spaces: total car ratio (TCR) 1.600

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.10. D-6II DWELLING DISTRICT SIX-TWO REGULATIONS.

STATEMENT OF PURPOSE

The D-6II District is intended principally for low intensity multifamily use as a transition between areas of high intensity uses and low intensity uses, or in areas where the dimensions of the tract of land would cause high development costs that would preclude low intensity development. Typical areas subject to D-6II zoning include remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between Interstate highway locations, commercial development and lower- density residential areas). The district must be in close proximity to major thoroughfares, sewers, school and park facilities. The D-6II District has a typical density of 9-12 units/gross acre. This district represents the medium density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife

A. PERMITTED D-6II USES

The following uses shall be permitted in the D-6II DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-6II DISTRICT shall conform to the D-6II Development Standards (Section 2.10, B) and the Dwelling District Regulations of Section 2.00.

1.PRIMARY USES:

a. ATTACHED MULTIFAMILY DWELLINGS.
b. GROUP HOME, as defined in Section 2.25.
c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-6II DEVELOPMENT STANDARDS

1.MINIMUM PROJECT AREA. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE. Each project shall have at least 150 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least 25 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three or four units, the required minimum depth of such yards shall be five (5) feet for each building.

(2) For buildings containing more than four units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be five (5) feet, plus one (1) foot for each story in height, plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeters yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than ten (10) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3) Parking areas may be located in the yards between buildings, provided no parking area shall be closer than eight (8) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: 35 feet but not to exceed 3 stories containing a dwelling unit or units.

b. Accessory buildings: 25 feet

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Maximum Floor Area: floor area ratio (FAR) 0.280
b. Minimum Open Space: open space ratio (OSR) 2.650
c. Minimum Livability Space: livability space ratio (LSR) 1.650
d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.160
e. Minimum Parking Spaces: total car ratio (TCR) 1.500

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.11. D-7 DWELLING DISTRICT SEVEN REGULATIONS.

STATEMENT OF PURPOSE

The D-7 District is intended principally for medium density multifamily use. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators; i.e., commercial shopping centers or in- dustrial uses. The district requires superior street access and all public facilities. The D-7 District has a typical density of 12-15 units/ gross acre. This district represents the medium density resi- dential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-7 USES

The following uses shall be permitted in the D-7 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-7 DISTRICT shall conform to the D-7 Development Standards (Section 2.11, B) and the Dwelling District Regulations of Section 2.00.

1.PRIMARY USES:

a. ATTACHED MULTIFAMILY DWELLINGS.
b. GROUP HOME, as defined in Section 2.25.
c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-7 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE. Each project shall have at least 150 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three or four units, the required minimum depth of such yards shall be five (5) feet for each building.

(2) For buildings containing more than four units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be five (5) feet, plus one (1) foot for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3). Parking areas may be located in the yards between buildings, provided no parking area shall be closer than six (6) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: 35 feet but not to exceed 3 stories containing a dwelling unit or units.

b. Accessory buildings: 25 feet

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Maximum Floor Area: floor area ratio (FAR) 0.350
b. Minimum Open Space: open space ratio (OSR) 2.100
c. Minimum Livability Space: livability space ratio (LSR) 1.250
d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.140
e. Minimum Parking Spaces: total car ratio (TCR) 1.400

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.12. D-8 DWELLING DISTRICT EIGHT REGULATIONS.

STATEMENT OF PURPOSE

The D-8 District is a unique district designed for application in older developed urban areas. The district allows as permitted uses all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. Another important application of this district is in areas that are experiencing renewal either by public action or by natural process. The district requires all the amenities of the D-7 District. The

D-8 District has a typical density range of 5-26 units/gross acre depending upon the type of development. This district represents the high density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing conditions, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-8 USES

The following uses shall be permitted in the D-8 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-8 DISTRICT shall conform to the D-8 Development Standards (Section 2.12, B and C) and the Dwelling District Regulations of Section 2.00.

1. PRIMARY USES:

   a. URBAN DWELLING OR DWELLINGS, including one of the following: single-family, two-family, and attached multifamily dwellings, including a Manufactured Home as regulated in Section 2.22.
   b. GROUP HOME, as defined in Section 2.25.
   c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-8 DEVELOPMENT STANDARDS - SINGLE AND TWO-FAMILY

1. MINIMUM LOT AREA. There shall be no required lot area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B.

Provided, however: Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM LOT WIDTH AND FRONTAGE. a. Minimum lot width at the required setback line: 30 feet.

b. Minimum lot street frontage: Each lot shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback lines and front yard:

Front yards having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided along all public street right-of-way lines.

   b. Minimum rear yard: Fifteen (15) feet.
   c. Minimum side yards:

   Aggregate: ten (10) feet. No side yard, however, shall be less than four (4) feet.

4. MINIMUM OPEN SPACE. Minimum open space: Sixty-five (65) percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: Thirty-five (35) feet.

   b. Accessory buildings: Twenty (20) feet.

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

   .One-story building: Nine hundred (900) sq. ft. for each dwelling unit.
   .Building higher than one story: Six hundred and sixty (660) sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with section 2.21, C. and E.

C. DEVELOPMENT STANDARDS - MULTIFAMILY PROJECT

1. MINIMUM PROJECT AREA. There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection C.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT WIDTH AND FRONTAGE. a. Minimum project width at the required setback line: Thirty (30) feet.

b. Minimum project street frontage:

Each project shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback lines and front yard:

Front yards having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Fifteen (15) feet
c. Minimum side yards:

At least twenty (20) percent of the project width measured at the front setback line shall be devoted to aggregate side perimeter yards, except not more than fifteen (15) feet for any one side perimeter yard need be so devoted. The least dimension of a side perimeter yard shall not be less than four (4) feet.

d. Minimum yards between buildings: In projects containing two or more buildings, minimum yards for each building (in addition to the other requirements of this paragraph 3) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three (3) or four (4) dwelling units, the required minimum depth of such yards for each building shall be five (5) feet for each building.

(2) For buildings containing more than four (4) dwelling units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be five (5) feet, plus one (1) foot for each story in height, plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph d.

e. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3) Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: 35 feet

b. Accessory buildings: 20 feet

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Maximum Floor Area: floor area ratio (FAR) 0.600
b. Minimum Open Space: open space ratio (OSR) 1.180
c. Minimum Livability Space: livability space ratio (LSR) 0.660
d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.110
e. Minimum Parking Spaces: total car ratio (TCR) 1.000

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.13. D-9 DWELLING DISTRICT NINE REGULATIONS.

STATEMENT OF PURPOSE

The D-9 District is designed to permit suburban high-rise apartments. It is intended for use adjacent to the major shopping centers or in areas where unusual conditions exist (i.e., adjacent to a freeway interchange or in unusual topographic situations). The D-9 District has typical ranges of density according to the number of stories:

12-22	dwelling units/gross acre for 1-3 story structure(s).
27-35	dwelling units/gross acre for 4-5 story structure(s).
50-65	dwelling units/gross acre for 6-11 story structure(s).
90-120	dwelling units/gross acre for structure(s) of 12 stories and above.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-9 USES

The following uses shall be permitted in the D-9 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-9 DISTRICT shall conform to the D-9 Development Standards (Section 2.13, B) and the Dwelling District Regulations of Section 2.00.

1. PRIMARY USES:

a. ATTACHED MULTIFAMILY DWELLINGS.
b. GROUP HOME, as defined in Section 2.25.
c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-9 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT. There shall be no required minimum project area other than the land area necessary to AREA provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE. Each project shall have at least 150 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards, having a minimum depth in accordance with the setback requirements of Section 2.21. A. shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three or four units, the required minimum depth of such yards shall be five (5) feet for each building.

(2) For buildings containing more than four units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth for a building's yard shall be five (5) feet, plus one (1) foot for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3) Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: Unlimited

b. Accessory buildings: 25 feet

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Multifamily Dwellings: Less than 4 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 0.500
(2) Minimum Open Space: open space ratio (OSR) 1.450
(3) Minimum Livability Space: livability space ratio (LSR) 0.840
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.120
(5) Minimum Parking Spaces: total car ratio (TCR) 1.200

b. Multifamily Dwellings: 4 to 5 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 0.800
(2) Minimum Open Space: open space ratio (OSR) 0.870
(3) Minimum Livability Space: livability space ratio (LSR) 0.490
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.095

(5) Minimum Parking Spaces: total car ratio (TCR) 1.000

c. Multifamily Dwellings: 6 to 11 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 1.500
(2) Minimum Open Space: open space ratio (OSR) 0.450
(3) Minimum Livability Space: livability space ratio (LSR) 0.290
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.071
(5) Minimum Parking Spaces: total car ratio (TCR) 1.000

d. Multifamily Dwellings: 12 stories or higher.

(1) Maximum Floor Area: floor area ratio (FAR) 2.700
(2) Minimum Open Space: open space ratio (OSR) 0.290
(3) Minimum Livability Space: livability space ratio (LSR) 0.200
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.054
(5) Minimum Parking Spaces: total car ratio (TCR) 1.000

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.14. D-10 DWELLING DISTRICT TEN REGULATIONS.

STATEMENT OF PURPOSE

The D-10 District, like the D-9 District, represents the high density classification of the Comprehensive General Land Use Plan. Unlike the D-9 District, however, the D-10 District is intended for central and inner-city use as opposed to suburban use. The D-10 District requires all public and community facilities, but its use will not be so dir- ectly associated with planned shopping centers. In many cases, the D-10 District will represent a renewal of the land rather than the initial use. The D-10 District has typical densities according to the number of stories:

20-26	dwelling units/gross acre for 1-3 story structure(s).
27-35	dwelling units/gross acre for 4-5 story structure(s).
50-65	dwelling units/gross acre for 6-11 story structure(s).
100-130	dwelling units/gross acre for 12-23 story structure(s).
110-140	dwelling units/gross acre for structure(s) above 24 stories.

A. PERMITTED D-10 USES

The following uses shall be permitted in the D-10 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-10 DISTRICT shall conform to the D-10 Development Standards (Section 2.14, B) and the Dwelling District Regulations of Section 2.00.

1. PRIMARY USES:

a. ATTACHED MULTIFAMILY DWELLINGS.
b. GROUP HOME, as regulated ~~defined~~ in Section 2.23~~5~~.
c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-10 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE. Each project shall have at least 100 feet of frontage on a public street and shall gain gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards, having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

(1) For buildings containing three or four units, the required minimum depth of such yards shall be five (5) feet for each building.

(2) For buildings containing more than four units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

i. Wall Containing Any Window, Door, or Combination Thereof:

The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

ii. Wall Not Containing Any Window, Door, or Combination Thereof:

The minimum depth for a building's yard shall be five (5) feet, plus one (1) foot for each story in height plus one (1) foot for each fifteen (15) feet in length of such wall.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

(4) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(5) Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of Section 2.21, F. Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

(1) Driveways, and,

(2) Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in Section 2.25) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.

(3) Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

4. MAXIMUM HEIGHT. a. Primary buildings: Unlimited

b. Accessory buildings: 25 feet

5. DEVELOPMENT AMENITIES. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in Section 2.25):

a. Multifamily Dwellings: Less than 4 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 0.600
(2) Minimum Open Space: open space ratio (OSR) 1.180
(3) Minimum Livability Space: livability space ratio (LSR) 0.660
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.110
(5) Minimum Parking Spaces: total car ratio (TCR) 1.000

b. Multifamily Dwellings: 4 to 5 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 0.800

(2) Minimum Open Space: open space ratio (OSR) 0.870
(3) Minimum Livability Space: livability space ratio (LSR) 0.490
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.095
(5) Minimum Parking Spaces: total car ratio (TCR) 0.940

c. Multifamily Dwellings: 6 to 11 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 1.500
(2) Minimum Open Space: open space ratio (OSR) 0.450
(3) Minimum Livability Space: livability space ratio (LSR) 0.290
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.071
(5) Minimum Parking Spaces: total car ratio (TCR) 0.750

d. Multifamily Dwellings: 12 to 23 stories.

(1) Maximum Floor Area: floor area ratio (FAR) 3.000
(2) Minimum Open Space: open space ratio (OSR) 0.280
(3) Minimum Livability Space: livability space ratio (LSR) 0.190
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.052
(5) Minimum Parking Spaces: total car ratio (TCR) 0.750

e. Multifamily Dwellings: 24 stories or higher.

(1) Maximum Floor Area: floor area ratio (FAR) 3.200
(2) Minimum Open Space: open space ratio (OSR) 0.270
(3) Minimum Livability Space: livability space ratio (LSR) 0.190
(4) Minimum Major Livability Space: major livability space ratio (MLSR) 0.050
(5) Minimum Parking Spaces: total car ratio (TCR) 0.750

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

SECTION 2.15. D-11 DWELLING DISTRICT ELEVEN REGULATIONS

STATEMENT OF PURPOSE

The D-11 District allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 District is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district represents a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 District is 6 units/gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, and should be located with the same considerations as site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares are necessary for the location of this district.

A. PERMITTED D-11 USES

The following uses shall be permitted in the D-11 DISTRICT. All uses in the D-11 DISTRICT shall conform to the D-11 Development Standards (Section 2.15, B) and the Dwelling District Regulations of Section 2.00.

1. MOBILE DWELLING PROJECTS, including Mobile Dwellings and Manufactured Homes, subject to all development standards of Section 2.15, B. Each permitted mobile dwelling within a mobile dwelling project shall be limited to single-family use and occupancy.

2. GROUP HOMES, as defined in Section 2.25.

3. RELIGIOUS USE, as regulated in Section 2.24.

4. TEMPORARY USES, as regulated in Section 2.18.

5. ACCESSORY USES, as enumerated below:

a. MANAGER'S OFFICE AND APARTMENT: PROJECT MAINTENANCE EQUIPMENT STORAGE FACILITY.

b. COMMON RECREATION AND SERVICE BUILDINGS, STRUCTURES AND AREAS, including laundry facilities.

c. OPEN STORAGE AREA.

d. ACCESSORY PARKING AREAS.

e. CARPORTS, CANOPIES, COVERED PATIOS, STORAGE ROOMS, MINI-BARNS, PORCHES, AWNINGS, SWINGS and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet measured from the finished mobile dwelling site grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.

f. WHOLESALE AND RETAIL SALES OF MOBILE DWELLINGS CONDUCTED AS A BUSINESS BY DEALERS OR MOBILE DWELLING PROJECT OWNERS/OPERATORS SHALL BE PROHIBITED IN THE D-11 DISTRICT. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwellings on mobile dwelling sites in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project.

g. An incidental model home sign, as regulated in the Sign Regulations of Marion County, Indiana, (71-AO-4, as amended) shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.

B. D-11 DEVELOPMENT STANDARDS

1. PROJECT AREA. A minimum contiguous project area of fifteen (15) acres with the first phase not less than five (5) acres, shall be required. Each contiguous project area shall not exceed one hundred (100) acres.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district after January 1, 1990.

2. MAXIMUM PROJECT DENSITY. Maximum project density: Six (6) units per gross project acre.

3. COMBINATION OF LOTS OR PORTIONS THEREOF. Whenever only a portion of a recorded lot is proposed as a mobile dwelling project or whenever two or more recorded lots or portions thereof are proposed to be combined to form a mobile dwelling project, the proposed mobile dwelling project as shown on the site plan submitted shall be considered to be a newly created single lot, for the purposes of Section 2.15, B, 1 of this ordinance, and such newly created lot shall not be reduced in size or divided or split if such reduction, division, or split will result in a lot which would fail to meet any of the requirements of this section.

4. MINIMUM PROJECT FRONTAGE. Each project shall have at least one hundred fifty (150) feet of continuous frontage on a public street and shall gain direct access from said street. Each project containing over thirty (30) dwelling units shall provide at least two (2) accesses from a perimeter public street.

5. PERIMETER YARD. a. A perimeter yard is required for each mobile dwelling project. All parking, buildings, structures, and mobile dwelling sites shall be located so as to provide a setback of at least fifty (50) feet from all perimeter lot lines. This fifty (50) foot perimeter yard shall be landscaped and shall not be used for anything other than passive open space or a required roadway entrance into the mobile home park. Perimeter yards must be landscaped, screened and maintained according to Section 2.21, F, provided, however;

b. Where the project abuts public perimeter streets, minimum perimeter front yards shall be sixty (60) feet, measured from the street right-of-way line of a local or collector street, or from the proposed right-of-way line of any primary or secondary arterial as indicated by the Official Thoroughfare Plan for Marion County, as amended.

6. MOBILE DWELLING SITES. a. Mobile dwelling sites within the project shall be provided for each mobile dwelling in accordance with the following standards:

(1) each mobile dwelling project shall be divided into mobile dwelling sites.

(2) each mobile dwelling site shall contain an area of no less than four thousand (4,000) square feet, provided, however;

(3) each mobile dwelling site, which requires a double or triple wide unit, shall contain an area of no less than five thousand four hundred (5,400) square feet.

7. MINIMUM INTERIOR YARDS. Minimum interior yards within the project shall be provided for all mobile dwelling sites in accordance with the following standards:

a. A minimum required front building setback of ten (10) feet shall be provided, measured from the curb line of any interior street or interior access drive within the project. Parking spaces shall not be permitted within this required setback, however, driveways accessing parking areas on the site and other appurtenances are permitted.

b. A minimum distance of fifty (50) feet shall be provided between any recreational or other project common building and any dwelling unit within the project.

c. A minimum distance of twenty-five (25) feet shall be provided between dwelling units at their closest points to each other. Except, however, that any dwelling unit accessory structure, open on at least two (2) sides, may project into such required interior yard provided that the distance between such accessory structure and any other dwelling unit, or between such accessory structures of two dwelling units, shall be at least fifteen (15) feet.

8. MINIMUM RECREATIONAL AND OPEN SPACE AREAS. Developed recreational and common open space areas equal to, at a minimum, eight (8) percent of the total area of the mobile dwelling project shall be required. Land used for the required perimeter yard, mobile dwelling sites, vehicular areas, access easements, and rights-of-way shall not be considered as part of this required eight (8) percent open space. Common open storage areas developed as required in Section 2.15, B, 10, shall not be included in the open space computation.

a. These recreational and common open space areas shall be accessible to all project residents, appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a mobile dwelling site or sites.

b. Developed recreational areas may include, but shall not be limited to, such facilities as playgrounds, tot lots, swimming pools, game courts and common recreational buildings. An imaginative approach to the provision and design of such areas is encouraged. Project recreational needs will depend upon such factors as project site, size and the anticipated age characteristics of the residents. These areas shall provide for the use of all project residents and be appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses.

c. Common open space areas are those areas within the project set aside for the common use of all project residents. The general design of these areas should demonstrate an awareness of their intended use for passive enjoyment. Utilization of common open space areas may be enhanced by improvements such as walkways, meandering trails, benches, flowers, shrubs and tree plantings, while still maintaining their natural open character.

d. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the project and do not present a health or safety hazard to project residents.

e. Off-street pedestrian ways and/or bike paths shall be constructed where necessary to provide safe access to recreational and other service areas. Such off-street pathways shall have a minimum width of three (3) feet and shall have at least a three (3) foot wide area of open space along the sides of the pathway. All such off-street pathways shall be hardsurfaced.

9. MINIMUM PARKING AREA. a. A minimum of two (2) hardsurfaced off-street parking spaces shall be required for each dwelling unit and shall be located on each mobile dwelling site.

b. One (1) parking space for each two hundred eighty-five (285) square feet or fraction thereof of gross floor area shall be required for the manager's office (not including storage space), and any common recreation structures located within the mobile dwelling project.

c. Off-street parking areas shall not be permitted in any required interior front yard setback.

d. Off-street parking facilities shall be provided and maintained in accordance with Section 2.21, E, 2, B.

10. STORAGE AREAS. a. Open Storage Area:

An open storage area shall be provided within the project boundaries for the purpose of storing travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the project and shall further be accessible to all project residents.

Travel trailers, campers, boats and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

b. General Storage Space:

In order to provide adequate storage facilities on or conveniently near each mobile dwelling site for the storage of outdoor equipment, furniture, tools, and other materials used only seasonally or infrequently, or incapable of convenient storage within the mobile dwellings, a minimum of one-hundred-fifty (150) cubic feet of general storage space within a structure per dwelling unit shall be provided on the mobile dwelling site, or in compounds located not more than one hundred (100) feet from each dwelling unit. Each such storage space shall be constructed and located in conformity with the approved SITE PLAN required by Section 2.15, B, 16. Provided, however, all or a portion of such storage space for any fully skirted mobile dwelling unit may be provided under such unit, in lieu of separate storage facilities.

11. PATIOS AND PAVED-STANDS. All mobile dwelling sites shall be improved as follows:

a. Each mobile dwelling site shall contain a patio or deck with an area of no less than two hundred (200) square feet. Such patio or deck shall be constructed of concrete, brick, tile, treated wood or similar material, so as to result in a dust-free and well-drained surface.

b. Concrete runners, concrete pillars or a paved-stand shall be provided to accommodate each mobile dwelling.

c. An anchoring system (tie-downs) shall be provided, installed and attached to the dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, up-lift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

12. SKIRTING. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the area between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

13. UTILITIES. a. All utility lines, including, but not limited to electric, telephone, water, gas, and cable television lines shall comply with Underground Utility Line Regulations Ordinance 72-AO-5, as may be amended.

b. Individual radio and television antennas, not exceeding four (4) feet in height, shall be permitted; or a central system utilizing underground wiring to individual dwelling units and accessory buildings may be installed.

14. MAXIMUM HEIGHT. a. All mobile dwellings, accessory structures and buildings: twenty-five (25) feet.

b. All management offices, common recreation and service buildings: thirty-five (35) feet, with the exception of skylights, appurtenances, chimneys or similar structures.

15. STREETS AND SIDEWALKS. a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with Section 2.21 Special Regulations.

b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with Section 2.21 Special Regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways which have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:

(1) Sidewalks are required to be installed on one side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet,

(2) All sidewalks shall be hardsurfaced and shall have a thickness of no less than four (4) inches,

(3) Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street,

(4) A hardsurfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided,

(5) In addition to those sidewalks required by this Section 2.15, B, 15, sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three (3) foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area,

(6) A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system,

(7) No portion of any parking space shall encroach upon any portion of a sidewalk.

16. PROJECT AND SITE PLAN REQUIREMENTS, ORIENTATION MAP, TOPGRAPHIC MAP AND SITE PLAN. In order that a petition for a D-11 District can be evaluated, the petitioner shall file with the petition a project (as specified in paragraphs a., b., and c. which follow).

In addition to other permit requirements, a LANDSCAPE PLAN (as specified in Section 2.21 Special Regulations) shall be filed with the Division of Development Services of the Department of Metropolitan Development and approved by the Administrator thereof prior to the issuance of an Improvement Location Permit.

a. The ORIENTATION MAP shall include a legal description and delineate the boundaries of the project site; and shall show the location of all the features listed below existing within one (1) mile of the project site.

- Public schools
- Thoroughfares
- Railroads
- Fire protection services
- Public transportation
- Major shopping areas
- Public recreational facilities
- Other important features which may affect the planned project

b. The TOPOGRAPHIC MAP shall be drawn to scale, current dated, prepared and signed by a registered land surveyor or civil engineer and shall clearly show the following:

- Contours having an interval of two (2) foot,
- All existing buildings and other structures or improvements such as walls, fence lines, culverts bridges, roadways, etc., with spot elevations indicated,
- Location and spot elevations of rock outcrops, high points, water courses, depressions, ponds and marsh areas, with any previous flood elevations as may be determined by survey,
- Boundaries of any floodway or floodplain zones or areas subject to periodic inundation,
- Size, variety, caliper and accurate location of all existing trees over two and one-half (2 1/2) inch caliper; except within natural vegetation areas (woods, thickets or meadows) that will not be developed, but will be left and maintained as natural areas,
- Boundary lines of property and corner monuments,
- Soil types - careful attention must be given in the location and construction of mobile dwelling projects to the ability of the soil to support the development,
- Location of any test pits or borings if required to determine subsoil conditions,
- All easements, rights-of-way and other restrictions.

c. The SITE PLAN, drawn to scale, shall indicate:

- existing and proposed streets, access drives, driveways, interior access drives, sidewalks and pedestrian ways,
- all paving and hardsurfacing materials,
- ingress to and egress from the project site to/from perimeter public streets,
- minimum required yards,
- location of all parking, recreational and storage areas,
- individual mobile dwelling sites,
- location of mobile dwelling paved- stands,
- mobile dwelling project facilities such as office, laundry, storage and recreation structures,
- location, height and type of screens, walls and fences,
- all adjacent properties':

(1) lot lines;

(2) existing land use and zoning classification; and,

(3) approximate location of all existing structures within one hundred (100) feet of the project's property lines;

- a legend which shall include a listing of the overall acreage; the scale of the plan; gross and net density of lots, spaces or units; percentage and area of open spaces by types, number of spaces, building area of project buildings or structures; parking spaces required and provided, and estimated total population profile.

17. EXISTING NONCONFORMING PROJECTS; CONFORMITY WITH CERTAIN STANDARDS REQUIRED; PLAN APPROVAL. a. All nonconforming mobile dwelling projects on the effective date of this ordinance:

(1) Shall conform to the development standards and requirements of Section 2.21 F, 5 (Special Regulations - GROUNDS MAINTENANCE), Section 2.15, B, 11, ~~g~~b (PATIOS AND PAVED-STANDS), and Section 2.15, B, 12 (SKIRTING) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date; and,

(2) Shall conform to the development standards and requirements of Sections 2.21, F, subsections 1 through 4 (Special Regulations - Screening, Landscaping, Lighting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date.

b. A plan for each such nonconforming project shall be filed with the Division of Development Services of the Department of Metropolitan Development and approved by the Administrator thereof in accordance with the following schedule. Within 90 days after the effective date of this ordinance, a plan shall be filed setting forth a legal perimeter description. The number of mobile dwelling sites, location of streets, light poles, and the existing nature of perimeter landscaping or visual screening shall be indicated. Within three (3) years after the effective date of this ordinance, a plan for compliance or a statement of existing compliance shall be filed setting forth the proposed or existing manner of compliance with Section 2.15 B, 17, a of this ordinance. The project's required development in conformity with provisions of this ordinance specified in paragraph a. above shall be in accordance with such approved plan.

As a part of such plan approval, the Administrator of the Division of Development Services shall have power to modify any screening or landscape requirements deemed by the Administrator to be unnecessary, infeasible or unreasonably burdensome.

c. In all subsections of this section where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including, but not limited to, the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

SECTION 2.16. D-12 DWELLING DISTRICT TWELVE REGULATIONS

STATEMENT OF PURPOSE

The D-12 District represents a relatively low density level of residential development utilizing two-family dwellings. The district permits a subdivision consisting entirely of such dwellings, but at a density comparable to single-family development. Proximity to major thoroughfares, public utilities, school and park facilities is necessary. The D-12 District has a typical density of 5 units/ gross acre. The district represents the low density residential classification according to the Comprehensive General Land Use Plan. All public and community facilities are required. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

A. PERMITTED D-12 USES

The following uses shall be permitted in the D-12 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-12 DISTRICT shall conform to the D-12 Development Standards (Section 2.16, B) and the Dwelling District Regulations of Section 2.00.

1. PRIMARY USES:

a. TWO-FAMILY DWELLING.

b. GROUP HOME, as defined in Section 2.25.
c. RELIGIOUS USE, as regulated in Section 2.24.

2. TEMPORARY USES, as regulated in Section 2.18.

3. ACCESSORY USES, as regulated in Section 2.19.

4. HOME OCCUPATIONS, as regulated in Section 2.20.

B. D-12 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA. Minimum Lot area: 9,000 sq. ft.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 9,000 sq. ft. requirements, provided the average size of all lots within said approved plat shall be at least 9,000 sq. ft.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE. a. Minimum lot width at the setback line: 70 feet

b. Minimum street frontage: Each lot shall have at least 35 feet of frontage on a public street and shall gain direct access from said street.

3. MINIMUM SETBACK LINES AND YARDS. a. Minimum setback line and front yard:

Front yards having a minimum depth in accordance with the setback requirements of Section 2.21, A, shall be provided along all public street right-of-way lines.

b. Minimum rear yard: 20 feet
c. Minimum side yard: Aggregate: 10 feet Provided, however, no side yard shall be less than 4 feet.

4. MINIMUM OPEN SPACE. Minimum open space: 65 percent of the lot area.

5. MAXIMUM HEIGHT. a. Primary building: 35 feet.

b. Accessory buildings: 20 feet.

6. MINIMUM MAIN FLOOR AREA. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

.One-story building: 900 sq. ft. for each dwelling unit.
.Building higher than one story: 660 sq. ft. for each dwelling unit in the building, provided the total floor area of each unit shall be at least 900 sq. ft.

7. OFF-STREET PARKING AND PUBLIC STREETS. Off-street parking areas and public streets shall be provided in accordance with Section 2.21, E and C.

SECTION 2.17. D-P PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

STATEMENT OF PURPOSE

The Planned Unit Development District (D-P) is established for the following purposes:

a. To encourage a more creative approach in land and building site planning.

b. To encourage and efficient, aesthetic and desirable use of open space.

c. To encourage variety in physical development pattern.

d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the County.

e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.

f. To permit special consideration of property with outstanding features, including, but not limited to, historical significance, unusual topography, landscape amenities, and size and shape.

g. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P District. The D-P District is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

A. PERMITTED D-P USES

The following uses shall be permitted in the D-P DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-P DISTRICT shall conform to the Dwelling District Regulations of Section 2.00.

1. PRIMARY USE: PLANNED UNIT RESIDENTIAL DEVELOPMENT, pursuant to the D-P Terms and Conditions (Section 2.17, B).

2. GROUP HOME, as defined in Section 2.25.

3. TEMPORARY USES, as regulated in Section 2.18.

4. ACCESSORY USES, as regulated in Section 2.19.

5. HOME OCCUPATIONS, as regulated in Section 2.20.

6. NONRESIDENTIAL USES, designed to provide an integrated amenity to the Planned Unit Residential Development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Residential Development, as regulated in Section 2.17, B.

7. RELIGIOUS USES, as regulated in Section 2.24.

B. D-P TERMS AND CONDITIONS

1. FILING PROCEDURE. a. The authorization of a Planned Unit development shall be subject to the procedures expressed herein.

b. A petition for a Planned Unit Development may be initiated by the owners of property of 50 percent or more of the area involved in the petition, or may be initiated by the Metropolitan Development Commission.

c. The petition, which shall include a preliminary plan for any area proposed for development as a Planned Unit Development shall be filed with the Division of Development Services of the Department of Metropolitan Development. The preliminary plan shall include:

(1) Proposed layout of streets, open space, and other basic elements of the plan.

(2) Identification of location and types of uses within the area, including proposed densities of said uses.

(3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.

(4) The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. Any land within the area to be zoned that is now owned by the petitioners shall be so identified.

(5) A general statement of any covenants or commitments to be made a part of the Planned Unit Development as well as the order and estimated time of development.

(6) A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.

(7) Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall including all areas within the project within 100 feet of the boundary of the project unless a larger area is requested by the Administrator.

d. The preliminary plan shall be presented in triplicate and to a scale not to exceed 1" = 100'. The preliminary plan may be a freehand drawing and may include any graphics which will explain the features of the development.

e. Within twenty-five (25) days after filing, the Administrator, or designated representative, shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.

f. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:

(1) Include all documents included in the preliminary plan.

(2) Include an index identifying all documents included in the preliminary plan.

(3) Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and case number.

(4) Be bound or stapled together and all documents therein reduced to a size no larger than 8 1/2 by 14 inches.

3. PRELIMINARY PLAN HEARING. a. The petition, if and so modified, shall then be heard by the Metropolitan Development Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the offices of the Division of Development Services.

b. The approved Preliminary Planned Unit Development shall then be certified to the City-County Council for adoption as a D-P District pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Development Services, which shall thereafter exercise continuing jurisdiction. In the exercise of continuing jurisdiction, the Commission may from time to time approve modifications of the approved Preliminary Planned Unit Development in a manner consistent with the approved development concept.

4. DETAILED PLAN APPROVAL. a. Before any development takes place, the Administrator shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent with the Approved Preliminary Planned Unit Development.

b. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the offices of the Division of Development Services.

c. Approval of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the D-P District by the City-County Council.

d. If all or a part of the Planned Unit Development requires platting, only a preliminary plat shall be required within the said two (2) year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, plat approval shall be conditioned, in part, upon a finding that the plat is consistent with the approved Preliminary Planned Unit Development.

e. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved Detailed Planned Unit Development in a manner consistent with the Approved Preliminary Planned Unit Development.

f. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.

g. In the event that the approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning ordinance relating to said land.

h. The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is permitted, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.

i. Approval shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways, utility installations and sanitary sewers.

5. PLATTING AND VACATION. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Development Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended), where such requirements are not in keeping with an approved Planned Unit Development and are not necessary to safeguard the public health, safety, morals, or welfare.

6. COVENANTS AND MAINTENANCE. a. Covenants, when required by the Commission, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Administrator upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission as well as other parties designated by the Commission, and shall be specifically enforceable by the Commission.

b. The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi- public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Unit Development.

c. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:

(1) Lot area.
(2) Floor area.
(3) Ratios of floor space to land area.
(4) Area in which structures may be built. ("Buildable area").
(5) Open space.
(6) Setback lines and minimum yards.
(7) Building separations.
(8) Height of structures.
(9) Signs.
(10) Off-street parking and loading space.
(11) Design standards.
(12) Phasing of development.
(13) Bikeways and walkways.
(14) Landscaping.

d. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended).

e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

7. RECORDING. All approved Detailed Planned Unit Developments and modifications thereof shall be recorded in the office of the Marion County Recorder within two (2) years after approval.

8. PERMIT. No Improvement Location Permit shall be issued for a D-P District unless all recording required by Section 2.17, B, 5 has been effected. No Improvement Location Permit shall be issued for a D-P District which fails to adhere to the approved Detailed Planned Unit Development.

9. CONSTRUCTION. a. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana - Ordinance 58-AO-13, as amended) have been submitted to the Administrator and the petitioner has, at least twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.

b. All development shall be in conformity with the approved Detailed Planned Unit Development and any material deviations from the approved Detailed Planned Unit Development shall be subject to appropriate enforcement action.

10. EXTENSIONS, ABANDONMENT, EXPIRATION. a. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the Petitioner may appeal said determination to the Commission.

b. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the expiration of a Detailed Planned Unit Development for a development which has not been completed (or the expiration of an extension granted by the Commission pursuant to Section 2.17, B, 10, a), the Commission may initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

11. RULES OF PROCEDURE. All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Development Commission, where not inconsistent with the procedure otherwise stated herein.

12. LIMITATION ON REZONING. The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Unit Development before completion of the development as long as development is in conformity with the approved Detailed Planned Unit Development and is proceeding in accordance with the time requirements imposed herein.

SECTION 2.18. TEMPORARY USES

A. PERMITTED TEMPORARY USES

The following Temporary Uses shall be permitted in all Dwelling Districts, under a Temporary Improvement Location Permit issued by the Administrator subject to the Temporary Use Requirements of Section 2.18, B.

TEMPORARY OFFICE, MODEL HOME, OR EQUIPMENT STORAGE, incidental and necessary for the sale, rental, lease, or construction of real property or premises in the zoning district and located on the same lot or project.

B. TEMPORARY USE REQUIREMENTS

Temporary Uses shall be subject to the following requirements in addition to all other regulations of the applicable Dwelling District.

1. For temporary offices or model homes, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.

2. No public address systems or other noise producing devices shall be permitted.

3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

4. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

5. No temporary Improvement Location Permit shall be issued for a Temporary Use until a site, development and landscape plan has been approved by the Administrator.

6. A Temporary Improvement Location Permit for a Temporary Use shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the Temporary Improvement Location Permit.

7. No later than 30 days after the termination date of the Temporary Improvement Location Permit, the site must be returned to as nearly as reasonably possible to its condition prior to the issuance of the Temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

SECTION 2.19. ACCESSORY USES

A. PERMITTED ACCESSORY USES

The following Accessory Uses shall be permitted in all Dwelling Districts, except the D-11 Dwelling District, subject to the Accessory Use Requirements of Section 2.19, B and the Dwelling District Regulations of Section 2.00:

1. GARAGES; CARPORTS; PORCHES; DECKS; AWNINGS; CANOPIES; MINI-BARNS; STORAGE SHEDS; PATIOS; OUTDOOR FIREPLACES; PORTE-COCHERES; BATHHOUSES; CABANAS; CHILDREN'S PLAYHOUSES; SWINGS AND OTHER PLAY STRUCTURE OR EQUIPMENT; GREENHOUSES and other accessory buildings or structures similar and comparable in character to these permitted uses. (See additional requirements of this section.)

2. OFF-STREET PARKING AREAS, as regulated in Section 2.21, E.

3. SIGNS, as regulated by The Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

4. PRIVATE SWIMMING POOLS, HOT TUBS and similar structures (See additional requirements of this section).

5. AMATEUR RADIO SENDING AND RECEIVING ANTENNAS, provided the height thereof (including masts) shall not exceed seventy-five (75) feet measured from finished lot grade at the base of the antennas and further provided that such antennas shall not be located in the front yard as established by the building line of the existing primary building.

6. MANAGEMENT OFFICE in multifamily districts and other facilities normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities, provided, however, there is no exterior storage or display.

7. UNDERGROUND STOREROOMS either attached to other permitted structures or constructed separately. (See additional requirements of this section.)

8. RESIDENTIAL OCCUPANCY BY DOMESTIC EMPLOYEES EMPLOYED ON THE PREMISES, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.

9. FOSTER FAMILY CARE where care is provided for children unrelated to the residents by blood or adoption; provided that no sign shall be displayed, and that care is provided for no more than five such children.

10.DAY CARE of children unrelated to the residents by blood or adoption where care is provided for no more than ten children on a full-time basis and no more than five additional children on a part-time basis; provided however, where care is provided for more than five children, the day care provider shall be licensed in accordance with the requirements of the State of Indiana. Provided further, no sign shall be displayed. For the purposes of this ordinance, the day care of children, as described above, shall not be considered a Home Occupation.

11. STORAGE OR PARKING OF RECREATIONAL VEHICLES. (See additional requirements of this section.)

12. GAME COURTS, including tennis courts and basketball courts. (See additional requirements of this section.)

13. COMMON RECREATION FACILITIES, provided such facilities are dedicated to the public and accepted, owned by a home-owners association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all the residents in the association or the project.

14. SATELLITE DISH ANTENNAS. (See additional requirements of this section).

B. ACCESSORY USE REQUIREMENTS

Accessory Uses in all Dwelling Districts shall comply with the following requirements:

1. GENERAL ACCESSORY USE REQUIREMENTS. Accessory Uses:

a. Shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.

b. Shall be operated and maintained under the same ownership and on the same building lot as the primary use.

c. Shall be subordinate in area, bulk, extent, and purpose to the primary use of the building served. The height of an accessory building or structure shall be less than or equal to that of the primary structure. The total square footage of all accessory buildings on a building lot shall not exceed seventy-five (75) percent of the main floor area of the primary building, except that a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty- four (24) by thirty (30) feet provided that the total square footage of the garage is less than or equal to the main floor area of the primary building.

d. Unless otherwise specified in this ordinance, detached accessory buildings:

(1) Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the Dwelling District, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;

(2) In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 Dwelling Districts shall not be located closer to any rear lot line than five (5) feet;

(3) Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.

(4) Shall not be permitted on a lot prior to the erection of the primary building.

f. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

g. Patios, decks, terraces having a horizontal area within eighteen (18) inches of grade level shall not require an Improvement Location Permit.

2. APPURTENANCES. a. Such appurtenant features as walks, drainage installations, mailboxes, lamp posts, bird baths, air conditioning units and structures of similar and comparable nature, shall be permitted on any lot.

Provided, however, the front yard of any lot may contain only enough paving, gravel or similar material sufficient for reasonable access to and from the off-street parking area. The remaining front yard shall be landscaped in grass, shrubbery, trees or hedge, or in combination with other similar and suitable vegetative ground cover materials.

b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees shall be permitted on any lot, provided such operations are not for profit. In the D-A Dwelling District, the growing of such items may be for profit.

c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in minimum required front, side and rear yards provided that:

(1) The height of any structural barrier shall not exceed six (6) feet.

Provided, however, any structural barrier in the required front yard shall not exceed forty-two (42) inches in height.

(2) All landscape plantings, structural barriers, shrubs, or trees shall permit completely unobstructed vision within a clear-sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets. A clear site triangular area shall be established as one of the following:

i. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines, or in the case of a round or cut property corner, from the intersection of the street right-of-way lines extended, or

ii. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the side lot line coterminous with the railroad right-of-way, the street right-of-way line and the line connecting points twenty-five (25) feet from the intersection of such lines, or

iii. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

3. ADDITIONAL REQUIREMENTS FOR SWIMMING POOLS, HOT TUBS AND SIMILAR SRUCTURES. The following additional requirements shall apply to swimming pools or hot tubs:

a. A swimming pool or hot tub shall not be located in or on any front yard or closer to any side lot line than the required minimum side yard setbacks of the Dwelling District or located closer to any rear lot line than five (5) feet.

b. The pool or tub area shall be enclosed by a structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Such structural barrier shall be a chain-link, ornamental, or solid fence or wall, and:

(1) if erected on grade, the fence shall be not less than five (5) feet in height; or,

(2) if erected on the deck of an above ground pool or hot tub, the fence on the deck shall be not less than four (4) feet in height.

c. Screening and landscaping shall be provided and maintained between the pool or hot tub and all lot lines from which the pool or tub area is visible according to the following requirements:

(1) screening shall include any combination of an earthen mound, solid hedge, wall or fence of ornamental block, stone, brick, or solid wood.

(2) effective screening height shall be at least five (5) feet, as measured from grade level, and so constructed or planted to prohibit any view therethrough; and,

(3) if fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,

(4) if an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of three (3) feet above grade and the incline shall not exceed a 3:1 ratio, with the exception of previously existing natural outcroppings.

d. Abandoned or unused swimming pools or hot tubs, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

e. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code, and the National Electrical Code, current editions, and until an Improvement Location Permit has been obtained.

f. All pools or hot tubs which are less than eighteen inches above grade level shall not be considered as part of the building area, as defined in Section 2.25.

4. ADDITIONAL REQUIREMENTS FOR UNDERGROUND STOREROOMS. The following additional requirements shall apply to all underground storerooms:

a. An underground storeroom shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the Dwelling District.

b. No underground storeroom shall be erected or constructed until an Improvement Location Permit has been obtained.

5. ADDITIONAL REQUIREMENTS FO RECREATIONAL VEHICLES. The following additional requirements shall apply to the parking or storage of recreational vehicles:

a. Recreational vehicles may be parked or stored inside permitted buildings or outside in such a manner that no part of any such vehicle shall project into any required side or rear yard as established by the ordinance. Provided further, no part of any such vehicle shall be parked or stored outside in the front yard of the lot other than on the hardsurfaced area of the driveway or interior access drive.

b. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same building lot at any one time.

c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any Dwelling District.

6. ADDITIONAL REQUIREMENTS FOR GAME COURTS. The following additional requirements shall apply to game courts:

a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the Dwelling District, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.

b. Game courts shall not be considered as building area, as defined in Section 2.25.

c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5 or D-5II Dwelling District shall be lighted.

7. ADDITIONAL REQUIREMENTS FOR PORCHES, PATIOS, DECKS AND CANOPIES. The following additional requirements shall apply to porches, patios, decks and canopies:

a. Porches, patios and decks, with the exception of attached open railings, shall not be constructed or erected higher than eighteen (18) inches above grade level at any point without having first obtained an Improvement Location Permit.

b. Porches and patios shall be located no closer than four (4) feet from any property line.

c. No permanent roof, canopy or similar permanent structure shall be built or established to extend over any porch, patio or deck, other than an eave or cornice overhang from the primary structure, unless the roof or canopy complies with the setback requirements of the Dwelling District.

d. Porches, patios and decks eighteen (18) inches in height, or over, above grade level shall comply with all front and side yard setback requirements of the district and with the rear yard setback requirements for accessory buildings; except, however, open stairs and railings, attached to these structures may encroach into required yards.

8. ADDITIONAL REQUIREMENTS FOR SATELLITE DISH ANTENNAS. The following additional requirements shall apply to satellite dish antennas:

a. In any Dwelling District, satellite dish antennas up to 12 feet in diameter shall be permitted to be installed subject to the following criteria:

(1) All installations shall be neutral in color.

(2) All installations shall be performed by an "antenna installer" licensed by the Indiana State Board of Television and Radio Service Examiners.

b. In any Dwelling District, ground-mounted satellite dish antennas shall be permitted to be installed subject to the following criteria:

(1) All installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.

(2) The maximum height for a ground-mounted satellite dish antenna shall not exceed the maximum height of an accessory structure permitted by that district.

c. In any Dwelling District, roof-mounted satellite dish antennas may be permitted, subject to the following criteria:

(1) Demonstration by the applicant that compliance with Section 2.19, B, 8, b(1) and (2) of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.

(2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.

(3) All applications for Improvement Location Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.

(4) All roof-mounted installations shall be contained within the area of the roof.

C. NONPERMITTED ACCESSORY USE ACTIVITIES

No accessory use which is not specifically permitted under Section 2.19, A shall be permitted as an accessory use in any Dwelling District. In addition, the following activities are strictly prohibited in all Dwelling Districts:

1. Dismantling, Repairing or Restoring of Motor Vehicles in Dwelling Districts:

No person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a Dwelling District. In addition, any work performed shall be:

a. incidental to a permitted use; and,

b. completely within a garage or carport; or,

c. completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier, (either a wall or fence of ornamental block, brick, wood, or combination thereof), of six (6) feet in height.

2. Storing of Inoperable Motor Vehicles in Dwelling Districts:

No motor vehicle, machine, motor, or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in a Dwelling District unless such device is:

a. owned or leased by the resident of the property on which it is stored or by a member of that person's family; and further is,

b. completely within an accessory structure.

3. Storing of Commercial Motor Vehicles in Dwelling Districts:

No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling District, (except those vehicles three-quarter (3/4) ton or less and which serve as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept) unless it is within a garage or carport which complies with all the standards and regulations of this ordinance. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

SECTION 2.20. HOME OCCUPATIONS

A. PERMITTED HOME OCCUPATIONS

Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all Dwelling Districts (except the D-11 District) and in any other zoning district in Marion County permitted dwelling uses, provided that each such home occupation complies with all requirements set forth in section 2.20, B hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergyman, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

B. HOME OCCUPATION REQUIREMENTS

Permitted home occupations shall comply with each of the following requirements:

1. The primary use of the dwelling unit shall remain residential.

2. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty percent (30%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in the conduct of the home occupation(s). The six hundred (600) square feet or thirty percent (30%) area which may be used in the conduct of the home occupation(s) shall include all areas in the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.

3. All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the "dwelling structure".

4. The operator of the home occupation(s) shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator, in addition to making the dwelling unit his place of legal residence, shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation(s) is being conducted than are carried out at any other place.

5. No one may participate in or assist with the conduct or operation of home occupation except:

a. Individuals who meet the same residence requirements, set forth in paragraph 4 above, as must be met by the operator of the home occupation.

b. A nonresident assistant, subject to the following requirements and limitations:

(1) Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician

(2) The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.

(3) Participation by the nonresident assistant shall be limited to forty-five (45) hours per week.

(4) No more than one (1) nonresident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.

6. No structural alterations shall be effected to the interior of the dwelling which would render it undesirable for residential use.

7. No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.

8. No additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.

9. The dwelling unit shall not be a mobile dwelling unit.

10. The home occupation(s) shall not regularly attract more than four (4) individuals simultaneously onto the premises for reasons related to the home occupation(s) and shall not generate significantly greater traffic volume than would normally be expected in the particular residential area in which the home occupation(s) is conducted.

11. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.

12. No display of goods or external evidence of the home occupation shall be permitted other than an identification sign as permitted by the Sign Regulations of Marion County, Indiana, Ordinance 71-A0-4, Section 14.04-4(2).

13. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:

a. A reasonable number of samples needed in the home occupation, or

b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation.

Nothing in this paragraph shall be deemed to preclude receipt, retention, use or storage of:

a. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;

b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;

c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or

d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.

14. No electrical or mechanical equipment shall interfere with local radio and television reception.

15. Hours of operation of the home occupation shall not interfere with use and enjoyment of adjacent residential properties.

16. Permitted home occupations shall comply with all standards set forth in section 2.00, B.

17. No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.

SECTION 2.21 SPECIAL REGULATIONS

A. MINIMUM SETBACK LINES AND YARDS

Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right- of-way lines, and the minimum required building setback lines shall be as follows:

1. Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than forty (40) feet to any proposed right-of-way line of an expressway, parkway or primary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

2. Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any proposed right-of-way line of a secondary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

3. Collector Street

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any existing right-of-way line, or sixty (60) feet from the centerline, of a collector street, whichever is greater.

4. Local Street, Marginal Access Street or Cul-de-Sac

a. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty-five (25) feet to any existing right-of-way line of a local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty (20) feet to any existing right-of-way line of the vehicular turnaround of a cul-de-sac.

b. Exception for legally established setbacks. In any block in which an existing front yard depth and setback is established (by existing legally established structures within the same Dwelling District) for more than twenty-five percent (25%) of the frontage of the block on the same side of the street (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required minimum front yard depth and setback for any building or structure may be reduced to the average of the established setbacks if such average is less than the normal minimum required front setback. The average established setbacks shall be the average of all established yards on the same side of the street within either the block or the two hundred (200) feet in either direction. Provided, however, in no case shall such minimum required front setback be less than ten (10) feet from the right-of-way line.

c. Exception for expansion along a legally established setback. The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the District, shall be modified to permit expansion of such building along its existing established front setback, provided the linear front footage of expansion does not exceed fifty percent (50%) of the linear front footage of the original building.

B. ATTACHED MULTIFAMILY DWELLING PROJECTS, SINGLE FAMILY CLUSTER DWELLING PROJECTS AND MOBILE DWELLING PROJECTS - SITE PLAN REQUIREMENT TO IMPROVEMENT LOCATION PERMIT ISSUANCE

Prior to Improvement Location Permit issuance for any building or structure within an attached multifamily dwelling project, single family cluster dwelling project, or mobile dwelling project, three copies of the site and landscape plans for the entire project shall be filed with the Department of Metropolitan Development. Also, for an attached multifamily dwelling project, the site and landscape plans shall include a delineation of the proposed Major Livability Space.

C. PUBLIC STREET REQUIREMENTS

1. All streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana, General Ordinance No. 49 and the Indianapolis Department of Transportation Standards for Street and Bridge Design and Construction.

2. The right-of-way of all streets within the project, which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. All landscape plantings, structural barriers, shrubs, trees, or other objects shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following:

a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right- of-way lines and pavement edge lines extended, or

b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines.

D. REQUIREMENTS FOR ALL PRIVATE STREETS, INTERIOR ACCESS DRIVEWAYS, AND INTERIOR ACCESS DRIVES FOR ATTACHED MULTIFAMILY DWELLING PROJECTS AND MOBILE DWELLING PROJECTS AND PLANNED UNIT RESIDENTIAL DEVELOPMENTS.

1. All private streets, interior access driveways and interior access drives for attached multifamily projects and mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications", Indiana Department of Highways (8-17-1-39), the Indiana Department of Highway Supplemental Specifications, and the Indianapolis Department of Transportation (DOT) Standards for Street and Bridge Design and Construction. In

the event DOT specifications conflict with the Indiana Department of Highways "Standard Specifications", the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Highways is incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

a. Curbing shall not be required in the development of private streets, private access driveways and private interior access drives for attached multifamily projects.

b. Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and planned unit residential developments, shall have a minimum width, including gutters, and, if required, curbing, of:

-One-way, no parking - twelve (12) feet.
-One-way, parking on one side of the street only - twenty (20) feet.
-Two-way, no parking - twenty (20) feet.
-Two-way, parking on one side only - twenty-seven (27) feet.
-Two-way, parking on both sides of the street - thirty-six (36) feet.

2. Private streets, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.

3. All landscape plantings, structural barriers, shrubs, trees, or other objects shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following:

a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended, or

b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines.

4. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

E. OFF-STREET PARKING REQUIREMENTS

Off-street parking facilities shall be provided and maintained, for all uses permitted in the Dwelling Districts, in accordance with the following regulations:

1. Number of Spaces Required

a. For every single-family dwelling or two-family dwelling in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 Dwelling Districts, there shall be provided at least two (2) off-street parking spaces for each unit which may include the parking space(s) provided in a garage or carport.

b. For every attached multifamily dwelling in the D-6, D-6II, D-7, D-8, D-9 and D-10 Dwelling Districts, off-street parking spaces shall be provided in accordance with the Development Amenities of each district.

c. For every mobile dwelling in the D-11 Dwelling District, a minimum of two (2) paved off-street parking spaces shall be provided.

2. Development Requirements

a. Parking areas for uses in 1, a. above need not be paved.

b. Parking areas for uses in 1, b. above shall be subject to the following requirements:

(1) Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Current Edition, Ramsey and Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the offices of the Division of Development Services and is hereby incorporated by reference and made a part hereof); except that each parking space shall have, regardless of angle of parking, a usable parking space measuring not less than eight and one-half (8 1/2) feet in width (measured perpendicularly from the sides of the parking space) and at least one hundred fifty (150) square feet of usable parking area.
(2) The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
(3) Parking areas shall be paved with bricks, concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris.
(4) The surface shall be graded and drained in such a manner that there will be no free flow of water onto sidewalks.
(5) The parking area shall have each space delineated by painted lines and shall be provided with curbs, bumper guards or wheel stops so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

F. SCREENING, LANDSCAPING, LIGHTING AND GROUNDS MAINTENANCE

Screening, landscaping, lighting and grounds maintenance shall be provided and maintained, for all attached multifamily dwelling projects and all mobile dwelling projects, in accordance with the required landscape plans and with the following regulations:

1. Screening:

a. Front yard of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50.0%) percent, may be used in conjunction with the required landscaping. Chain link fencing is not permitted. A clear site triangular area shall also be maintained as regulated in Section 2.19, B, 2, c of this ordinance.

b. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chain link fencing is permitted provided it is black vinyl covered chain link and does not include slats. A clear sight triangular area shall also be maintained as regulated in Section 2.19, B, 2, c of this ordinance.

Provided, however, if any portion of a mobile dwelling project or a multifamily project abuts land zoned so as to permit single family or two-family dwellings, the perimeter yard between the project and the district shall be screened and landscaped for the purpose of buffering. In addition to the landscape requirements of Section 2.21, F, 2, screening shall be provided and maintained according to the following minimum requirements:

(1) screening shall include any combination of an earthen mound; a solid hedge; a wall or fence of ornamental block, stone, brick, or solid wood fencing; and,
(2) effective screening height shall be at least six (6) feet, as measured from the parking area's grade level, and so constructed to prohibit any view therethrough; and,
(3) if fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,
(4) if an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of four (4) feet above grade and the incline shall not exceed a 3:1 ratio, with the exception of previously existing natural outcroppings.

c. Trash containers: All trash containers exceeding six (6) cubic feet shall:

(1) be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and,
(2) be accessible only from an interior access drive of the project; and,
(3) not be located in any required perimeter yard.

2. Landscaping:

a. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as, trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets).

Loose stone, rock or gravel may be used as a landscaping accent, but shall be limited to only twenty percent (20%) of the area of the required yard in which it is used.

b. Within the perimeter yards, there shall be at least one tree planted or maintained for every twenty (20) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E).

c. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a 3:1 ratio with the exception of previously existing, naturally occurring outcroppings.

d. Within mobile dwelling projects, at a minimum, one tree shall be planted or maintained on every mobile dwelling site. Said required tree shall not be located within any required yard or common recreational area(s).

e. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided however:

(1) that the proposed tree to be substituted is not an existing tree, and
(2) that no more than twenty percent (20.00%) of the required trees are substituted with shrubs, and
(3) that the shrubs are planted or maintained five (5) feet or less on center, and
(4) the shrubs substituted are in addition to any underplanting requirements, and
(5) that a grouping of five (5) shrubs may be substituted for one tree.

f. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:

(1) Deciduous shade (overstory) trees - two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
(2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
(3) Multi-stemmed trees - eight (8) feet in height.
(4) Evergreen trees - five (5) feet in height.
(5) Deciduous shrubs - twenty-four (24) inch spread or two (2) feet in height.
(6) Evergreen shrubs - twenty-four (24) inch spread or two (2) feet in height.

g. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.

h. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Development Services and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.

i. Prior to any construction activity, the removal from any minimum, required yard of any existing deciduous tree over three (3) inch caliper at six (6) inches above ground or of any existing shrub or evergreen tree over six (6) feet in height, must first be approved in writing by the Administrator. Removal of said tree(s) without written approval from the Administrator, shall require the replanting of replacement tree(s) so that the total number of caliper inches replanted equals or exceeds the total number of calipers removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six months of removal or the next planting season, whichever occurs first. Replacement trees shall not be considered a required tree for the figuring of the minimum number of trees required in any perimeter yard but rather as an additional tree.

j. All existing trees larger than ten (10) inch caliper at six (6) inches above the ground which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and storage of construction equipment or materials of any kind shall not be any closer to the tree than the dripline of the tree or ten (10) feet whichever is closer.

k. Prior to the issuance of an Improvement Location Permit, the Administrator may require a tree survey for a specified time to be completed for a site or portion of a site. Such survey shall become a part of the file and requirements for an Improvement Location Permit. In the case of large, dense tree stands (those exceeding 600 square feet in area with 75% branch coverage of the ground surface), the outer boundary of

the tree stands' dripline and location with a listing of the predominant species and caliper size may be substituted for a detailed inventory.

l. The Administrator, upon written request by the applicant and upon receiving a suitable alternative landscape plan, shall have the power to modify any landscape requirements deemed by the Administrator to be infeasible or unreasonably burdensome. Such modification shall be written and become a part of the file and requirements for the Improvement Location Permit.

3. Landscape Plan:

A Landscape Plan shall:

a. be drawn on a copy of the SITE PLAN (or a simplified scale drawing thereof) showing exact location, outlines and dimensions of all structures, buildings, mobile dwelling sites, mobile dwelling paved-stands, patios, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, perimeter yards, adjacent property uses and physical features, and all underground and overhead lines with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided; and,

b. show dimensioned detailed elevation or section drawings of any trash enclosures, walls, fences, and signs (including sign content); and,

c. show all existing elevations and proposed land contour lines having at two (2) foot intervals; and,

d. show location and nature of existing and proposed drainage systems and their flow; and,

e. include a tree survey indicating the exact location of existing trees of over two and one-half (2 1/2) inch caliper one (1) foot above the ground and all flowering trees, shrubs and evergreens; all being accurately labeled in the drawing as existing (to remain), existing to be removed or to be transplanted with species and caliper size indicated. Exception: those trees and shrubs located in natural vegetation areas (e.g. woods, thickets or meadows) that will not be developed, but will be left and maintained as a natural untouched area may be indicated by the delineation of the area's outer boundary; and,

f. show all proposed plantings and transplantings with plants and plant groups labeled in the drawing as to quality, species, shape, size, spacing (on centers), and purpose (visual or noise abatement screen, hedge, specimen or ground cover).

4. Lighting:

a. All access drives, interior streets, interior access drives, intersections, dead ends, cul-de-sacs, apices of curves, parking areas, open storage areas, walks and passive and active recreation areas shall be provided with lighting devices to adequately illuminate the areas.

b. Street or pedestrian lighting devices may be mounted at heights beginning at (or slightly below) ground level to forty-two (42) inches above ground or from ten (10) to thirty (30) feet above ground. Spacing of all lighting devices shall be determined by the height above street grade level and maximum foot-candles of each device in conjunction with their capacity to provide an adequate lighting level for the required area and use.

c. Lighting levels for all outdoor areas shall meet the recommended minimum average maintained horizontal foot-candle as specified in the Illuminating Engineering Society Lighting Handbook, Application Volume, current edition (a copy of which is on file in the office of the Division of Development Services and is hereby incorporated by reference and made a part hereof).

d. All lighting facilities used to illuminate outdoor areas shall be so located, shielded and directed upon the area to be lighted that they do not glare onto, or interfere with, street traffic, adjacent buildings, or adjacent uses.

e. Lighting devices for active recreational areas and uses shall be equipped with switching devices which allow lighting levels to be changed when the active recreational use ceases and a lower lighting level is sufficient.

5. Grounds Maintenance:

The project owner or management, homeowners' association or other similar organization shall:

a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk, and reasonably free of weeds; and,

b. Maintain all sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow; and,

c. Maintain the landscaping by keeping lawns mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,

d. Replace any required planting(s), which are removed or no longer living, within a year or the first planting season, whichever occurs first, except those in naturally occurring vegetation areas, such as thickets.

G. APPEAL

In all subsections of this Section 2.21 Special Regulations where the Administrator is given authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition for a detailed plan approval. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including, but not limited to, the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

H. APPLICATION OF THIS SECTION

This section shall be applicable to all Dwelling Districts except when specified otherwise in the Dwelling District Zoning Ordinance or in the D-P Planned Unit Residential Development District where subsections A. and E. shall not be applicable.

SECTION 2.22. MANUFACTURED HOMES

A. PERMITTED MANUFACTURED HOMES

Manufactured Homes, a defined in Section 2.25, shall be permitted in all Dwelling Districts (except D-6, D-6II, D-7, D-9, and D-10) and in any other zoning district in Marion County permitting single family dwelling uses, subject to the following schedule:

1. Manufactured Homes shall be subject to the grant of a SPECIAL EXCEPTION in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-8, D-12 and any other zoning district in Marion County permitting single family dwelling uses, as governed in 2.22, A, 2.

2. Manufactured Homes shall be permitted without a SPECIAL EXCEPTION in the D-3, D-4, D-5, D-5II and D-12 DISTRICTS if located in a subdivision given final plat approval on or after July 1, 1982.

B. MANUFACTURED HOME REQUIREMENTS

Manufactured Homes shall comply with the following requirements:

1. All Manufactured Homes, except those located in the D-11 District, shall be set onto a permanent foundation and comply with the set up, utility connection and underfloor space requirements set forth in Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is incorporated herein by reference.

2. A SPECIAL EXCEPTION shall be granted following application filed with the Board of Zoning Appeals having jurisdiction of the petition by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board - all in accordance with the Rules of Procedure of the Board of Zoning Appeals ONLY UPON THE BOARD'S DETERMINATION THAT:

a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.

b. The grant will not injure or adversely affect the adjacent area or property values therein.

c. The Manufactured Home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.

3. The grant of a SPECIAL EXCEPTION shall be conditioned upon the following requirements:

a. The Manufactured Home shall conform to all development standards of the applicable zoning district.

b. The Manufactured Home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of SPECIAL EXCEPTION by said Board - in case of conflict,

the more restrictive standards or requirements are to control. The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, but only to the extent necessary to ensure compliance with the conditions and standards set forth in above paragraph 1 and clauses (a), (b), and (c) of above paragraph 2.

SECTION 2.23. RESERVED.

SECTION 2.24. RELIGIOUS USES.

A. PERMITTED RELIGIOUS USES

A religious use, as defined in Section 2.25, shall be permitted in all Dwelling Districts subject to the grant of a SPECIAL EXCEPTION by the Board of Zoning Appeals having jurisdiction of the petition; and the Board of Zoning Appeals is hereby authorized to grant such SPECIAL EXCEPTIONS and permit such religious uses in the Dwelling Districts.

B. RELIGIOUS USE REQUIREMENTS

Religious uses shall comply with the following requirements:

1. A SPECIAL EXCEPTION shall be granted by the Board of Zoning Appeals following application filed with the Board by the landowner petitioner (which application shall include a site and development plan as provided for in paragraph B hereof and may include a request for modification of development standards as provided for in paragraph C hereof), notice to owners of adjoining parcels of land and public hearing by said Board - all in accordance with the Rules of Procedure of the Board of Zoning Appeals UPON THE BOARD OF ZONING APPEALS DETERMINATION THAT:

a. The proposed use of the property is a religious use, as defined in Section 2.25.

b. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.

c. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.

2. The landowner petitioner shall file with the application a site and development plan, drawn to scale, which shall include, where applicable:

a. Proposed use, buildings and structures, including the seating capacities thereof;

b. Existing uses, buildings and structures, including the seating capacities thereof;

c. A parking plan, including proposed off-street and on-street parking, demonstrating the number of parking spaces available for the proposed use;

d. Vehicular entrances, exists and turnoff lanes;

e. Building setbacks;

f. Landscaping, screens, walls and fences, including provisions for the preservation of trees;

g. Exterior lighting;

h. Signs, including location, size and design thereof;

i. Sewage disposal facilities;

j. Storm drainage facilities;

k. Pedestrian ways;

l. Other utilities, if above ground facilities are needed; and,

m. Such other information as the Administrator shall reasonably requests.

3. If applicable, the landowner petitioner shall also file with the application a request for modification of development standards indicating any development standard of the applicable Dwelling District to be modified in connection with the grant of a SPECIAL EXCEPTION.

4. The grant of such SPECIAL EXCEPTION shall be conditioned upon the following requirements:

a. The religious use shall conform to all development standards of the applicable Dwelling District, except as specifically modified by the grant of SPECIAL EXCEPTION.

b. The religious use shall conform to all conditions attached to the grant of SPECIAL EXCEPTION by said Board.

The Board, in connection with the granting of any SPECIAL EXCEPTION, may modify any development standard of the applicable Dwelling District, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.

The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, including restrictions and conditions which are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.

SECTION 2.25. CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

A. CONSTRUCTION OF LANGUAGE

The language of this ordinance 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 ordinance 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 or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", 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 ordinance shall be interpreted in accordance with the definitions set forth below. 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.

1. ABUT. To physically touch or border upon; or to share a common property line.

2. ACCESS. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.

3. 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 A)

4. 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.

5. ADMINISTRATOR. Administrator of the Division of Development Services or his/her appointed representative.

6. AGRICULTURAL ENTERPRISE. The land use of farming, cultivation of crops, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, with the necessary, accompanying accessory use(s), building(s), or structure(s) for housing, packing, treating, or storing said products.

7. 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 said lot(s).

8. 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.

9. ATTACHED MULTIFAMILY DWELLING. See Dwelling, Multifamily Attached.

10. AWNING. A roof-like cover, often of fabric, metal or glass designed and intended to either protect 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 a similar feature.

11. BALCONY, EXTERIOR. An unenclosed platform structure supported by and projecting from the exterior side of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.

12. BASEMENT. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.

13. BATHHOUSE. An accessory building of one or more rooms not open to the public, designed and intended for exclusive use by occupant(s) of the primary use and their guest(s) as dressing room(s) and may or may not include sanitary facilities.

14. BED AND BREAKFAST. The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one or two family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the travelling public.

15. BOARDING HOUSE. A community facility, other than hotels, motels, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

16. 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 B).

17. BUILDING. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

18. BUILDING AREA. The total ground area, within the lot or project, covered by the primary structure, plus garages, carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof (See Diagram B).

19. CABANA. Same as Bathhouse.

20. CANOPY. A roof-like cover, often of fabric, metal, or glass on a support, which is supported in total or in part, from the ground providing shelter over a doorway or outside walk.

21. CARPORT. A roofed structure designed and intended to shelter the automotive vehicle(s) of the premises' occupant(s) or owner(s), with at least one (1) side permanently open to the weather.

22. CLUSTER. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.

23. CLUSTER SUBDIVISION. A form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while also maintaining the same overall density permitted under a conventional subdivision in a given zoning district, and, the remaining land area is devoted to open space, or recreational areas in perpetuity.

24. COLLECTOR STREET. See Street, Collector.

25. COMMISSION. The Metropolitan Development Commission of Marion County, Indiana.

26. COMMITMENT. An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.

27. COMPREHENSIVE PLAN. The applicable Comprehensive or Master Plan for Marion County, Indiana, or a segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto.

28. 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 variance, special exception or approval petition as signed by the Administrator.

29. CONDOMINIUM. A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

30. CORNER LOT. See Lot, Corner.

31. COVENANT. A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

32. COVENANT, PAROL. A verbal, binding agreement, made at a public hearing, restricting the use of the land.

33. COVERED OPEN SPACE. See Open Space, Covered.

34. CROWN OF THE STREET. The highest point of pavement between the existing curb lines of a street cross- section, most often at the center line.

35. CUL-DE-SAC. See Street, Cul-De-Sac.

36. CURB CUT. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram A).

37. CURB LINE. A line located on either edge of the pavement, but within the right-of-way line. (See Diagram A).

38. DECK. A ground-supported, unenclosed, accessory platform structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised eighteen (18) inches or more above grade level designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

39. DOUBLE DWELLING. Same as Dwelling, Two-family.

40. DRIP LINE. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

41. 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 A).

42. DUPLEX. Same as Dwelling, Two-Family.

43. DWELLING, MANUFACTURED HOME. A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least 950 square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

44. DWELLING, MOBILE. A movable or portable unit fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to

an off-site manufacturing process. The unit is designed for occupancy by one family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, and which was either:

a) constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,

b) constructed subsequent to or on June 15, 1976 and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

45. DWELLING, MODULAR HOME. A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the seal certified that it was built in compliance with Indiana Public Law 360. The unit must have been built in compliance with the CABO One and Two-Family Dwelling Code.

46. DWELLING, MULTIFAMILY. See Dwelling, Attached Multifamily.

47. DWELLING, ATTACHED MULTIFAMILY. A building for residential purposes with three or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

48. DWELLING, SINGLE-FAMILY. A site-built building for one dwelling unit.

49. DWELLING, TWO-FAMILY. A building designed exclusively for residential occupancy by two families living independently of each other, which contains two, legally complete, dwelling units. Each unit in a two-family dwelling is completely separated from the other by either; a) an unpierced wall extending from ground to roof; or, b) an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

50. DWELLING UNIT. One or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

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

52. EXCAVATION. The breaking of ground, except common household gardening, ground care and agricultural activity.

53. FAMILY. One or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

54. FINISHED FLOOR AREA. That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities previously identified shall not be considered finished floor area.

55. FLOOR AREA. For one- and two-family dwelling units, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open porches.

For attached or detached multifamily dwelling(s), the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof.

However, this does not include the following:

a. all areas with a vertical height clearance less than seventy-eight (78) inches;

b. all exterior open balconies, and open porches;

c. floor or basement floor area devoted to off-street parking or loading @PROPOSAL IN = facilities, including aisles, ramps, and maneuvering space;

d. floor or basement floor area provided for recreational uses, @PROPOSAL IN = available to occupants of two or more living units within a project; or

e. basement floor area provided for storage facilities, allocated to serve individual living units within a project.

56. FLOOR AREA RATIO (FAR). The aggregate Floor Area of all stories of all buildings within the project divided by the Land Area.

57. FRONT LOT LINE. See Lot Line, Front.

58. FRONT YARD. See Yard, Front.

59. 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.

60. FRONTAGE, PUBLIC STREET. The line of contact of abutting property with the public street along the front lot line which allows unobstructed direct access @PROPOSAL IN = to the property.

61. 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, and by prohibiting both crossings at grade and direct driveway connections.

62. GAME COURT. A type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.

63. GARAGE, RESIDENTIAL. A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

64. GAZEBO. A roofed, ground-supported, unenclosed, accessory platform structure, usually constructed of wood, stone, brick, or metal designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

65. GRADE, ESTABLISHED STREET. The crown elevation of a street pavement level abutting the property as fixed by the appropriate government agency(ies).

66. GRADE LEVEL. The lowest point of elevation of the finished (Adjacent groundsurface of the ground, paving or sidewalk and elevation)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 said walls, between said walls and a line ten (10) feet away from and paralleling said walls.

67. GROSS ACRE. A horizontal measure of land area equal to 43,560 square feet.

68. GROUND COVER. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, or a similar feature.

69. GROUND FLOOR. That story which contains finished floor area closest to but not below grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

70. GROUP HOME. A residential facility licensed by the Community Residential Facilities Council, or its successor in authority in accordance with law, and defined per Indiana Code 16-13-21.

71. HANDICAP RAMP. Same as Pedestrian Ramp.

72. HARD-SURFACED. Quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination thereof.

73. HEDGE. A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.

74. 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:

a) the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade; or

b) An elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.

75. 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.

76. 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.

77. HOME OCCUPATION. An occupation or business activity carried on within:

a) a legally established dwelling unit, or;

b) an associated accessory structure (in those cases where the business activity is a legally established nonconforming occupation which occupies such associated accessory structure), by a resident of said dwelling, where the occupation or business activity is clearly incidental and subordinate to the residential use and does not alter the character thereof.

78. HOSPITAL. An institution housed in a building, group of buildings or portion thereof, providing primary health services and psychological, medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.

79. HOTEL. Any building or group of buildings, containing guest rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.

80. INTERIOR ACCESS DRIVE. A minor, private or public street providing access within the boundaries of a project beginning at the required setback line. (See Diagram A).

81. 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 A).

82. LAND AREA. The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.

83. LANDSCAPING. Any combination of sculpture, fountains, pools, and walkways with substantial living vegetation, 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, drainage and wind control.

84. 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 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.

85. 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.

86. LIVABILITY SPACE. The Open Space minus the Vehicle Area within the Open Space.

87. LIVABILITY SPACE RATIO (LSR). The Livability Space divided by the Floor Area.

88. LOCAL STREET. See Street, Local.

89. LOT. A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted

in the zoning ordinances for Marion County, Indiana, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for the zoning ordinances of Marion County, Indiana and may consist of:

a. A single lot of record; or

b. A portion of a lot of record; or

c. 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.

A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:

a. 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;

b. A contract vendee;

c. 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 C).

90. 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 or easement for surface access ingress or egress into the subject lot or adjoining lots.

91. LOT, CORNER. A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram C).

92. LOT, THROUGH. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. (See Diagram C).

93. LOT LINE. The legal boundary of a lot as recorded in the office of the Marion County Recorder.

94. LOT LINE, FRONT. The lot line(s) separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from 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. (See Diagram B).

95. 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.

96. LOT LINE, SIDE. Any lot line not designated as a front or rear lot line.

97. 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. A Lot of Record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.

98. MAIN FLOOR AREA. The area of a horizontal plane fully bound by the exterior walls of the primary building or structure of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

99. MAJOR LIVABILITY SPACE. The total area in a project provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of computing the Major Livability Space Ratio shall be at least twenty (20) feet away from any ground floor residential wall containing one or more windows and shall have a minimum linear dimension averaging eighty (80) feet, except that an area of lesser dimension is countable if:

a. the total required Major Livability Space is less than 6,400 square feet, or

b. the shape or topography of the site alone prevents compliance with the minimum dimensions.

100. MAJOR LIBABILITY SPACE RATIO (MLSR). The total Major Livability Space of countable size divided by the aggregate Floor Area.

101. MANUFACTURED HOME. See Dwelling, Manufactured Home.

102. MARGINAL ACCESS STREET. See Street, Marginal Access.

103. MINI-BARN. A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also Shed).

104. MINOR EMERGENCY REPAIRS. Those maintenance repairs necessitating immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure (See Alteration).

105. MOBILE DWELLING. See Dwelling, Mobile.

106. MOBILE DWELLING PROJECT. See Project, Mobile Dwelling.

107. MODULAR HOME. See Dwelling, Modular Home.

108. MOTEL. Any building or group of buildings, containing guest rooms, with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee and where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the travelling public.

109. MULCH. A protective covering of vegetative substances placed around plants to prevent evaporation of moisture, freezing, and to control weeds.

110. MULTI-FAMILY DWELLING. See Dwelling, Multifamily.

111. OFF-STREET. A location completely on private land, and completely off of public rights-of-way, alleys and any interior surface access easement for ingress and egress.

112. OPEN PORCH. An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building at the area of entrance or exit to said building facilitating access to said building from the ground.

113. OPEN SPACE. The total horizontal area of all Uncovered Open space plus one-half of the total horizontal area of all Covered Open Space.

114. OPEN SPACE, COVERED. All exterior space within the project, which is open and exposed to the weather, but not open above to the sky. It includes porches, carports, covered exterior balconies and exterior spaces covered by portions of buildings.

115. OPEN SPACE, UNCONVERED. In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 Districts: The Land Area, minus the Building Area, plus the Usable Roof Area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-12 Districts; and D-8 Single- and Two-Family Dwellings: The Lot Area, minus the Building Area.

116. OPEN SPACE RATIO. The Open Space divided by the Floor Area.

117. 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 egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A).

118. 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 A).

119. PART-TIME. A period of at least 25% less than a regular or customarily full schedule of a specific activity, such as employment.

120. PARTIAL 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. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access connections with selected public streets, there may be crossings at grade and some driveway connections.

121. PATIO. A hardsurfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. (See also Deck.)

122. PATIO, COVERED. A hardsurfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and permanently roofed or similarly

covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.

123. PAVED-STAND. A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.

124. PAVEMENT. A layer of concrete, asphalt or coated macadam used on street, sidewalk, or airport surfacing.

125. PAVING. See Pavement.

126. PEDESTRIAN RAMP. An inclined access opening along the curbline at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.

127. PERIMETER YARD. See Yard, Perimeter.

128. PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

129. 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.

130. PORCH. A roofed structure with at least one side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.

131. PORTE-COCHERE. A roofed, sheltering structure supported from the ground and attached to or a part of a building, which projects over an entrance/- exit, walkway, driveway, or similar feature.

132. PRIMARY BUILDING. The building in which the permitted primary use of the lot is conducted.

133. PRINCIPAL HOMESTEAD. The dwelling unit in which the primary users of the agricultural enterprise reside.

134. PROJECT. A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 Dwelling Districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.

135. PROJECT BOUNDARIES. The perimeter lot lines encompassing the entire project as indicated in the office of the Marion County Recorder.

136. PROJECT, MOBILE DWELLING. An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project OR, an area of contiguous land separated only by a street, that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

137. PUBLIC STREET FRONTAGE. See Frontage, Public Street.

138. REAR YARD. See Yard, Rear.

139. 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.

140. RECREATION FACILITY, COMMERCIAL. A recreation facility operated as a for profit business and open to the public for a fee.

141. RECREATION FACILITY, PERSONAL. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.

142. RECREATION FACILITY, PRIVATE. A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

143. RECREATION FACILITY, PUBLIC. A recreation facility operated by a governmental agency and open to the general public.

144. RECREATIONAL VEHICLE. A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.

145. RELIGIOUS USE. A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

146. RESIDENTIAL IN CHARACTER. Possessing the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

147. RIGHT-OF-WAY. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage of pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

148. RIGHT-OF-WAY, PUBLIC. Specific and particularly described strip of and, 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.

149. RIGHT-OF-WAY, PRIVATE. Specific and particularly described strip of privately-held land 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.

150. SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.

151. 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).

152. 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).

153. SHED. A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also Mini-Barn.)

154. SHRUB. A woody plant of relatively low height branching from the base not exceeding ten to twelve (10-12) feet in height.

155. SIDE YARD. See Yard, Side.

156. SIDEWALK. A hardsurfaced walk or raised path along and paralleling the side of the street for pedestrians.

157. SINGLE-FAMILY DWELLING. See Dwelling, Single-family.

158. SKIRTING. The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.

159. SITE PLAN. The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot as required by ordinance, in order that an informed decision can be made by the approving authority.

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

161. STORAGE ROOM. An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving personal property for a future use.

162. STORY. That part of a building, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

163. STREET, COLLECTOR. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets, collectors, and arterials with direct access to abutting property(ies). (See Diagram D).

164. STREET, CUL-DE-SAC. A street having only one open end and being permanently terminated by a vehicle turn around. (See Diagram D).

165. STREET, EXPRESSWAY. A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at relatively high speeds (e.g. 45 mph) with partial control of access. The function of an expressway is primarily to move traffic rather than to serve abutting property(ies). Access control on an expressway is characterized by medians, marginal access streets and selective intersection location.

166. STREET, FREEWAY. A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at high speeds (e.g. 55 mph) with full control of access. The primary function of a freeway is the movement of traffic, particularly long trips made within or through the county.

167. STREET, LOCAL. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram D).

168. 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 D).

169. STREET, PARKWAY. Any street serving through vehicular traffic and equal to or more than 5,280 feet in length, with partial control of access thereto, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and Thoroughfare Plan. Partial control of access to a parkway permits access connections only at street intersections.

170. STREET, PRIMARY ARTERIAL. A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite and channelize high volumes of vehicular traffic movement at moderate speeds (e.g. 35 to 45 mph) between arterials, expressways, and freeways with partial control of access. The function of a primary arterial is primarily to move traffic rather than to serve abutting property(ies).

171. 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 said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

172. 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 said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

173. STREET, SECONDARY ARTERIAL. A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite medium to high volumes of vehicular traffic movement at moderate speeds (e.g. 35 to 45 mph) between collectors, arterials, expressways, freeways, and abutting property(ies) with partial control of access. Secondary arterials carry a higher percentage of short trips than do primary arterials.

174. STRUCTURE. A combination 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.

175. 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 2 or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development, provided however, that the division of land into parcels of more than 3 acres, not involving any new streets or easements of access, and the transfer or exchange of parcels between adjoining landowners, if such transfer or exchange does not create additional building lots, shall not constitute a subdivision for purposes of this ordinance.

176. 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.

177. TERRACE. An open, raised bank or banks of earth having vertical or sloping side(s) and a horizontal top.

178. THOROUGHFARE. A street primarily serving thorough vehicular traffic, including freeways, expressways, primary thoroughfares, and secondary thoroughfares as designated by the Thoroughfare Plan, adopted as 71-AO-4, as amended.

179. THOROUGHFARE PLAN. The applicable segment of the Comprehensive or Master Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto, which sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary thoroughfares, secondary thoroughfares, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

180. THROUGH LOT. See Lot, Through.

181. TOTAL CAR RATIO (TCR). The total number of parking spaces divided by the number of dwelling units.

182. TOTAL FLOOR AREA. The aggregate floor area of all stories of the primary buildings or structures.

183. TRASH EXCLOSURE. An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen and protect waste receptacles from view on all sides, and to prevent waste debris from dispersal outside the receptacles or enclosure.

184. TREE SURVEY. An inventory of all trees on a lot or project prior to any site development preparation, identifying species, location, caliper, and drip-line of trees.

185. TWO-FAMILY DWELLING. See Dwelling, Two-family.

186. UNCOVERED OPEN SPACE. In D-6, D-6II, D-7, D-8, D-9, D-10, D-11 and D-12 Districts: The Land Area, minus the Building Area, plus the Usable Roof Area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 Districts: The Lot Area, minus the Building Area.

187. UNDERGROUND STOREROOM. An accessory structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or a temporary shelter for people, such as a fallout shelter.

188. UNIT. A single, complete entity.

189. USABLE ROOF AREA. The total roof area, within the project or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are included.

190. VEHICLE AREA. Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking areas, driveways, interior access drives and rights-of-way of all streets and alleys within the project, plus the area of half of any abutting alley or street rights-of-way.

191. WALKWAY. A hardsurfaced walk or raised path for pedestrians.

192. 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 B).

193. YARD, INTERIOR. An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, which passes through the nearest point of any building or structure and terminates at the intersection of the individual mobile dwelling site's boundary lines.

194. YARD, PERIMETER. A required yard of a project, in addition to front, rear and side yards, situated between and extending along the project boundary and an interior line paralleling thereto. The width of said yard shall be determined by the applicable zoning district zoning classification of the ordinance. (See Diagram E).

195. YARD, REAR. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a 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 B).

196. 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 B).

CHAPTER III
SEVERABILITY

SECTION 3.00. SEVERABILITY, EMERGENCY CLAUSE, ATTESTATION.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

SECTION 3. The Marion County Master Plan Permanent Zoning Ordinance, as adopted on November 12, 1948 and subsequently amended, is hereby repealed.

SECTION 4. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this the provisions and the clauses of this ordinance are declared to be severable.

SECTION 5. The various sections of this ordinance shall take effect as follows:

(a) SECTION 1 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607.

(b) SECTION 2 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607, except for that portion of the text of the Dwelling Districts Zoning Ordinance contained in SECTION 2 of this ordinance designated as SECTION 2.01 D-A DWELLING AGRICULTURAL DISTRICT REGULATIONS, which shall take effect as provided in subsection (c) hereof.

(c) That portion of the text of the Dwelling District Zoning Ordinance contained in SECTION 2 of this ordinance and designated as SECTION 2.01 D-A DWELLING AGRICULTURAL DISTRICT REGULATIONS, shall take effect only upon the adoption of an ordinance pursuant to I.C. 36-7-4-602(c) and 36-7-4-608 which changes the zone maps for Marion County by rezoning all parcels of land within the county currently zoned to the A, A-1, A-2, and F classifications to the D-A classification.

(d) SECTION 3 of this ordinance shall take effect only upon the adoption of an ordinance pursuant to I.C. 36-7-602(c) and 36-7-4-608 which changes the zone maps for Marion County by rezoning all parcels of land within the county currently zoned to the A, A-1, A-2 and F classifications to the D-A classification.

(e) Subsections (c) and (d) hereof shall be construed so that the provisions of this ordinance affected thereby shall take effect simultaneously with the effectiveness of the ordinance changing the zone maps referred to therein.

(f) SECTION 4 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607, provided that its provisions shall also be effective with respect to the provisions contained in Section 2 and 3 which are effective pursuant to Section 5 hereof upon the effective dates of those provisions of those sections.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-1425.

PROPOSAL NO. 603, 1989. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 603, 1989, on November 14, 1989. The proposal amends the Code, Chapter 2, Administration, by adding a new Section 2-452, dealing with bad check charges. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor McGrath stated that in prior years city and county government charged $15 for each bad check they received, which was based upon state statute. Under a recent change in the statute, the General Assembly indicated that each county who wished to adopt the new guidelines of increasing the fee to $20 per check would need to pass appropriate legislation. Proposal No. 603, 1989 was amended in committee by adding two words, "...up to $20...". Councillor McGrath moved, seconded by Councillor

Dowden, for adoption. Proposal No. 603, 1989, was adopted on the following roll call vote; viz:

19 YEAS: Clark, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Jones, McGrath, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
3 NAYS: Boyd, Cottingham, Williams
7 NOT VOTING: Borst, Brooks, Durnil, Hawkins, Howard, Irvin, Moriarty

Proposal No. 603, 1989, was retitled GENERAL ORDINANCE 101, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1989

A GENERAL ORDINANCE amending Chapter 2, Administration, of the "Code of Indianapolis and Marion County, Indiana".

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 2 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding Section 2-452 and inserting the language underscored as follows:

Sec. 2-452. Bad Check Charges.

All County offices and agencies, township assessors, and City departments may charge a service charge of up to twenty dollars ($20) to the maker of any check, draft, or order which is refused or dishonored by a drawee credit institution due to insufficient funds in the maker's account with the drawee credit institution.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 605, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 605, 1989, on November 14, 1989. The proposal concerns court costs and fines. By a 5-0 vote, the Committee reported the proposal to the Council of action without recommendation.

Councillor Cottingham reported that the Marion County Circuit Court Clerk has been aware of the problem of fines for quite some time and has gone through an audit with the Exit Committee of the State Board of Accounts. The Clerk is not at liberty to discuss the results until after the Exit Committee arrives at a decision. Since there has been no determination made by the State Board of Accounts, the Committee took no action on the proposal.

Councillor Williams thanked the County and Townships Committee for conducting an inquiry into the situation and hopes that when the State Board of Accounts makes their decision, there will be another inquiry into the matter.

There was a unanimous voice vote to accept the report from the Committee.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 495, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 495, 1989, on November 14, 1989. The proposal appropriates $800,000 for the Decatur Township Assessor to pay reassessment ISA charges for Marion County Assessors and to purchase PC's that will accommodate IMAGIS needs. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:10 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Holmes, for adoption. Proposal No. 495, 1989, was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Brooks, Clark, Cottingham, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, West, Williams
0 NAYS
7 NOT VOTING: Borst, Coughenour, Durnil, Golc, Moriarty, Solenberg, Strader

Proposal No. 495, 1989, was retitled FISCAL ORDINANCE 117, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Hundred Thousand Dollars ($800,000) in the Property Reassessment Fund for purposes of the Decatur Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (o) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Decatur Township Assessor to pay reassessment ISA charges for Marion County Assessors and to purchase PC's that will accommodate IMAGIS needs.

SECTION 2. The sum of Eight Hundred Thousand Dollars ($800,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DECATUR TOWNSHIP ASSESSOR	PROPERTY REASSESSMENT FUND
3. Other Services & Charges	$650,000
4. Capital Outlay	150,000
TOTAL INCREASE	$800,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	PROPERTY REASSESSMENT FUND
Unappropriated and Unencumbered Property Reassessment Fund	$800,000
TOTAL REDUCTION	$800,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 540, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 540, 1989, on October 11, 1989. The proposal appropriates $27,005 for the Marion County Community Corrections Agency to establish the Law Enforcement Restitution Program. By a 4-3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden asked that the proposal be postponed until December 4, 1989. Without objection, Proposal No. 540, 1989, was postponed.

PROPOSAL NO. 580, 1989. The proposal appropriates $210,000 for the County Sheriff to pay additional salaries requested by contractual settlements made after passage of the 1989 budget. Councillor Dowden reported that the Public Safety and Criminal Justice Committee has not heard Proposal No. 580, 1989, and asks that the

proposal be postponed to time uncertain. Without objection, Proposal No. 580, 1989, was postponed.

PROPOSAL NO. 601, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 601, 1989, on November 15, 1989. The proposal appropriates $50,000 for the Marion County Justice Agency to support the project titled "On-Bench Automated Generation and Filing of Standard Court Orders," which will develop, implement and evaluate on-line orders within the criminal courts. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 9:13 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 601, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West
1 NAY: Williams
2 NOT VOTING: Durnil, Solenberg

Proposal No. 601, 1989, was retitled FISCAL ORDINANCE 118, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) appropriating an additional Fifty Thousand Dollars ($50,000) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (cc) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to support the project titled "On-Bench Automated Generation and Filing of Standard Court Orders," which will develop, implement and evaluate on-line orders within the criminal courts of Marion County.

SECTION 2. The sum of Fifty Thousand Dollars ($50,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY JUSTICE AGENCY	STATE AND FEDERAL GRANT FUND
3. Other Services & Charges	$32,600
4. Capital Outlay	17,400
TOTAL INCREASE	$50,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	STATE AND FEDERAL GRANT FUND
Unappropriated and Unencumbered State and Federal Grant Fund	$50,000
TOTAL REDUCTION	$50,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 577, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 577, 1989, on November 14, 1989. The proposal transfers and appropriates $4,600 for the Center Township Assessor to purchase a PC printer, software for payroll, personnel attendance records and other budget related matters. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cottingham moved, seconded by Councillor Giffin, for adoption. Proposal No. 577, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS
3 NOT VOTING: Durnil, Schneider, Solenberg

Proposal No. 577, 1989, was retitled FISCAL ORDINANCE 119, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Four Thousand Six Hundred Dollars ($4,600) in the County General Fund for purposes of the Center Township Assessor and reducing certain other appropriations for that office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (N) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Center Township Assessor to purchase a PC printer, software for payroll, personnel attendance records and other budget related matters.

SECTION 2. The sum of Four Thousand Six Hundred Dollars ($4,600) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

CENTER TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
4. Capital Outlay	$4,600
TOTAL INCREASE	$4,600

SECTION 4. The said increased appropriation is funded by the following reductions:

CENTER TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
1. Personal Services	$4,600
TOTAL REDUCTION	$4,600

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 583, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 583, 1989, on November 15, 1989. The proposal amends the Code by authorizing intersection controls at Chesapeake and Scioto Streets. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 583, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, Williams
0 NAYS
3 NOT VOTING: Durnil, Solenberg, West

Proposal No. 583, 1989, was retitled GENERAL ORDINANCE 102, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection control changes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
25, Pg. 6	Chesapeake St. & Scioto St.	None	None

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
25, Pg. 6	Chesapeake St. & Scioto St.	None	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 596, 1989. Councillor Rhodes stated that he was not present at the Committee meeting and that Councillor Coughenour would make the report. Councillor Coughenour reported that the Administration Committee heard Proposal No. 596, 1989, on November 13, 1989. The proposal appropriates $110,000 for the Department of Administration, Central Equipment Management, for preparation of vehicles for auction and for contractual towing services as well as for Riverside Tire Shop's modifications. By a 4-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Proposal No. 596, 1989 was amended in Committee by deleting the $50,000 to remodel the Riverside Tire Shop, thereby reducing the appropriation from $110,000 to $60,000.

Councillor Holmes moved, seconded by Councillor Hawkins, to amend Proposal No. 596, 1989, by adding $50,000 back to the proposal, which appropriation would total $110,000. He said CEMD needs to build two new bays at the tire shop because of safety reasons. This motion passed on the following roll call vote; viz:

15 YEAS: Borst, Clark, Cottingham, Coughenour, Curry, Gilmer, Holmes, Irvin, McGrath, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Solenberg, West
12 NAYS: Boyd, Brooks, Dowden, Giffin, Golc, Hawkins, Howard, Jones, Moriarty, Shaw, Strader, Williams
2 NOT VOTING: Durnil, Schneider

Councillor Coughenour moved, seconded by Councillor Holmes, for adoption. Proposal No. 596, 1989, As Amended, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Irvin, McGrath, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West
5 NAYS: Golc, Howard, Jones, Moriarty, Williams
2 NOT VOTING: Durnil, Schneider

Proposal No. 596, 1989, was retitled FISCAL ORDINANCE NO. 120, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Hundred Ten Thousand Dollars ($110,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management, and reducing certain other appropriations for that Division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Central Equipment Management, to have additional funds needed for fuel sites costs, vehicle repairs and increased costs for preparation of vehicles for auction and for contractual towing services as well as for Riverside Tire Shop's modifications.

SECTION 2. The sum of One Hundred Ten Thousand Dollars ($110,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF ADMINISTRATION, CENTRAL EQUIPMENT MANAGEMENT	CONSOLIDATED COUNTY FUND
3. Other Services & Charges	$110,000
TOTAL INCREASE	$110,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF ADMINISTRATION, CENTRAL EQUIPMENT MANAGEMENT	CONSOLIDATED COUNTY FUND
1. Personal Services	$ 60,000
4. Capital Outlay	$ 50,000
TOTAL REDUCTION	$110,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 597, 1989. Councillor Rhodes stated that he was not present at the Committee meeting and that Councillor Holmes would make the report. Councillor Holmes reported that the Administration Committee heard Proposal No. 597, 1989, on November 13, 1989. The proposal transfers and appropriates $5,000 for the Department of Administration, Purchasing Division, to purchase needed capital assets. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Holmes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 597, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, West, Williams
0 NAYS
3 NOT VOTING: Boyd, Durnil, Strader

Proposal No. 597, 1989, was retitled FISCAL ORDINANCE NO. 121, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Five Thousand Dollars ($5,000) in the Consolidated County Fund for purposes of the Department of Administration, Purchasing Division, and reducing certain other appropriations for that Division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Purchasing Division, to purchase needed capital assets, i.e., computer software and office partitions.

SECTION 2. The sum of Five Thousand Dollars ($5,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION	CONSOLIDATED COUNTY FUND
4. Capital Outlay	$5,000
TOTAL INCREASE	$5,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF ADMINISTRATION, PURCHASING DIVISION	CONSOLIDATED COUNTY FUND
1. Personal Services	$5,000
TOTAL REDUCTION	$5,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 598, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 598, 1989, on November 14, 1989. The proposal transfers and appropriates $16,500 for the Warren Township Assessor to pay for additional professional reassessment appraisal services. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cottingham moved, seconded by Councillor Giffin, for adoption. Proposal No. 598, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
0 NAYS
3 NOT VOTING: Durnil, Rhodes, Williams

Proposal No. 598, 1989, was retitled FISCAL ORDINANCE NO. 122, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Sixteen Thousand Five Hundred Dollars ($16,500) in the Property Reassessment Fund for purposes of the Warren Township Assessor and reducing certain other appropriations for that office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (t) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Warren Township Assessor to pay for additional professional reassessment appraisal services.

SECTION 2. The sum of Sixteen Thousand Five Hundred Dollars ($16,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

WARREN TOWNSHIP ASSESSOR	PROPERTY REASSESSMENT FUND
3. Other Services & Charges	$16,500
TOTAL INCREASE	$16,500

SECTION 4. The said increased appropriation is funded by the following reductions:

WARREN TOWNSHIP ASSESSOR	PROPERTY REASSESSMENT FUND
1. Personal Services	$16,500
TOTAL REDUCTION	$16,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 599, 1989. Councillor Dowden reported that the Public Safety and Justice Committee heard Proposal No. 599, 1989, on November 15, 1989. The proposal transfers and appropriates $7,368 for the Domestic Relations Counseling Bureau to purchase a computer, printer and seven lateral file cabinets. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 599, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West
0 NAYS
3 NOT VOTING: Durnil, Rhodes, Williams

Proposal No. 599, 1989, was retitled FISCAL ORDINANCE NO. 123, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Seven Thousand Three Hundred Sixty-eight Dollars ($7,368) in the County Grant Fund for purposes of the Domestic Relations Counseling Bureau and reducing certain other appropriations for that Bureau.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (uu) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Domestic Relations Counseling Bureau to purchase a computer, printer and seven lateral file cabinets.

SECTION 2. The sum of Seven Thousand Three Hundred Sixty-eight Dollars ($7,368) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DOMESTIC RELATIONS COUNSELING BUREAU	COUNTY GRANT FUND
4. Capital Outlay	$7,368
TOTAL INCREASE	$7,368

SECTION 4. The said increased appropriation is funded by the following reductions:

DOMESTIC RELATIONS COUNSELING BUREAU	COUNTY GRANT FUND
3. Other Services & Charges	$7,368
TOTAL REDUCTION	$7,368

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 600, 1989. Councillor Dowden reported that the Public Safety and Justice Committee heard Proposal No. 600, 1989, on November 15, 1989. The proposal transfers and appropriates $1,500 for the Superior Court, Civil Division, Room Seven, to purchase a printer. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 600, 1989, was adopted on the following roll call vote; viz:

21 YEAS: Borst, Boyd, Brooks, Cottingham, Curry, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg
0 NAYS
8 NOT VOTING: Clark, Coughenour, Durnil, Hawkins, Rhodes, Strader, West, Williams

Proposal No. 600, 1989, was retitled FISCAL ORDINANCE NO. 124, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City- County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Thousand Five Hundred Dollars ($1,500) in the County General Fund for purposes of the Superior Court, Civil Division, Room Seven, and reducing certain other appropriations for that Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (ss) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Civil Division, Room Seven, to purchase a printer.

SECTION 2. The sum of One Thousand Five Hundred Dollars ($1,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

SUPERIOR COURT, CIVIL DIVISION, ROOM SEVEN	COUNTY GENERAL FUND
4. Capital Outlay	$1,500
TOTAL INCREASE	$1,500

SECTION 4. The said increased appropriation is funded by the following reductions:

SUPERIOR COURT, CIVIL DIVISION, ROOM SEVEN	COUNTY GENERAL FUND
2. Supplies	$1,000
3. Other Services & Charges	500
TOTAL REDUCTION	$1,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 602, 1989. Councillor Dowden reported that the Public Safety and Justice Committee heard Proposal No. 602, 1989, on November 15, 1989. The proposal declares a necessity for the construction of fire stations, a special units facility, and a public safety answering point for the benefit of the IFD, the IPD and Wishard. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 602, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
1 NAY: Boyd
2 NOT VOTING: Durnil, Rhodes

Proposal No. 602, 1989, was retitled SPECIAL RESOLUTION NO. 75, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 1989

A SPECIAL RESOLUTION declaring a necessity for the construction of fire stations in Garfield Park and in the vicinity of Morris Street and Kentucky Avenue for the use and benefit of the Indianapolis Fire Department ("IFD"), and a Special Units facility in Babe Denny Park and a Traffic Branch/Quadrant IV headquarters at 500 North King Avenue for the use and benefit of the Indianapolis Police Department ("IPD"), and a Public Safety Answering Point ("PSAP") in Willard Park for the use and benefit of the IFD, the IPD and Wishard Memorial Hospital ("Wishard"), and authorizing the Indianapolis-Marion County Building Authority ("Building Authority") to proceed with plans, specifications, cost estimates, and all measures necessary to finance and construct these public-safety buildings.

WHEREAS, the City holds title to land in Garfield Park at 500 East Raymond Street, and in Babe Denny Park at 900 South Meikel Street, and intends to acquire land in the vicinity of Morris Street and Kentucky Avenue, and at 500 North King Avenue, that is available and suitable for use by the IFD, the IPD and Wishard; and

WHEREAS, the Building Authority is a body corporate and politic organized and existing under IC 36-9-13 et seq. for the purpose of financing, acquiring, improving, constructing, reconstructing, renovating, equipping, and operating governmental buildings and leasing them to eligible governmental entities; and

WHEREAS, the Building Authority is willing to undertake the preparation of plans, specifications, and cost estimates, and to finance and construct the foregoing fire stations, Special Units facility, and Traffic Branch/Quadrant IV headquarters facility and PSAP; and

WHEREAS, it is in the best interests of the taxpayers and residents for the Building Authority to acquire, finance, improve, construct, reconstruct, renovate, equip and operate the foregoing governmental buildings, and to lease such governmental buildings to the City of Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby determines that a need exists for the construction of fire stations in Garfield Park at 500 East Raymond Street and in the vicinity of Morris Street and Kentucky Avenue, for the use and benefit of the IFD.

SECTION 2. The City-County Council hereby determines that a need exists for the construction of a Traffic Branch/Quadrant IV headquarters at 500 North King Avenue and a Special Units facility in Babe Denny Park at 900 South Meikel Street for the use and benefit of the IPD.

SECTION 3. The City-County Council hereby determines that a need exists for the construction of a PSAP in Willard Park at 1700 East Washington Street for the use and benefit of the IFD, the IPD and Wishard.

SECTION 4. The City-County Council hereby finds that the financing and construction by the Building Authority of these governmental buildings, including any acquisition, improvement, construction, reconstruction, renovation, and equipment deemed necessary to the full completion of such projects, and the leasing thereof to the City of Indianapolis is in the best interests of the taxpayers and residents of the City of Indianapolis.

SECTION 5. The City-County Council hereby authorizes and instructs the Building Authority to do all things and to take all measures deemed necessary to finance and construct the foregoing described governmental buildings, and to lease such governmental buildings to the City of Indianapolis.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

President SerVaas announced that the December 4, 1989 Council meeting would begin at 6:00 p.m. due to prior commitments made by members of the Democrat party. He also announced that there would be no report from the PEPPER Committee at the December 18, 1989 Council meeting; this report will be presented at a Council meeting after the first of the year.

There being no further business, upon motion duly made and seconded, the meeting adjourned at 10:10 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 20th day of November, 1989.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)