

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

**REGULAR MEETINGS  
MONDAY, JANUARY 12, 1998**

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 7:12 p.m. on Monday, January 12, 1998, with Councillor SerVaas presiding.

Councillor McClamroch 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:

*28 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*  
*1 ABSENT: Gray*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Curry introduced Yanno Sorbat, a member of the Council of Budapest and professor of economics. Councillor Black recognized Roderick Bohannon, president of the Greater Indianapolis NAACP, and Joe Simpson, a neighborhood leader in the North District. Councillor Cockrum introduced the president of the Decatur Township Neighborhood Coalition, Tim Kilber. President SerVaas recognized members of Boy Scout Troop 441, who are in attendance to earn a merit badge in government. Councillor Jones introduced Center Township Trustee, Carl Drummer. Councillor Williams recognized Dr. Mary Bush of the Indianapolis Public School board. President SerVaas recognized Sam Jones, president of the Urban League of Indianapolis, and Tony Binford, owner of Binford Construction. Councillor Short introduced

State Representative Bill Crawford and State Senator Murray Clark. Councillor Boyd asked all visitors present to support Proposal No. 687, 1997 to stand.

## **ORGANIZATION OF COUNCIL**

### **Selection of Temporary Presiding Officer**

The President asked for consent to appoint Robert G. Elrod, Parliamentarian, as the temporary chairman of the meeting. Consent was given. The President passed the gavel to Mr. Elrod.

### **Election of Officers**

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Gilmer nominated Councillor SerVaas for President. Councillor Franklin seconded the nomination. Councillor Franklin moved, seconded by Councillor Borst, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor SerVaas as President.

Mr. Elrod opened the floor for nominations for Vice President of the Council. Councillor Dowden nominated Councillor McClamroch for Vice President. Councillor Schneider seconded the nomination. Councillor Massie moved, seconded by Councillor Curry, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor McClamroch as Vice President.

Mr. Elrod opened the floor for nominations for Clerk of the Council. Councillor Coughenour nominated Suellen Hart for Clerk of the Council. Councillor Moores seconded the nomination. Councillor Black moved, seconded by Councillor Gilmer, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Suellen Hart as Clerk of the Council.

Mr. Elrod returned the gavel to President SerVaas.

### **Certification of Caucus Leaders**

The President stated that he has certifications that Councillor McClamroch has been selected as leader of the Republican Caucus, and Councillor Boyd has been selected as leader of the Democratic Caucus.

President SerVaas, Councillor McClamroch, Councillor Boyd, and Ms. Hart all voiced their appreciation to the Council for this honor.

### **Reappointment of Senior Staff**

The President asked for consent to reappoint the following senior staff members:

General Counsel: Robert G. Elrod  
Chief Financial Officer: Stuart Rhodes  
Research Director: Max L. Moser  
Assistant Clerks: Ava Earles and Peggy Stawick

Consent was given.

Councillor Boyd made the following motion:

Mr. President:

I move that Indianapolis City-County Council Proposal No. 687, 1997, originally assigned to the Public Safety and Criminal Justice Committee and tabled there with no pending action or scheduled hearing date, be reassigned to the Committee of the Whole Council and scheduled for public hearing at the January 26, 1998 regularly scheduled 7:00 p.m. meeting.

Councillor Black seconded the motion. Councillor Boyd stated that he feels a disregard has been shown for the Committee hearing process and a forum has been denied him to adequately represent his district. He added that as a result of recent events, the Public Safety and Criminal Justice is not the proper forum to receive a fair hearing.

Councillor McClamroch stated that he also wants to see this proposal resolved and feels the Committee is moving towards a resolution. He stated that the proposal is not yet fully ready for a vote as recommendations and changes are still being made based on the task force objectives. He said that he does not believe the full Council meeting is the proper forum for a public hearing on this matter. Councillor McClamroch moved to table Councillor Boyd's motion until the proposal has been fully amended and is ready for a vote. Councillor Curry seconded the motion.

Councillor Boyd stated that he is not opposed to postponing his motion until January 26, 1998, but that if at that time nothing is in place to take action, that the hearing be moved before the Committee of the Whole. Councillor McClamroch stated that this is agreeable to him.

The President called for a vote on the motion to table Councillor Boyd's motion until January 26, 1998. The motion carried by a unanimous voice vote.

Councillor Williams stated that the subject matter of Proposal No. 687, 1997 has been before the Council at least twice before and it is time to finally address the issue.

Councillor Boyd thanked the public in attendance in support of Proposal No. 687, 1997. He added that the proposal will be back before the full Council on January 26, 1998, and encouraged the public to again be in attendance.

## 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 the 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, January 12, 1998, 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

*Journal of the City-County Council*

December 16, 1997

TO THE HONORABLE PRESIDENT AND 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:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* or the *Indianapolis News* on Friday, December 19, 1997, a copy of a Notice of Public Hearing on Proposal No. 769, 1997, said hearing to be held on Monday, January 12, 1998, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Suellen Hart  
Clerk of the City-County Council

December 19, 1997

TO THE HONORABLE PRESIDENT AND 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:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 124, 1997 - approves an increase of \$100,000 in the 1997 Budget of the Marion County Superior Court (County General Fund) for purposes of paying juror fees financed by fund balances

FISCAL ORDINANCE NO. 125, 1997 - authorizes tax anticipation borrowing for the County General Fund, the County Family and Children's Fund, and the County Welfare Fund during the period from January 1, 1998 through December 31, 1998

FISCAL ORDINANCE NO. 126, 1997 - authorizes tax anticipation borrowing for the City during the period from January 1, 1998 through December 31, 1998

FISCAL ORDINANCE NO. 127, 1997 - approves an increase of \$152,172 in the 1997 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue the comprehensive traffic safety program funded by a federal grant administered by the Governor's Council on Impaired and Dangerous Driving

FISCAL ORDINANCE NO. 128, 1997 - approves an increase of \$17,444 in the 1997 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse overtime paid to Sheriff Deputies assigned to the FBI Task Force Program funded by a FBI Task Force Grant

GENERAL ORDINANCE NO. 193, 1997 - organizes the Department of Metropolitan Development (DMD) in a manner more compatible with the budget and improves DMD's services

GENERAL ORDINANCE NO. 194, 1997 - authorizes parking restrictions on the west side of Illinois Street from 30th Street to a point 795 feet north of 30th Street (Children's Museum) (Districts 9, 22)

GENERAL ORDINANCE NO. 195, 1997 - authorizes a traffic signal at Hague Road and Lawrence North High School (District 4)

GENERAL ORDINANCE NO. 196, 1997 - authorizes a multi-way stop at Franklin Parke Boulevard, Franklin Parke Court, and Franklin Parke Woods (District 23)

GENERAL ORDINANCE NO. 197, 1997 - authorizes parking restrictions on Crittenden Avenue, on the east side, from Kessler Boulevard East Drive to a point 140 feet south of Kessler Boulevard East Drive (District 7)

GENERAL ORDINANCE NO. 198, 1997 - authorizes parking restrictions on New York Street, on the south side, from Sherman Drive to a point 150 feet west of Sherman Drive; and on New York Street, on the south side, from Gale Street to Emerson Avenue (District 15)

GENERAL ORDINANCE NO. 199, 1997 - authorizes a weight limit restriction on Village Way between 86th Street and 96th Street (District 4)

SPECIAL ORDINANCE NO. 19, 1997 - approves the Revolving Loan Agreement and a note between the City and the Indianapolis Local Public Improvement Bond Bank in the amount of \$20 million and appropriates said funds (Barrett projects)

SPECIAL RESOLUTION NO. 87, 1997 - recognizes Harley Chapman

SPECIAL RESOLUTION NO. 88, 1997 - recognizes Social Action Committee, Inc.

SPECIAL RESOLUTION NO. 89, 1997 - recognizes the Bishop Chatard High School State Champion Football Team

Respectfully,  
s/Stephen Goldsmith, Mayor

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of December 15, 1997. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 11, 1998. The proposal, sponsored by Councillors Moores and Borst, commends Iesha Garcia and Mr. and Mrs. Michael Powers. Councillor Moores detailed the incident in which Ms. Garcia and her parents rescued the wounded Doberman pinscher, Apollo, a pet of southsiders Kevin and Ava Earles. Councillor Borst, who is Apollo's veterinarian, stated that he has not often seen people take such fast action in helping such a large and possibly dangerous animal. Mr. Earles thanked Iesha and her parents for saving his pet. Ms. Garcia thanked the Council and the Earles' for the honor and stated that she hopes what she did was what anyone else would have done in the same circumstances. Councillor Moores moved, seconded by Councillor Borst, for adoption. Proposal No. 11, 1998 was adopted by a unanimous voice vote.

Proposal No. 11, 1998 was retitled SPECIAL RESOLUTION NO. 1, 1998, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 1, 1998**

A SPECIAL RESOLUTION commending Iesha Garcia and Mr. and Mrs. Michael Powers.

WHEREAS, throughout the animal kingdom, few bonds are more legendary than the faithful devotion between dogs and humans; and

WHEREAS, Indianapolis residents Kevin and Ava Earles is one such family who have a warm and special relationship with their canine companions; and

WHEREAS, unfortunately, while the Earles' were on vacation in Florida their doberman pinscher, Apollo, wandered away from home and was struck by a motor vehicle; and

WHEREAS, Southport High School student Iesha Garcia happened upon the injured dog which was lying in the street and without hesitation phoned home where her Indianapolis fireman dad Michael

Powers and the whole family took the injured Apollo to an emergency veterinary clinic to treat the abrasions and dislocated hip, then cared for the injured pet at their home; and

WHEREAS, the vacationing Earles having heard from their housesitter that Apollo and its doberman companion Lizzy were missing immediately flew back to Indianapolis where they soon learned about the Good Samaritan neighbors whom they hadn't even known before this extraordinary act of kindness; and

WHEREAS, today, Apollo is recovering nicely; 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 Southport High School student Iesha Garcia and her parents for their outstanding demonstration of kindness in caring for a stranger's injured pet as if the animal was their own.

SECTION 2. Countless unpublicized deeds of civility like this all add up to Indianapolis being a great city in which to call home.

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. 45, 1998. The proposal, sponsored by Councillor Hinkle, authorizes the Metropolitan Development Committee to review the housing demolition program and procedures. Councillor Hinkle stated that this proposal is in response to several inquiries by Councillors. He moved, seconded by Councillor Schneider, for adoption. Proposal No. 45, 1998 was adopted by a unanimous voice vote.

Proposal No. 45, 1998 was retitled COUNCIL RESOLUTION NO. 1, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 1998

A COUNCIL RESOLUTION authorizing the Metropolitan Development Committee to review the housing demolition program and procedures.

WHEREAS, the current demolition processes and reclamation fees were established by the Metropolitan Development Commission over ten years ago; and

WHEREAS, the percentages of actual collections versus total number of cases seems out of line; and

WHEREAS, there seems some uncertainty about what criteria and processes are used; and

WHEREAS, there have been reservations expressed regarding the negotiation process and when a file is sent to outside collection; now, therefore:

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

SECTION 1. The Council Committee on Metropolitan Development shall review the demolition and change recovery processes through open hearings.

SECTION 2. The Committee will report back to the full Council by April 1, 1998 any recommendations for consideration that the Council or department change the current processes.

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

PROPOSAL NO. 800, 1997. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 800, 1997 on January 5, 1998. The proposal, sponsored by Councillors McClamroch, Hinkle, and Cockrum, appoints C. Eugene Hendricks to the Metropolitan Development Commission. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Cockrum, for adoption. Proposal No. 800, 1997 was adopted by a unanimous voice vote.

Proposal No. 800, 1997 was retitled COUNCIL RESOLUTION NO. 2, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 1998

A COUNCIL RESOLUTION appointing C. Eugene Hendricks to the Metropolitan Development Commission.

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 Development Commission, the Council appoints:

C. Eugene Hendricks

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 1, 1998. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Peter A. Bisbecos as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 2, 1998. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the disbursement of \$2,382,870 in Community Development Block Grant Funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 3, 1998. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which eliminates a weight limit restriction on Franklin Road, from Pendleton Pike to 38th Street (District 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 4, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$140,609 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to pay salaries of employees previously paid contractually by another agency funded in part by a reimbursement from the Marion County Office of Family and Children"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 5, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$649,500 in the 1998 Budget of the Prosecutor's Child Support IV-D Agency (County General Fund) to expand the Job or Jail Program to increase child support collections and other activities funded by increases in Title IV-D reimbursements"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 6, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$500,000 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to fund 15 new road deputies for the first of a three-year Law Enforcement Assistance Grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 7, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 1998 Budget of the County Auditor (Enhanced Access Fund) to pay the expenses of providing enhanced access services funded by enhanced access fees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 8, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,000 in the 1998 Budget of the County Auditor (Civic Link Fund) to pay expenses of providing civic link services funded by civic link fees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 9, 1998. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,500 in the 1998 Budget of the Forensic Services Agency (State and Federal Grants Fund) to provide additional supply monies for use in DNA STR testing"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 10, 1998. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns cable franchise fees"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 12, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the newly appointed City Controller to sign Public Employees' Retirement Fund (PERF) documents on behalf of the City"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 13, 1998. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Leah Smith as Director of the Department of Administration for a term ending December 31, 1998"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 14, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Dennis Neidigh as Director of the Department of Capital Asset Management for a term ending December 31, 1998"; and the President referred it to the Capital Asset Management Committee.



PROPOSAL NO. 15, 1998. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Moira Carlstedt as Director of the Department of Metropolitan Development for a term ending December 31, 1998"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 16, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Dr. Alan E. Handt as Director of the Department of Public Safety for a term ending December 31, 1998"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 17, 1998. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Ted Rhinehart as Director of the Department of Public Works for a term ending December 31, 1998"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 18, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Susan W. Brooks as Deputy Mayor for a term ending December 31, 1998"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 19, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of John R. Hall as Deputy Mayor for Neighborhoods for a term ending December 31, 1998"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 20, 1998. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints William G. Lantz, III to the Marion County Early Intervention Plan Team"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 21, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints John von Arx to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 22, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Sarah Taylor to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 23, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints James Atterholt to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 24, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Curt Coonrod to the Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 25, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Monty Combs to the Community Centers of Indianapolis Board"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 26, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tony A. Buford to the Board of Asset Management and Public Works"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 27, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Arno Haupt to the Board of Asset Management and Public Works"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 28, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Randolph L. Snyder to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 29, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 30, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 31, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Isaac Randolph to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 32, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joe M. Rink to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 33, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 34, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert A. Stewart to

the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 35, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Spear to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 36, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Phyllis Carr to the Urban Enterprise Association"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 37, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Ken Giffin to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 38, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints George Taylor to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 39, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Ann Curry to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 40, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 41, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Susie Davie to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 42, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Leslie Duvall to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 43, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Billie Romeril to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 44, 1998. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mary Stewart to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

Councillor Golc made the following motion:

Mr. President:

I move that Proposal No. 54, 1998 (Rezoning Case 97-Z-158 (Amended)) be scheduled for a hearing before this Council at its next regular meeting on January 26, 1998 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Consent was given to schedule this proposal for a public hearing on January 26, 1998. Proposal No. 54, 1998 is identified as follows:

97-Z-158 (Amended)  
2450 WEST MORRIS STREET (approximate address), INDIANAPOLIS.  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17  
TRANSPORT INTERNATIONAL POOL, INC., by Thomas Michael Quinn, requests a rezoning of 12.693 acres, being in the C-7 and D-5 Districts, to the C-S classification to provide for a truck trailer leasing and sales business.

PROPOSAL NO. 46, 1998, PROPOSAL NOS. 47-50, 1998, PROPOSAL NOS. 51-53, 1998, and PROPOSAL NO. 55, 1998. Introduced by Councillor Hinkle. Proposal No. 46, 1998, Proposal Nos. 47-50, 1998, Proposal Nos. 51-53, 1998, and Proposal No. 55, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 9, 1998. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 1-9, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 1, 1998.  
97-Z-176  
4952 WEST THOMPSON ROAD (approximate address), INDIANAPOLIS.  
DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19  
SUNBEAM DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests a rezoning of 3.0 acres, being in the D-A District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 2, 1998.  
97-Z-201  
9051 ALLISONVILLE ROAD (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3  
TRAMMEL CROW RESIDENTIAL, by Thomas Michael Quinn, requests a rezoning of 15.975 acres, being in the SU-2 District, to the C-2 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 3, 1998.  
97-Z-203  
801-843 FAYETTE STREET, 802-812 and 902-942 NORTH MISSOURI STREET, and

401-413 WEST 9<sup>th</sup> STREET (approximate address), 401 W 10TH STREET, INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16  
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 4.72 acres,  
being in the I-3-U (RC) Districts, to the CBD-2 (RC) classification to provide for central business  
district development.

REZONING ORDINANCE NO. 4, 1998.

97-Z-225

4748 SOUTH WALCOTT STREET (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24  
THOMPSON ROAD BAPTIST CHURCH requests a rezoning of 0.77 acre, being in the D-2  
District, to the SU-1 classification to provide for church related uses.

REZONING ORDINANCE NO. 5, 1998.

97-CP-38Z

6331 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1  
JAMES and MARY O'BRIEN request a rezoning of 1.75 acres, being in the D-1 District, to the  
D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 6, 1998.

97-Z-227

7954 HUFF STREET (approximate address), INDIANAPOLIS.  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23  
RICHARD A. and CINDY COLVIN request a rezoning of 1 acre, being in the I-4-U District, to  
the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 7, 1998.

97-Z-230

515-601 KNOX STREET (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20  
LEE SUPPLY CORPORATION, by Raymond Good, requests a rezoning of 0.706 acre, being in  
the D-5 and C-5 Districts, to the C-ID classification to provide for heavy commercial-industrial  
uses including the expansion of an existing plumbing contractor business.

REZONING ORDINANCE NO. 8, 1998.

97-Z-231

308-336 NORTH EMERSON AVENUE (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15  
METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 1.03 acres, being in  
the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 9, 1998.

97-CP-44Z

5201 EAST 65<sup>th</sup> STREET (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4  
ENGINEERED MODELS CORPORATION, by J. Murray Clark, requests a rezoning of 3.106  
acres, being in the C-2 District, to the I-2-S classification to provide for self storage warehouse  
facilities.

Councillor Short stated that a new National Football League (NFL) television contract has been signed that may affect how much additional revenue the Colts will actually need in their new lease negotiations. He admonished the Capital Improvements Board (CIB) to proceed with caution in negotiations, taking this information into consideration.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 769, 1997. The proposal approves an increase of \$26,165 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse the salary expense of three officers assigned to the FBI Task Force Program financed by an FBI Task Force Grant. Councillor Dowden moved, seconded by Councillor Hinkle, to postpone Proposal No. 769, 1997 until January 26, 1998. Proposal No. 769, 1997 was postponed by a unanimous voice vote.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 657, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 657, 1997 on October 16, 1997 and November 17, 1997. The proposal was then postponed until January 12, 1998 in Council on November 24, 1997 and postponed again until February 12, 1998 in Committee on January 8, 1998. The proposal creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works. Councillor Coughenour moved, seconded by Councillor Hinkle, to postpone Proposal No. 657, 1997 until February 23, 1998.

Councillor Gilmer asked if the February 12, 1998 Committee meeting will be a public hearing. Councillor Coughenour stated that the Committee has already held two public hearings and was asked to postpone the proposal by the Chamber of Commerce until February 12, 1998 for further review. She added that anyone who has not already been allowed to testify is welcome to do so at the February 12, 1998 meeting. Councillor Gilmer stated that the last Committee meeting did not allow for public testimony. Councillor Coughenour stated that public testimony was not planned for that particular meeting, and that the Chamber of Commerce had asked for that special meeting to be called. Councillor Gilmer asked if it is the prerogative of the Chair to disallow public testimony at any meeting. The President stated that the last meeting was called at the request of the Chamber of Commerce and was not intended to be a public hearing. He asked Councillor Coughenour to accommodate public testimony at the February 12, 1998 Committee meeting. Councillor Coughenour stated that it is her intent to do so.

Proposal No. 657, 1997 was postponed until February 23, 1998 by a unanimous voice vote.

### **SPECIAL ORDERS - FINAL ADOPTION**

Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal Nos. 765 and 766, 1997 on January 5, 1998. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 765, 1997. The proposal amends the Subdivision Control Ordinance for Marion County (97-AO-12). PROPOSAL NO. 766, 1997. The proposal amends the following zoning ordinances relating to the Subdivision Control Ordinance: Dwelling Districts, Commercial, Central Business District, Special Districts, and Industrial; and requires that public or semi-public sewer be provided in the D-S and D-1 Dwelling Districts for any plat of a subdivision recorded after January 1, 1998 (97-AO-13). By a 5-0-1 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 765 and 766, 1997 were adopted on the following roll call vote; viz:

26 YEAS: *Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*  
0 NAYS:  
2 NOT VOTING: *Borst, Moriarty Adams*  
1 ABSENT: *Gray*

Proposal No. 765, 1997 was retitled GENERAL ORDINANCE NO. 2, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 1998

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 97-AO-12

AN ORDINANCE to amend the Code of Indianapolis and Marion County, Volume 2, Chapter 32 C., as amended, the Subdivision Control Ordinance for Marion County, and fixing a time when the same shall take effect.

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 with 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, now, therefore:

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

SECTION 1. The Subdivision Control Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Volume 2, Chapter 32 C., (adopted as an amendment thereto under Metropolitan Development Commission docket numbers 58-AO-13, 59-AO-6, 59-AO-7, 59-AO-8, 59-AO-9, 59-AO-10, 59-AO-11, 59-AO-12, 59-AO-18, 61-AO-3, 64-AO-3, and 64-AO-5), as amended, pursuant to IC 36-7-4 be amended as follows:

That the following proposed language replace the language of the existing ordinance:

CHAPTER I. ESTABLISHMENT OF THE SUBDIVISION CONTROL ORDINANCE

**Sec. 1.00. General regulations.**

**Sec. 1.01. Title.**

These regulations (hereinafter "these Regulations") shall officially be known as the Subdivision Control Ordinance for Marion County, Indiana.

**Sec. 1.02. Policy.**

- A. The subdivision of land and the subsequent development of the subdivided plat is subject to the control of the municipality and shall be carried out in accordance with the Comprehensive Plan of Marion County in order to achieve the orderly, planned, efficient, and economical development of the municipality.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until the provision has been made for adequate public facilities, drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities and improvements.

**Sec. 1.03. Purposes.**

These Regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, comfort, morals and general welfare of Marion County.
- B. To secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- C. To protect the character and the social and economic stability of all parts of the County by assuring: the timing and sequencing of development; the promotion of infill development in existing neighborhoods; the promotion of adequate public facilities; proper urban form and open space separation of urban areas; to protect environmentally critical areas and areas premature for urban development.
- D. To protect and conserve property values throughout the County and the value of buildings and improvements upon the land.
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, and other public requirements and facilities.
- F. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the street and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets.
- G. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- H. To ensure that public facilities and services are available to support development and will have a sufficient capacity to serve the proposed subdivision, through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its share of capital facilities needs generated by the development.
- I. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the responsible use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To assist in the preservation of the natural beauty and topography of the County and to ensure appropriate development with regard to these natural features.
- K. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the zoning Ordinances of Marion County, Indiana.
- L. To remedy the problems associated with inappropriately subdivided lands, including partial or incomplete subdivision, and inferior subdivision.

**Sec. 1.04. Authority.**

The Metropolitan Development Commission of Marion County, Indiana (hereinafter "Commission") or its appointed Plat Committee, per IC-36-7-4-701(e) (hereinafter "Committee") is vested with the authority to review, approve, conditionally approve and disprove applications for the subdivision of land, including primary and secondary plats. Applications for the vacation of plats or parts of plats, and applications for the vacation of alleys, streets, easements or public grounds are under the exclusive control of the Committee. The Committee may grant waivers from these Regulations pursuant to the provisions of Section 1.20.



**Sec. 1.05. Jurisdiction.**

- A. The zoning ordinances state in which zoning districts the approval of subdivision plats is allowed in Marion County, Indiana. The zoning ordinances also state in which zoning districts and under what circumstances the approval of subdivision plats is required in Marion County, Indiana. The approval of subdivision plats, when required by the zoning ordinances, shall be done in compliance with the provisions of these Regulations.

No land required by the zoning ordinances to be approved as a subdivision plat may be subdivided through the use of any legal description other than with reference to a plat approved by the Committee in accordance with these Regulations, except for the following instances:

- the sale, gift or exchange of parcels between adjacent landowners that does not create additional building sites.
  - the division of land into parcel(s) of three (3) acres or greater in size, not involving any new streets or easements of access.
- B. Condominium development governed by IC 32-1-6 is not regulated by these Regulations.
- C. Unless specified by the zoning ordinances, commercial and industrial land is not required to be platted. However, nothing prevents the platting of these lands under these Regulations.

**Sec. 1.10. State statute citation.**

The applicable Indiana Planning and Zoning Laws pertaining to this Ordinance are:

- A. The 700 Series - Subdivision Control [IC 36-7-4-700]. Regulations contained in, and revisions to, this Ordinance reflect the provisions of the 700 Series - Subdivision Control; and,
- B. IC 36-7-3-11 (as referenced by the 700 Series - Subdivision noted in A. above).

**Sec. 1.20. Waiver of standards and specifications.**

- A. *General.* Where the Committee finds that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve waivers or modifications to these Subdivision Regulations so that substantial justice may be done and the public interest served. The waiver or modification shall not have the effect of nullifying the intent and purpose of these Regulations. The Committee shall not approve waivers or modifications unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property;
  2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;
  3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out;
  4. The relief sought shall not in any manner vary the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.
- B. *Deferral or waiver of required improvements.*
1. The Committee may defer or waive at the time of primary approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or inexistence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on

the record and the reasons for the deferral or waiver also shall be expressly made on the record.

2. Whenever it is deemed necessary by the Committee to defer the construction of any improvement required under these Regulations because of incompatible grades/ topography, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his fair share of the costs of the future improvements to the local government prior to signing of the secondary subdivision plat by the staff of the Commission, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the local government.
- C. *Conditions.* In approving waivers or modifications, the Committee may require such conditions as will, in its judgement, secure substantially the purposes described in Section 1.03.
- D. *Procedures.* Documentation for waiver or modification shall be submitted in writing by the subdivider at the time when the primary plat is filed for the consideration of the Committee. The documentation shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

## CHAPTER II. SUBDIVISION REGULATIONS

### Sec. 2.10. Subdivision application procedures and approval process.

#### Sec. 2.11. General procedure.

- A. *Classification of subdivisions.* Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the provisions and procedures of this Ordinance.

Subdivisions are classified into two types:

1. Minor subdivision - defined as any subdivision which:
  - a. contains no more than three (3) lots;
  - b. has all lots fronting on an existing street;
  - c. does not involve the construction of a new street or extension of an existing street;
  - d. does not necessitate the extension of municipal facilities or the creation of any public improvements; and,
  - e. does not adversely affect the remainder of the parcel or adjoining property.

Further, to be classified as a minor subdivision, the land shall be platted into developable lots, as required by the applicable zoning ordinance, and the parent tract of land from which any part of the lots are platted shall not have been a part of three (3) or more previous minor subdivision platting requests.

2. Major subdivision - defined as all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements. (See Section 2.11, C)
- B. *Official submission.*
1. *Application.* The applicant for primary plat approval shall file, on forms provided by the Commission, a petition for plat approval, to include the following items:
    - a. Primary Plat
    - b. Topographic Map (not required for minor subdivisions)

- c. Area Map
- d. Legal description of property to be platted
- e. Applicable filing fee
- f. Other information as noted in the Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana.

Within thirty (30) days after receipt of an application for subdivision approval, the staff shall set the date for a hearing before the Committee and provide for notice in accordance with Section 2.11, D (per IC 36-7-4-706) and the Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana.

- 2. Reduced requirements for minor subdivisions. In platting minor subdivisions, the following approvals and documents shall not be required:
  - a. topographic map submittal
  - b. overall primary plat drainage approval
  - c. bonding
  - d. construction plan approval at the time of secondary plat recording. However, all applicable specifications and standards of the City of Indianapolis/ Marion County shall be met and documented at the time of applying for required permits.
- 3. Committee action. In accordance with IC 36-7-4-707, the Committee shall by vote at a public hearing approve, conditionally approve, or deny the petition for primary plat approval. If the Committee determines that the primary plat is in compliance with the standards of these Regulations (or will be in compliance after meeting specified conditions), it shall make written findings to that effect and shall grant primary approval of the plat. If the Committee determines that the primary plat is not in compliance with the standards of these Regulations (even assuming that specified conditions will be met), it shall make written findings to that effect and shall deny primary approval of the plat. The findings shall express the reasons for the decision. The decision shall be signed by the Administrator. The applicant shall be provided with a copy of the findings and decision.
- 4. Appeal of committee decision. In accordance with IC 36-7-4-708, an applicant or any other interested party may appeal the primary plat approval or denial, or the imposition of a condition on primary approval by the Plat Committee to the full Metropolitan Development Commission.

Notice of the appeal shall be filed with the Metropolitan Development Commission within ten (10) days after the action of the Plat Committee.

Upon the filing of an appeal, a public hearing shall be held by the Metropolitan Development Commission on the petition, in the same manner, and following procedures as set forth in the Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana.

After a public hearing on the appeal and vote by the Metropolitan Development Commission, the primary approval or denial of a plat by the Commission or the imposition of a condition on primary approval is a final decision of the Metropolitan Development Commission that may be reviewed as provided by IC 36-7-4-1016.

- 5. Effective period of primary plat approval. The approval of a primary plat shall be effective for a period of two (2) years from the date that the primary plat is approved by the Committee. The applicant shall have submitted a secondary plat for approval, prior to the end of which time . Any plat that is not recorded within said two (2) year period shall, at the expiration of said two (2) year period, become invalid and shall not be entitled to recording

without re-approval by the Committee, in accordance with the same standards, requirements and procedures specified by these Regulations for original plat approval.

6. Secondary approval. Secondary approval may be granted after expiration of the time provided for appeal under Sec. 2.11, B, 3 of these Regulations. No notice or hearing is required, and the provisions of these Regulations concerning notice and hearing do not apply to secondary approvals. The Administrator, as authorized by IC 36-7-4-710, has the authority to grant secondary approval on behalf of the Commission. The Administrator shall not grant secondary approval unless:
  - a. all conditions of primary plat approval are met; and,
  - b. all zoning requirements are met; and,
  - c. the secondary plat is in substantial compliance with the approved primary plat; and,
  - d. the plat has been stamped by the applicable Township Assessor.

A plat of a subdivision may not be filed with the auditor, and the Recorder may not record it, unless it has been granted secondary approval and has been signed and certified with the Commission Seal by the Administrator. The filing and recording of the plat is without legal effect unless secondary approval has been granted by the Administrator.

In granting secondary approval, the Administrator shall affix to the plat the seal of the Commission, the approval of its members, and attach the certificate that public notice of the hearing was published.

Secondary approval may be granted to a plat for a subdivision in which the improvements and installations have not been completed if the applicant provides satisfactory assurance that the installations and improvements will be installed or extended, in compliance with Section 2.20 (Assurance for Completion and Maintenance of Improvements), of these Regulations.

7. Recording of plats.
  - a. A plat shall not be recorded unless said plat bears all the following:
    - (1) The seal of the Metropolitan Development Commission of Marion County, Indiana
    - (2) Stamp of the applicable Township Assessor
    - (3) Any and all owners' consent signature, notarized
    - (4) Dedication Statement for streets and public utility easements, if required
    - (5) Addresses and street names as approved by the applicable City agency having jurisdiction
    - (6) Any restrictive covenants (if proposed)
    - (7) Site distance covenant (See Appendix)
    - (8) Enforcement covenant (See Appendix)
    - (9) Storm drainage covenant (See Appendix)
    - (10) Sanitary sewer covenant (See Appendix)
    - (11) Stamp by the Registered Land Surveyor
    - (12) Stamp of the County Auditor
  - b. The recorded plat shall be ratified by the Committee

- c. Every secondary plat approved by the Committee after the effective date of this Ordinance shall be recorded within two (2) years after the date of that conditional approval of the Primary Plat.
  - d. Any plat that is not recorded within said two (2) year period shall, at the expiration of said two (2) year period, become invalid and shall not be entitled to recording without re-approval by the Committee, in accordance with the same standards, requirements and procedures specified by these Regulations for original plat approval.
  - e. Once the plat has been recorded, copies of the recorded plat and covenant document (the instrument number clearly appearing on each) shall be delivered to the Administrator prior to the issuance of Improvement Location Permits. The Administrator shall determine the applicable number of copies of each document required.
- C. *Filing fees.* In order to compensate for the expense of publishing notice and for the review and verification of applications, filing fees shall be paid by the applicant at the time of filing a petition as set by the Commission in its Rules of Procedure for the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana in accordance with IC 36-7-4-704.
- D. *Notice.*
1. Notice requirements - plats or vacations of plats.
    - a. Notice by publication. When the Committee is required by law to publish a notice of a public hearing on a petition, such notice shall be published by the Committee at least ten (10) days prior to the date set for the hearing as required by IC 5-3-1.
    - b. Additional notice - additional notice by petitioner to owners of adjoining land, neighborhood organizations and affected city-county councilors; and,
    - c. Notice on subject property. Notice shall be given in accordance with the Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, in accordance with (as applicable):  
  
IC 36-7-4-706 (platting),  
IC 36-7-4-712 (vacation of plats or parts of plats)  
IC 36-7-4-712 (vacation of public ways, easements or public places or parts thereof)

The requirements of Sections 2.11, D, 1, b and c shall not be applicable to petitions initiated by the Commission. The Commission shall determine the requirements, if any, for notice on such petitions.

    - d. Agencies to be notified regarding plats. The petitioner shall send a copy of the primary plat and a transmittal letter to the listing of public and private agencies and utilities, adopted by the Plat Committee as "Agencies to be Notified Regarding Plats" prior to filing for plat approval. The transmittal letter shall indicate that comments on the plat should be sent to both petitioner and the Department of Metropolitan Development. A copy of the transmittal letter to each of the agencies listed, or a notarized affidavit certifying that such transmittal was sent to the agencies, shall be submitted with the filing of a plat petition.
  2. Affidavit of notice. An affidavit of notice shall be given in accordance with the Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, in accordance with IC 36-7-3-11, or IC 36-7-4-706 as applicable.

**Sec. 2.20. Assurance for completion and maintenance of improvements.**

- A. *Bond for subdivision improvement (performance bond or letter of credit).*
1. Completion of improvements. Before the secondary plat is signed by the Administrator, all applicants shall be required to complete, in accordance with the Committee's decision and to

the satisfaction of the municipality, all the street, sanitary sewer and storm drainage, sidewalks, street signs, monuments, erosion control, street lights, and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these Regulations, specified in the secondary plat and as approved by the Committee, and to dedicate those public improvements to the municipality, free and clear of all liens and encumbrances on the dedicated property and public improvements.

2. Subdivision improvement agreement and guarantee.

- a. The Committee, in its sole discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the secondary plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required sanitary sewer, street base, binder and curbs, storm drainage, street signs, monuments, erosion control and street light improvements no later than two (2) years following the date on which the

Administrator signs the secondary plat, and to complete all required sidewalks, erosion control, street sign, monumentation and street topcoat improvements. The applicant shall covenant to maintain each required improvement and also shall warrant the governing body of the dedication of the last completed improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the Commission.

A subdivision improvement agreement is not required for minor subdivisions.

- b. Performance surety. A performance bond or letter of credit shall be provided before the seal of the Commission, the approval of its officers, and the certificate that public notice of the hearing was published, is affixed and attached to the plat.

The performance bond or letter of credit shall:

- (1) Run jointly and severally to Marion County, Indiana, the Metropolitan Development Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, and completion of said improvements and installations (see number 8 of this subsection).
- (2) Be in an amount equal to one hundred percent (100%) of the cost, as estimated by the Director of the Department of Metropolitan Development, of all improvements and installations as required by Section 2.32 of this Ordinance. However, the cost of any of said required improvements and installations which have been constructed, installed and completed in compliance with the requirements of this Ordinance prior to the providing of this bond or letter of credit and for which sufficient written proof of such construction, installation and completion has been furnished to the Commission as required by Section 2.20, A, 2, b, (4) of this Ordinance; and the cost of any improvement or installation for which an equivalent bond (running jointly and severally to Marion County, Indiana, the Metropolitan Development Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvement or installation [see number 8 of this subsection]) has previously been provided to such other governmental unit or agency and a certified copy of which has been furnished to the Commission; and further excluding the cost of the public, group and individual water supply improvements and installations required by Section 2.32, H. of this Ordinance. Nothing contained in this subparagraph shall, however, exclude any of said improvements and installations from the requirements and coverage of this bond or letter as specified in subsections 2.20, A, b, 4 and 5 hereof, shall be excluded.
- (3) Provide surety satisfactory to the Commission.

- (4) Be in effect until, and terminate ninety (90) days after, the filing with the applicable City agency having jurisdiction of the completion affidavit, including any required as-built drawings, obtained from the appropriate governmental unit or units as required by subsection 2.20, A, 2, c. of this Ordinance, or ninety (90) days after the filing with the Commission of proof the construction, installation and completion of said improvements and installations in compliance with the requirements, standards and specifications of these Regulations, unless within said ninety (90) day period the Director determines that the requirements, standards and specifications of these Regulations applicable to the construction, installation and completion of said improvements and installations have not been met and notifies the applicant of such determination (by certified/ registered or first class mail sent to the applicant's address appearing on the application for plat approval), in which event said bond shall continue to run until the filing of proof that, and the Director's determination that, said standards, requirements and specifications have been met, in accordance with these Regulations.
  - (5) Specify that all said required improvements and installations shall be completed in accordance with the requirements and specifications of this Ordinance prior to the time that houses or residential structures have been built upon eighty-one percent (81%) of the lots shown upon said plat or within three (3) years after the date of the Commission's affixing its approval to said plat, whichever event first occurs. Nothing contained in this subsection shall, however, require said improvements and installations to be completed earlier than one (1) year after the date of the Commission's affixing its approval to said plat.
  - (6) Provide that upon completion of said required improvements and installations, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency or release of performance surety, the applicant shall provide a three (3) year maintenance bond as required by Section 2.20, B of this Ordinance.
  - (7) Said bond or letter of credit shall be filed on the approved City of Indianapolis/Department of Metropolitan Development forms titled either "Bond For Subdivision Improvements", or "Irrevocable Standby Letter of Credit".
  - (8) Beneficiary notation:
    - i. For projects within the City of Indianapolis and not within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, Speedway), the beneficiary shall be the City of Indianapolis.
    - ii. For projects within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, Speedway), the beneficiary shall be jointly the City of Indianapolis and the excluded city.
- c. Certificate of completion and compliance.
- (1) Upon the completion of all improvements and installations as required by Section 2.32 of this Ordinance, the applicant shall furnish the applicable City agency having jurisdiction, and any other appropriate governmental units having a legal responsibility for the completion of said improvements and installations, with sufficient written proof that said improvements and installations have been constructed, installed and completed in compliance with the requirements of these Regulations.
  - (2) Upon the acceptance of said improvements and installations by the appropriate governmental unit or units, the applicant shall obtain a completion affidavit from such governmental unit or units, stating that the required improvements and installations have been accepted for public maintenance by said governmental unit or units, subject to the terms of the three (3) year maintenance bond provided by the applicant, and shall file said completion affidavit with the City/ County.

B. *Maintenance bond.* Upon the completion of the following required improvements and installations: streets, sanitary sewer and storm drainage and sidewalks, but prior to the acceptance thereof for public maintenance by the appropriate governmental agency, the applicant shall provide a three (3) year bond, with the applicant or some other person satisfactory to the Commission as principal, which shall:

1. Beneficiary notation:
  - a. Run jointly and severally to Marion County, Indiana, the Metropolitan Development Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvements and installations.
  - b. For projects within the City of Indianapolis and not within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, Speedway), the beneficiary shall be the City of Indianapolis.
  - c. For projects within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Speedway, etc.), the beneficiaries shall be jointly the City of Indianapolis and the excluded city.
2. Be in an amount equal to twenty percent (20%) of the cost, as estimated by the Director of the Department of Metropolitan Development, of all improvements and installations as required by Section 2.32 of this Ordinance, excluding, however, the cost of the public, group and individual water supply improvements and installations required by Section 2.32 of this Ordinance and the cost of any improvement or installation for which an equivalent bond (which runs jointly and severally to Marion County, Indiana, the Metropolitan Development Commission of Marion County, Indiana, and, if applicable, any other governmental unit or agency thereof having a legal responsibility for the construction, completion or maintenance of said improvement or installation) has previously been provided such other governmental unit or agency and a copy of which has been furnished and installations from the requirements and coverage of this bond as specified in subparagraphs 4 and 5 of this Section.
3. Provide surety satisfactory to the Commission.
4. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of these Regulations and the satisfactory plans and specifications therefore submitted to the Director of the Department of Metropolitan Development.
5. Provide that for a period of three (3) years after formal acceptance, the applicant shall at his own expense make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, but not including any damage to said improvements and installations resulting from forces or circumstances beyond the control of said applicant or occasioned by the inadequacy of the standards, specifications or requirements of this Ordinance.
6. Maintenance bonds shall be filed on the approved City of Indianapolis/Department of Metropolitan Development form titled "Maintenance Bond".

Maintenance bonds shall not be required for the following improvements: street signs, monuments, erosion control, street lights.

- C. *Deferral or waiver of required improvements.* Refer to Section 1.20 of these Regulations.
- D. *Use of improvement or maintenance bond funds.* Any funds received from the Performance Bonds or Maintenance Bonds required by these Regulations shall be used only for the purpose of making the improvements, installations or repair for which said bonds were provided, in accordance with the standards, specifications and requirements of these Regulations.



**Sec. 2.30. Requirements for improvements, reservations, and design.**

**Sec. 2.31. Subdivision standards - general.**

A. *Streets.* All proposed plats submitted for Committee approval under the provisions of these Regulations shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County Indiana, and shall designate and label all such streets thereon in accordance with the following definitions, specifications and requirements regarding platting width, right-of-way, and control of access.

1. Street classification and minimum street rights-of-way.

- a. Expressway. Any street designated and labelled as an "expressway" shall be a divided arterial street designed, planned and intended for through vehicular traffic in conformance with the Comprehensive Plan and Thoroughfare Plan for Marion County, Indiana, with full or partial control of access thereto. The minimum right-of-way required for an expressway shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Control of access shall be as determined by the DCAM or the Indiana Department of Transportation, based upon the jurisdiction of the subject facility.
- b. Parkway. Any street designated and labelled as a "parkway" shall be a street serving through vehicular traffic, with partial control of access provided. Adjoining land on one or both sides of such a street shall be predominately dedicated or used for park purposes, and shall conform to the Comprehensive Plan for Marion County. Control of access shall be as determined by the DCAM.
- c. Primary thoroughfare. Any street designated and labelled as a "primary thoroughfare" shall be designed, planned and intended to serve through vehicular traffic within Marion County or surrounding areas, in conformance with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana. As a general rule, primary thoroughfares shall be located at approximately one (1) mile intervals in the north-south or east-west grid pattern.

The minimum right-of-way required for a primary thoroughfare shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Partial control of access to a primary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in Section 2.31, A, 2, d of this Ordinance.

- d. Secondary thoroughfare. Any street designated and labelled as a "secondary thoroughfare" shall be designed, planned and intended to serve as a collector and distributor of through vehicular traffic from sections of land within Marion County, in conformance with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana. The minimum right-of-way required for a secondary thoroughfare shall be as designated by the Official Thoroughfare Plan for Marion County, Indiana. Partial control of access to a secondary thoroughfare shall be exercised so as to permit access to each lot abutting thereon as provided in Section 2.31, A, 2, d of this Ordinance.
- e. Collector street. Any street designated and labelled as a "collector street" shall be designed, planned and intended to serve as a collector and distributor of vehicular traffic, carrying such traffic to and from expressways, parkways, primary thoroughfares, secondary thoroughfares, and local streets. Collector street shall include but not be limited to entrance streets of residential subdivisions.
- f. Local street. Any street designated and labelled as a "local street" shall be designed, planned and intended primarily to provide access to lots abutting thereon.
- g. Cul-de-sac. Any local street designated and labelled as a "cul-de-sac" shall be designed, planned and intended as such, having only one end open to vehicular traffic from an expressway, parkway, primary thoroughfare, secondary thoroughfare, collector street or local street and with the closed end permanently terminated by a vehicle turn around.

The minimum right-of-way required for a parkway, collector street, local street, or a cul-de-sac shall be per the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. No. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana).

2. Standards.

a. Streets. Streets which are extensions or continuation of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, shall bear the names of such existing streets.

b. Alleys.

(1) In areas designated as Development Area One in the Thoroughfare Plan for Marion County, Indiana, public alleys may be utilized for infill development, and where the use of such alleys would be compatible with the development pattern of the area surrounding the proposed plat.

(2) Private alleys may be utilized for any proposed plat, provided they are constructed to local street pavement thickness and geometric design as noted in accordance with the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 28 of the Code of Indianapolis and Marion County, Indiana, both documents incorporated into these Regulations by reference and made a part hereof.

c. Access to areas abutting Thoroughfares. If the area proposed to be platted abuts upon or contains an existing or proposed thoroughfare, the street plan shall provide vehicular access to each lot abutting upon said thoroughfare by one of the following means:

(1) The subdivision of lots which back up to the thoroughfare and front onto an interior parallel local or collector street; no access shall be provided from the thoroughfare, and screening shall be provided in a strip of land along the rear property line of such lots.

(2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to an interior parallel street, with the rear lines of their terminal lots backing onto the thoroughfare (see Diagram A).

(3) A marginal access street (the rights-of-way between the marginal access street and the thoroughfare separated from one another by a permanent strip of land of at least fifteen (15) feet in width, outside of, and separate from, the rights-of-way of either street).

d. Dead-Ended Streets. Permanently dead-ended streets (except for cul-de-sac streets as defined in these Regulations) are prohibited. A temporarily dead-ended street are permitted in any case in which a street is proposed to be and should logically be extended beyond the limits of said plat, but is not yet constructed beyond said plat limits. The right-of-way of a temporarily dead-ended street shall extend to the property line of the plat. An adequate easement for a turnaround shall be provided for any such temporarily dead-ended street which extends two hundred fifty (250) feet in length or greater, with a temporary hammer head ("T"); or an ell ("L") shaped turnaround provided. A notation on the plat shall state that land outside the normal street right-of-way shall revert to abutting property owners when the street is continued.

B. Lots.

1. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soil or water conditions, or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health and Hospital Regulations, and in providing driveway access to buildings on the lots from an approved street.

The design, character, grade, location, and orientation of all lots so allocated, shall be appropriate for the uses proposed, and logically related to existing and proposed topography.

Every lot shall have sufficient and adequate access to a street constructed, or to be constructed, in accordance with the provisions, standards, and specifications of this Ordinance.

2. Lot dimensions. Lot dimensions shall comply with the minimum standards of the applicable zoning district, or per zoning commitment, variance grant, cluster plat approval, or approval grant by the applicable public land use policy making body.

In general:

- a. Side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.
  - b. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum required front yard setback from both streets, as regulated in the applicable zoning ordinance, or per zoning commitment, condition of a variance grant, or approval grant by the applicable public land use policy making body, pertaining to that site.
3. Lot orientation. The lot line common to the street right-of-way shall be the front lot line. All lots shall face the front line. Whenever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
  4. Lots frontage and access.
    - a. Double frontage lots. Double frontage, or through, lots shall be avoided except where necessary (as noted in Section 2.31, A) to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
    - b. Triple frontage lots. Triple frontage lots (those lots which have frontage on three streets) are prohibited except at the entrances to a subdivision from an abutting street identified in the Thoroughfare Plan for Marion County, Indiana as an expressway, freeway, primary arterial or secondary arterial.
    - c. Access from primary and secondary arterials. Lots shall not, in general, derive access exclusively from a primary or secondary thoroughfare, as noted in the Thoroughfare Plan for Marion County, Indiana. Where driveway access from a primary or secondary arterial thoroughfare may be necessary to several adjoining lots, the Committee may require that such lots be served by a combined access drive or frontage road in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterial thoroughfares.
  5. Common area. Whenever common area for a subdivision perimeter abuts a secondary or primary arterial street, as designated in the Official Thoroughfare Plan for Marion County, Indiana, said common area shall be a minimum of twenty (20) feet in width along and paralleling the length that it abuts the thoroughfare.

Common areas within a subdivision shall be accessible to all its residents. Access shall be provided so that no common area is "land locked" by private lots, requiring subdivision residents to trespass across such lots in order to enter the common area.

6. Lot drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. Each lot owner shall maintain the lot grade as it relates to storm water drainage, in compliance with the approved construction plans.

7. Debris and waste. No junk, rubbish, or other waste materials of any kind, whether natural (by example: cut trees or timber, debris, rocks) or construction-related (by example: concrete, building materials), shall be buried in any land at any time, nor shall these materials be left or deposited on any lot or street at the time of the release of the maintenance bond. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.
  8. Waterbodies and watercourses. No more than twenty-five percent (25%) of the minimum lot area required under the applicable zoning ordinance may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other appropriate structure. Said culvert shall be of a design approved by the Department of Capital Asset Management.
- C. *Building setback lines.* Minimum building setback lines shall be regulated by the setback provisions of the zoning ordinance applicable to said area proposed to be platted. Setbacks in excess may be platted at the subdivider's discretion, however, such excessive platted setbacks shall not be enforced by the Commission unless said setbacks were required as a part of a commitment, condition, approval, or site plan tied to a land use petition by the applicable public land use policy making body pertaining to the subject site.
- D. *Easements.*
1. *Drainage.*
    - a. *General Requirements.* When a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse. Said easements shall be of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with vegetative banks and adequate width for maximum potential volume of flow.
    - b. *Drainage easements.* If any stream or necessary surface water course is located in said area to be platted, adequate areas for easements along the sides of such stream or water course shall be allocated for the purpose of widening, sloping, improving or protecting said stream or surface water course. Said easements shall be a minimum width of fifteen feet.
  2. *Utility.*
    - a. *Location.* All utility facilities, including but not limited to gas, electric power, telephone, and Cable television cables, shall be located underground throughout the subdivision (per the Underground Utility Line Regulations of Marion County, Indiana, 72-AO-5, as amended). Whenever existing utility facilities are located above ground, except when located on public streets and rights-of-way, they shall be removed and placed underground.

All utility facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
    - b. *Utility Easements.* As a general principle, such easements shall be located along both sides of rear lot lines and the total width of such combined lot easements shall be a minimum of ten (10) feet, unless an alternative size is required by the applicable utility or city agency.
- Note: All easements shall be indicated on the plat.
- E. *Public sites.* All plats submitted for Committee approval under the provisions of these Regulations may allocate adequate areas for park, school, recreational and other public and semi-

public sites, wherever necessary in conformity with the Comprehensive Plan and as required by the Commission. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including, but not limited to, the park, school, recreational and other public and semi-public needs of said proposed subdivision. Such areas shall be made available by one of the following methods:

1. Dedication to public use.
2. Reservation for the use of owners of land contained in said plat, by deed restriction or covenants which specify how and under what circumstances the area or areas shall be developed and maintained.
3. Reservation for acquisition by a governmental unit or agency within a period of nine (9) months, such area to be released for private use:
  - a. in the event that no governmental unit or agency proceeds with such acquisition within nine (9) months of the date of the recording of said plat; or,
  - b. if released by said governmental unit or agency prior to the expiration of the nine (9) month period; and,the secondary plat indicated the nature and extent of the private use into which such area may be placed if such area is not used by a governmental unit as specified.
4. Dedication to use by a bona fide non-profit organization for recreational, athletic or other community uses by those the organization serves.

**Sec. 2.32. Improvements and installations.**

Subsections A through J of this Section shall be required for all subdivisions.

**A. Streets - minimum standards for street design and construction.**

1. Public streets. All streets which are to be dedicated to, and accepted for maintenance by, the applicable municipality shall be graded, constructed and surfaced in accordance with the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 28 of the Code of Indianapolis and Marion County, Indiana, both documents incorporated into these Regulations by reference and made a part hereof.
2. Private streets - minimum standards for street design and construction. Any residential development which, through zoning commitment, variance grant, or grant of an Approval Petition, is allowed the use of private streets (streets which are not be dedicated to or accepted for maintenance by the applicable municipality) shall comply with the minimum standards set forth in The Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, Revised Code of the Consolidated City and County Chapter 731 relative to the design and construction of private streets, incorporated into these Regulations by reference and made a part hereof.

**B. Monuments.** The petitioner shall place permanent reference monuments in the subdivision by a registered Indiana land surveyor as required in these Regulations.

1. Location of permanent monuments. Where no existing permanent monuments are found, said monuments shall be installed -Prior to Submission of Secondary Plat for Approval:
  - a. all quarter section corners on the boundaries of or within the area to be platted,
  - b. at all angle points on exterior boundary lines of the parent tract that coincide or control the location of any lines of the proposed plat; and,

- c. at the beginning and end of all curves and points of tangency of the perimeter of said plat,

Subsequent to Plat Recordation and After Development:

- d. at the intersections of all street center lines within said plat,
- e. at both ends of all curves on the center lines of all streets within said plat,

In all instances noted above, said monuments shall be placed not more than 600 feet apart in any straight line.

- 2. Standards for permanent monuments. Standards for permanent monuments shall be as follows: A five/eighth inch (5/8") or larger diameter metal rod having a metal cap on top showing either the responsible land surveyor's registration number or the Indiana Firm ID No. (865 IAC 1-12-18) and having:

- a. For street center line demarcation: a length equal to the thickness of the pavement
- b. For other required monument locations: a length of thirty six inches (36")
- c. Each monument shall:
  - (1) be installed so the cross mark shall coincide with the point being marked;
  - (2) be set flush with the finished grade.
  - (3) be detectable by a magnetic locator.
  - (4) be installed in such a manner that they will not be dislodged or removed by frost heave.

- 3. Recordings.

- a. The retracement survey of the parent tract (required by 865 IAC 1-12-19) containing the proposed subdivision, or of that part of said tract controlling the location thereof, shall be executed and recorded in the office of the Marion County Recorder before the secondary plat is submitted to the Commission for approval.
- b. All required monuments that are installed subsequent to plat recordation shall be set by a registered Indiana surveyor in compliance with these Regulations, the recorded subdivision plat, and the monumentation shown on the previously recorded retracement survey, (of the tract containing said plat). The location and detailed description of and reference ties to said subsequent monuments shall be shown on a copy of the recorded plat. Said copy shall be newly certified regarding said monuments by the surveyor, recorded in the office of the Marion County Recorder, and cross-referenced to the original plat. The new certificate regarding these monuments set after plat recordation shall read as follows:

"I, the undersigned Indiana Land Surveyor, hereby certify that the new survey monuments shown on this copy of the previously recorded plat herein were set by me subsequent to the recordation of said plat in accordance with the Subdivision Control Ordinance (Plats and Vacations) for Marion County, Indiana, Volume 2, Chapter 32, C., of the Code of Indianapolis and Marion County, Indiana.

\_\_\_\_\_ Signed \_\_\_\_\_ PLS \_\_\_\_\_ Seal"  
Dated \_\_\_\_\_ Name \_\_\_\_\_ Registration No. \_\_\_\_\_

- C. *Street signs.* All street signs shall be designed and built to the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 28 of the Code of Indianapolis and Marion County, Indiana.

- D. *Culverts.* All culverts shall be designed and constructed in compliance with the Stormwater Design and Construction Specification Manual, City of Indianapolis, Department of Capital Asset Management and Chapter 10 1/2 of the Code of Indianapolis and Marion County, Indiana.
- E. *Sidewalks.* All sidewalks shall be designed and constructed in accordance with the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 28 of the Code of Indianapolis and Marion County, Indiana.

Sidewalks shall be provided along all streets internal to the subdivision, as well as any existing or proposed perimeter streets which border the subdivision.

- F. *Flood control.* Any development shall comply with all provisions of the Flood Control District Zoning Ordinance of Marion County, Indiana, 71-AO-3, as amended (Appendix D, Part 18 of the Code of Indianapolis and Marion County, Indiana).
- G. *Storm drainage.* All stormwater drainage facilities are to be designed and constructed to the Stormwater Design and Construction Specification Manual, City of Indianapolis, Department of Capital Asset Management and Chapter 10 1/2 of the Code of Indianapolis and Marion County, Indiana.
- H. *Water supply system.* All public and semi-public water supply systems shall be designed and constructed to the standards of the applicable water utility serving the site.

In the case where private wells are permitted by the applicable zoning district, or through a variance grant or grant of an Approval Petition, such systems shall be designed and constructed to the standards of the Health and Hospital Corporation of Marion County, Indiana (need H & H citation), and the Indiana State Board of Health (need citation).

- I. *Sewage disposal system.* All sewage disposal systems are to be designed and constructed to The Indianapolis Sanitary District Standards for the Design and Construction of Sanitary Sewers, City of Indianapolis, Department of Public Works and Chapter 27 of the Code of Indianapolis and Marion County, Indiana.

In the instance where septic systems are permitted by the applicable zoning ordinance, or through a variance grant, or grant of an approval petition, such systems shall be: 1) reviewed and approved by; and, 2) designed and constructed to the standards of, the Health and Hospital Corporation of Marion County, Indiana (Chapter 14), and the Indiana State Board of Health (need citation).

- J. *Street lighting.*

Reserved.

**Sec. 2.40. Resubdivision and vacation of land.**

**Sec 2.41. Resubdivision of land.**

- A. *Procedure for resubdivision.* Whenever a developer desires to resubdivide an already approved secondary plat, or portion of such secondary plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.
- B. *Resubdivision.* Resubdivision includes:
  - 1. Any change in any street layout or any other public improvement;
  - 2. Any change in any lot line, not including transfers between adjoining lot owners which do not create additional buildable sites;
  - 3. Any change in the amount of land reserved for public use or the common use of lot owners;

4. Any change in any easements shown on the approved plat.

This subsection shall not include engineers "certificates of error" or "certificates of correction" (see Section 2.42).

- C. *Waiver.* Whenever the Committee, in its sole discretion, makes a finding on the record that the purposes of these Regulations may be served by permitting resubdivision by the procedure established in this Section, the Committee may waive the requirement of Section 2.41, A.
- D. *Notice.* The Committee, after an application for resubdivision that includes an express request for waiver, shall provide notice as outlined in Section 2.11, D of these Regulations.
- E. *Procedure for subdivision when future resubdivision is indicated.* Whenever land is subdivided and the subdivision plat shows one (1) or more lots containing more than one acre of land and there is reason to believe that such lots eventually will be resubdivided, the Committee may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a condition of primary plat approval.

**Sec 2.42. Certificates of error or correction.**

Engineers' "certificates of error" or "certificates of correction", reciting and correcting subsequently discovered engineering or surveying errors of measurements or topographical errors in recording plats, replats, or vacations, shall not be required to follow the procedures outlined in Section 2.41, but shall require approval by the Administrator prior to the recording of such corrections.

**Sec. 2.50. Vacation of land.**

**Sec. 2.51. Vacation of plats or parts of plats.**

The owner or owners of lots in any approved subdivision, including the developer, may petition the Committee to vacate the plat or part of the plat with respect to their properties. The petition shall be filed on forms provided by the Committee. In the case of a developer-initiated plat vacation, regardless of the Committee's action on the petition, the developer or its successor will have no right to a refund of any monies, fees, or charges paid to the municipality nor to the return of any property or consideration dedicated or delivered to the municipality, except as may have previously been agreed to by the Committee, the governing body, and the developer.

- 1. *Notice of hearing.* Notice shall be provided as outlined in The Rules of Procedure of the Plat Committee of the Metropolitan Development Commission, in accordance with IC 5-3-1 and IC 36-7-4-712.
- 2. *Statutory criteria.* The Committee shall approve or deny the petition for vacation of all or part of a plat only upon a determination that:
  - a. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
  - b. It is in the public interest to vacate all or part of the plat; and,
  - c. The value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation,

in accordance with IC 36-7-3-11.

- 3. *Procedures.*
  - a. *Hearing procedures.* The Commission shall prescribe in its Rules of Procedure for the Plat Committee of the Metropolitan Development Commission, rules regarding the conduct of the hearing for plat vacation per IC 36-7-4-712.



b. Findings.

- (1) Approval. If, after the hearing, the Committee determines that the plat or part of the plat should be vacated, it shall make written findings (per the Statutory criteria outlined in Section 2.51, A, 2 of these Regulations) and a decision approving the petition. The Committee may impose reasonable conditions as a part of its approval. The decision shall be signed by the Administrator. The Committee shall further furnish a copy of its decision to the Marion County Recorder for recording.
- (2) Disapproval. If, after the hearing, the Committee disapproves the petition for vacation, it shall make written findings (per the Statutory criteria outlined in Section 2.51, A, 2 of this Ordinance), that set forth its reasons in a decision denying the petition and shall provide the petitioner with a copy. The decision shall be signed by the Administrator.
- (3) Recourse/Appeal (IC-36-7-4-712 and IC-36-7-4-708). The approval, disapproval or imposition of a condition on the approval of the vacation of all or part of a plat is a final decision of the Committee. The petitioner or an aggrieved party may appeal by following the procedures set forth in Sec. 2.11, B, 3 of these Regulations.

3. Recordation of revised/vacated plat. Upon approval of any petition for vacation, the Commission shall direct the petitioners to prepare a Revised Secondary Subdivision Plat in accordance with these Regulations. The Revised Secondary Plat may be recorded only after having been signed by the Administrator, per Sec. 2.11, B, 5 and IC 36-7-4-710.

**Sec. 2.52. Vacation of public ways, easements or public places.**

- A. *Notice of hearing.* Notice shall be provided as outlined in The Rules of Procedure of the Plat Committee of the Metropolitan Development Commission, in accordance with IC 5-3-1 and IC 36-7-4-712.
- B. *Procedures.* The Commission shall prescribe in its Rules of Procedure for the Plat Committee of the Metropolitan Development Commission, rules governing the procedure for these vacations per IC 36-7-4-712.

Prior to the vacation of any thoroughfare, as noted in The Official Thoroughfare Plan for Marion County, Indiana, the Commission shall consider and adopt an amendment to remove said thoroughfare from the Thoroughfare Plan.

- C. *Findings.* The vacation of public ways, easements, or public places or parts of any of them may be made only upon a finding by the Plat Committee) that the vacation is in the public interest, per IC 36-7-4-712.

**Sec. 2.60. Specifications for documents to be submitted.**

**Sec. 2.61. Primary plat.**

- A. *General.* The primary plat shall be prepared by a licensed land surveyor at a convenient scale of not more than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used with the current page number and total page numbers appears on each sheet. The plat shall be of such size as is acceptable for filing in the Office of the Marion County Recorder, but shall not be larger than forty-two (42) by forty-eight (48) inches in dimension. The map prepared for the primary plat may also be used for the secondary plat.
- B. *Features.*
  1. Primary plat. The primary plat shall show the following:
    - a. Proposed name of the subdivision, to be placed at the top of each sheet, and must clearly reference any existing subdivisions or sections (with recorded instrument number), which it abuts.

- b. Location by section, township and range, and by other legal description. For verification of plat closure, the text legal description and the annotation shall match exactly.

Permitted tolerances:

- (1) Acreage shall be calculated to 0.001 AC (1/1000th)
  - (2) Plat perimeters shall close to within +/- 0.05 feet.
  - (3) Individual lots, blocks, etc., shall close to within +/- 0.01 feet.
- c. Name, address, signature, seal and certification of the registered land surveyor who prepared the primary plat.
  - d. Scale, noted in writing and graphically, of the primary plat, including graphic scale, north arrow and date.
  - e. Boundary lines of the proposed subdivision indicated by solid, heavy lines, based upon a traverse with angular and lineal dimensions shown on the plan.
  - f. Locations, dimensions and names of all existing street or other public ways, railroad and utility rights-of-way or easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation boundary lines within one hundred (100) feet of the area proposed to be platted.
  - g. Radii, central angles, tangents, lengths of arcs, curvatures, angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat.
  - h. In the case of a replat, all descriptive lines of the original plat being vacated, shown as dotted lines in relationship to the lines of the new plat, the new plat being shown clearly in solid lines. A copy of the original plat shall be filed with the proposed replat.
  - i. Boundary lines of adjoining and adjacent unsubdivided and subdivided land, showing owners' names within one hundred (100) feet of the area proposed to be platted, including the recorded name, date and number of any such subdivided land (this item is not to be included on the plat submitted for secondary approval and recording).
  - j. Existing zoning of the area proposed to be platted and of land adjoining and adjacent thereto.
  - k. Layout of all streets, including the names, widths (pavement and rights-of-way) and designations thereof, including whether public or private.
  - l. Layout and numbers of lots, including accurate dimensions (in acreage or square feet), of lots. The number of lots and range of lot numbers shall clearly be stated. In new developments, lot numbers shall be consecutive within each section or phase, and may not be repeated in subsequent sections or phases within a subdivision.
  - m. Areas to be allocated by park, school, recreational, and other public and semi-public sites, including any common open space, with the purpose proposed for each said area to be indicated on the primary plat. Any area to be dedicated or reserved for public use, or to be reserved by deed or covenant for common use by owners of land contained in the proposed plat shall further be noted in the applicable dedication, deed or covenant.
  - n. Minimum building setback lines, in conformance with the applicable zoning district, showing dimensions.
  - o. Areas to be allocated for public service or utility easements, showing accurate dimensions.
  - p. If the primary plat is to be divided into sections for platting, an indication of the boundaries and numbers of such sections.

- q. Floodway or Floodway Fringe delineation, as established by the Flood Control Districts Zoning Ordinance of Marion County, Indiana (71-AO-3, as amended).
  - r. Drainage covenant and sanitary sewer covenant, as established by Chapter 10 1/2 and Chapter 27 of the Code of Indianapolis and Marion County, Indiana.
2. Area map. The area map shall be at an appropriate scale (not greater than one inch equals one thousand feet (1" = 1000') and shall indicate the following:
- a. The name and location of the proposed subdivision.
  - b. The scale of the area map, north arrow, and date.
  - c. Street, lot and tract lines of parcels of land and subdivisions within one thousand (1000) feet of the area proposed to be platted and between said area and the nearest thoroughfare.
  - d. The zoning of adjoining and adjacent land with the boundaries of the area map.
  - e. Existing or proposed park, school, recreational and other public or semi-public sites within the boundaries of the area map.
  - f. A diagram of the proposed course of surface water drainage from the point where water leaves the proposed plat to a legal ditch, natural stream or public storm sewer, to be shown by flow lines, arrows and descriptive notes.
3. Topographic map. The topographic map shall be drawn upon a copy of the primary plat and shall indicate:
- a. The name and location of the proposed subdivision.
  - b. The scale of the topographic map, north arrow, and date.
  - c. Contours based upon the U.S. Coast and Geodetic Datum on U.S. Geological Survey Datum bench marks at one (1) foot vertical intervals, showing clearly by flow lines and arrows, the drainage pattern of surface water, both natural and proposed, within and through the area proposed to be platted, the location and elevation of said bench marks to be shown thereon. The Administrator may permit five (5) foot vertical contour intervals in areas of very steep slopes, such as ravines.
  - d. Existing sewers, water mains, culverts and other underground facilities within or adjacent to the tract indicating pipe size, grades and exact location as obtained from public records, together with a sketch plan of a group sewage disposal system, if proposed, which has been approved in writing by the Division of Health of the Health and Hospital Corporation of Marion County, Indiana.
  - e. If private disposal systems are proposed, the location and results of an on-site soil survey, including a determination of soil load rate, glacial till depth and other drainage characteristics to determine feasibility of an absorption field. This shall be performed for each lot in the location of the proposed absorption field. Such testing shall be conducted by a certified soil scientist, as required by the Division of Health of the Health and Hospital Corporation of Marion County, Indiana.
  - f. Other significant conditions of the area proposed to be platted such as water courses, wetlands, land subject to flooding (both flood way and flood way fringe areas), rock outcrop, wooded areas, houses, and any other structures.
4. Fee. At the time of the filing of an application for primary plat approval, the applicant shall pay to the Commission, as a fee for the checking and verifying of such plat, a sum as set by the Commission by resolution and as made a part of its Rules of Procedure for the Plat Committee of said Commission.

**Sec. 2.62. Secondary subdivision plat.**

- A. *General.* The secondary plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and containing the same information, except for any changes or additions required by the Committee, as shown on the primary plat. All certifications shall be made in permanent black ink with each signature accompanied by the printed name. The primary plat may be used as a secondary plat if it meets these requirements and is revised in accordance with the Committee's disposition. All revision dates must be shown as well as the following:
1. A correct and accurate legal description of the land platted, indicating any changes from the description appearing in the last record transfer of said land.
  2. Notation of any self-imposed restrictions, and restrictions which may have been placed upon the property through rezoning, approval or variance petitions, and locations of any building lines proposed to be established, if required by the Committee in accordance with these Regulations.
  3. Endorsement of the Health and Hospital Corporation of Marion County, Indiana.
  4. Endorsement on the plat of every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.
  5. Lots numbered as approved by the Administrator.
  6. Addresses, as assigned by the Address Technician of the Department of Metropolitan Development.
  7. All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
- B. *Preparation.* The secondary plat shall be prepared by a registered land surveyor licensed by the State of Indiana.

**Sec. 2.63. Vacation of plats or parts of plats.**

The Commission shall prescribe, in the Rules of Procedure of the Plat Committee, or through petition forms prescribed by those Rules of Procedure and adopted by the Commission, the specifications for documents to be submitted in the vacation of plats or parts of plats.

**Sec. 2.64. Vacation of public ways, easements, or public places or parts thereof.**

The Commission shall prescribe, in the Rules of Procedure of the Plat Committee, or through petition forms prescribed by those Rules of Procedure and adopted by the Commission, the specifications for documents to be submitted in the vacation of public ways, easements or public places or parts thereof.

In addition, the following documents shall be provided:

- A list of names, addresses and consent of all property owners abutting the site to be vacated.
- Legal description or survey of the area to be vacated or other drawing suitable for recording. For street vacations, and alley right-of-way vacations, subterranean and air rights vacations, surveys shall be completed by a Registered Land Surveyor or a Professional Engineer. The number of copies of this document required shall be as prescribed by the Committee.

**Sec. 2.70. Construction of language and definitions.**

- A. *Construction of language.* The language of this Ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
  2. In the case of any difference of meaning or implication between the text of this Ordinance and any illustration or diagram, the text shall control.
  3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  5. A "building" or "structure" includes any part thereof.
  6. The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
  7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.
- B. *Definitions.* The words in the text or illustrations of this Ordinance shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.
1. *Access.* The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.
  2. *Administrator.* Administrator of the Division of Neighborhood Services or such Division having jurisdiction, or their appointed representative, per IC 36-7-4-710.
  3. *Alley.* Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
  4. *Applicant.* The owners or owners, legal and equitable, of land within the territorial limits of Marion County, Indiana who submit an application for plat approval under the provisions of this Ordinance.
  5. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
  6. *Collector street.* See Street, Collector.
  7. *Commission.* The Metropolitan Development Commission of Marion County, Indiana.
  8. *Commitment.* An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
  9. *Committee.* The Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, or, in the case of a combined hearing as permitted under IC 36-7-4 and 95-

AO-10/G.O. 130, 1995, the Hearing Examiner of the Metropolitan Development Commission.

10. *Comprehensive plan.* The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana pursuant to IC-36-7-4.
11. *Condition.* An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or Secretary of the applicable appointed land use body.
12. *Corner lot.* See Lot, Corner.
13. *Covenant.* A legal agreement concerning the use of land.
14. *Cul-de-sac.* See Street, Cul-de-Sac.
15. *Front lot line.* See Lot Line, Front.
16. *Full control of access.* The condition where access, including its location, is fully controlled in connection with streets to give preference to through traffic by providing access connections only with selected streets and by prohibiting both crossings at grade and direct driveway connections.
17. *Hardsurfaced.* Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
18. *Local street.* See Street, Local.
19. *Lot (subdivision control ordinance only).* That portion of a subdivision proposed to be recorded as a lot of record for the plat.
20. *Lot area.* The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.
21. *Lot, corner.* A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram D).
22. *Lot, through.* A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. (See Diagram D).
23. *Lot line.* The legal boundary of a lot as recorded in the office of the Marion County Recorder.
24. *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 of the primary structure shall be considered the front lot line, or so declared by the Administrator. (See Diagram C).
25. *Lot of record.* A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.
26. *Marginal access street.* See Street, Marginal Access.
27. *Partial control of access.* The condition where access including its location, is partially controlled in connection with streets to give preference to through traffic to a degree that in addition to access connections with selected streets, there may be permitted some crossings at grade and some direct driveway connections, with design and location approved by public authority, including the Metropolitan Development Commission of Marion County, Indiana.

28. *Plat*. An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
29. *Proposed right-of-way*. See Right-of-Way, Proposed.
30. *Public improvement*. Any drainage way or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which municipal responsibility is established.
31. *Right-of-way*. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
32. *Right-of-way, proposed*. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.
33. *Secondary plat*. A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this Ordinance.
34. *Setback*. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B).
35. *Setback line*. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B).
36. *Sidewalk*. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.
37. *Staff*. The staff of the Metropolitan Development Commission of the Department of Metropolitan Development, City of Indianapolis/ Marion County, Indiana.
38. *Street, collector*. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets and arterials while allowing direct access to abutting property(ies). (See Diagram E).
39. *Street, cul-de-sac*. A street having only one open end which is permanently terminated by a vehicle turn around. (See Diagram E).
40. *Street, expressway*. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.
41. *Street, freeway*. A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.
42. *Street, local*. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram E).
43. *Street, marginal access*. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram E).
44. *Street parkway*. A street serving through vehicular traffic and generally equal to or more than 5280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Official Thoroughfare Plan for Marion County, Indiana, as amended.

45. *Street, primary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.
46. *Street, private.* A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.
47. *Street, public.* A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
48. *Street, secondary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, Indiana, as amended.
49. *Structure.* A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
50. *Subdivision.* The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.
51. *Thoroughfare.* A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.
52. *Thoroughfare plan.* The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
53. *Through lot.* See Lot, Through.
54. *Yard, front.* An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram C).

C. *Graphics.*

<u>ITEM</u>	<u>DIAGRAM</u>
Access to areas abutting thoroughfares	A
Curb cut	B
Curb line	B
Driveway	B
Lot	D
Lot, Corner	D
Lot, Through	D
Lot line, Front	C
Setback	B
Setback line	B
Street, Collector	E



Street, Cul-de-sac	E
Street, Local	E
Street, Marginal access	E
Yard, Front	C

SECTION 2. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

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

Proposal No. 766, 1997 was retitled GENERAL ORDINANCE NO. 1, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1, 1998

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 97-AO-13

A GENERAL ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and, B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

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 with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, State Statute mandates that the legislative body shall, in the zoning ordinance, determine the zoning districts in which subdivision of land may occur.

WHEREAS, it is the desire of the Metropolitan Development Commission, and in the best interest of the general public, that the interpretation of laws and ordinances be as certain as possible, now, therefore:

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

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Revised Code of the Consolidated City and County, Chapter 731 (adopted under Metropolitan Development Commission docket numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, 95-AO-1, 95-AO-8, 96-AO-4, 97-AO-2, and 97-AO-3), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

10. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Dwelling District, as noted in the Dwelling Districts Zoning Ordinance of Marion County, Indiana (89-AO-2, as amended), which permits single-family or two-family dwellings. Specifically, these Districts are the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8 (single or two-family dwelling development only), D-12 and D-P (single and two-family development only).

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

B. That Section 2.02, B, 1 be amended by adding the underscored language as follows:

1. *Minimum lot area.* Minimum lot area: 1 acre

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

Provided further, however: Attachment to public or semipublic sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1998.

C. That Section 2.03, B, 1 be amended by adding the underscored language as follows:

1. *Minimum lot area.* Minimum lot area: 24,000 sq. ft.

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

Provided further, however:

Attachment to public or semipublic sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1998.

SECTION 2. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, 94-AO-7, 96-AO-1, 96-AO-4, and 97-AO-5), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

9. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Commercial District, as noted in the Commercial Zoning Ordinance of Marion County, Indiana (69-AO-1, as amended), which permits single-family or two-family dwellings. Specifically, the applicable District is the C-S (Special Commercial) classification, if single or two-family dwelling development is approved as a permitted use.

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 3. The Central Business District Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 2 (adopted under Metropolitan Development Commission docket numbers 64-AO-1, 81-AO-4, 93-AO-1, 94-AO-1, 95-AO-4, 96-AO-4, and 97-AO-6), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00 be amended by adding the following language:

5. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Central Business District, as noted in the Central Business District Zoning Ordinance of Marion County, Indiana (64-AO-1, as amended), which permits single-family or two-family dwellings. Specifically, the applicable Districts are the CBD-2 (Central Business District Two), CBD-3 (Central Business District Three), and CBD-S (Central Business District Three) classifications, for single or two-family dwelling development only.

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 4. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1, and 96-AO-4), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A be amended by adding the following language:

4. Compliance with the Subdivision Control Ordinance.

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any single-family or two-family component of land development within a PK-2 (Park District Two), UQ-2 (University Quarter Two), HD-2 (Hospital District Two) or any SU (Special Use) District, as noted in the Special Districts Zoning Ordinance of Marion County, Indiana (94-AO-3, as amended), specifically permitted through appropriate Approval Petitions (PK-2, UQ-2, HD-2 Districts), or where allowed as a permitted use (SU Districts).

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

SECTION 5. The Industrial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 1 (adopted under Metropolitan Development Commission docket numbers 63-AO-4, 67-AO-7, 73-AO-2, 80-AO-3, 96-AO-3, and 96-AO-4), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.12, C, 3 (Special Exception Provisions) be amended by adding the following underscored language:

3. The grant of a special exception shall be subject to the following requirements:

- a. The proposed use shall conform to all performance standards of the applicable Industrial District; and,
- b. The proposed use shall conform to all development standards of the applicable Industrial District, except as specifically modified by the grant of Special Exception; and,
- c. 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 by said Board. All restrictions, conditions, or site plan requirements attached to the grant of any Special Exception by the Metropolitan Board of Zoning Appeals shall be limited by Section 2.12, C, 2 and shall be imposed by said Board to ensure compliance with said

standards. Such restrictions, conditions or site plan requirements shall become a part of and incorporated in the grant of the Special Exception by the Board of Zoning Appeals.

- d. In any Industrial Zoning District, in cases where the grant of a Special Exception by the Board of Zoning Appeals for an Industrial Park includes a condition that the Park be platted, the regulations of the Subdivision Control Ordinance of Marion County, Volume 2, Chapter 32, C. of the Code of Indianapolis and Marion County, Indiana shall govern the Park's platting.

SECTION 5. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

SECTION 6. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

PROPOSAL NO. 799, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 799, 1997 on January 8, 1998. The proposal approves and authorizes execution of two agreements between the City of Indianapolis, Department of Public Works, and the White River Environmental Partnership. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 799, 1997 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford*

0 NAYS:

5 NOT VOTING: *Black, Cockrum, Moriarty Adams, Talley, Williams*

1 ABSENT: *Gray*

Proposal No. 799, 1997 was retitled GENERAL RESOLUTION NO. 1, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 1998

A GENERAL RESOLUTION approving and authorizing execution of the following two agreements between the City of Indianapolis, Department of Public Works and the White River Environmental Partnership:

(1) Amended and Restated Agreement for the Operation and Maintenance of the City of Indianapolis, Indiana Advanced Wastewater Treatment Facilities, and:

(2) Amended and Restated Agreement for the Operation and Maintenance of the Indianapolis, Indiana Storm & Wastewater Collection System and Eagle Creek Dam.

WHEREAS, the City of Indianapolis, by its Department of Public Works (CITY) initially entered into an agreement with the White River Environmental Partnership (WREP) on December 20, 1993 for the Operation and Maintenance of the City of Indianapolis, Indiana Advanced Wastewater Treatment Facilities (AWT Facilities). This agreement was for a five-year term; and

WHEREAS, the CITY initially entered into an agreement with WREP on July 1, 1996 for the Operation and Maintenance of the Indianapolis, Indiana Storm & Wastewater Collection System and Eagle Creek Dam. This agreement was also for a five-year term; and

WHEREAS, the CITY initially entered into such agreements because of its desire to benefit the citizens of the City of Indianapolis by having the AWT Facilities and the storm and wastewater collection system and Eagle Creek Dam operated and maintained in the most effective and efficient manner possible, while complying with all legal requirements; and

WHEREAS, the quality of service provided by WREP under such agreements has improved significantly while at the same time saving the citizens of Indianapolis more than \$46 million at the AWT Facilities alone; and

WHEREAS, because of the now established track record of quality of service and cost savings, it is in the best interest of the citizens of Indianapolis to extend the term of the above two operation and maintenance agreements with WREP to ensure that there is continued (i)high quality service and (ii) efficient and cost-effective operation and maintenance of the AWT Facilities and the storm and wastewater collection system and Eagle Creek Dam; now, therefore:

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

SECTION 1. That the City-County Council of the City of Indianapolis and Marion County, Indiana approves and authorizes the execution of the following two agreements between the City of Indianapolis, Department of Public Works and the White River Environmental Partnership, following approval of such agreements by the Board of Asset Management and Public Works:

(1) Amended and Restated Agreement for the Operation and Maintenance of the City of Indianapolis, Indiana Advanced Wastewater Treatment Facilities, and:

(2) Amended and Restated Agreement for the Operation and Maintenance of the Indianapolis, Indiana Storm & Wastewater Collection System and Eagle Creek Dam.

SECTION 2. Each amended and restated agreement will have a ten-year term, beginning January 1, 1998, unless a different effective date is mutually agreed upon by the parties.

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 772-794, 1997 on January 7, 1998. He asked for consent to vote on Proposal Nos. 772-789, 1997 together. Consent was given.

PROPOSAL NO. 772, 1997. The proposal, sponsored by Councillor Gilmer, authorizes intersection controls for the Willows Subdivision, Section 2 (District 1). PROPOSAL NO. 773, 1997. The proposal, sponsored by Councillor Gilmer, authorizes intersection controls for the Cooper Pointe Subdivision, Section 4 (District 1). PROPOSAL NO. 774, 1997. The proposal, sponsored by Councillor Smith, authorizes intersection controls for the Bel Moore Subdivision, Section 1 (District 23). PROPOSAL NO. 775, 1997. The proposal, sponsored by Councillor Coonrod, authorizes a multi-way stop at 79th Street and Carroll Road (District 5). PROPOSAL NO. 776, 1997. The proposal, sponsored by Councillor Golc, authorizes a multi-way stop at Berwyn Street and Mars Hill Street (District 17). PROPOSAL NO. 777, 1997. The proposal, sponsored by Councillor Golc, authorizes a multi-way stop at Miller Street and Pershing Avenue (District 17). PROPOSAL NO. 778, 1997. The proposal, sponsored by Councillor Borst, authorizes a multi-way stop at New Jersey Street and Pacific Street (Districts 20, 25). PROPOSAL NO. 779, 1997. The proposal, sponsored by Councillor Borst, authorizes a multi-way stop at Beechwood Lane and Brill Street (District 25). PROPOSAL NO. 780, 1997. The proposal, sponsored by Councillor O'Dell, authorizes a multi-way stop at Graham Avenue and St. Joseph Street (District 13). PROPOSAL NO. 781, 1997. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 12th Street and Holmes Avenue (District 16). PROPOSAL NO. 782, 1997. The proposal, sponsored by Councillor Gilmer, authorizes a stop sign at 56th Street and Eden Village Drive (District 1). PROPOSAL NO. 783, 1997. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at Lockburn Street and

Perry Street (District 19). PROPOSAL NO. 784, 1997. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at Milhouse Road and Old Mill Drive (District 19). PROPOSAL NO. 785, 1997. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at 62nd Street and Broadway Street (District 7). PROPOSAL NO. 786, 1997. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at 57th Street and Carvel Avenue (District 7). PROPOSAL NO. 787, 1997. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at 56th Street and Winthrop Avenue (District 7). PROPOSAL NO. 788, 1997. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at 63rd Street and Delaware Street (District 7). PROPOSAL NO. 789, 1997. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at 58th Street and Pennsylvania Street (District 7). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Bradford for adoption. Proposal Nos. 772-789, 1997 were adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford  
 0 NAYS:  
 4 NOT VOTING: Gilmer, Moriarty Adams, Talley, Williams  
 1 ABSENT: Gray

Proposal No. 772, 1997 was retitled GENERAL ORDINANCE NO. 3, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	Falcon Grove Dr, May Ridge Run	Falcon Grove Dr	Stop
16	Hawkeye Ct, Sheehan Pl, Tammin Dr	Sheehan Pl, Tammin Dr	Yield
16	Tammin Dr, Tammin Ln	Tammin Dr	Stop
16	Tammin Ln, 46th St	46th St	Stop

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

Proposal No. 773, 1997 was retitled GENERAL ORDINANCE NO. 4, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1 The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10	Briarchase Ct, Hazelhatch Dr	Hazelhatch Dr	Stop
10	Cooperland Ct, Hazelnut Ct	Cooperland Ct	Yield
10	Cooperland Ct, Hazelhatch Dr	Hazelhatch Dr	Stop
10	Hazelchase Ct, Hazelhatch Dr	Hazelhatch Dr	Yield
10	Hazelhatch Dr, Hazelview Ln	Hazelhatch Dr	Stop

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

Proposal No. 774, 1997 was retitled GENERAL ORDINANCE NO. 5, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1 The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48	Bel Moore Blvd, Endicott Dr, Fendler Dr	Bel Moore Blvd	Stop
48	Bel Moore Blvd, Endicott Way	Bel Moore Blvd	Stop
48	Bel Moore Blvd, Stop 11 Rd	Stop 11 Rd	Stop

48	Endicott Ct, Endicott Dr	Endicott Dr	Yield
48	Fendler Ct, Fendler Dr	Fendler Dr	Yield

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

Proposal No. 775, 1997 was retitled GENERAL ORDINANCE NO. 6, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
50	79th St, Carroll Rd	Carroll Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
50	79th St, Carroll Rd	None	All Way Stop

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

Proposal No. 776, 1997 was retitled GENERAL ORDINANCE NO. 7, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:



<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	Berwyn St, Mars Hill St	Berwyn St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	Berwyn St, Mars Hill St	None	All Way Stop

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

Proposal No. 777, 1997 was retitled GENERAL ORDINANCE NO. 8, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31	Miller St, Pershing Av	Pershing Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31	Miller St, Pershing Av	None	All Way Stop

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

Proposal No. 778, 1997 was retitled GENERAL ORDINANCE NO. 9, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	New Jersey St, Pacific St	New Jersey St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	New Jersey St, Pacific St	None	All Way Stop

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

Proposal No. 779, 1997 was retitled GENERAL ORDINANCE NO. 10, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Beechwood Ln, Brill St	Beechwood Ln	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Beechwood Ln, Brill St	None	All Way Stop

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

Proposal No. 780, 1997 was retitled GENERAL ORDINANCE NO. 11, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Graham Av, St. Joseph St	Graham Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Graham Av, St. Joseph St	None	All Way Stop

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

Proposal No. 781, 1997 was retitled GENERAL ORDINANCE NO. 12, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	12th St, Holmes Av	Holmes Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
16	12th St, Holmes Av	None	All Way Stop

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

Proposal No. 782, 1997 was retitled GENERAL ORDINANCE NO. 13, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
09	56th St, Eden Village Dr	56th St	Stop

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

Proposal No. 783, 1997 was retitled GENERAL ORDINANCE NO. 14, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Lockburn St, Perry St	Perry St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Lockburn St, Perry St	None	All Way Stop

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

Proposal No. 784, 1997 was retitled GENERAL ORDINANCE NO. 15, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

January 12, 1998

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Milhouse Rd, Old Mill Dr	Milhouse Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37	Milhouse Rd, Old Mill Dr	None	All Way Stop

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

Proposal No. 785, 1997 was retitled GENERAL ORDINANCE NO. 16, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	62nd St, Broadway St	Broadway St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	62nd St, Broadway St	None	All Way Stop

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

Proposal No. 786, 1997 was retitled GENERAL ORDINANCE NO. 17, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
I1	57th St, Carvel Av	Carvel Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	57th St, Carvel Av	None	All Way Stop

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

Proposal No. 787, 1997 was retitled GENERAL ORDINANCE NO. 18, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION I. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
II	56th St, Winthrop Av	Winthrop Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
II	56th St, Winthrop Av	None	All Way Stop

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

Proposal No. 788, 1997 was retitled GENERAL ORDINANCE NO. 19, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1I	63rd St, Delaware St	63rd St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1I	63rd St, Delaware St	None	All Way Stop

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

Proposal No. 789, 1997 was retitled GENERAL ORDINANCE NO. 20, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	58th St, Pennsylvania St	Pennsylvania St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	58th St, Pennsylvania St	None	All Way Stop

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

PROPOSAL NO. 790, 1997. The proposal, sponsored by Councillor Bradford, authorizes parking restrictions on Crittenden Avenue, on the east side, from Kessler Boulevard East Drive to a point 140 feet south of Kessler Boulevard East Drive (District 7). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Gilmer moved, seconded by Councillor Bradford, to strike Proposal No. 790, 1997. Proposal No. 790, 1997 was stricken by a unanimous voice vote.

PROPOSAL NO. 791, 1997. The proposal, sponsored by Councillor Bradford, authorizes parking restrictions on Beach Avenue between Lincoln Boulevard and Keystone Avenue West Drive; and on Keystone West Drive between 80th Street and Beach Avenue (District 7). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Bradford, for adoption. Proposal No. 791, 1997 was adopted on the following roll call vote; viz:

*20 YEAS: Borst, Bradford, Coonrod, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, Shambaugh, Short, Smith, Tilford, Williams*

*0 NAYS:*

*8 NOT VOTING: Black, Boyd, Brents, Cockrum, Coughenour, Moriarty Adams, SerVaas, Talley*

*1 ABSENT: Gray*

Proposal No. 791, 1997 was retitled GENERAL ORDINANCE NO. 21, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Beach Avenue, on both sides,  
from Lincoln Boulevard to Keystone Avenue West Drive

Keystone Avenue West Drive, on both sides,  
from Beach Avenue to 80th Street

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

PROPOSAL NO. 792, 1997. The proposal, sponsored by Councillor Short, authorizes parking restrictions on Perkins Avenue in front of Spruce Manor Senior Apartment Complex (District 21). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal No. 792, 1997 was adopted on the following roll call vote; viz:



January 12, 1998

25 YEAS: *Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*  
0 NAYS:  
3 NOT VOTING: *Bradford, Moriarty Adams, Talley*  
1 ABSENT: *Gray*

Proposal No. 792, 1997 was retitled GENERAL ORDINANCE NO. 22, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-267, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby, amended by the deletion of the following, to wit:

Perkins Avenue, on the west side,  
from a point 187 feet south of the south curblin of Minaqua Street,  
to a point 257 feet south of the south curblin of Minaqua Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby, amended by the addition of the following, to wit:

Perkins Avenue, on the west side,  
from a point 188 feet south of the south curblin of Minaqua Street,  
to a point 278 feet south of the south curblin of Minaqua Street

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

PROPOSAL NO. 793, 1997. The proposal, sponsored by Councillor Smith, authorizes no parking anytime restrictions on Southeastern Avenue between Meadow Drive and Shortridge Road (District 23). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Smith, for adoption. Proposal No. 793, 1997 was adopted on the following roll call vote; viz:

26 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*  
0 NAYS:  
2 NOT VOTING: *Moriarty Adams, Talley*  
1 ABSENT: *Gray*

Proposal No. 793, 1997 was retitled GENERAL ORDINANCE NO. 23, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Southeastern Avenue, on the south side,  
from Meadow Drive to Shortridge Road

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

PROPOSAL NO. 794, 1997. The proposal, sponsored by Councillor Williams, authorizes no parking restrictions on Michigan Street, on the south side, from New Jersey Street to a point 134 feet east of New Jersey Street (District 22). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 794, 1997, as amended, was adopted on the following roll call vote; viz:

*24 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Smith, Tilford, Williams*

*0 NAYS:*

*4 NOT VOTING: Boyd, Dowden, Schneider, Talley*

*1 ABSENT: Gray*

Proposal No. 794, 1997, as amended, was retitled GENERAL ORDINANCE NO. 24, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Michigan Street, on the south side,  
from New Jersey Street to a point 134 feet east of New Jersey Street

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

**NEW BUSINESS**

Councillor Williams stated that she had introduced Proposal No. 391, 1997 which is no longer noted as a pending proposal. Councillor O'Dell said that he also has a proposal which was deleted from the pending proposals that should not have been. Mr. Elrod stated that an ordinance was adopted last year that stated that any proposal which had no action taken on it for six months would be dropped from the pending proposals. In accordance with this rule, any proposals

dropped must be reintroduced. Councillor O'Dell asked if there was a mechanism in place to notify sponsors if their proposals are going to be dropped. Mr. Elrod stated that there is not. Councillor Williams moved, seconded by Councillor O'Dell, to re-introduce these proposals. Consent was given.

Councillor Tilford stated that he also was the sponsor of Proposal No. 305, 1997, which was never even heard in Committee. Mr. Elrod stated that he will also have to re-introduce this proposal.

Councillor Golc asked Councillor O'Dell if he had replied in writing to the constituent who had voiced opposition at the last Municipal Corporations Committee meeting, which Councillor Golc had requested he do at the last Council meeting. Councillor O'Dell stated that he has talked to her on numerous occasions, but has not written her. Councillor Golc requested that Councillor O'Dell give her written answers to her objections. Councillor O'Dell agreed to do so.

Councillor Hinkle announced that there will be a five-minute meeting of the Metropolitan Development Committee on January 26, 1998 at 5:45 p.m. to approve the appointment of Moira Carlstedt as the Director of the Department of Metropolitan Development. He stated that this approval needs to take place before February 1, 1998.

Mr. Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 97-Z-158 (Amended), Council Proposal No. 54, 1998, at its next regular meeting on January 26, 1998, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 12.693 acres at 2450 West Morris Street from C-7 and D-5 Districts to C-S classification to provide for a truck trailer leasing and sales business.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

The President introduced new Sergeant-At-Arms, Jerry Doyle, and welcomed him to the Council staff.

Councillor Coughenour introduced new City Controller, Ann Lathrop.

## ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- ( 1 ) Councillors SerVaas and Bradford in memory of Irene Johnston ; and
- ( 2 ) Councillor Smith in memory of Orie V. Chandler ; and
- ( 3 ) Councillors O'Dell and Bradford in memory of Alice Ross ; and
- ( 4 ) Councillor Bradford in memory of Bernice G. Rhodes.

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 Irene Johnston, Ori V. Chandler, Alice Ross, and Bernice G. Rhodes. 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 9:05 p.m.

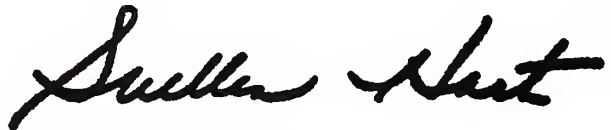
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 12th day of January, 1998.

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



President

ATTEST:



Clerk of the Council

(SEAL)