

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

**REGULAR MEETINGS  
MONDAY, APRIL 25, 1994**

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, April 25, 1994, with Councillor SerVaas presiding.

Councillor Hinkle led 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:

*29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Gray introduced Dr. Shirl E. Gilbert, Superintendent, Indianapolis Public Schools, and William Douglas, Assistant Superintendent, Supplemental and Auxiliary Services, Indianapolis Public Schools. Councillor Ruhmkorff introduced members of Boy Scout Troop #137 of Old Bethel United Methodist Church: John Shurig, Assistant Scoutmaster; Steve Baker, Adult Leader; and Justin Baker, Kevin Eastin and Neil Thomas, scouts. Councillor Black introduced Sunny and Barbara Boyd, reporter, WTHR-TV. Councillor O'Dell introduced Ray Irvin, former Council Member. Councillor Beadling introduced Howard Caldwell, reporter, WTHR-TV.

Dr. Gilbert made a presentation on the National Science Foundation's (NSF) Urban Systemic Initiative. Indianapolis Public Schools plans to create a task force to oversee the development of the proposal for the \$15 million grant from NSF.

## 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, April 25, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

April 12, 1993

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, April 14, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 200, 201, 204, 205, 206, 207, 208, 215, 216, 217, 222, 1994, to be held on Monday, April 25, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Suellen Hart  
Suellen Hart, Assistant City Clerk

April 14, 1994

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 Acting Clerk of the City-County Council, Robert G. Elrod, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 9, 1994 - appropriating \$24,000 for the Prosecuting Attorney to utilize a state grant to organize a series of anti-gang training workshops for law enforcement agencies sponsored by Project COURAGE

FISCAL ORDINANCE NO. 10, 1994 - appropriating \$75,000 for the Prosecuting Attorney to conduct a comprehensive traffic safety program in Marion County funded by a state grant

GENERAL ORDINANCE NO. 49, 1994 - approving transfer of certain territory located at 4000 9th Avenue from the Consolidated City of Indianapolis to the City of Beech Grove

GENERAL ORDINANCE NO. 50, 1994 - amending the Code concerning smoking restrictions in local governmental buildings

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GENERAL ORDINANCE NO. 51, 1994 - amending the Code by authorizing stop signs for Arbor Wood subdivision (District 18)

GENERAL ORDINANCE NO. 52, 1994 - amending the Code by authorizing a multi-way stop at Raymond Street and Beulah Avenue (District 17)

GENERAL ORDINANCE NO. 53, 1994 - amending the Code by authorizing a multi-way stop at Alabama Street and 19th Street (District 22)

GENERAL ORDINANCE NO. 54, 1994 - amending the Code by authorizing a multi-way stop at New Jersey Street and 19th Street (District 22)

GENERAL ORDINANCE NO. 55, 1994 - amending the Code by deleting a 35 mph speed limit for Tansel Road between Crawfordsville Road and Raceway Road (District 18)

GENERAL ORDINANCE NO. 56, 1994 - amending the Code by changing the parking restrictions on segments of New York Street (District 22)

SPECIAL ORDINANCE NO. 4, 1994 - approving an agreement between the City of Indianapolis and the Town of Speedway for sewage transportation and treatment services

SPECIAL ORDINANCE NO. 5, 1994 - approving an agreement between the City of Indianapolis and the City of Beech Grove to authorize Indianapolis to review and grant stormwater permits and enforce drainage regulation within the City of Beech Grove

SPECIAL RESOLUTION NO. 21, 1994 - recognizing mathematics-talented student Melanie Wood

SPECIAL RESOLUTION NO. 22, 1994 - recognizing Cathedral Coach Joseph F. Dezelan

SPECIAL RESOLUTION NO. 23, 1994 - recognizing the award-winning Belmont AWT engineering project

SPECIAL RESOLUTION NO. 24, 1994 - recognizing the Indy Miata Chapter of the Miata Club of America

SPECIAL RESOLUTION NO. 25, 1994 - affirming Council support for the Capital Improvements Board to proceed with a new downtown baseball stadium

SPECIAL RESOLUTION NO. 26, 1994 - authorizing the Mayor to submit an application to the Indiana Housing Finance Authority for HOME Investment Funding on behalf of the Center Township Trustee

SPECIAL RESOLUTION NO. 27, 1994 - approving the leasing of farmland on Marion County Healthcare Center property by the Board of County Commissioners

Respectfully,  
s/Stephen Goldsmith  
Mayor, City of Indianapolis

### **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 April 11, 1994. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 259, 1994. This proposal, sponsored by Councillors Borst, Coughenour and Mullin, recognizes Southport High School's 100th Anniversary. Councillor Borst read the resolution and presented a copy of the document to Dr. Lloyd Bodie, Principal, Southport High School, who expressed appreciation for the recognition. Councillor Borst moved.

seconded by Councillor Franklin, for adoption. Proposal No. 259, 1994 was adopted by unanimous voice vote.

Proposal No. 259, 1994 was retitled SPECIAL RESOLUTION NO. 28, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1994

A SPECIAL RESOLUTION recognizing Southport High School's 100th Anniversary.

WHEREAS, the people of Indianapolis take great pride in the academic and extracurricular accomplishments of its students and the quality of its educational institutions; and

WHEREAS, Southport High School has been an example of excellence in public instruction since it was commissioned as a high school, and graduated a class of six in 1894; and

WHEREAS, Southport High School has expanded in the past one hundred years from a small building across from a "salt and grain" store to today's attractive modern structure accommodating a faculty of 100 and a student enrollment of 1,550; and

WHEREAS, the students of Southport High School currently enjoy and benefit from 13 sporting programs, four academic teams and over 30 school clubs and organizations; and

WHEREAS, Southport High School and its students have been a constant source of pride for this city and the growing community of Southport for the past 100 years; 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 congratulates Southport High School on its 100th Anniversary.

SECTION 2. During this year of celebration, the century of accomplishments by the students, faculty, staff, board members, taxpayers and alumni of Southport High School are remembered; but those memories also serve as a source of inspiration for launching an even stronger second century for this proud school.

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. 260, 1994. This proposal, sponsored by Councillors Golc and Borst, recognizes IPS science teacher Kevin C. Koers. Councillor Golc read the resolution and presented a copy of the document to Mr. Koers, who expressed appreciation for the recognition. Councillor Golc moved, seconded by Councillor West, for adoption. Proposal No. 260, 1994 was adopted by unanimous voice vote.

Proposal No. 260, 1994 was retitled SPECIAL RESOLUTION NO. 29, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 1994

A SPECIAL RESOLUTION recognizing IPS science teacher Kevin C. Koers.

WHEREAS, Kevin C. Koers is an outstanding science teacher at Indianapolis Public Schools Edison Middle School; and

WHEREAS, to bring science to life he utilizes White River which flows behind the school to teach such science subjects as states of matter, the effects of temperature, watersheds, pollution, erosion, food chains, ripple

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wavelengths, light scattering and reflection, genetic diversity, mimicry, protective coloration, geology, chemistry and science careers; and

WHEREAS, classes test water for dissolved oxygen, carbon dioxide and temperature, they actively participate in the Parks Department's Indianapolis Greenways by having cleaned up 3.2 tons of trash and debris from the riverbanks, and have been officially allowed to "Adopt" a section of the river near Edison Middle School; and

WHEREAS, Mr. Koers has been commended for his work by IPS Superintendent Shirl E. Gilbert II, and at their national forum earlier this school year was one of only 20 science teachers out of 225 applicants who were selected by the American Association for the Advancement of Science to be recognized for exemplary science teaching practices; 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 commends Kevin C. Koers of IPS Edison Middle School for his exceptional job of teaching science by taking the initiative to fully utilize White River which flows near the school.

SECTION 2. Mr. Koers reflects the highest credit upon Indianapolis Public Schools, the teaching profession, public education, science awareness and upon himself and his students.

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. 261, 1994. This proposal, sponsored by Councillor Golc, recognizes Harvey Knox, the "Mayor of Stringtown." Councillor Golc read the resolution and presented a copy of the document to Mr. Knox, who expressed appreciation for the recognition. Councillor Golc moved, seconded by Councillor Boyd, for adoption. Proposal No. 261, 1994 was adopted by unanimous voice vote.

Proposal No. 261, 1994 was retitled SPECIAL RESOLUTION NO. 30, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 1994

A SPECIAL RESOLUTION recognizing Harvey Knox, the "Mayor of Stringtown."

WHEREAS, a neighborhood can become more viable, strong and dynamic when its residents band together for the good of the community; and

WHEREAS, to be the most effective, such a neighborhood should have strong local indigenous leadership to serve as a spark plug and catalyst to make things happen; and

WHEREAS, in Stringtown, an area in the near Westside of Indianapolis, that catalyst for the Stringtown Neighborhood Association Council ("SNAC") is 63-year-old Harvey Knox; and

WHEREAS, Mr. Knox is a lifelong resident of Stringtown, is from a family of 16, has 10 children of his own, is a local businessman who initiated the Stringtown Council and even donated an old house for its meeting hall, is a precinct committeeman, and is considered by his friends to be tenacious, wise, compassionate, stubborn, believing and honest; and

WHEREAS, Mr. Knox has been the force behind the neighborhood initiatives for more Indianapolis Police Department bicycle police patrols, beat officers and the Weed and Seed program to benefit the area; 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 Harvey Knox who has personally been the guiding force for the betterment of his area of Indianapolis known as Stringtown.

SECTION 2. For this dedication to, and hard work for, the neighborhood Harvey Knox is known far and wide as the "Mayor of Stringtown."

SECTION 3. The Council wishes Mr. Knox, his family and his beloved neighborhood the best in the years to come.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 262, 1994. This proposal, sponsored by Councillors Beadling and Jones, recognizes television reporter Barbara Boyd. Councillor Jones read the resolution and presented a copy of the document to Ms. Boyd, who expressed appreciation for the recognition. Councillor Jones moved, seconded by Councillor Giffin, for adoption. Proposal No. 262, 1994 was adopted by unanimous voice vote.

Proposal No. 262, 1994 was retitled SPECIAL RESOLUTION NO. 31, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 1994

A SPECIAL RESOLUTION recognizing television reporter Barbara Boyd.

WHEREAS, Barbara Boyd joined the WRTV Channel 6 television news staff in February, 1969; and

WHEREAS, over the next 25 years with the station she covered hard news of stabbings and tragedies, consumer education, personalities, public events, and even did a first-person account from her hospital bed about recovering from a cancer operation; and

WHEREAS, Mrs. Boyd is a native of Evanston, Illinois, and attended the University of Illinois and Indiana University; and

WHEREAS, she was office manager for the Indianapolis Head Start program when she learned that Channel 6 was searching for a diversified newsroom--and never dreamed that she would win the job, and be with Channel 6 for the next quarter century and become a popular household name throughout Indianapolis; and

WHEREAS, Barbara Boyd is a people-person, has deeply enjoyed the countless number of good people she has met during her years in broadcasting and has received numerous awards and honors for her reporting work; 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 applauds the excellent journalistic work of Channel 6 reporter Barbara Boyd during the past 25 years.

SECTION 2. The Council wishes Barbara, her husband of 40 years, Ted, and their children and grandchildren the best of health and happiness in the years to come.

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. 263, 1994. This proposal, sponsored by Councillors Beadling and Jones, recognizes television news anchor Howard Caldwell. Councillor Beadling read the resolution and presented a copy of the document to Mr. Caldwell, who expressed appreciation for the

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recognition. Councillor Beadling moved, seconded by Councillor Short, for adoption. Proposal No. 263, 1994 was adopted by unanimous voice vote.

Proposal No. 263, 1994 was retitled SPECIAL RESOLUTION NO. 32, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 1994

A SPECIAL RESOLUTION recognizing television news anchor Howard Caldwell.

WHEREAS, for 35 years Howard Caldwell has given Indianapolis the evening news on television; and

WHEREAS, three days after joining what is now WTHR-TV Channel 6 in 1959, Mr. Caldwell was asked to anchor the 7 p.m. news; and

WHEREAS, during those years at the station he was the first American newsman to interview newly-elected Indian Prime Minister Indira Gandhi, and stayed all night to report from the scene at the 1963 State Fairgrounds Coliseum explosion disaster; and

WHEREAS, Caldwell is a graduate of Howe High School, served in World War II and the Korean War, received a journalism degree from Butler University and a Master's Degree 18 years later, worked for a small town weekly newspaper and at a Terre Haute television station; and

WHEREAS, during his 35 years with Channel 6 he authored two books, was president of and received two journalism awards from the Indianapolis Press Club, and in 1991 was inducted into the Indiana Broadcasters Association Hall of Fame; and

WHEREAS, on May 30, 1994, Howard Caldwell's full time television news career will come to a close; 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 Howard Caldwell, a well respected professional television news reporter for the past 35 years.

SECTION 2. He has set the pace for broadcast fairness, sincerity and accuracy.

SECTION 3. The Council wishes Mr. Caldwell, and his wife for 39 years, Lynn, the best of health and happiness in the years ahead.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

PROPOSAL NO. 264, 1994. This proposal, sponsored by Councillors Coughenour, Rhodes and Williams, concerns federal anti-crime legislation. Councillor Coughenour read the resolution and suggested a copy of the document be sent to the National League of Cities and the National Association of Counties.

Councillor Dowden explained why he will be voting in opposition of the resolution. He explained that as Chairman of Public Safety he believed that the resolution was out of character since the National Anti-Crime legislation is being addressed in Washington. Councillor Williams stated that the Council will not be supporting a particular or specific piece of legislation at the national level; the Council will be urging swift resolutions to crime problems. Councillor Rhodes explained the efforts of the National Association of Counties to address the unfunded federal mandates and how they relate to Proposal No. 264, 1994.

Councillor Coughenour moved, seconded by Councillor McClamroch, for adoption. Proposal No. 264, 1994 was adopted by the following roll call vote; viz:

*16 YEAS: Beadling, Black, Boyd, Brents, Coughenour, Golc, Gray, Jimison, Jones, Moriarty Adams, Mullin, Rhodes, SerVaas, Short, West, Williams*

*13 NAYS: Borst, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Ruhmkorff, Schneider, Shambaugh, Smith*

Proposal No. 264, 1994 was retitled SPECIAL RESOLUTION NO. 33, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 1994

A SPECIAL RESOLUTION concerning federal anti-crime legislation.

WHEREAS, no community or family is untouched by incidents of crime or the fear of being victimized by crime; and

WHEREAS, the level of violence associated with criminal acts is also increasing; and

WHEREAS, reductions in the level of crime and the level of fear of crime will require enactment of meaningful national anti-crime legislation, as well as co-ordinated efforts by local communities and state governments to develop and implement long-term solutions which deal with both the causes and effects of crime; and

WHEREAS, achieving a productive partnership to cut crime will require immediate action by the Congress; 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 calls upon the Congress to end the national legislative gridlock and enact anti-crime legislation so that the resources and programs which such legislation will provide can be utilized on a timely basis.

SECTION 2. Such anti-crime legislation should include: A balanced approach which includes both enforcement and prevention programs; and direct block grant anti-crime funds to cities and towns, with maximum flexibility allowed in the use of those funds.

SECTION 3. In addition, we would encourage replacing rigid divisions of responsibility between prosecutors, judges, correction officials, youth service and social service professionals with an information sharing task force which meets regularly to identify potential threats to a community.

SECTION 4. Be it further resolved that Indianapolis rededicates itself to crime prevention and suppression and calls upon its citizens to assist in these efforts.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The President asked for consent to vote on the following appointments together. Consent was given.

PROPOSAL NOS. 142, 145, 171, and 229, 1994. The President stated that these board appointments were heard by various committees. The Committees have recommended to the full Council that the proposals be adopted. PROPOSAL NO. 142, 1994. The proposal approves Phyllis Carr to the Urban Enterprise Association. PROPOSAL NO. 145, 1994. The proposal approves the Mayor's appointment of Leon E. Younger as Director of the



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Department of Parks and Recreation. PROPOSAL NO. 171, 1994. The proposal approves Glenda Smith to the Community Centers of Indianapolis Board. PROPOSAL NO. 229, 1994. This proposal approves Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III. Proposal Nos. 142, 145, 171 and 229, 1994 were adopted by unanimous voice vote.

Proposal No. 142, 1994 was retitled COUNCIL RESOLUTION NO. 61, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 1994

A COUNCIL RESOLUTION reappointing Phyllis Carr to the Urban Enterprise Association.

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

SECTION 1. As a member of the Urban Enterprise Association, the Council appoints:

Phyllis Carr

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1997. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 145, 1994 was retitled COUNCIL RESOLUTION NO. 62, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 62, 1994

A COUNCIL RESOLUTION approving the Mayor's appointment of Leon Edward Younger as Director of the Department of Parks and Recreation for a term ending December 31, 1994.

WHEREAS, pursuant to IC 36-3-5-2 and Sec. 241-II of the "Revised Code of the Consolidated City and County, Indiana," a mayoral appointment of the Director of the Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Leon Edward Younger to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 1994; now, therefore:

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

SECTION 1. Leon Edward Younger is approved and confirmed by the City-County Council to serve as Director of the Department of Parks and Recreation at the pleasure of the Mayor for a term ending December 31, 1994.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 171, 1994 was retitled COUNCIL RESOLUTION NO. 63, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 1994

A COUNCIL RESOLUTION appointing Glenda Smith to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Glenda Smith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 229, 1994 was retitled COUNCIL RESOLUTION NO. 64, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 1994

A COUNCIL RESOLUTION appointing Robert A. Stewart to the Metropolitan Board of Zoning Appeals Division III.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III, the Council appoints:

Robert A. Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 237, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$137,209 for the Information Services Agency to consolidate City-County government data circuit management under its administration"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 238, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the execution of an amendment to the City-County Building lease between the Building Authority, the City, and the County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 239, 1994. Introduced by Councillors O'Dell and Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code concerning the Office of Youth and Family Services and the Department of Administration"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 240, 199. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the council rules concerning proposals for fiscal ordinances"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 241, 1994. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing the Parks Project Revenue

Fund as a non-reverting operating fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 242, 1994. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance and sale of bonds of the City for the purpose of procuring funds to pay for the construction, reconstruction and repair of certain park facilities and appropriating an amount not to exceed \$6,000,000"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 243, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$645,000 for the Sheriff to cover food expense for the jail inmates through the end of the year and to pay for inmate housing at the Riverside Community Corrections facility"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 244, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$8,903 for the Superior Court, Civil Division, Room Four, to pay the National Center for State Courts for a management review of the Family Law Courts in Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 245, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$58,971 for Community Corrections to provide additional security to supervise an increased number of inmates being housed in the Community Corrections Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 246, 1994. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$197,600 for the Court Administrator Agency to purchase up to 38 walk-through metal detectors and up to 38 hand wands for use by those courts and agencies that desire more security"; and the President referred it to the Public Safety and Criminal Justice Committee.

After discussion of the proposed Committee assignment, Councillor McClamroch moved that the Council assign Proposal No. 246, 1994 to Rules and Public Policy Committee. Councillor West seconded. This motion passed by a unanimous voice vote.

PROPOSAL NO. 247, 1994. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to include parking restrictions for Race Day of the Brickyard 400 (District 8)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 248, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at Zionsville Road and 74th Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 249, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a

multi-way stop at Lafayette Road and 86th Street (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 250, 1994. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Evanston Avenue and 51st Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 251, 1994. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Edgewood Avenue and Harding Street (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 252, 1994. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Mills Road and Mooresville Road (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 253, 1994. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at California Street and Vermont Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 254, 1994. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the speed limit for Westwood subdivision (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 255, 1994. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the speed limit on a segment of Hanna Avenue (District 20)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 256, 1994. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the speed limit on a segment of Harcourt Road (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 257, 1994. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a one-way restriction for Woodland Drive from Ohio Street to Washington Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 258, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a weight limit restriction on 79th Street from Zionsville Road to Moore Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

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PROPOSAL NO. 265, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Suellen Hart as "Clerk of the Council"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 266, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to clarify that an off-track betting facility is a permitted use in the C-4, C-5 and C-7 Commercial Zoning Districts and to add an off-track betting facility as a permitted use in the C-6 Commercial District"; and the President referred it to the Metropolitan Development Committee.

### SPECIAL ORDERS - PUBLIC HEARING

Councillor O'Dell asked for consent to hear Proposal No. 139, 1994 at this time. Consent was given.

PROPOSAL NO. 139, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 139, 1994 on April 20, 1994. The proposal appropriates \$173,257 for the County Recorder to purchase additional terminals and upgrade computer system. Councillor West stated that the Recorder was in a situation of back-log for the last couple of years. Document imaging of recorded documents should be successful in the Recorder's Office. 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 8:31 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Beadling, for adoption. Proposal No. 139, 1994 was adopted on the following roll call vote; viz:

*29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*  
*0 NAYS:*

Proposal No. 139, 1994 was retitled FISCAL ORDINANCE NO. 12, 1994 and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 12, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Seventy-three Thousand Two Hundred Fifty-seven Dollars (\$173,257) in the Recorder's Perpetuation Fund for purposes of the County Recorder and reducing the unappropriated and unencumbered balance in the Recorder's Perpetuation 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 1.02 (h) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Recorder to purchase additional terminals and upgrade computer system.

SECTION 2. The sum of One Hundred Seventy-three Thousand Two Hundred Fifty-seven Dollars (\$173,257) 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 appropriation is hereby approved:

<u>COUNTY RECORDER</u>	<u>RECORDER'S PERPETUATION FUND</u>
3. Other Services and Charges	\$ 2,136
4. Capital Outlay	<u>171,121</u>
TOTAL INCREASE	\$173,257

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>RECORDER'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Recorder's Perpetuation Fund	<u>\$173,257</u>
TOTAL REDUCTION	\$173,257

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 236, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 236, 1994 on April 22, 1994. The proposal authorizes one or more series of economic development revenue bonds in a total aggregate principal amount not to exceed \$1,465,000 for Enterprise Housing - Brookside, Inc. located at 1840 Perkins Avenue (District 21). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Franklin, for adoption. Proposal No. 236, 1994 was adopted on the following roll call vote; viz:

*27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, Shambaugh, Short, Smith, West, Williams*

*0 NAYS:*

*2 NOT VOTING: Ruhmkorff, SerVaas*

Proposal No. 236, 1994, was retitled SPECIAL ORDINANCE NO. 6, 1994 and is identified as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1994

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Economic Development Revenue Bonds, Series I994A (GNMA Collateralized - Brookside Courts Project) and Taxable Economic Development Revenue Bonds, Series I994B (GNMA Collateralized - Brookside Courts Project) in the total aggregate principal amount not to exceed One Million Four Hundred Sixty Five Thousand Dollars (\$1,465,000) (collectively, the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters II.9 and I2 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Enterprise Housing - Brookside, Inc., an Indiana Not-for-Profit Corporation (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to acquire and renovate the existing I40 unit

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multifamily residential rental project known as Brookside Courts Apartments located at 1840 Perkins Avenue, Indianapolis, Indiana on approximately 3 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project"); and

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 the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition and renovation of the Project by issuing its Economic Development Revenue Bonds, Series 1994A (GNMA Collateralized - Brookside Courts Project) and Taxable Economic Development Revenue Bonds, Series 1994B (GNMA Collateralized - Brookside Courts Project), in the total aggregate principal amount not to exceed One Million Four Hundred Sixty Five Thousand Dollars (\$1,465,000) (collectively, the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on April 19, 1994 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of April 1, 1994 by and between the Issuer, and The Fifth Third Bank of Central Indiana (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") dated as of April 1, 1994, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, Trustee and Company will enter into a Land Use Restriction Agreement (the "Land Use Restriction Agreement") dated as of April 1, 1994 in order to assure the Issuer and the owners of the Bonds that interest on the Series A Bonds will be excluded from gross income for federal income tax purposes under Section 103 of the Code, to satisfy the public purposes for which the Bonds are authorized to be issued under the Act, and to satisfy the purposes of the Issuer in determining to issue the Bonds that certain limits on the occupancy of units in the Project need to be established and certain other requirements need to be met; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Financing Agreement, Indenture, Land Use Restriction Agreement, Bond Purchase Agreement, Preliminary Official Statement, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code

Title 36, Article 1, Chapter 5, Section 4, 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 Issuer shall issue its Bonds in the total aggregate principal amount not to exceed One Million Four Hundred Sixty Five Thousand Dollars (\$1,465,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement 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 Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement and is hereby authorized to certify to The Sturges Company (the "Underwriter") that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter at a price not less than 95% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 7.5%. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the 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, 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 thereon, 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 Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special 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 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 267, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on April 22, 1994." The Council did not schedule Proposal No. 267, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 267, 1994 were retitled REZONING ORDINANCE NO. 44, 1994 and are identified as follows:

REZONING ORDINANCE NO. 44, 1993. 94-Z-55 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT # 4.  
7005 SARGENT ROAD (approximate address), INDIANAPOLIS.  
DAVID R. and DEBORAH A. WILLS request the rezoning of 10.232 acres, being in the SU-34, D-S and SU-16 Districts, to the SU-34 classification to provide for a swim club.



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PROPOSAL NOS. 268-274, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 22, 1994." The Council did not schedule Proposal Nos. 268-274, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 268-274, 1994 were retitled REZONING ORDINANCE NOS. 45-51, 1994 and are identified as follows:

REZONING ORDINANCE NO. 45, 1994. 94-Z-9 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 13.  
5401 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.  
THOMAS E. MULLEN, by Philip A. Nicely, requests the rezoning of 79.783 acres, being in the D-2 and D-A District, to the D-4 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 46, 1994. 94-Z-34 (94-DP-1) PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 1.  
5933 LAFAYETTE ROAD (approximate address), INDIANAPOLIS.  
DAVIS DEVELOPMENT, L.P., by Michael D. Keele, requests the rezoning of 34.028 acres, being in the D-P AND D-6II Districts, to the D-P classification to provide for single-family residential development with a maximum density of 3.7 dwellings per acre, not to exceed 125 lots.

REZONING ORDINANCE NO. 47, 1994. 94-Z-40 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 12.  
7604 EAST 10TH STREET (approximate address), INDIANAPOLIS.  
WAYNE A. SMITH (WARREN TOWNSHIP FIRE DEPARTMENT) requests the rezoning of 1.42 acres, being in the D-A District, to the SU-9 classification to conform zoning to the existing use.

REZONING ORDINANCE NO. 48, 1994. 94-Z-41 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 1.  
7108 COFFMAN ROAD (approximate address), INDIANAPOLIS.  
MIDWEST BAPTIST CONFERENCE, by Robert L. Trierweiler, requests the rezoning of 0.50 acre, being in the D-3 District, to the SU-1 classification to provide for a church use.

REZONING ORDINANCE NO. 49, 1994. 94-Z-48 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 17.  
4152 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
DREYER HONDA/YAMAHA/SUZUKI request the rezoning of 0.888 acre, being in the D-5 District, to the C-7 classification to provide for the storage of motorcycles.

REZONING ORDINANCE NO. 50, 1994. 94-Z-49 LAWRENCE TOWNSHIP.  
COUNCILMANIC DISTRICT # 4.  
8131 CRAIG STREET (approximate address), INDIANAPOLIS.  
DARYL E. DEIG, by Stephen D. Mears, requests the rezoning of 1.15 acres, being in the C-S District, to the C-5 classification to provide for commercial development, including a transmission shop and automobile rental.

REZONING ORDINANCE NO. 51, 1994. 94-Z-50 PERRY TOWNSHIP.  
COUNCILMANIC DISTRICT # 20.  
7151 SOUTH MADISON AVENUE (approximate address), INDIANAPOLIS.  
ROBIN M. THOMAN requests the rezoning of 0.75 acre, being in the D-4 District, to the C-3 classification to provide for commercial development.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 26, 1994. The proposal sponsored by Councillor Franklin, appropriates \$8,413 for the Superior Court, Criminal Division, Room Five, to fund an additional clerk's position. Councillor Dowden asked for consent to postpone Proposal No. 26, 1994 until May 9, 1994. Consent was given.

PROPOSAL NO. 153, 1994. The proposal appropriates \$98,296 for the Superior Court, Juvenile Division/Detention Center, to pay the first year of a three year lease/purchase

arrangement with the Indiana Bond Bank for a computer upgrade. Councillor Dowden asked for consent to table Proposal No. 26, 1994. Consent was given.

PROPOSAL NO. 154, 1994. The proposal appropriates \$24,091 for the Superior Court, Juvenile Division/Detention Center, to cover service charges on computers and to purchase one modem for the court. Councillor Dowden asked for consent to table Proposal No. 26, 1994. Consent was given.

PROPOSAL NO. 200, 1994. The proposal appropriates \$3,850,509 for the Marion County Office of Family and Children to pay the expenses of wards in institutions. Councillor Dowden asked for consent to postpone Proposal No. 26, 1994 until May 23, 1994. Consent was given.

PROPOSAL NO. 201, 1994. Councillor Giffin reported that the Parks and Recreation Committee heard Proposal No. 201, 1994 on April 21, 1994. The proposal appropriates \$190,000 for the Department of Parks and Recreation, Natural Resources Division, to cover the charges to repair roofs on thirteen buildings at several park locations. 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 8:55 p.m. There being no one present to testify, Councillor Giffin moved, seconded by Councillor O'Dell, for adoption. Proposal No. 201, 1994 was adopted on the following roll call vote; viz:

*29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*  
*0 NAYS:*

Proposal No. 201, 1994 was retitled FISCAL ORDINANCE NO. 13, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Ninety Thousand Dollars (\$190,000) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation, Natural Resources Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation, Natural Resources Division, to cover the charges to repair roofs on thirteen buildings at several different park locations.

SECTION 2. The sum of One Hundred Ninety Thousand Dollars (\$190,000) 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 appropriation is hereby approved:

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DEPARTMENT OF PARKS AND RECREATION  
NATURAL RESOURCES DIVISION

CONSOLIDATED COUNTY CUMULATIVE  
CAPITAL DEVELOPMENT FUND

4. Capital Outlay \$190,000  
TOTAL INCREASE \$190,000

SECTION 4. The said additional appropriation is funded by the following reductions:

CONSOLIDATED COUNTY CUMULATIVE  
CAPITAL DEVELOPMENT FUND

Unappropriated and Unencumbered  
Consolidated County Cumulative Capital Development Fund \$190,000  
TOTAL REDUCTION \$190,000

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

PROPOSAL NO. 215, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 215, 1994 on April 13, 1994. The proposal appropriates \$1,587,374 for the Department of Public Safety, Police Division, to complete its capital projects. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:58 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor O'Dell, for adoption. Proposal No. 215, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*  
0 NAYS:  
2 NOT VOTING: *Giffin, Jimison*

Proposal No. 215, 1994 was retitled FISCAL ORDINANCE NO. 14, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Million Five Hundred Eighty-seven Thousand Three Hundred Seventy-four Dollars (\$1,587,374) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development 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 1.02 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to complete its capital projects.

SECTION 2. The sum of One Million Five Hundred Eighty-seven Thousand Three Hundred Seventy-four Dollars (\$1,587,374) 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 appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY  
POLICE DIVISION

CITY CUMULATIVE  
CAPITAL DEVELOPMENT FUND

4. Capital Outlay \$1,587,374  
TOTAL INCREASE \$1,587,374

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>\$1,587,374</u>
TOTAL REDUCTION	<u>\$1,587,374</u>

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

Michael Stayton, Director, Department of Public Works (DPW), and Greg Henneke, Director, Department of Capital Assets Management (DCAM), gave a presentation on the DPW and DCAM proposals.

PROPOSAL NOS. 203, 204, 205, 206, 207, 208, 209, 210 and 211, 1994. Councillor Coughenour asked for consent to vote on these nine proposals together. Consent was given. PROPOSAL NO. 203, 1994. The proposal approves reductions in proposed expenditures since the adoption of the 1994 City-County Annual Budget for the Department of Public Works, Wastewater Management Division, in the amount of \$1,092,579. PROPOSAL NO. 204, 1994. The proposal transfers and appropriates \$109,541 for the Department of Public Works (DPW), Wastewater Management Division, to cover certain administrative staff positions, supplies and contractual services from DPW, Maintenance Operations Division. PROPOSAL NO. 205, 1994. The proposal appropriates \$192,932 for the Department of Public Works, Maintenance Operations Division, to cover sewer maintenance supplies budgeted in 1993 but not utilized due to year-end closing. PROPOSAL NO. 206, 1994. The proposal appropriates \$53,792 for the Department of Public Works, Maintenance Operations Division, to reflect funds not transferred to the Opportunity Fund during the 1994 budget hearing process. PROPOSAL NO. 207, 1994. The proposal appropriates \$1,000 for the Department of Public Works, Maintenance Operations Division, to restore a portion of Maintenance Operations General Fund not transferred to Opportunity Fund during 1994 budget hearing process. PROPOSAL NO. 208, 1994. This proposal appropriates \$79,950 for the Department of Public Works, Maintenance Operations Division, to reflect funds not transferred to the Opportunity Fund during 1994 budget hearing process. PROPOSAL NO. 209, 1994. This proposal transfers and appropriates \$40,000 for the Department of Public Works, Environmental Resources Management Division, to pay its portion of administrative overhead. PROPOSAL NO. 210, 1994. This proposal transfers and appropriates \$92,075 for the Department of Public Works, Environmental Resources Management Division, to provide for additional contractual support for environmental sampling and effluent monitoring. PROPOSAL NO. 211, 1994. This proposal transfers and appropriates \$4,277,471 for the Department of Public Works, Wastewater Management Division, and reducing appropriations by \$14,443,571 for that division to reflect in its budget the White River Environmental Partnership contract management of the Advanced Wastewater Treatment plants. Councillor Coughenour reported that the Public Works and Capital Asset Management Committees heard Proposal Nos. 203, 204, 205, 206, 207, 208, 209, 210 and 211, 1994 on April 14, 1994. By a 9-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Proposal Nos.

203, 204, 205, 206, 207, 208, 209, 210 and 211, 1994, were adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Giffin*

Proposal No. 203, 1994 was retitled FISCAL ORDINANCE NO. 15, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by One Million Ninety-two Thousand Five Hundred Seventy-nine Dollars (\$1,092,579) in the Sanitation General Fund for the Department of Public Works, Wastewater Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Public Works, Wastewater Management Division.

SECTION 2. The following appropriation is hereby reduced:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>WASTEWATER MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
1. Personal Services	\$421,104
2. Supplies	18,415
3. Other Services and Charges	634,560
4. Capital Outlay	<u>18,500</u>
TOTAL REDUCTION	\$1,092,579

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

Proposal No. 204, 1994 was retitled FISCAL ORDINANCE NO. 16, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional One Hundred Nine Thousand Five Hundred Forty-one Dollars (\$109,541) in the Maintenance Operations General Fund for purposes of the Department of Public Works, Maintenance Operations Division, and reducing certain other appropriations in the Sanitation General Fund for the Department of Public Works, Wastewater Management 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 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes to transfer certain administrative staff positions, supplies and contractual services from Maintenance Operations Division to Wastewater Management Division.

SECTION 2. The sum of One Hundred Nine Thousand Five Hundred Forty-one Dollars (\$109,541) 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:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>MAINTENANCE OPERATIONS DIVISION</u>	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
1. Personal Services	\$ 98,941
2. Supplies	6,500
3. Other Services and Charges	<u>4,100</u>
TOTAL INCREASE	\$109,541

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>WASTEWATER MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
1. Personal Services	\$ 98,941
2. Supplies	6,500
3. Other Services and Charges	<u>4,100</u>
TOTAL REDUCTION	\$109,541

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

Proposal No. 205, 1994 was retitled FISCAL ORDINANCE NO. 17, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Ninety-two Thousand Nine Hundred Thirty-two Dollars (\$192,932) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Maintenance Operations Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Maintenance Operations Division, to cover sewer maintenance supplies budgeted in 1993 but not utilized due to year-end closing

SECTION 2. The sum of One Hundred Ninety-two Thousand Nine Hundred Thirty-two Dollars (\$192,932) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>MAINTENANCE OPERATIONS DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Supplies	\$192,932
TOTAL INCREASE	\$192,932

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>	
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>\$192,932</u>
TOTAL REDUCTION	\$192,932

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

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Proposal No. 206, 1994 was retitled FISCAL ORDINANCE NO. 18, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Fifty-three Thousand Seven Hundred Ninety-two Dollars (\$53,792) in the Maintenance Operations General Fund for purposes of the Department of Public Works, Maintenance Operations Division, and reducing the unappropriated and unencumbered balance in the Maintenance Operations General 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Works, Maintenance Operations Division, to reflect funds not transferred to the Opportunity Fund during the 1994 budget hearing process.

SECTION 2. The sum of Fifty-three Thousand Seven Hundred Ninety-two Dollars (\$53,792) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>MAINTENANCE OPERATIONS DIVISION</u>	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
3. Other Services and Charges	<u>\$53,792</u>
TOTAL INCREASE	\$53,792

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
Unappropriated and Unencumbered Maintenance Operations General Fund	<u>\$53,792</u>
TOTAL REDUCTION	\$53,792

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

Proposal No. 207, 1994 was retitled FISCAL ORDINANCE NO. 19, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Thousand Dollars (\$1,000) in the Maintenance Operations General Fund for purposes of the Department of Public Works, Maintenance Operations Division, and reducing the unappropriated and unencumbered balance in the Maintenance Operations General 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Works, Maintenance Operations Division, to restore a portion of Maintenance Operations General Fund not transferred to Opportunity Fund during 1994 budget hearing process.

SECTION 2. The sum of One Thousand Dollars (\$1,000) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>MAINTENANCE OPERATIONS DIVISION</u>	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
3. Other Services and Charges	\$1,000
TOTAL INCREASE	\$1,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MAINTENANCE OPERATIONS GENERAL FUND</u>	
Unappropriated and Unencumbered Maintenance Operations General Fund	\$1,000
TOTAL REDUCTION	\$1,000

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

Proposal No. 208, 1994 was retitled FISCAL ORDINANCE NO. 20, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Seventy-nine Thousand Nine Hundred Fifty Dollars (\$79,950) in the Maintenance Operations General Fund for purposes of the Department of Public Works, Maintenance Operations Division, and reducing the unappropriated and unencumbered balance in the Maintenance Operations General 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Works, Maintenance Operations Division, to reflect funds not transferred to the Opportunity Fund during the 1994 budget hearing process.

SECTION 2. The sum of Seventy-nine Thousand Nine Hundred Fifty Dollars (\$79,950) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>MAINTENANCE OPERATIONS DIVISION</u>	<u>MAINTENANCE OPERATIONS GENERAL FUND</u>
3. Other Services and Charges	\$79,950
TOTAL INCREASE	\$79,950

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MAINTENANCE OPERATIONS GENERAL FUND</u>	
Unappropriated and Unencumbered Maintenance Operations General Fund	\$79,950
TOTAL REDUCTION	\$79,950

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

Proposal No. 209, 1994 was retitled FISCAL ORDINANCE NO. 21, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Forty Thousand Dollars (\$40,000) in the Air Pollution



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Control Fund for purposes of the Department of Public Works, Environmental Resources Management 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 I.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Works, Environmental Resources Management Division, to pay its 1994 portion of administrative overhead.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) 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 PUBLIC WORKS	
<u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	<u>AIR POLLUTION CONTROL FUND</u>
3. Other Services and Charges	\$40,000
TOTAL INCREASE	\$40,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF PUBLIC WORKS	
<u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	<u>AIR POLLUTION CONTROL FUND</u>
I. Personal Services	\$40,000
TOTAL REDUCTION	\$40,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

Proposal No. 210, 1994 was retitled FISCAL ORDINANCE NO. 22, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Ninety-two Thousand Seventy-five Dollars (\$92,075) in the Sanitation General Fund for purposes of the Department of Public Works, Environmental Resources Management 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 I.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Environmental Resources Management Division, to provide for additional contractual support for environmental sampling and effluent monitoring.

SECTION 2. The sum of Ninety-two Thousand Seventy-five Dollars (\$92,075) 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 PUBLIC WORKS	
<u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	\$92,075
TOTAL INCREASE	\$92,075

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
1. Personal Services	\$42,460
2. Supplies	29,615
4. Capital Outlay	<u>20,000</u>
TOTAL REDUCTION	\$92,075

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

Proposal No. 211, 1994 was retitled FISCAL ORDINANCE NO. 23, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Four Million Two Hundred Seventy-seven Thousand Four Hundred Seventy-one Dollars (\$4,277,471) in the Sanitation General Fund for purposes of the Department of Public Works, Wastewater Management Division, and reducing appropriations by Fourteen Million Four Hundred Forty-three Thousand Five Hundred Seventy-one Dollars (\$14,443,571) 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 1994, be and is hereby amended by the increases and reductions hereinafter stated for the Department of Public Works, Wastewater Management Division, to reflect in its budget the White River Environmental Partnership contract management of the Advanced Wastewater Treatment plants.

SECTION 2. The sum of Four Million Two Hundred Seventy-seven Thousand Four Hundred Seventy-one Dollars (\$4,277,471) and the same is hereby transferred for the purposes as shown in Section 3 by reducing appropriations by Fourteen Million Four Hundred Forty-three Thousand Five Hundred Seventy-one Dollars (\$14,443,571) as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>WASTEWATER MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	<u>\$4,277,471</u>
TOTAL INCREASE	\$4,277,471

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>WASTEWATER MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
1. Personal Services	\$ 9,684,322
2. Supplies	4,248,355
4. Capital Outlay	<u>510,894</u>
TOTAL REDUCTION	\$14,443,571

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

PROPOSAL NOS. 212, 213, 216, 217, 218, 219, 220, 221 and 222, 1994. Councillor Gilmer asked for consent to vote on these nine proposals together. Consent was given. PROPOSAL NO. 212, 1994. This proposal approves reductions in proposed expenditures since the adoption of the 1994 City-County Annual Budget for the Department of Public Works, Solid Waste Management Division, in the amount of \$1,555,000. PROPOSAL NO. 213, 1994. This proposal approves reductions in proposed expenditures since the adoption of the 1994 City-County Annual Budget for the Department of Public Works, Solid Waste Management

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Division, in the amount of \$1,136,055. PROPOSAL NO. 216, 1994. This proposal transfers and appropriates \$200,000 for the Department of Capital Asset Management, Asset Management Division, to provide for greater contractual sewer maintenance. PROPOSAL NO. 217, 1994. This proposal appropriates \$7,000,000 for the Department of Capital Asset Management, Asset Management Division, to provide for capital improvements to Advanced Wastewater Treatment plants and for sewer and drainage improvements to support the Capital Improvement Program. PROPOSAL NO. 218, 1994. This proposal appropriates \$1,092,579 for the Department of Capital Asset Management, Asset Management Division, to reflect in its budget the Sewer Wastewater Management Facilities Engineering operating budget and \$250,000 for emergency sewer repair. PROPOSAL NO. 219, 1994. This proposal approves reductions in proposed expenditures from the Flood Control General Fund for the Department of Capital Asset Management, Asset Management Division, in the amount of \$1,000. PROPOSAL NO. 220, 1994. This proposal approves reductions in proposed expenditures from the Transportation General Fund for the Department of Capital Asset Management, Asset Management Division, in the amount of \$53,792. PROPOSAL NO. 221, 1994. This proposal approves reductions in proposed expenditures from the Sanitation General Fund for the Department of Capital Asset Management, Asset Management Division, in the amount of \$79,950. PROPOSAL NO. 222, 1994. This proposal appropriates \$1,555,000 for the Department of Capital Asset Management, Asset Management Division, to establish a lagoon cleaning project. Councillor Gilmer reported that the Public Works and Capital Asset Management Committees heard Proposal Nos. 212, 213, 216, 217, 218, 219, 220, 221 and 222, 1994. on April 14, 1994. By a 9-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:16 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal Nos. 212, 213, 216, 217, 218, 219, 220, 221 and 222, 1994, were adopted on the following roll call vote; viz:

*27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

*0 NAYS:*

*2 NOT VOTING: Giffin, Golc*

Proposal No. 212, 1994 was retitled FISCAL ORDINANCE NO. 24, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by One Million Five Hundred Fifty-five Thousand Dollars (\$1,555,000) in the Solid Waste Disposal Fund for the Department of Public Works, Solid Waste Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Public Works, Solid Waste Management Division.

SECTION 2. The following appropriation is hereby reduced:

DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE MANAGEMENT DIVISION  
3. Other Services and Charges  
TOTAL REDUCTION

SOLID WASTE DISPOSAL FUND  
\$1,555,000  
\$1,555,000

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

Proposal No. 213, 1994 was retitled FISCAL ORDINANCE NO. 25, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by One Million One Hundred Thirty-six Thousand Fifty-five Dollars (\$1,136,055) in the Solid Waste Disposal Fund for the Department of Public Works, Solid Waste Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Public Works, Solid Waste Management Division.

SECTION 2. The following appropriation is hereby reduced:

DEPARTMENT OF PUBLIC WORKS  
SOLID WASTE MANAGEMENT DIVISION  
3. Other Services and Charges  
TOTAL REDUCTION

SOLID WASTE DISPOSAL FUND  
\$1,136,055  
\$1,136,055

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

Proposal No. 216, 1994 was retitled FISCAL ORDINANCE NO. 26, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the City Cumulative Capital Development Fund for purposes of the Department of Capital Asset Management, Asset Management 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 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to provide for greater contractual sewer maintenance.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) 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 CAPITAL ASSET MANAGEMENT  
ASSET MANAGEMENT DIVISION  
3. Other Services and Charges  
TOTAL INCREASE

CITY CUMULATIVE  
CAPITAL DEVELOPMENT FUND  
\$200,000  
\$200,000

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SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT ASSET MANAGEMENT DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Supplies	<u>\$200,000</u>
TOTAL REDUCTION	\$200,000

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

Proposal No. 217, 1994 was retitled FISCAL ORDINANCE NO. 27, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Seven Million Dollars (\$7,000,000) in the Sanitation General Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Sanitation General 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 I.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to provide for capital improvements to Advanced Wastewater Treatment plants and for sewer and drainage improvements to support the Capital Improvement Program.

SECTION 2. The sum of Seven Million Dollars (\$7,000,000) 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 appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT ASSET MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	<u>\$7,000,000</u>
TOTAL INCREASE	\$7,000,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$7,000,000</u>
TOTAL REDUCTION	\$7,000,000

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

Proposal No. 218, 1994 was retitled FISCAL ORDINANCE NO. 28, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Million Ninety-two Thousand Five Hundred Seventy-nine Dollars (\$1,092,579) in the Sanitation General Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Sanitation General 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for the Department of Capital Asset Management, Asset Management Division, which is the Sewer Waste Water Management Facilities Engineering operating budget and Two Hundred Fifty Thousand Dollars (\$250,000) for emergency sewer repair.

SECTION 2. The sum of One Million Ninety-two Thousand Five Hundred Seventy-nine Dollars (\$1,092,579) 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 appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
1. Personal Services	\$421,104
2. Supplies	18,415
3. Other Services and Charges	634,560
4. Capital Outlay	18,500
TOTAL INCREASE	\$1,092,579

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	\$1,092,579
TOTAL REDUCTION	\$1,092,579

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

Proposal No. 219, 1994 was retitled FISCAL ORDINANCE NO. 29, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by One Thousand Dollars (\$1,000) in the Flood Control General Fund for the Department of Capital Asset Management, Asset Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Capital Asset Management, Asset Management Division.

SECTION 2. The following appropriation is hereby reduced:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>FLOOD CONTROL GENERAL FUND</u>
3. Other Services and Charges	\$1,000
TOTAL REDUCTION	\$1,000

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

Proposal No. 220, 1994 was retitled FISCAL ORDINANCE NO. 30, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by Fifty-three Thousand Seven Hundred Ninety-two Dollars (\$53,792)

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in the Transportation General Fund for the Department of Capital Asset Management, Asset Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Capital Asset Management, Asset Management Division.

SECTION 2. The following appropriation is hereby reduced:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	\$53,792
TOTAL REDUCTION	\$53,792

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

Proposal No. 221, 1994 was retitled FISCAL ORDINANCE NO. 31, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reducing appropriations by Seventy-nine Thousand Nine Hundred Fifty Dollars (\$79,950) in the Sanitation General Fund for the Department of Capital Asset Management, Asset Management Division.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the reductions hereinafter stated for the Department of Capital Asset Management, Asset Management Division.

SECTION 2. The following appropriation is hereby reduced:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services and Charges	\$79,950
TOTAL REDUCTION	\$79,950

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

Proposal No. 222, 1994 was retitled FISCAL ORDINANCE NO. 32, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Million Five Hundred Fifty-five Dollars (\$1,555,000) in the Solid Waste Disposal Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal 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 1.01 of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Capital Asset Management, Asset Management Division, to establish a lagoon cleaning project.

SECTION 2. The sum of One Million Five Hundred Fifty-five Dollars (\$1,555,000) 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 appropriation is hereby approved:

DEPARTMENT OF CAPITAL ASSET MANAGEMENT	
<u>ASSET MANAGEMENT DIVISION</u>	<u>SOLID WASTE DISPOSAL FUND</u>
3. Other Services and Charges	\$1,555,000
TOTAL INCREASE	\$1,555,000

SECTION 4. The said additional appropriation is funded by the following reduction:

	<u>SOLID WASTE DISPOSAL FUND</u>
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	\$1,555,000
TOTAL REDUCTION	\$1,555,000

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 NOS. 194, 195, 196, 197 and 198, 1994. Councillor West asked for consent to vote on these proposals together. Consent was given. Councillor West reported that the Metropolitan Development Committee heard Proposal Nos. 194, 195, 196, 197, and 198, 1994 on April 20, 1994. PROPOSAL NO. 194, 1994. The proposal, sponsored by Councillor McClamroch, repeals the Central Business District, Special Development District Ordinance and amending the Central Business District Zoning Ordinance by adding the language of the repealed ordinance. PROPOSAL NO. 195, 1994. This proposal sponsored by Councillor McClamroch, combines the Airport Special Use Zoning Ordinance and the Airspace District Zoning Ordinance to create the Airport Zoning Ordinance. PROPOSAL NO. 196, 1994. This proposal sponsored by Councillor McClamroch, combines the Park Districts Zoning Ordinance, the Hospital Districts Zoning Ordinance, and the University Quarter Zoning Ordinance to create the Special Districts Zoning Ordinance. PROPOSAL NO. 197, 1994. This proposal sponsored by Councillor McClamroch, amends the Special Use Districts Zoning Ordinance by repealing twenty unused or redundant Special Use Districts and providing development standard guidelines for administrative approval for the remaining districts. PROPOSAL NO. 198, 1994. This proposal sponsored by Councillor McClamroch, repeals the Regional Center-Market Square Development District (RC-M) Ordinance and rezoning land within the former RC-M District to the Central Business Districts-1 and -2 (CBD-1 and CBD-2) classifications. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor West moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 194, 195, 196, 197, and 198, 1994 were adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

3 NOT VOTING: *Giffin, Golc, Smith*

Proposal No. 194, 1994 was retitled GENERAL ORDINANCE NO. 57, 1994 and reads as follows:



April 25, 1994

CITY-COUNTY GENERAL ORDINANCE NO. 57, 1994  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 94-AO-I

A GENERAL ORDINANCE amending the Central Business District Zoning Ordinance of Marion County, Indiana, by repealing the CBD-Special Development District Zoning Ordinance and including the language of that ordinance into the Central Business District Zoning Ordinance as Section 2.04.

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

SECTION 1. The CBD-Special Development District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-7, 81-AO-8 and 85-AO-I, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The language of the CBD-Special Development District Zoning Ordinance shall be combined into The Central Business District Zoning Ordinance as specified in SECTION 3, below.

SECTION 3. The Central Business District Zoning Ordinance of Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 64-AO-I, 81-AO-4 and 93-AO-I, as amended, pursuant to IC 36-7-4, be further amended by deleting the stricken-through language and inserting the underscored language as follows:

CHAPTER I

Sec. 1.00. Establishment of Central Business Zoning Districts.

The following primary Central Business Zoning Districts for Metropolitan Indianapolis, Marion County, Indiana, are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Central Business Zoning Districts MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

CENTRAL BUSINESS ZONING DISTRICTS

*Symbol*

CBD-1	Central Business District One
CBD-2	Central Business District Two
CBD-3	Central Business District Three
<u>CBD-S</u>	<u>CBD-Special Development District</u>

CHAPTER II

Sec. 2.00. Central Business Zoning District regulations.

The following regulations shall apply to all land within the Central Business Zoning Districts. 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. 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.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

Sec. 2.01. Central Business District One (CBD-1) regulations.

A. *Permitted CBD-1 uses.* Permitted uses in the CBD-1 District shall conform to the regulations of Section 2.00, the CBD-1 Development Standards of Section 2.01, B and the CBD-1 Performance Standards of Section 2.01, C. The following uses shall be permitted in the CBD-1 District:

- ~~17~~ 1. Accessory off-street parking within buildings, anywhere within the CBD-1, provided:
- a. The gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which said off-street parking is located; and
  - b. Said off-street parking shall be incidental and accessory to the primary use or uses of the building in which said off-street parking is located.

~~3~~ 2. Apartment hotels, hotels, ~~motor hotels~~ motels.

4 3. Apartments.

6 4. Banks; savings and loan offices.

~~2~~ 5. Business, professional and customer service offices.

~~18~~ 6. Drive-in services (not including goods and food) shall be permitted in the CBD-1 District by special exception only upon ~~issuance~~ grant of a special exception ~~PERMIT~~ ~~therefore~~ by the metropolitan board of zoning appeals as set forth in section 2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)

~~16~~ 7. Off-street parking garages, and accessory uses and facilities therefore, provided the lot obtain access only from one or more of the ~~following streets:~~ noted in Section 2.01, B. 3.

~~a. New York Street, Maryland Street, Capitol Avenue, Delaware Street.~~

~~b. East Washington Street between Pennsylvania Street and Delaware Street; or West Washington Street between Illinois Street and Capitol Avenue.~~

~~c. East Ohio Street between Pennsylvania Street and Delaware Street; or West Ohio Street between Illinois Street and Capitol Avenue.~~

~~d. North Pennsylvania Street between Ohio Street and New York Street; or West Ohio Street between Illinois Street and Capitol Avenue.~~

~~e. North Illinois Street between Ohio Street and New York Street; or South Illinois Street between Maryland Street and Washington Street.~~

~~f. Virginia, Massachusetts, Kentucky and Indiana Avenues.~~

On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle) off-street parking garages shall be permitted by special exception only, upon ~~issuance~~ grant of a special exception ~~PERMIT~~ ~~therefore~~ by the metropolitan board of zoning appeals as set forth in section 2.05.

~~15~~ 8. Off-street parking lots. Provided, however, parking lots or other at- or near-grade open to the air parking uses, commercial or private shall be permitted only for a period not exceeding five (5) years in the area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.

~~12~~ 9. Offices, sales and display rooms for wholesalers, distributors, warehouses, and manufacturers' agents, including stock, accessory storage, ~~and/or~~ warehouse space, provided:

- a. Said accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and

- b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building).

- 10. Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
- 9 11. Printing establishments.
- 13 12. Processing or manufacturing of goods by retailers and wholesalers, provided:
  - a. the net floor area occupied by said processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor areas used in the same building by the same firm or enterprise; and
  - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manufacturing storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous building shall be considered as one building.)

- 14 13. Public and semipublic structures, parks and open space.
- 8 14. Public utilities.
- 1 15. Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in said vehicles shall be prohibited in the CBD-1 District in an area bounded by Talbott Street to the west, East Ohio Street to the north, North Delaware Street to the east, and East Washington Street to the south.
- 11 16. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 2.01, B. 1, b.
- 7 17. Theatres, auditoriums and amusement facilities.
- 5 18. Transportation facilities and accessory facilities therefore, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.

B. *CBD-1 development standards.*

1. *Use.*

- a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display ~~and~~ or sale of merchandise may be conducted on open space on the lot, if such open space is located within or in enclosed on three (3) or more sides by the outer dimensions of the building.
- b. Retail sales on sidewalks abutting a business
  - (1) Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises if provided:
    - (a) Regional Center approval is obtained.
    - (b) ~~and~~ Permission is secured from the appropriate governmental unit to use the right-of-way.
    - (c) A detailed site plan showing the use and location all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk must be approved by the

administrator of the neighborhood and development services division of ~~Planning and Zoning~~.

2. *Bulk control.*

- a. Maximum lot coverage and minimum setback: One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations - sky exposure plane: With the exceptions of the ~~signs regulations of section 2.04, B~~, there shall be no height limitations in the CBD-1 District other than the following sky exposure plan controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-1 District.

(1) The Sky Exposure Plane One (1) (as defined in section 2.06) shall be applied to all lots within the CBD-1 District abutting:

- (a) New York Street
- (b) Ohio Street
- (c) Market Street
- (d) Washington Street
- (e) Maryland Street
- (f) Capitol Avenue
- (g) Illinois Street
- (h) Meridian Street
- (i) Pennsylvania Street
- (j) Delaware Street
- (k) Indiana Street
- (l) Massachusetts Avenue
- (m) Kentucky Avenue
- (n) Virginia Avenue

Provided, however, the Sky Exposure Plan Three (3) (as defined in ~~s~~Section 2.06) shall be applied to all lots abutting Monument Circle.

(2) No part of any building, or other structure on any lot shall penetrate the applicable Sky Exposure Plane except as follows:

A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane) when projected back to the base of the Sky Exposure Plane, establishes an area at the lot line not in excess of the total area of the Lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).

3. *Off-street parking*

- a. Parking garages. Off street parking garages shall be subject to the following requirements:

Entrances and Exits:

(1) Vehicular entrances and exits to off-street parking garages shall be provided only on the following streets:

- (a) East New York Street; West New York Street.
- (b) East Maryland Street; West Maryland Street.
- (c) North Capitol Avenue; South Capitol Avenue.

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- (d) North Delaware Street; South Delaware Street.
  - (e) West Washington Street between Illinois Street and Capitol Avenue.
  - (f) West Ohio between Illinois Street and Capitol Avenue.
  - (g) North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
  - (h) North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.
  - (i) Indiana, Massachusetts, Kentucky and Virginia Avenues.
  - (j) ~~West East~~ Washington Street between Pennsylvania Street and Delaware Street.
- (2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.
- (3) Vehicular entrances and exits to off-street parking garages shall not be provided on any alley except for emergency purposes only.
- b. Parking lots. Off-street parking lots shall be subject to the following requirements:
- (1) 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.
  - (2) Parking areas shall be paved with concrete or improved with a compacted macadam 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 weeds, dirt, trash and debris.
  - (3) The surface shall be graded and drained in such a manner that there be no free flow of water onto either adjacent properties or sidewalks.
  - (4) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
  - (5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.
4. *Off-street loading.*
- a. Location
- (1) All off-street loading areas shall be located within two hundred (200) feet of the lot served.
  - (2) Off-street loading facilities for separate lots may be provided collectively if:
    - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby, and
    - (b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.
  - (3) Each off-street loading area shall be located with direct vehicular access to an alley only, and in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into an alley, street or public right-of-way.

- b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of said facilities.
- e. Number of required off-street loading spaces.

- (1) The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 2.06.
- (2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<i>Total Adjusted Net Floor Area of Building (Square Feet)</i>	<i>No. of Loading Spaces Required</i>
0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,000	5

For each additional 350,000 square feet of net floor area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

- 5. *Signs*: Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

C. *CBD-1 performance standards*. All uses established or placed into operation after the effective date of this ordinance shall comply with the following standards. No use in existence on 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, dust and particulate matter*: ~~No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department~~ Smoke, dust, particulate matter any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, which ordinance is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, 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. 3. *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. 4. *Odor*: No use shall emit across the lot lines odor in such quantities 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 5. *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 6. *Heat and glare:* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- 8 7. *Waste matter:* 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, and the Department of Public Works, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Sec. 2.02 Central business district two regulations.

A. *Permitted CBD-2 uses.* Permitted uses in the CBD-2 District shall conform to the regulations of Section 2.00, the CBD-2 Development Standards of Section 2.02, B and the CBD-2 Performance Standards of Section 2.02, C. The following uses shall be permitted in the CBD-2 District:

1. Attached multifamily dwellings, as defined in Section 2.06.
2. Banks, savings and loan offices.
3. Business, professional and consumer service offices.
4. City market place.
- 4 5. Dwelling unit(s), as defined in Section 2.06.
- 5 6. Hotel, motel.
- 6 7. Off-street parking garages ~~and lots.~~
8. Off-street parking lots, provided, however, provided, however, parking lots or other at- or near-grade open to the air parking uses, commercial or private shall be permitted only for a period not exceeding five (5) years in the area bounded by: North Delaware Street on the west, lots fronting on East Ohio Street between Delaware Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.
- 7 9. Off-street parking (accessory) within buildings.
- 8 10. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.
- 9 11. Printing establishments.
- 10 12. Processing, repairing, or manufacturing goods by retailers and wholesalers, provided:
  - a. The net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and,
  - b. In no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
- 11 13. Public and semipublic structure, parks and open space.
- 12 14. Public utilities.

13 15. Retail sales and service establishments, provided, however, automobile service stations, repair garages, auto sales or service centers or car washes or other similar or comparable service to automotive vehicles or customers in said vehicles shall be prohibited in the CBD-2 District in an area bounded by: North Delaware Street on the west, lots fronting on East Ohio Street between Delaware Ogden Streets on the north, lots fronting on Alabama Street between Ohio and Pearl Streets on the east, and Pearl Street on the south.

14 16. Sales of beverages, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of Section 2.02, B. 1. c.

15 17. Theatres, auditoriums and amusement facilities.

16 18. Transportation facilities and accessory facilities therefore including but not limited to waiting rooms, loading docks, storage and associated commercial uses.

17 19. Wholesaling and warehousing establishments.

B. *CBD-2 development standards.*

1. *Use.*

a. Outdoor display: Outdoor display, sales and service shall be permitted, provided:

(1) The outdoor display of goods or materials shall not include the storage or stockpiling of materials.

(2) All goods and materials shall be located within the lot, and not encroach upon any public right-of-way.

(3) The outdoor display of materials or goods shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the main structure occupying the lot; except, however, outdoor display of motor vehicles shall be permitted (with or without a main structure occupying the lot), provided:

(a) The outdoor space is not utilized for the repair, dismantling or wrecking of any vehicle.

(b) No attention attracting devices, including but not limited to flags, pennants, flashing lights, etc., are used, except as provided for in ~~section 2.04~~ the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

(c) All lighting facilities used to illuminate the outdoor space are located, shielded and directed upon the outdoor space in such a manner that they do not glare onto or interfere with street traffic, adjacent buildings or adjacent uses.

(d) All outdoor space used for the display of motor vehicles shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface.

(e) The outdoor space used for the display of motor vehicles shall be provided with bumper guards or wheel guards so located that no part of the displayed vehicles will extend beyond the boundary of the established display area.

(4) The outdoor display area shall be maintained in good condition and free of weeds, dirt, trash and debris.

b. Outdoor sales and service.

(1) Outdoor sales may be conducted in association with outdoor displays.

(2) Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:



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- (a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.
  - (b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.
  - (c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 2.02, B 3, b, (2), (3), (4), and (5).
- c. Retail sales on sidewalks abutting a business.
- (1) Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
    - (a) Regional Center approval is obtained.
    - (b) Permission is secured from the appropriate governmental unit to use the right-of-way.
    - (c) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs, awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the Neighborhood and Development Services Division of Planning and Zoning.
2. *Bulk Control.*
- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
  - b. Height limitations - sky exposure plane. With the exception of the signs regulations of section ~~2.04, B~~, there shall be no height limitations in the CBD-2 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-2 District.
    - (1) The Sky Exposure Plane Two (2) (as defined in §Section 2.06) shall be applied to all lots within the CBD-2 District. Except, however, the Sky Exposure Plane One (1) (as defined in §Section 2.06) shall be applied to all lots within the CBD-2 District abutting:
      - (a) The north side of New York Street between Illinois Street and Capitol Avenue.
      - (b) The east side of Delaware Street between New York Street and Maryland Street.
      - (c) The south side of Maryland Street between Delaware Street and Capitol Avenue.
      - (d) The west side of Capitol Avenue between New York Street and Maryland Street.
    - (2) No part of any building or other structure on any lot shall penetrate the applicable Sky Exposure Plane, except the following:

A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane), when projected back to the base of the Sky Exposure Plane establishes an area at the lot line not in excess of the total area of the lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).
3. *Off-street parking.*
- a. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering department having jurisdiction thereof.

- b. Parking lots. Off-street parking lots shall be subject to the following requirements:
- (1) 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.
  - (2) Parking areas shall be paved with concrete or improved with a compacted macadam 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 weeds, dirt, trash and debris.
  - (3) The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
  - (4) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
  - (5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.
- c. Required off-street parking. Off-street parking facilities shall be provided for all uses in the CBD-2 District; except, however, all lots within the area known as the Mile Square, bounded by North Street, East Street, South Street, and West Street.

- (1) Number of Required Off-Street Parking Spaces: One (1) parking space at least nine (9) feet in width and at least twenty (20) in length, exclusive of access drives, aisles, ramps, lanes, etc., shall be provided for each eight-hundred (800) square feet of the building's total adjusted net floor area as defined in section 2.06.
- (2) Location of Required Parking: All required off-street parking facilities shall be located either on the same lot as the use served or within four hundred (400) feet thereof.
- (3) Collective Facilities: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided that such parking facilities are within four hundred (400) feet of all said separate uses.

4. *Off-street loading.*

a. Location.

- (1) All loading areas shall be located within two hundred (200) feet of the lot served.
- (2) Off-street loading facilities for separate lots may be provided collectively if:
  - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby, and
  - (b) The size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.
- (3) Off-street loading areas may have direct access from any streets, except on the:

North side of New York Street between Delaware Street and Capitol Avenue;  
South side of Maryland Street between Delaware Street and Capitol Avenue;  
West side of Capitol Avenue between Maryland Street and New York Street;  
East side of Delaware Street between Maryland Street and New York Street.

- (4) Each off-street loading area shall be located in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into any alley, street or public right-of-way.
- b. Size of off-street loading space. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. Surfacing. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of said facilities.
- e. Number of required off-street loading spaces.
  - (1) The number of required off-street loading spaces is based upon the building total adjusted net floor area as defined in section 2.06.
  - (2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<i>Total Adjusted Net Floor Area of Building (Square Feet)</i>	<i>No. of Loading Spaces Required</i>
0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,000	5

For each additional 350,000 square feet of net floor area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

- 5. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

C. *CBD-2 performance standards.* The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-2 District.

Sec. 2.03. Central Business District Three (CBD-3) regulations.

A. *Permitted CBD-3 uses.* Permitted uses in the CBD-3 District shall conform to the regulations of Section 2.00, the CBD-3 Development Standards of Section 2.03, B and the CBD-3 Performance Standards of Section 2.03, C. The following uses shall be permitted in the CBD-3 District:

- 1. Attached multifamily dwellings, as defined in section 2.06.
- 2. Banks, savings and loan offices.
- 3. Business, professional and consumer service offices.
- 4. Dwelling units, as defined in section 2.06.
- 5. Hotels, motels.
- 6. Off-street parking garage, parking lots, and accessory off-street parking within buildings, subject to the regulations of Section 2.03, B.3.

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7. Offices, sales and display rooms for wholesalers, distributors, warehouses, manufacturers' agents, including stock, accessory storage, or warehouse space, provided:

- a. Said accessory stock, stock and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and,
- b. In no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

8. Outdoor retail sales of beverages, flowers and food from cart on sidewalks and public areas, subject to the provisions of Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana.

9. Printing establishments.

10. Public utilities.

11. Retail sales and service establishments primary for the convenience of residents or employees of this district, provided:

- a. Such establishments (except for sales of beverages, flowers and food from carts) shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and
- b. Such establishments shall include any of the following or similar uses of a like nature or character:

bank, savings and loan office	grocery store
bar, cabaret, night club	jewelry store
barber shop	laundromat
beauty shop	men's and women's wear
book store	newsstand
cleaners and laundry outlet	restaurant
delicatessen	<del>sales of beverages, flowers</del>
drug store	<del>and food from carts</del>
florist	shoe repair shop
gift shop	stationery store
	ticket office

12. Public and semipublic structures, parks, and open space.

13. Sales of beverage, flowers and food from a portion of the sidewalk abutting the same business premises, subject to the additional provisions of section 2.03. B, 1, c.

B. *CBD-3 Development standards.*

1. *Use.*

- a. All business and retail enterprise shall be conducted with completely enclosed buildings.
- b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.
- c. Retail sales on sidewalks abutting a business. Retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:

(1) Regional Center approval is obtained.

(2) Permission is secured from the appropriate governmental unit to use the right-of-way.

- (3) A detailed site plan showing the use and location of all furniture and equipment (including tables, barriers, chairs, signs awnings, trash receptacles and umbrellas) on the portion of the sidewalk, the color and design of such furniture and equipment and the movement of people on the portion of the sidewalk is approved by the Administrator of the Neighborhood and Development Services Division.

2. *Bulk control.*

- a. Maximum lot coverage and minimum setback. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. Height limitations. There shall be no height limitations or sky exposure plane controls in the CBD-3 District.

3. *Off-street parking.*

- a. Parking garages and accessory parking within buildings.

- (1) Off-street parking garage and accessory off-street parking facilities within buildings located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall:

Be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Street frontage, except for ingress and/or egress from North Meridian or North Pennsylvania Streets.

- (2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

- b. Parking lots.

- (1) The off-street parking requirements and regulations of the CBD-2 District (section 2.02, b 3, a and b) shall apply to the CBD-3 District.
- (2) No open parking shall be permitted on any lot having frontage upon North Meridian Street or North Pennsylvania Street, except where there is an intervening structure of at least one story between the entire open parking area of said lot and North Meridian Street or North Pennsylvania Street.

4. *Off-street loading.* The requirements and regulations of the CBD-2 District (Section 2.02, bB, 4) shall apply to the CBD-3 District, except:

- a. Off-street loading areas may have direct access from any streets, except:

- (1) North Meridian Street;
- (2) North Pennsylvania Street; and
- (3) the north side of east and West New York Street.

5. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

- C. *CBD-3 performance standards.* The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-3 District.

Sec. 2.04. ~~Reserved~~ CBD-Special Development Zoning District.

A. Permitted uses. Permitted uses in the CBD-S District shall conform to the regulations of Section 2.00, the Development Standards of Section 2.04, B and the Performance Standards of Section 2.03, C.

Subject to the provisions of this section, any appropriate planned land use, complex or combination of land uses as designated and specified in the amending petition or ordinance zoning land to the CBD Special Development District may be permitted. By example, the following uses may be appropriate in the CBD-S District:

1. Attached multifamily dwellings, as defined in Section 2.06.
2. Commercial office-multifamily residential complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
3. Hotels, motels.
4. Office-commercial-industrial research and development park or complex.
5. Off-street parking garage, parking lots, and accessory off-street parking within buildings.
6. Public and semipublic structures and uses, parks and open spaces, including, but not limited to, museums, auditoriums, theatres, amphitheaters, exhibition halls or exhibition spaces, zoos, civic centers, libraries, governmental office complex, greenways, and recreational uses such as sports stadia, marinas, and similar uses.
7. Restaurant.

All land use within the CBD-S District shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the CBD-S District.

A site and development plan for a proposed District shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the Neighborhood and Development Services Division, Department of Metropolitan Development, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing, whether the Administrator's decision should be sustained.

B. Development standards. The following regulations shall apply to all land within the District:  
All District uses shall:

1. be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana;
2. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the District and with adjacent uses;
3. provide sufficient and well-designed access, parking and loading areas;
4. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
5. provide adequately for sanitation, drainage and public utilities; and,
6. allocate adequate area for all uses proposed, the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topo-

graphical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

C. Performance standards. The CBD-1 Performance Standards, Section 2.01, C shall apply to the CBD-3 District.

Sec. 2.05. Special exceptions.

A. *Special exceptions.*

1. Special exceptions granted by Metropolitan Board of Zoning Appeals. The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant ~~and permit~~ special exceptions to the Central Business Districts standard terms, regulations and requirements, as specified in this ordinance, ~~and issue special exceptions permits therefore.~~

a. Such special exceptions ~~and permit~~ shall be granted (following application filed with the Secretary of said Board 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 Metropolitan Board of Zoning Appeals) only upon the Metropolitan Board's determination that:

- (1) The grant will not be injurious to the public health, safety, convenience or general welfare.
- (2) The grant will not injure or adversely affect the adjacent area or property values therein.
- (3) The grant will be in harmony with the character of the district and land use authorized therein.

b. The grant of such Special Exception ~~and Permit~~ shall be conditioned upon the following requirements:

- (1) The proposed use shall conform to all performance standards of the applicable Central Business District.
- (2) The proposed use shall conform to all development standards of the applicable Central Business District, except as specifically modified by the grant of Special Exception ~~and Permit~~.
- (3) The proposed use shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception ~~and Permit~~ by said Board--(in case of conflict, the more restrictive standards or requirements are to control). All restrictions or conditions attached to the grant of any special Exception ~~and Permit~~ by the Metropolitan Board of Zoning Appeals shall be limited by standards (1), (2) and (3) of paragraph a. above, and shall be imposed by said Board to ensure compliance with said standards.

Sec. 2.06. 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 following definitions shall be applied for purposes of this ordinance:
1. *Alley:* A public way, the right-of-way of which is less than thirty-five (35) feet in width.
  2. *Attached multi-family dwellings:* A building or buildings for residential purposes with three or more dwelling units, having common or party wall or 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).
  3. *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.
  4. *Family:* One or more human beings related by blood, marriage, adoption, 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.
  5. *Lot:* Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy, by one (1) principal use.
  6. *Net floor area:* The sum of the gross horizontal areas of the one or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however, floor area devoted primarily to storage purposes; floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for toilets, rest rooms, utilities, lounges, elevator shafts, main corridors and stairwells, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.
  7. *Public area:* Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.
  8. *Signs:* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
  9. *Sky exposure plane:* An imaginary sloping surface, consisting of three (3) types, rising over designated lots in the CBD-1 and CBD-2, as specified in sections 2.01, B, 2, and 2.02, B, 2, for purposes of limiting height of buildings, signs and other structures:
    - (1) Sky Exposure Plane One:
      - a. On each street in the CBD-1 [District] designated in section 2.01, B, 2, b, (1) (excepting Monument Circle), and in the CBD-2 [District] designated in section 2.02, B, 2, b, (1), the



Sky Exposure Plane One shall have a base which is coincident with the center line of each said street; and

- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is included at an angle of seventy-eight (78) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of three hundred (300) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(2) Sky Exposure Plane Two:

- a. On all streets in the CBD-2 [District] (excepting those streets specifically designated in section 2.02, B, 2, (1), the Sky Exposure Plane Two shall have a base which is coincident with the center line of each said street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty (60) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of two hundred (200) feet above the base; and
- e. Then continues vertically at an angle of ninety (90) degrees measured from the horizontal; and
- f. Extends to a vertical elevation, above the base, equal to infinity.

(3) Sky Exposure Plane Three:

- a. In the case of all lots abutting Monument Circle, in the CBD-1 [District], as designated in section 2.01, B, 2, b, (1), the Sky Exposure Plane Three shall have a base which is coincident with the center line of the street; and
- b. At the base has an elevation equal to the average elevation above mean sea level of the street center line from the intersection of one street center line to the intersection of the next; and
- c. Is inclined at an angle of sixty-seven and one-half (67½) degrees measured from the horizontal; and
- d. Extends to a vertical elevation of one hundred eight (108) feet above the base; and
- e. Then continues at an angle of seventy-four (74) degrees measured from the horizontal; and
- f. Extends to a vertical elevation of one hundred fifty (150) feet above the base; and
- g. Then continues horizontally at an angle of zero (0) degrees measured from the horizontal; and
- h. Extends to the alleys known as Wabash, Scioto, Bird and Court streets.

10. *Street*: A public way, the right-of-way of which is at least thirty-five (35) feet in width.

11. *Total adjusted net floor area*:

- a. For determining required off-street loading:
  - (1) To determine total adjusted net floor area:
    - (a) Total the net floor area devoted to each use within the building;
    - (b) Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b below;
    - (c) Add the results of 2 above; this is the total adjusted net floor area.
  - (2) Loading floor area factors:
    - (a) Retail sales and services-2.0;
    - (b) Business, professional and consumer service, motels and motor hotels-1.0;
    - (c) Manufacturing and wholesale (exclusive of office, sales and display area)-2.5;
    - (d) Residential and apartment hotels-0.5.
- b. For determining required off-street parking:
  - (1) To determine total adjusted net floor area:
    - (a) Total the net floor area devoted to each use within the building;
    - (b) Multiply the total net floor area for each use by the parking floor area factor for such use, as specified in b below;
    - (c) Add the results of 2 above; this is the total adjusted net floor area.
  - (2) Parking floor area factors:
    - (a) Retail sales and services-2.0;
    - (b) Residential and apartment hotels-1.0;
    - (c) Manufacturing-3.0;
    - (d) Hotels and motor hotels-3.0;
    - (e) Business, professional and consumer service, and wholesale-1.0.

### CHAPTER III

#### SECTION 3.00. Severability.

~~In any section, subsection, paragraph, subprogram, 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, subprogram, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.~~

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Now be it further ordained that this ordinance shall be in full force and effect from and after its adoption in compliance with IC 36-7-4.

April 25, 1994

Proposal No. 195, 1994 was retitled GENERAL ORDINANCE NO. 58, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 58, 1994  
METROPOLITAN PLAN COMMISSION  
DOCKET NO. 94-AO-2

A GENERAL ORDINANCE combining the Airport Special Use Zoning Ordinance and the Airspace District Zoning Ordinance to create the Airport Zoning Ordinance of Marion County, Indiana.

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

SECTION 1. The Airport Special Use Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 61-AO-4 is hereby repealed.

SECTION 2. The language of the Airport Special Use Zoning Ordinance be combined into the Airspace District Zoning Ordinance, and retitled as the Airport Zoning Ordinance.

SECTION 3. The Airspace District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 62-AO-2, 63-AO-3 and 72-AO-1, as amended, pursuant to IC 36-7-4, be further amended by deleting the stricken-through language and inserting the underlined language as follows:

CHAPTER I  
AIRPORT SPECIAL USE DISTRICT

Sec. 1.00. Establishment of Airport Special Use District.

Airport Special Use District, which primary zoning district shall permit the following uses:

Public airports municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public; subject to the requirements of Section 1.01.

Sec. 1.01. Airport Special Use District regulations.

1. No use permitted in the Airport Special Use District shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Provided, however, that compliance by such public airport with all applicable safety and operational standards and regulations of the Federal Aviation Agency and other applicable Federal aviation regulatory authorities shall be deemed compliance with this sub-section's requirements, as applied to navigation and flight operational uses.
2. All uses within the Airport Special Use District shall be served by and have access only from interior access roads located within said District to carry vehicular traffic to and from major entrances and exits serving the airport, and designated and constructed in accordance with street standards as specified by the "Standard Specification", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the Indiana Department of Transportation (IDOT) are 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 Neighborhood and Development Services Division.
3. For each use permitted within the Airport Special Use District, adequate off-street parking area with concrete or bituminous paved surface shall be provided. Such parking area shall not be located within one hundred (100) feet of any boundary of the Airport Special Use District, unless a compact hedge or row of shrubbery of at least four (4) feet in height is provided between such parking area and District Boundary. In no case shall such parking area be located closer to a District boundary than ten (10) feet.

4. No building or structure, or part thereof, shall be located within one hundred (100) feet of any boundary of the Airport Special Use District, and such one hundred (100) foot buffer area shall be maintained in turf, plant material or as off-street parking area, as provided in sub-section (3) above.
5. Prior to Improvement Location Permit issuance for any building or structure within the Airport Special Use District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, shall be filed with the Department of Metropolitan Development or Marion County, Indiana.

Sec. 1.02. Zoning maps designation.

Be it further ordained that all land within said district shall be designated upon the applicable zoning maps (adopted as a part of said zoning ordinances and Ordinance No. 8-1957) by the symbol "A" superimposed in the approximate geographic center of such district, the boundaries of which district to be designated and outlined.

CHAPTER II  
AIRSPACE DISTRICT

~~AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana and fixing a time when the same shall take effect.~~

~~— WHEREAS the Metropolitan Plan Commission of Marion County, Indiana, has adopted various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA including an AIRSPACE CONTROL PLAN FOR MARION COUNTY, adopted by Resolution 61-CPS-R-4 on December 27, 1961 and subsequently amended pursuant to Chapter 283 of the Indiana Acts of 1955, as amended;~~

~~— WHEREAS the Indianapolis International Airport, Eagle Creek Airport, Speedway Airport, Indianapolis Metropolitan Airport, and Downtown Heliport of the Indianapolis Airport Authority exist as public airports and heliport, necessitating certain airspace controls applicable to land within Marion County, Indiana, for the prevention of such hazards and obstructions and the protection of lives and property therein;~~

~~Now, therefore, be it ordained by the City-County Council of the City of Indianapolis and of Marion County, Indiana, the Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1969, and the Airport District Zoning Ordinance of Marion County, Indiana, Ordinance 62-AO-2, adopted as an amendment thereto, as amended by Ordinances 63-AO-3 and 72-AO-1, be amended in the following particulars:~~

~~That said Airport District Zoning Ordinance of Marion County, Indiana, Ordinance 62-AO-2, as amended, be amended to read as follows:~~

~~AIRSPACE DISTRICT ZONING ORDINANCE  
OF MARION COUNTY, INDIANA  
81-AO-5~~

Sec. 1.01 2.00. Airspace District.

An Airspace District, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the Airspace District Zoning Map (which map is attached hereto, incorporated herein by reference and made a part of this ordinance) is hereby zoned and classified as the Airspace District. The Airspace District shall consist of Airport Instrument and Non-Instrument Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, Heliport Approach Surface Areas and Heliport Transitional Surface Areas as defined in this ordinance and indicated on the Airspace District Zoning Map. [The map referred to in this section is not attached to this ordinance, but is on file in the office of the Clerk of the City-County Council.]

Sec. 2.01. Airspace District regulations.

The following regulations shall apply to all land within the Airspace District. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to said land, in case of conflict, the more restrictive regulations shall control.

A. *Use.*

1. *Prohibited Uses--Airport:* Within that part of the Airport Instrument and Airport Non-Instrument Approach Surface Areas and Airport Transitional Surface Areas of the Airspace District Zoning Map, which extent within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended centerline of said runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.
2. *Prohibited uses--Heliport:* Within that part of the Heliport Surface Areas and Heliport Transitional Surface Areas of the Airspace District, as defined in this ordinance and designated on the Airspace District Zoning Map, which extend four thousand (4,000) feet from the designated land and take-off area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

B. *Height limits--Airports:* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the Airspace District to a height in excess of the following height limits herein established for the applicable Airport Instrument Approach Surface Area, Airport Non-Instrument Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined in this ordinance and designated on the Airspace District Zoning Map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the Airspace District Zoning Map).

1. Height limits for the Airport Instrument Approach Surface Area shall be: One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
2. Height limits for the Airport Non-Instrument Approach Surface Area shall be: One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.
3. Height limits for the Airport Transitional Surface Area shall be: One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the centerline of non-instrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the Airspace District Zoning Map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Instrument and Non-Instrument Approach Surface Areas for the entire length of said Approach Surface Areas, extending to their intersection with the outer line of the Conical Surface Area; and, beyond said points of intersection, beginning at the outer lines of all Instrument Approach Surface Areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.
4. Height limit for the Airport Horizontal Surface Area shall be: One hundred fifty (150) feet above the established airport elevation as indicated on the Airspace District Zoning Map.
5. Height limit for the Airport Conical Surface Area shall be: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the periphery of the Horizontal Surface Area to a height of three hundred fifty (350) feet above the airport elevation.

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

C. *Height limits--Heliports:* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the Airspace District to a height in excess of the following height limits herein established for the applicable Heliport Approach Surface Area and Heliport Transitional Surface Area, as defined in this ordinance and designated on the Airspace District Zoning Map. (Such height limits shall be computed from the applicable heliport landings and take-off area elevation as designated on the Airspace District Zoning Map).

1. Height limit for the Heliport Approach Surface Area shall be: One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated take-off and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.
2. Height limit for the Heliport Transitional Surface Area shall be: One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the centerline of the primary and approach surfaces.

Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this ordinance shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

D. *Performance standards.* The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Area and Heliport Transitional Surface area as defined in this ordinance and indicated on the Airspace District Zoning Map.

1. *Interface with communications:* No use shall create interface with any form of communication the primary purpose of which is for air navigation.
2. *Glare; marking and lighting of airspace hazards:*
  - a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering or aircraft.
  - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in their ordinance, shall be permitted.
3. *Smoke, dust, particulate matter:*
  - a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 4 of the Code of Indianapolis, Marion County, Indiana and Regulations adopted pursuant thereto (a copy of which is on file in the office of the ~~Division of Planning and Zoning~~ Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
  - b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of Aircraft.

~~E. Sec. 2.02. 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.

1. *Airspace hazard:* Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight or aircraft in landing or taking- off at a public airport or heliport, as determined to constitute an "airspace", "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.
2. *Airport conical surface area:* The land are designated as "Airport Conical Surface Area", on the Airspace District Zoning Map, beginning at the periphery of the Horizontal Surface Area and thence extending outwardly a distance of four thousand (4,000) feet; said Conical Surface Area not including, however, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface area.
3. *Airport horizontal surface area:* The land area designated as "Airport Horizontal Surface Area", on the Airspace District Zoning Map, the perimeter of which is determined by projecting arcs from the center of the inner line of each Instrument and Non-Instrument Approach Surface Area (the dimension of said arcs for Instrument Approach Surface Areas being ten thousand (10,000) feet and for Non-Instrument approach connecting adjacent arcs by lines tangent thereto; not including, however, as a part of the Horizontal Surface Area, the Instrument and Non-Instrument Approach Surface Areas and Transitional Surface Area).
4. *Airport instrument approach surface area:* The land area designated as "Airport Instrument Approach Surface Area" on the Airspace District Zoning Map, located at each end of each instrument runway for landings and take-offs; said Surface Area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
5. *Airport non-instrument approach surface area:* The land area designated as "Airport Non-Instrument Approach Surface Area" on the Air-Space District Zoning Map, located at each end of each non-instrument runway for non-instrument landings and take-offs; said Surface Area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the runway centerline.
6. *Airport landing area:* The area of the Airport used for the land take-off or taxiing of aircraft.
7. *Airport transitional surface area:* The land area designated as "Airport Transitional Surface Area" on the Airspace District Zoning Map, located adjacent to each instrument and non-instrument runway; said Surface Area extending outward as indicated on the Airspace District Zoning Map from a line two hundred fifty (250) feet on either side of the centerline of a non-instrument runway, for the length of

such runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area, and from a line five hundred (500) feet of either side of the centerline of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the Horizontal Surface Area; further symmetrically located adjacent to each Instrument and Non-Instrument Runway Approach Surface Area, on each side thereof, having variable widths, as indicated on the Airspace District Zoning Map, and extending the entire length of said Approach Surface Areas to their intersection with the outline of the Conical Surface Area; and further located beyond said points of intersection, beginning at the out lines of all Instrument Approach Surface Areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the Airspace District Zoning Map.

8. *Helicopter approach surface area:* The land are designated as "Helicopter Approach Surface Area" on the Airspace District Zoning Map, located at the edge of the helicopter landing and take-off area; and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.
9. *Helicopter landing and take-off area:* The area of the helicopter used for the landing and take-off of helicopters.
10. *Helicopter primary surface area:* That area coinciding in size and shape with the Helicopter Landing Take-off area.
11. *Helicopter transitional surface area:* The land area designated as Transitional Surface Area on the Airspace District Zoning Map, located adjacent to the helicopter primary surface; said surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of two hundred and fifty (250) feet.
12. *Instrument runway:* A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
13. *Non-instrument runway:* A runway other than an instrument runway.
14. *Public airport or helicopter:* An airport or helicopter publicly owned or operated, designated as a "Public Airport" or "Public Helicopter" on the Airspace District Zoning Map, for which an Airspace District is established by this ordinance.
15. *Runway:* The surface of the airport used for landing and taking off of aircraft.
16. *Structure:* An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

### CHAPTER III

#### Sec. 3.00. Severability.

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Now be it further ordained that ~~an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after its passage~~ this ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

Proposal No. 196, 1994 was retitled GENERAL ORDINANCE NO. 59, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1994  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 94-AO-3

A GENERAL ORDINANCE creating the Special Districts Zoning Ordinance of Marion County, Indiana, by repealing the Park Districts Zoning Ordinance; the Hospital Districts Zoning Ordinance; and the University



April 25, 1994

Quarter Zoning Ordinance and including the language of each ordinance into the combined new Special Districts Zoning Ordinance.

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

SECTION 1. The Park Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 69-AO-2, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The Hospital Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-8 and 73-AO-3, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 3. The University Quarter Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 66-AO-6 and 73-AO-5, as amended, pursuant to IC-36-7-4, is hereby repealed.

SECTION 4. The language of the former Park Districts Zoning Ordinance, Hospital Districts Zoning Ordinance, and University Quarter Zoning Ordinance shall be recodified and combined into the new Special Districts Zoning Ordinance in the following manner:

- a. delete the stricken-through language from the former individual ordinances;
- b. insert the underlined language into the applicable sections of the ordinance; and,
- c. insert non-altered language into the applicable sections of the ordinance.

CHAPTER I

Sec. I.00. Establishment of Special Zoning Districts.

The following primary Special Zoning Districts for Indianapolis/Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Zoning Base Maps, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

PARK DISTRICTS

PK-I            Park District One  
PK-2            Park Perimeter-Special District Two

HOSPITAL DISTRICTS

HD-1            Hospital District One  
HD-2            Hospital District Two

UNIVERSITY QUARTER DISTRICTS

UQ-I            University Quarter District One  
UQ-2(B)        University Quarter District Two (Butler University)

CHAPTER II

Sec.2.00. General regulations.

A. Applicability of regulations. The following regulations shall apply to all land with the Special Zoning Districts. 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. 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.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structure or facilities affected.

B. Performance standards. All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on 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, dust and particulate matter. Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, which ordinance is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. 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.
4. Odor. No use shall emit across the lot lines odor in such quantities 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.
5. 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.
6. Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. Waste matter. 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, the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

#### CHAPTER I

#### SECTION 1.00 ESTABLISHMENT OF PARK ZONING DISTRICTS - PERMITTED USES

A. The following primary PARK ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:

#### Sec. 2.01. Park District regulations.

##### A. Permitted Park District uses.

1. Park District One (PK-1) uses. Permitted Use Public playgrounds, playfields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated, and no nor any building or structure shall hereafter be constructed or used on any land in the PK-1 District for any purpose other than lawfully existed on or prior to the date of the adoption hereof May 7, 1969 until a site and development plan

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for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Metropolitan ~~Plan~~ Development Commission.

The Metropolitan ~~Plan~~ Development Commission may consider and act upon any ~~such~~ proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice ~~thereof~~ of such meeting shall not be required; however, the governmental unit or department filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) a. Be in conformity with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by the Metropolitan ~~Plan~~ Development Commission Resolution 65-CPS-R-2, as amended;
- (2) b. Create and maintain a desirable, efficient and economical use of park land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the park and with adjacent uses;
- (3) c. Provide sufficient and adequate access, parking and loading areas;
- (4) d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) e. Provide adequately for sanitation, drainage and public utilities; and
- (6) f. allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive ~~or Master~~ Plan for Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

~~B. The following primary PARK PERIMETER SPECIAL DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:~~

- 1 2. Permitted Park Perimeter-Special District Two (PK-2) uses. Permitted uses, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided:
  - 1 a. Any dwelling use, including single-family or multi-family, attached or detached dwellings, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided and subject to all standards, requirements and regulations of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 66-AO-289-AO-2, as amended, specified in the petition for such Commission approval.
  - 2 b. Any commercial office use, office complex, commercial office-apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
  - 3 c. Regional, community or neighborhood shopping center, commercial center - office - apartment complex, apartment hotels, hotels, ~~motor hotels~~ motels or other similar single commercial use or multi-use planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
  - 4 d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of section 2.05 of the Industrial Zoning Ordinance, (I-1-U Restricted Industrial Urban District Regulations) of Ordinance 63-AO-4, the INDUSTRIAL ZONING ORDINANCE of

~~Marion County, Indiana~~, as amended), and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.

- 5 e. Public and semipublic structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheatres, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
- 6 f. Residential-recreational-commercial planned complex, including multi-family dwellings, townhouses, condominium, cluster-housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
- 7 g. Any other appropriate planned land use, complex or combination of land uses, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use, and a site and development plan for the use ~~thereof~~ shall have been filed with and approved by the Metropolitan ~~Plan~~ Development Commission.

The Metropolitan ~~Plan~~ Development Commission may consider and act upon any ~~such~~ proposed use and site and development plan ~~therefor~~, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice ~~thereof~~ and notice to adjoining land owners by the petitioner shall be required in accordance with the Commission's ~~Rules of Procedure~~ shall be required. Such site and development plan, and proposed use, building and structure shall:

- (1) Be consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by the Metropolitan Plan Commission Resolution 65-CPS-R-2, as amended;
- (2) Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- (3) Provide sufficient and adequate access, parking and loading areas;
- (4) Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and
- (6) Allocate adequate sites for all uses proposed -- the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

All land use within the PK-2 DISTRICT shall be subject to all requirements of ~~s~~Section 1, B, 3 of The Improvement Location Permit Ordinance, 68-AO-11, as amended, the IMPROVEMENT LOCATION PERMIT ORDINANCE of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and ~~and~~ covenants, or commitments filed, made or presented in support of such petition.

- 8 e. No use, building or structure shall be established or erected in any PARK DISTRICT without an ~~improvement location permit~~ An Improvement Location Permit and ~~said permit~~ shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the

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proposed use, building or structure, shall have been approved by the Metropolitan Plan Development Commission. Applications for Improvement Location Permit shall be made upon Department of Metropolitan Planning Department forms and shall include all information specified by such forms.

## CHAPTER II

### SECTION 2.00 — PARK DISTRICT REGULATIONS

The following regulations shall apply to all land within the PK-1 and PK-2 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. 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.~~

~~Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.~~

### B. PK-1 DEVELOPMENT STANDARDS

B. Park District One (PK-1) development standards. The following development standards shall apply to all land within Park District One:

1. Location. Public parks larger than ten (10) acres shall be located with direct access to and frontage on a street designated on the Official Thoroughfare Plan of Marion County, Indiana (adopted March 6, 1991), as a collector, primary or secondary thoroughfare, parkway, expressway or freeway.
2. Minimum lot area. There shall be no minimum lot area.
3. Setback lines and minimum front yards. ~~a. Setback lines and minimum front yard.~~ Front Yards. having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:
  - (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure (~~except an eave or cornice overhang not exceeding 4 feet~~) shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.
  - (2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure (~~except an eave or cornice overhang not exceeding 4 feet~~) shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.
  - (3) Collector Street. No part of any structure (~~except an eave or cornice overhang not exceeding 4 feet~~) shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
  - (4) Local Street, Marginal Access Street or Cul-de-Sac. No part of any structure (~~except an eave or cornice overhang not exceeding 4 feet~~) shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turn-around thereof. No part of any structure (~~except an eave or cornice overhang not exceeding 4 feet~~) shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally-supported extensions may extend into the front yard setback a maximum of four (4) feet.

4. *Maximum height.* Thirty-five (35) feet.
5. *Off-street parking.*
  - a. Adequate off-street parking spaces shall be provided for the various PK-I District park activities and uses.
  - b. Off-street parking area for all uses in the PK-I District shall be developed and maintained in accordance with the following requirements:
    - (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
    - (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
    - (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.
  - c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.
6. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
  - a. ~~The surface area of all identification signs shall be not greater than an amount equal to one (1) square foot of sign area for each lineal foot of street frontage.~~
  - b. ~~All identification and directional signs shall be setback from public street right-of-way lines at least twenty-five (25) feet.~~

~~C. PK I AND PK II PERFORMANCE STANDARDS—All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on 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, DUST & PARTICULATE MATTER—Smoke, dust, particulate matter, and any other air borne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, 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 quantities 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.~~

April 25, 1994

- ~~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 MATTER 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, the Stream Pollution Control Board of the State of Indiana, and the Board of Sanitary Commissioners of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety, or welfare or cause injury to property.~~

CHAPTER III

~~SECTION 3.00 SEVERABILITY~~

~~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.~~

~~NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.~~

~~Dwight L. Cottingham  
Beurt R. SerVaas  
William K. Byrum  
Rozelle Boyd  
Wm. A. Brown  
THE MARION COUNTY COUNCIL OF  
MARION COUNTY, INDIANA~~

~~DATED: May 7, 1969~~

~~ATTEST: Edward G. Hoffmann, Jr.  
AUDITOR OF MARION COUNTY, INDIANA~~

METROPOLITAN PLAN COMMISSION

HOSPITAL DISTRICTS  
ZONING ORDINANCE

OF  
MARION COUNTY, INDIANA

~~WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first class cities, in order to unify the planning and zoning functions thereof; and~~

~~WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA; and~~

~~WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;~~

~~NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the Hospital Districts Zoning Ordinance of Marion County, Indiana, Ordinance 68-AO-8, adopted as an amendment thereto, be amended to read as follows:~~

CHAPTER 1

~~SECTION 1.00 ESTABLISHMENT OF HOSPITAL ZONING DISTRICTS - PERMITTED USES~~

~~A. The following primary HOSPITAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the HOSPITAL DISTRICTS ZONING MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICTS other than the following permitted uses.~~

Sec. 2.02. Hospital District regulations.

Statements of purpose:

Hospital District One (HD-1).

The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

Hospital District Two (HD-2).

The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and, (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

A. Permitted Hospital District uses.

- 1. Permitted Hospital District One (HD-1) uses. All uses permitted within the HD-1 District shall be subject to the Metropolitan Development Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02. B.

~~1. HOSPITAL DISTRICT ONE (HD-1) PERMITTED HD-1 USES  
The HD-1 zoning category is (All uses permitted within  
designed to permit and the HD-1 DISTRICT shall be  
facilitate the development, subject to the Metropolitan  
expansion, and modernization Development Commission's  
of a major hospital complex approval, as included within  
or campus, in which a a required site and develop-  
diversity of uses, functions, ment plan filed with and  
and facilities is necessary approved by said Commission  
to best perform the as hereinafter provided.  
hospital's various services-  
to the public; and, further HOSPITAL COMPLEX OR HOSPITAL-  
to permit appropriate land CAMPUS, including the follow-  
use modifications as ing accessory uses operated-  
necessary to facilitate the by or for the hospital, and  
highest level of such service integrally related thereto:~~

Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:

- 4 a. Administrative and professional staff offices.



- 5 b. Apartments and dormitories for hospital staff, personnel and students.
- 3 c. Cafeterias, gift shops, book stores and other similar convenience functions.
- 2 d. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
- 6 e. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
- 4 f. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
- 7 g. Other similar uses and facilities.

~~Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 District for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Metropolitan Development Commission.~~

~~Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:~~

- ~~(1) Proposed Hospital District uses.~~
- ~~(2) Any existing uses, building and structures.~~
- ~~(3) Proposed buildings and structures.~~
- ~~(4) Off street parking layouts.~~
- ~~(5) Vehicular entrances and exits and turn-off lanes.~~
- ~~(6) Setbacks.~~
- ~~(7) Landscaping, screens, walls, fences.~~
- ~~(8) Signs, including location, size and design thereof.~~
- ~~(9) Sewage disposal facilities.~~
- ~~(10) Storm drainage facilities.~~
- ~~(11) Other utilities if above ground facilities are needed.~~

~~The Metropolitan Development Commission may consider and act upon such proposed use and site and development plan, approved the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner filing such plan shall have the right to appear and be heard. Such site and development plan, proposed use, and building or structure shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.~~
- ~~(2) create and maintain a desirable, efficient and economical use of land and high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;~~
- ~~(3) provide sufficient and adequate access, parking and loading areas;~~
- ~~(4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;~~
- ~~(5) provide adequately for sanitation, drainage and public utilities; and~~
- ~~(6) allocate adequate sites for all uses proposed — the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.~~

2. Permitted hospital district two (HD-2) uses. All uses permitted within the HD-2 District shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02. B.

~~2. HOSPITAL DISTRICT TWO (HD-2) PERMITTED HD-2 USES~~

The HD-2 zoning category is \_\_\_\_\_ (All uses permitted with the designed to (1) permit and \_\_\_\_\_ HD-2 DISTRICT shall be subject facilitate the logical associ \_\_\_\_\_ to the Metropolitan Develop- opation of a diversity of land \_\_\_\_\_ ment Commission's approval, as uses in close proximity to a \_\_\_\_\_ included within a required major hospital complex, (2) \_\_\_\_\_ site and development plan to provide adequate land area \_\_\_\_\_ filed with and approved by for such hospital-related uses, \_\_\_\_\_ said Commission as hereinafter and (3) to assure a quality and \_\_\_\_\_ provided.) character of site development that will create the environ- ment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

- 4 a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
- 6 b. Commercial parking lots and garages.
- 2 c. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales and rental.
- 3 d. Nursing, convalescent and retirement homes.
- 1 e. Offices for physicians, dentists, and other professions dealing with public health.
- 5 f. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
- 7 g. Other similar hospital-related or - oriented uses.

B. Site and development plan. Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose other than lawfully existed on or prior to July 17, 1968 the date of the adoption hereof until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Metropolitan Development Commission.

1. Site and development plan requirements. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
  - (1) a. Proposed Hospital District uses.
  - (2) b. Any existing uses, buildings and structures.
  - (3) c. Proposed buildings and structures.
  - (4) d. Off-street parking layouts.
  - (5) e. Vehicular entrances and exits and turn-off lanes.
  - (6) f. Setbacks.
  - (7) g. Landscaping, screens, walls, fences.
  - (8) h. Signs, including location, size and design thereof.
  - (9) i. Sewage disposal facilities.
  - (10) j. Storm drainage facilities.
  - (11) k. Other utilities if above ground facilities are needed.

The Metropolitan Development Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

Public notice

HD-1. Public notice of a public hearing of the Commission regarding site and development plan approval shall not be required; however, the owner/petitioner filing such plan shall have the right to appear and be heard.

HD-2. Public notice of a public hearing of the Commission regarding site and development plan approval, thereof and notice by the petitioner to adjoining land owners (including, additionally, the major hospital of the adjacent HD-1 District) shall be required in accordance with the Commission's Rules of Procedure shall be required.

Such site and development plan, proposed use, and building or structure shall:

- (1) : be so designed as to create a superior land development plan, in conformity with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana.
  - (2) : create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;
  - (3) : provide sufficient and adequate access, parking and loading areas;
  - (4) : provide traffic control and street plan integration with existing and planned public streets and interior roads;
  - (5) : provide adequately for sanitation, drainage and public utilities; and
  - (6) : allocate adequate sites for all uses proposed – the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana.
2. Improvement location permit requirements. ~~B.~~ No building or structure shall be erected in the HD-1 or HD-2 District without an ~~Improvement~~ Location ~~Permit~~. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Metropolitan Development Commission in accordance with ~~sSection 4.00-A 2.02, B.~~ Applications for ~~an~~ an ~~Improvement~~ Location ~~Permit~~ shall be made upon Department of Metropolitan Development ~~Department~~ forms and shall include all information specified by such forms.

CHAPTER II

SECTION 2.00 HOSPITAL DISTRICT REGULATIONS

~~The following regulations shall apply to all land within the Hospital 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. 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.~~

~~Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.~~

~~B. C. Hospital District development standards. All development within the Hospital Districts shall be in accordance with the site and development plan, as approved by the Metropolitan Planning Commission in accordance with Section 1.00 2.02, B.~~

~~C. HOSPITAL DISTRICT PERFORMANCE STANDARDS~~

~~All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on 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 Metropolitan Planning Department of Marion County, Indiana, 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 quantities as to readily be 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 MATTER — 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.~~

CHAPTER III

~~SECTION 3.00 SEVERABILITY~~

~~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.~~

~~NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.~~

~~Date June 8, 1973 CITY COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA~~

~~Attest: Jean A. Wyttenbach (Clerk)  
Thomas C. Hasbrook President (or Presiding Officer)~~

April 25, 1994

UNIVERSITY QUARTER ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

~~WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first class cities, in order to unify the planning and zoning functions thereof; and~~

~~WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a UNIVERSITY QUARTER SITE PLAN FOR MARION COUNTY, INDIANA, adopted by Resolution 66-CPS-R-3 on December 21, 1966; and~~

~~WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;~~

~~NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the University Quarter Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-6, adopted as an amendment thereto, be amended to read as follows:~~

CHAPTER I

~~SECTION 1.00 ESTABLISHMENT OF UNIVERSITY QUARTER ZONING DISTRICTS~~  
~~PERMITTED USES, DEVELOPMENT STANDARDS~~

~~A. The following primary UNIVERSITY QUARTER ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the UNIVERSITY QUARTER DISTRICTS ZONING MAPS, which MAPS are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICTS other than the following permitted uses.~~

Sec. 2.03. University Quarter District regulations.

A. Permitted University Quarter District uses.

1. Permitted University Quarter One (UQ-1) uses.

~~1. UNIVERSITY QUARTER PERMITTED UQ-1 USES DISTRICT ONE UQ-1~~

- ~~4. a. University uses. Provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 District, the Metropolitan Development Commission's approval shall be required.~~

The petition for such UQ-1 approval shall include a site and development plan. The Metropolitan Development Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner shall have the right to appear and be heard. The proposed use, building or structure and site and development plan shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan;

- (2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) provide adequately for sanitation, drainage and public utilities; and
- (6) allocate adequate sites for all uses proposed – the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan.

2. Permitted University Quarter Two (Butler University) (UQ-2(b)) uses.

~~2. UNIVERSITY QUARTER PERMITTED UQ 2(B) USES DISTRICT TWO (BUTLER UNIVERSITY) UQ 2(B)~~

- ~~1. a.~~ Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of section 2.067 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District Five regulations), ~~of Ordinance No. 66-AO-289-AO-2, as amended. DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, as amended.~~
2. b. University-related group dwelling use (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such University-related group dwelling use shall be subject to the Metropolitan Development Commission's approval, as hereinafter provided, ~~in subsection a., and subject to the development standards of subsection b. hereof. Section 2.03, B.~~
  - a. The petition for UQ-2(B) University-related group dwelling use approval shall include a site and development plan. The Metropolitan Development Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's rules of procedure shall be required. The proposed use, building or structure, and site and development plan shall:
    - (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive ~~or Master~~ plan of Marion County, Indiana, including the applicable University Quarter Plan;
    - (2) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
    - (3) indicate sufficient and adequate access, parking and loading areas—except, however, such primary GROUP DWELLING parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
    - (4) provide adequately for sanitation, drainage and public utilities; and
    - (5) allocate adequate sites for all uses proposed—the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan.

B. University Quarter District development standards.

1. Development standards - UQ-2(B), University-related group dwelling uses.

~~b. UQ 2(D) UNIVERSITY RELATED GROUP DWELLING USES shall be subject to the following development standards:~~

- ~~(1) a. Setback lines and minimum yards.~~
  - ~~(a) (1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of section 2.1721, A of the Dwelling Districts Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.~~
  - ~~(b) (2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.~~
- ~~(2) b. Maximum building area. Building area (as defined in section 2.1925 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.~~
- ~~(3) c. Maximum height. Thirty-five (35) feet.~~

CHAPTER II

SECTION 2.00 UNIVERSITY QUARTER DISTRICT REGULATIONS

The following regulations shall apply to all land within the UNIVERSITY QUARTER 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. 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.~~

~~Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.~~

~~B. All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on 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 Metropolitan Planning Department of Marion County, Indiana, 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 No use shall discharge across the lot lines noxious, MATTER 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 quantities 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 No use shall produce heat or glare creating a hazard  
GLARE perceptible from any point beyond the lot lines.~~

~~8. WASTE No use shall accumulate within the lot or discharge  
MATTER 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.~~

~~C. All uses permitted within the UNIVERSITY QUARTER DISTRICTS shall be provided with adequate off street parking and loading spaces.~~

Sec. 2.04. Reserved.

CHAPTER III

Sec. 3.00. Severability.

~~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.~~

~~NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.~~

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Now be it further ordained that this ordinance shall be in full force and effect from and after its adoption in compliance with IC 36-7-4.

Proposal No. 197, 1994 was retitled GENERAL ORDINANCE NO. 60, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1994  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 94-AO-4

A GENERAL ORDINANCE amending the Special Use Districts Zoning Ordinance of Marion County, Indiana, 66-AO-3, as amended.

WHEREAS, IC 36-7-4, as amended, establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, as amended, various segments of its Comprehensive Plan Of Marion County, Indiana; and

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general public welfare may be promoted;



April 25, 1994

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

SECTION 1. ~~That Marion County Council Ordinance No. 8-1857, adopted by the Marion County Council on March 28, 1957, and subsequently amended, be further amended by amending the Special Use Districts Zoning Ordinance (Docket No. 66-AO-3 as amended by 67-AO-5, 68-AO-13 and 78-AO-1) to read as follows: The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 66-AO-3, 67-AO-5, 68-AO-13, and 78-AO-1, be further amended by deleting the crosshatched language and inserting the underscored language as follows:~~

SPECIAL USE DISTRICTS ZONING ORDINANCE  
OF MARION COUNTY, INDIANA

CHAPTER I

Sec. 1.00. Establishment of Special Use Zoning Districts --Permitted Uses

The following primary Special Use Zoning Districts for Marion County, Indiana, are hereby established, and land within said County, ~~including the incorporated and unincorporated portions thereof, hereafter 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 hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any Special Use Zoning District other than the following permitted use or uses specified for each said district, respectively:~~

<i>Special Use Zoning District</i>	<i>Symbol</i>	<i>Permitted Use</i>
I	SU-1	<del>Churches</del> <u>Religious use (as defined in section 2.01.B.</u>
II	SU-2	Schools
III	SU-3	Golf courses, golf driving range, <u>golf country club--public or private</u>
<del>IV</del>	<del>SU-4</del>	<del>Airport or landing fields</del>
V	SU-5	Radio receiving or broadcasting towers and accessory buildings
VI	SU-6	Hospitals, <del>and</del> sanitariums, <u>nursing home</u>
VII	SU-7	Charitable, <del>and</del> philanthropic <u>and not-for-profit</u> institutions
VIII	SU-8	Correctional and penal institutions
IX	SU-9	Building(s) and grounds used by any department of town, city, township, county, state or federal government
X	SU-10	Cemeteries
<del>XI</del>	<del>SU-11</del>	<del>Auto wrecking and junking.</del>
<del>XII</del>	<del>SU-12</del>	<del>Junkyards--iron, rag, paper--storage or bailing.</del>
XIII	SU-13	Sanitary landfill
<del>XIV</del>	<del>SU-14</del>	<del>Garbage feeding and disposal.</del>
<del>XV</del>	<del>SU-15</del>	<del>The raising or maintenance of animals or livestock for biological purposes or for their fur or pelts.</del>
XVI	SU-16	<del>Amusement parks and swimming pools privately owned and open to public patronage</del> <u>Indoor and outdoor commercial amusement, recreation and entertainment establishment.</u>
<del>XVII</del>	<del>SU-17</del>	<del>Automobile race track, speedways.</del>
XVIII	SU-18	Light <del>and</del> power substation.
<del>XIX</del>	<del>SU-19</del>	<del>Drive-in theatres.</del>
XX	SU-20	Telephone exchange offices.
<del>XXI</del>	<del>SU-21</del>	<del>Dog kennels, boarding and breeding.</del>
<del>XXII</del>	<del>SU-22</del>	<del>Livestock sales yards and auction yards.</del>
XXIII	SU-23	Permanent gravel <del>and</del> <u>or</u> sand processing plant, <u>rock crushing, grinding or milling</u> and stock piling.
<del>XXIV</del>	<del>SU-24</del>	<del>Abattoir.</del>
<del>XXV</del>	<del>SU-25</del>	<del>Asphalt handling.</del>

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<del>XXVI</del>	<del>SU-26</del>	<del>Glue manufacturing.</del>
<del>XXVII</del>	<del>SU-27</del>	<del>Livestock killing or meat processing.</del>
<del>XXVIII</del>	<del>SU-28</del>	<del>Petroleum refineries and petroleum products storage.</del>
<del>XXIX</del>	<del>SU-29</del>	<del>Reduction plants</del>
<del>XXX</del>	<del>SU-30</del>	<del>Rock crushing, grinding or milling.</del>
<del>XXXI</del>	<del>SU-31</del>	<del>Slaughter house.</del>
<del>XXXII</del>	<del>SU-32</del>	<del>Stock yards.</del>
<del>XXXIII</del>	<del>SU-33</del>	<del>Pharmaceutical laboratories.</del>
<del>XXXIV</del>	<del>SU-34</del>	<del>a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public</del>
XXXV	SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings. <del>—"Telecommunication" is defined by the Federal Communications Commission as: "any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems." Said definition is hereby made a part of this section.</del>
<del>XXXVI</del>	<del>SU-36</del>	<del>Riding academies, commercial stables.</del>
<del>XXXVII</del>	<del>SU-37</del>	<del>Library</del>
<del>XXXVIII</del>	<del>SU-38</del>	<del>Community center</del>
<del>XXXIV</del>	<del>SU-39</del>	<del>a. Water tanks, b. water pumping stations and similar structures not located on buildings.</del>
<del>XXXX</del>	<del>SU-40</del>	<del>Dance studios (for instruction purposes only).</del>
<del>XXXXI</del>	<del>SU-41</del>	<del>Sewage disposal plant; <u>garbage feeding and disposal</u></del>
<del>XXXXII</del>	<del>SU-42</del>	<del>Gas utility</del>
<del>XXXXIII</del>	<del>SU-43</del>	<del>Power transmission lines</del>

Including for each said district, Accessory Uses and Structures, subordinate, appropriate and incidental to the above permitted primary uses.

CHAPTER II

Sec. 2.00. Special Use District Regulations

The following regulations shall apply to all land within the Special Use Districts.

- A. Applicability Of Regulations. 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. 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 and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit.

Upon the application for such permit request, the Administrator of the ~~Division of Neighborhood and Development Services~~ Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed site and development plan and landscape plan. (The action of the Administrator upon such permit application shall be subject to the filing of an appeal in the form of an Approval Petition, within ten (10) days of denial of said approval, by any aggrieved person to the Metropolitan Development Commission as specified in the Rules of Procedure of the Metropolitan Development Commission.)

The Metropolitan Development Commission may consider and act upon such appeals of the action of the Administrator at any public meeting of the Commission, -- and shall either approve, disapprove, or approve subject to any conditions, amendments, or covenants by the petitioner, the site and development plan and landscape plan. The Approval Petition shall be heard in accordance with the Metropolitan Development Commission's Rules of Procedure.

No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.

3. ~~Provided, however, if~~ Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be reconstructed to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, when such provided the damage or destruction does not exceed two-thirds (2/3) of the value gross floor area of the building or structures or facilities affected.

3 4. All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that District.

B. Performance Standards. All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on 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, dust and particulate matter:* Smoke, dust, particulate matter and any other airborne material shall be subject to, and comply with, the standards and regulations of the Air Pollution Ordinance as contained in Chapter 4 of the Code of Indianapolis and Marion County, Indiana, and regulations promulgated pursuant thereto by the Indianapolis Air Pollution Control Board.
3. *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.
4. *Odor:* No use shall emit across the lot lines odor in such quantities 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.
5. *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.
6. *Heat and glare:* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter:* 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 and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. Development Standards All uses permitted within the Special Use Districts shall ~~be provided with adequate off-street parking and loading spaces, be administratively reviewed (as noted in Section 2.00, A, 1 and 2), using as a guide the development standards applicable to the specified district as follows:~~

Special Use  
Zoning District

Applicable District For  
Development Standards Compliance

<u>SU-1</u>	<u>C-1</u>
<u>SU-2</u>	<u>C-1</u>
<u>SU-3</u>	<u>C-5</u>
<u>SU-5</u>	<u>I-2-S</u>
<u>SU-6</u>	<u>C-2</u>
<u>SU-7</u>	<u>C-2</u>
<u>SU-8</u>	<u>C-2</u>
<u>SU-9</u>	<u>C-1</u>
<u>SU-10</u>	<u>C-1</u>
<u>SU-13</u>	<u>(As per Section 2.00. D)</u>
<u>SU-16</u>	<u>C-5</u>
<u>SU-18</u>	<u>I-1-S</u>
<u>SU-20</u>	<u>C-1</u>
<u>SU-23</u>	<u>I-5-S</u>
<u>SU-28</u>	<u>I-4-S</u>
<u>SU-34</u>	<u>C-3</u>
<u>SU-35</u>	<u>I-2-S</u>
<u>SU-37</u>	<u>C-1</u>
<u>SU-38</u>	<u>C-3</u>
<u>SU-39</u>	<u>C-1</u>
<u>SU-41</u>	<u>I-5-S</u>
<u>SU-42</u>	<u>C-1 (And as per Section 2.00. E)</u>
<u>SU-43</u>	<u>I-1-S</u>

The Administrator, in reviewing Special Use District development, shall have the power to modify the standards noted above, and approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

D. Additional Development Standards for the Special Use XIII (SU-13) District In addition to the regulations of Section 2.00 A, B, and C, the following regulations shall apply to Special Use District XIII (SU-13):

1. Land use restriction: Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.01. B. as follows:

~~"Sanitary landfill": a method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary, and in compliance with all requirements and regulations of this ordinance. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District.~~

~~"Open Dumping", as defined in Section 2.01. B, shall not be permitted in the SU-13 District. (For purposes of this ordinance, "open dump" is defined as follows: a site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.)~~

No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

2. Minimum lot area: Ten (10) acres.
3. Minimum frontage: Three hundred (300) feet.
4. Minimum yards: Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.

5. *Fencing:* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.
6. *Buffer strip:* A buffer planting strip, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. *Signs:* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Only necessary identification and directional signs shall be permitted.
8. *Access drive:* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. *Required permit, site and operational plan; bond:*

- (1) a. No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a Permit has been issued by the Neighborhood and Development Division of Development Services Division and a bond filed therefore, as required by sub-paragraph (2) b. hereof.
- (2) b. Applications for the Permit required by subparagraph (1) a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and the completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph (3) c. hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- (3) c. Applications for the Permit required by sub-paragraph (1) a. above shall be accompanied by the following:
  - (a) (1) proposed Site and Operational Plan, including topographic maps (at a scale of not over one hundred [100] feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Division of Neighborhood and Development Services Division shall be required prior to the issuance of said permit.

- (b) (2) An area map.

10. *Operation:*

- (a) a. Supervision of operation. A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an

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attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.

- (b) b. Unloading of refuse. Unloading of refuse shall be continuously supervised.
- (c) c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- (d) d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
- (e) e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- (f) f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- (g) g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- (h) h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
- (i) i. Burning. No refuse shall be burned on the premises.
- (j) j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
- (k) k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
- (l) l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- (m) m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- (n) n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.
- (o) o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. *Completion of Landfill:* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:
  - (a) a. result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
  - (b) b. minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

E. *Additional Development Standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00 A, B and C, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association, a copy of which is on file in the office of the Neighborhood and Division of Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation, a copy of which is on file in the office of the Neighborhood and Division of Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation, a copy of which is on file in the office of the Neighborhood and Division of Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street or highway.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced off-street parking areas ~~with hard usable surface~~, including as a minimum requirement one (1) space (containing ~~three hundred-thirty~~ [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line.

Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.

6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established set-back for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater.

and in the event the abutting land is in an Industrial or Commercial ~~District~~, the front yard shall be not less than sixty (60) feet in depth.

Provided further that in the event said lot adjoins a Dwelling or ~~Agricultural~~ District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established set-back line of said Dwelling or ~~Agricultural~~ District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.

8. A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.

~~On a corner lot, the side yard adjacent to a street shall be subject to the standards applicable to front yards, except that such side yard may be used for off-street parking not extending within 20 feet of the street right-of-way.~~

9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4), ~~except that no signs other than directional signs not exceeding 6 square feet in area shall be permitted between the lot line and set back line.~~
11. All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a six (6) foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Said hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event said lot adjoins a Dwelling or ~~Agricultural~~ District, said fence and hedge shall not be located closer to any street right-of-way than the established setback line of said Dwelling or ~~Agricultural~~ District.

Sec. 2.01. 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:



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- 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.
1. Administrator: Administrator of the Neighborhood and Development Services Division or his/her appointed representative.
  2. Hardsurfaced: Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
  3. Lot line: The legal boundary of a lot as recorded in the office of the Marion County Recorder.
  4. Lot line, front: The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with 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 to the primary structure shall be considered the front lot line, or so declared by the Administrator.
  5. 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. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.
  6. Lot line, side: Any lot line not designated as a front or rear lot line.
  7. Open dumping: A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.
  8. Religious use: A land use devoted primarily to 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.
  9. Sanitary landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
  10. Yard, front: An open space unobstructed to the sky, extended 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.
  11. Yard, rear: An open space unobstructed to the sky extending fully across the lot situated between the rear 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.
  12. 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.

### CHAPTER III

#### Sec. 3.00. Severability.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid, its invalidity by any court of competent jurisdiction, such holding or decision shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

~~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 2.00 That an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after its passage.~~

SECTION 2. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission docket number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended by reclassifying all land within Marion County, Indiana designated on the Comprehensive Zoning Maps in the SU-14, SU-15 and SU-29 Districts, to the following classifications, thereby updating said Comprehensive Zoning Maps:

<i>Deleted Special Use District</i>		<i>New Zoning Classification</i>
<u>SU-14</u>	<u>Garbage Feeding and Disposal</u>	<u>SU-41</u>
<u>SU-15</u>	<u>The Raising and Maintenance of Animals or Livestock for Biological Purposes or for Their Fur or Pelts</u>	<u>D-3</u>
<u>SU-29</u>	<u>Reduction Plant</u>	<u>I-4-U</u>

(which applicable Comprehensive Zoning Maps are attached hereto, incorporated herein by reference and made a part of this ordinance). [The map referred to in this section is not attached to this ordinance, but is on file in the office of the Clerk of the City-County Council.]

SECTION 3. This rezoning shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the Commission and the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not be mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto).

SECTION 4. This rezoning shall not supercede, amend or repeal Airspace District Zoning Ordinance (62-AO-2, as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 5. This rezoning shall not supercede, amend or repeal the Floodway and Floodway fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 6. This rezoning shall not supercede, amend, or repeal Gravel-Sand-Borrow District Zoning Ordinance (65-AO-3) and the GSB (Gravel-Sand-Borrow) designations adopted pursuant thereto as a secondary zoning district.

SECTION 7. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

Proposal No. 198, 1994 was retitled GENERAL ORDINANCE NO. 61, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1994  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 94-AO-5

A GENERAL ORDINANCE repealing the Regional Center - Market Square Development District Zoning Ordinance of Marion County, Indiana and rezoning land in the former RC-M District to the CBD-1 and CBD-2 classifications.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana 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,

April 25, 1994

WHEREAS, the Regional Center - Market Square Development District Zoning Ordinance for Marion County, Indiana, 70-AO-2, has been amended but has not been revised substantially in over ten years; and,

WHEREAS, in the time period since the original adoption of the Regional Center - Market Square Development District Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the downtown area have changed, with these changes not being reflected in the Regional Center - Market Square Development District; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has determined that the provisions for Metropolitan Development Commission (MDC) public hearing and approval of all uses or development within the Regional Center - Market Square Development District is overly burdensome, unnecessary, and repetitive; and,

WHEREAS, the Central Business District One (CBD-1) and Central Business District Two (CBD-2) classifications, in conjunction with the Regional Center Secondary District, can properly provide for protection of the City Market area, while significantly lessening the bureaucratic regulation and monetary cost of the current system; and,

WHEREAS, the Regulatory Study Commission has recommended to the MDC and the City-County Council that the Regional Center - Market Square Development District be repealed, with the land formerly zoned to the RC-M District being rezoned to the appropriate Central Business District classification and Regional Center Secondary District; now, therefore:

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

SECTION 1. The Regional Center - Market Square Development District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 70-AO-2 and 81-AO-6, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended by reclassifying all land within Marion County, Indiana designated on the Comprehensive Zoning Maps in the RC-M District, to the following classifications, thereby updating said Comprehensive Zoning Maps:

All land in the former RC-M District located west of Delaware Street shall be rezoned to the Central Business District One (CBD-1) classification; and,

All land in the former RC-M District located east of Delaware Street shall be rezoned to the Central Business District Two (CBD-2) classification.

Said land shall be classified, divided and zoned into said districts as designated on the zoning base map, which map is attached hereto as Map #1, incorporated herein by reference and made a part of this ordinance. [The map referred to in this section is not attached to this ordinance, but is on file in the office of the Clerk of the City-County Council.]

SECTION 3. All land in the former RC-M District, rezoned and reclassified into the CBD-1 and CBD-2 Districts noted in Section 2 above, shall further be rezoned to the Regional Center (RC) Secondary Zoning District classification, as noted on the zoning base map, which map is attached hereto as Map #2, incorporated herein by reference and made a part of this ordinance.

SECTION 4. This rezoning shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the Commission and City-County Council Subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto).

SECTION 5. This rezoning shall not supercede, amend or repeal Airspace District Zoning Ordinance (62-AO-2, as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 6. This rezoning shall not supercede, amend or repeal the Floodway and Floodway fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 7. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provisions, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 8. This ordinance shall in be full force and effect from and after adoption in compliance with IC 36-7-4.

PROPOSAL NO. 199, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 199, 1994 on April 20, 1994. The proposal approves the disbursement of \$60,000 of the Community Development Block Grant funds. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Gilmer, for adoption. Proposal No. 199, 1994 was adopted on the following roll call vote; viz:

*23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams*

*0 NAYS:*

*6 NOT VOTING: Dowden, Giffin, Golc, Gray, Schneider, Smith*

Proposal No. 199, 1994 was retitled SPECIAL RESOLUTION NO. 34, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1994

A SPECIAL RESOLUTION approving the amount, location and programmatic operation of a project to be funded from Community Development Grant Funds.

WHEREAS, on September 21, 1992, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 57, 1992, 1993 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 4.01. State, local and federal grants.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a Riley Area Redevelopment Program Project recommended by the Metropolitan Development Committee to be funded by a portion of the remaining 1993 Community Development Grant Funds, to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amount, location and programmatic operation of the Riley Area Redevelopment Program Project submitted by the Department of Metropolitan Development, should be approved; now, therefore:

April 25, 1994

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

SECTION 1. That the Riley Area Redevelopment Program Project recommended by the Metropolitan Development Committee and submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amount, location and programmatic operation of the project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 of the Budget Ordinance.

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

EXHIBIT "A"

1993 COMMUNITY DEVELOPMENT BLOCK GRANT  
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

Riley Area Redevelopment Program

\$60,000

Project will acquire and/or rehabilitate three (3) homes for sale to low income families.

PROPOSAL NO. 202, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 202, 1994 on April 13, 1994. The proposal transfers and appropriates \$400 for the Superior Court, Title IV-D Court, to purchase an IRMA Board to install in a personal computer in the office. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Boyd, for adoption. Proposal No. 202, 1994 was adopted on the following roll call vote; viz:

*24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams*

*2 NAYS: Curry, Schneider*

*3 NOT VOTING: Giffin, Golc, Jones*

Proposal No. 202, 1994 was retitled FISCAL ORDINANCE NO. 33, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Four Hundred Dollars (\$400) in the County General Fund for purposes of the Superior Court, Title IV-D Court 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 1.02 (vv) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Title IV-D Court to purchase an IRMA Board to install in the personal computer in the office.

SECTION 2. The sum of Four Hundred Dollars (\$400) 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, TITLE IV-D COURT

2. Supplies  
TOTAL INCREASE

COUNTY GENERAL FUND

\$400  
\$400

SECTION 4. The said increased appropriation is funded by the following reductions:

SUPERIOR COURT, TITLE IV-D COURT

4. Capital Outlay  
TOTAL REDUCTION

COUNTY GENERAL FUND

\$400  
\$400

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

PROPOSAL NO. 214, 1994 The proposal sponsored by Councillor Coughenour amends the Code concerning environmental public nuisances. Councillor Coughenour asked for consent to send it back to Committee. Consent was given.

**ANNOUNCEMENTS AND ADJOURNMENT**

Councillor Boyd stated that he has been asked to offer the following motions for adjournment by:

- (1) Councillor Williams in memory of Catherine Peachey,
- (2) Councillor Coughenour in memory of Sammuel Raymond Graves, Jr. and Paul Namy,
- (3) Councillor Franklin in memory of Homer Johnson.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Catherine Peachey, Sammuel Raymond Graves, Jr., Paul Namy and Homer Johnson. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:25 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 25th day of April, 1994.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

Acting Clerk of the Council

ATTEST:

(SEAL)