

ORDINANCE

BE IT ORDAINED by the Marion County Council of Marion County, Indiana that Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-A0-2, adopted as an amendment thereto, as amended, be amended in the following particulars:

That section 1.00 of said Dwelling Districts Zoning Ordinance 66-A0-2 be amended to read as follows:

SECTION 1.00

The following primary DWELLING ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said districts as designated on the DWELLING ZONING MAPS, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

<u>DWELLING ZONING DISTRICTS</u>	<u>ZONING DISTRICTS SYMBOLS</u>
DWELLING SUBURBAN DISTRICT	D-5
DWELLING DISTRICT ONE	D-1
DWELLING DISTRICT TWO	D-2
DWELLING DISTRICT THREE	D-3
DWELLING DISTRICT FOUR	D-4
DWELLING DISTRICT FIVE	D-5
DWELLING DISTRICT SIX	D-6
DWELLING DISTRICT SIX II	D-6 II
DWELLING DISTRICT SEVEN	D-7
DWELLING DISTRICT EIGHT	D-8
DWELLING DISTRICT NINE	D-9
DWELLING DISTRICT TEN	D-10

DWELLING DISTRICT ELEVEN	D-11
DWELLING DISTRICT TWELVE	D-12
PLANNED UNIT DEVELOPMENT DISTRICT	D-P

BE IT FURTHER ORDAINED that a new section be added to said Dwelling Districts Zoning Ordinance 66-A0-2, to be inserted between sections 2.07 and 2.08 thereof, and to read as follows:

SECTION 2.075 D-6 II DWELLING DISTRICT SIX II REGULATIONS

A. PERMITTED D-6 II USES

The following uses shall be permitted in the D-6 II DISTRICT. All uses in the D-6 II DISTRICT shall conform to the D-6 II Development Standards (section 2.075, B) and the Dwelling District Regulations of Section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-6 II DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.

- b. Minimum yards of at least 25 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
- c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

- (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
 - (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
 - (4) Walls forming interior courts and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space

(as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT
- a. Primary building, Attached Multi-Family Dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
 - b. Primary building, Detached Single-Family Cluster Dwelling: 35 feet but not to exceed 2 floors above grade level.
 - c. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

Floor area, open space, livability space, recreation space and parking area shall be provided for each project in accordance with the following required ratios (all as defined in section 2.19):

- a. Maximum Floor Area:
floor area ratio (FAR) 0.28
- b. Minimum Open Space:
open space ratio (OSR) 2.65
- c. Minimum Livability Space:
livability space ratio (LSR) 1.65
- d. Minimum Major Livability Space:
major livability space ratio (MLSR) 0.16
- e. Minimum Parking Space:
total car ratio (TCR) 1.50

In addition: site plans, public streets, interior access roads or driveways and off-street parking areas shall be provided in accordance with section 2.17.

BE IT FURTHER ORDAINED that section 2.17, A of said Dwelling Districts Zoning Ordinance 66-A0-2 be amended to read as follows:

A. BUILDING SETBACK LINES

Yards, having a minimum depth in accordance with the following

setback requirements, shall be provided along all public street right-of-way lines, and building setback lines shall be as follows:

1. Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 60 feet measured from the center-line of the thoroughfare or 15 feet to the right-of-way line, whichever is greater.

2. Secondary Thoroughfare (as designated on the Official Thoroughfare plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 40 feet to any right-of-way line of a secondary thoroughfare.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 60 feet measured from the center-line of the thoroughfare or 15 feet to the right-of-way line, whichever is greater.

3. Collector Street

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 30 feet to any right-of-way line of a collector street.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 15 feet to said right-of-way line.

4. Local Street, Marginal Access Street or Cul-de-Sac

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 25 feet to any right-of-way line of a local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 15 feet to said right-of-way line.

Provided, however, that in any block in which an existing yard depth is established (by existing legally established structures within the same Dwelling District) for more than twenty-five per cent (25%) of the frontage of the block (or a distance of four hundred (400) feet, whichever is the lesser), the required yard depth and setback for any new building shall be the average of such established yards.

Further, provided, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth in accordance with the following requirements shall be provided:

- a. D-S, D-1, D-2: 25 feet for primary buildings.
- b. D-3, D-4, D-5, and D-12: 20 feet for primary buildings.
- c. As required by sections:

D-6 District:	2.07, B 3, b and d.
D-6 II District:	2.075, B 3, b and d.
D-7 District:	2.08, B 3, b and d.
D-8 District:	2.09, B 3, b, c, and e.
D-9 District:	2.10, B 3, b and d.
D-10 District:	2.11, B 3, b and d.
D-11 District:	2.12, B 3, b and d.
D-12 District:	2.13, B 3, b (2) and (4).

BE IT FURTHER ORDAINED that paragraph 1 of section 2.17, E of said Dwelling Districts Zoning Ordinance 66-A0-2 be amended to read as follows:

1. Number of Spaces Required

- a. For every one-family dwelling or two-family dwelling in the D-S, D-1, D-2, D-3, D-4, D-5, and D-12 Dwelling Districts, there shall be provided at least two off-street parking spaces.
- b. For every attached multi-family dwelling, detached single-family cluster dwelling, mobile home dwelling and urban dwelling in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11, and D-12 Dwelling Districts, parking spaces shall be provided in accordance with the Development Amenities of each district.

BE IT FURTHER ORDAINED that the Definitions 20 and 26, respectively, of section 2.19 of the said Dwelling Districts Zoning Ordinance 66-A0-2 be amended to read as follows:

20. PROJECT A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, and D-11 Dwelling Districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, and/or conveyed into smaller lots or parcels. For permitted multi-family dwelling, detached single-family cluster dwelling uses, or mobile home dwellings, such

smaller lots or parcels within the Project may front upon private interior access roads provided said Project meets the minimum street frontage requirements of sections 2.07, B 2; 2.075, B 2; 2.08, B 2; 2.09, B 2; 2.10, B 2; 2.11, B 2; 2.12, B 2; and 2.13, B 2 of this ordinance.

26. UNCOVERED OPEN SPACE In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 Districts, and D-12 District Detached Single-Family Cluster Dwellings:
The Land Area, minus the Building Area, plus the Usable Roof Area.

In D-S, D-1, D-2, D-3, D-4 and D-5 Districts; and D-8 and D-12 District Two-Family Dwellings; and D-8 Single-Family Dwellings:
The Lot Area, minus the Building Area.

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

Beurt R. SerVaas

William K. Byrum

Rozell C. Boyd

William A. Brown

THE MARION COUNTY COUNCIL

OF

MARION COUNTY, INDIANA

DATED July 2, 1968

ATTEST: John T. Sutton
AUDITOR OF MARION COUNTY, INDIANA

Legal draft-1/17/68
Revised-5/14/68