

CITY-COUNTY GENERAL ORDINANCE NO. 41, 1981
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 81-AO-2

AMENDMENT TO
DWELLING DISTRICT ZONING ORDINANCE
OF
MARION COUNTY, INDIANA
(Ordinance 66-AO-2, as amended)

METROPOLITAN DEVELOPMENT COMMISSION

1981

Officially adopted
May 11, 1981

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 81-AO-2

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

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

Section 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and the DWELLING DISTRICT ZONING ORDINANCE of Marion County, Indiana (Ordinance 66-AO-2), adopted as an amendment thereto, as amended, pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1969, be amended as follows:

That sections 2.01 (A), 2.02 (A), 2.03 (A), 2.04 (A), 2.05 (A), 2.06 (A), 2.07 (A), 2.075 (A), 2.08 (A), 2.09 (A), 2.10 (A), 2.11 (A), 2.13 (A), 2.18, and 2.19 of said DWELLING DISTRICT ZONING ORDINANCE OF MARION COUNTY, INDIANA (Ordinance 66-AO-2 as amended) be amended to read as follows:

SECTION 2.01 D-S DWELLING SUBURBAN DISTRICT REGULATIONS

A. PERMITTED D-S USES

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

1. ONE-FAMILY DWELLING.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.02 D-1 DWELLING DISTRICT ONE REGULATIONS

A. PERMITTED D-1 USES

The following uses shall be permitted in the D-1 DISTRICT. All uses in the D-1 DISTRICT shall conform to the D-1 Development Standards (section 2.02, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.03 D-2 DWELLING DISTRICT TWO REGULATIONS

A. PERMITTED D-2 USES

The following uses shall be permitted in the D-2 DISTRICT. All uses in the D-2 DISTRICT shall conform to the D-2 Development Standards (section 2.03, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING, (permitted on corner lots only).
3. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.04 D-3 DWELLING DISTRICT THREE REGULATIONS

A. PERMITTED D-3 USES

The following uses shall be permitted in the D-3 DISTRICT. All uses in the D-3 DISTRICT shall conform to the D-3 Development Standards (2.04, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING, (permitted on corner lots only).
3. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.05 D-4 DWELLING DISTRICT FOUR REGULATIONS

A. PERMITTED D-4 USES

The following uses shall be permitted in the D-4 DISTRICT. All uses in the D-4 DISTRICT shall conform to the D-4 Development Standards (section 2.05, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING, (permitted on corner lots only).

3. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.06 D-5 DWELLING DISTRICT FIVE REGULATIONS

A. PERMITTED D-5 USES

The following uses shall be permitted in the D-5 DISTRICT. All uses in the D-5 DISTRICT shall conform to the D-5 Development Standards (section 2.06, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING, (permitted on corner lots only).
3. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.07 D-6 DWELLING DISTRICT SIX REGULATIONS

A. PERMITTED D-6 USES

The following uses shall be permitted in the D-6 DISTRICT. All uses in the D-6 DISTRICT shall conform to the D-6 Development Standards (section 2.07, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.
3. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

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. GROUP HOMES, as regulated in section 2.18.
4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.08 DWELLING DISTRICT SEVEN REGULATIONS

A. PERMITTED D-7 USES

The following uses shall be permitted in the D-7 DISTRICT. All uses in the D-7 DISTRICT shall conform to the D-7 Development Standards (section 2.08, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.09 D-8 DWELLING DISTRICT EIGHT REGULATIONS

A. PERMITTED D-8 USES

The following uses shall be permitted in the D-8 DISTRICT. All uses in the D-8 DISTRICT shall conform to the D-8 Development Standards (section 2.09, B) and the Dwelling District Regulations of section 2.00.

1. URBAN DWELLING OR DWELLINGS, including one-family dwellings, two-family dwellings, attached multi-family dwellings, detached single-family cluster dwellings, or any other form of residential dwelling.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.10 D-9 DWELLING DISTRICT NINE REGULATIONS

A. PERMITTED D-9 USES

The following uses shall be permitted in the D-9 DISTRICT. All uses in the D-9 DISTRICT shall conform to the D-9 Development Standards (section 2.10, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLING.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.11 D-10 DWELLING DISTRICT TEN REGULATIONS

A. PERMITTED D-10 USES

The following uses shall be permitted in the D-10 DISTRICT. All uses in the D-10 DISTRICT shall conform to the D-10 Development Standards (section 2.11, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. GROUP HOMES, as regulated in section 2.18.
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.

SECTION 2.13 D-12 DWELLING DISTRICT TWELVE REGULATIONS

A. PERMITTED D-12 USES

The following uses shall be permitted in the D-12 DISTRICT. All uses in the D-12 DISTRICT shall conform to the D-12 Development Standards (section 2.13, B) and the Dwelling District Regulations of section 2.00.

1. TWO-FAMILY DWELLING.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLING.
3. GROUP HOMES, as regulated in section 2.18.

4. TEMPORARY USES, as regulated in section 2.14.
5. ACCESSORY USES, as regulated in section 2.15.
6. HOME OCCUPATIONS, as regulated in section 2.16.

SECTION 2.18 GROUP HOMES

A. PERMITTED GROUP HOMES

Group Homes for developmentally disabled persons, as defined in Section 2.19, shall be permitted in all Dwelling Districts (except the D-11 District) and in any other zoning district in Marion County permitting dwelling uses, subject to the grant of a SPECIAL EXCEPTION. The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant such SPECIAL EXCEPTIONS and permit such Group Homes in the Dwelling Districts.

B. GROUP HOME REQUIREMENTS

Group Homes shall comply with the following requirements:

1. Such SPECIAL EXCEPTION shall be granted following application filed with the Secretary of said Board by the landowner petitioner, (which applications shall include a site and development plan for the location which shall include any plans for new construction and, in the case of existing buildings, structures or other improvements, shall include any structural or physical changes to be made respecting the location, size or shape thereof, including any changes affecting parking areas, fencing, or other exterior grounds; if exterior changes are planned in existing structures, a complete set of elevation plans shall be filed, including a description of all materials and colors) notice to owners of adjoining parcels of land and public hearing by said Board—all in accordance with the Rules of Procedure of the Metropolitan Board of Zoning Appeals **ONLY UPON THE METROPOLITAN BOARD'S DETERMINATION THAT:**
 - a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.
 - b. The grant will not injure or adversely affect the adjacent area or property values therein.
 - c. The Group Home will be in harmony with the character of the district and land use authorized therein.
 - d. The subject lot is not located within three thousand (3000) feet, from building lot line to building lot line, of another Group Home for developmentally disabled persons.
 - e. The Group Home will be licensed by the Developmental Disabilities Residential Facilities Council, or its successor in authority in accordance with law, and will comply with any applicable requirements of the State Fire Marshal. If application has been made but licensing has not yet been granted, or if the Group Home intends to, but has not yet, complied with all applicable requirements of the State Fire Marshal, the SPECIAL EXCEPTION shall be granted by the Board subject to the condition that occupancy and operation of the Group Home may not commence until such licensing is received, and until compliance with the requirements of the State Fire Marshal.

- f. The Group Home shall contain at least two hundred (200) square feet of habitable floor area for each resident.
 - g. The plan of operation of the Group Home is found to be residential in nature. Such plan of operation shall be filed with the petitioner's application and shall include a description of the Group Home's ownership and purpose; the anticipated maximum number and type (i.e., children or adult and nature of handicap or other need or disability) of residents; the kinds of counseling, support, educational and other services to be provided and the manner of providing such services; the number, qualifications and anticipated schedules of resident and non-resident staff, supervisors, counsellors or other workers; and the anticipated parking and traffic patterns.
2. The grant of such SPECIAL EXCEPTION shall be conditioned upon the following requirements:
- a. The Group Home shall conform to all development standards of the applicable Dwelling District, except as specifically modified by the grant of SPECIAL EXCEPTION.
 - b. No home occupations shall be permitted in a Group Home except as may be specifically allowed by the Board in connection with the grant of the SPECIAL EXCEPTION.
 - c. The Group Home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of SPECIAL EXCEPTION by said Board—(in case of conflict, the more restrictive standards or requirements are to control). The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, but only to the extent necessary to ensure compliance with the conditions and standards set forth in clauses (a), (b), (c), (d), (e), (f), and (g) of the above paragraph 1.

SECTION 2.19

DEFINITIONS

28. BUILDING LOT

The lot or lots of contiguous ownership upon which the dwelling(s) is (are) located.

29. GROUP HOME

A residential facility licensed by the Development Disabilities Residential Facilities Council, or its successor in authority in accordance with law, and defined per Indiana Code Section 16-10-2.1.

Section 2. That an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Beurt SerVaas

President (or Presiding Officer)

Date: May 20, 1981

Attest: Beverly Rippey
(Clerk)