

CITY-COUNTY GENERAL ORDINANCE NO. 54, 1982
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 82-AO-1

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

METROPOLITAN DEVELOPMENT COMMISSION

1982

Adopted
June 7, 1982

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 IC 36-7-4, 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), 2.09 (A), 2.12 (A), 2.13 (A), and 2.19 of said DWELLING DISTRICT ZONING ORDINANCE OF MARION COUNTY, INDIANA (Ordinance 66-AO-2 as amended) be amended and section 2.175 be inserted 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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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, including Manufactured Homes as regulated in section 2.175.
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 2.09 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, Manufactured Homes as regulated in section 2.175, 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 2.12 D-11 DWELLING DISTRICT ELEVEN REGULATIONS

A. PERMITTED D-11 USES

The following uses shall be permitted in the D-11 DISTRICT. All uses in the D-11 DISTRICT shall conform to the D-11 Development Standards (section 2.12, B) and the Dwelling District Regulations of section 2.00.

1. MOBILE DWELLING PROJECTS, including Mobile Dwelling and Manufactured Homes, subject to all development standards of section 2.12, B, including the fifteen (15) acre minimum project area requirement of section 2.12, B 1.

Each permitted dwelling within a mobile dwelling project shall be limited to one-family use and occupancy.

2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, subject to the Accessory Use requirements of section 2.15, B:

- a. MANAGER'S OFFICE AND APARTMENT: PROJECT MAINTENANCE EQUIPMENT STORAGE FACILITY.
- b. COMMON RECREATION AND SERVICE BUILDINGS AND AREAS, including laundry facilities.
- c. OPEN STORAGE AREA.
- d. ACCESSORY PARKING AREAS.
- e. SIGNS, subject to the regulations of Ordinance 71-AO-4 Sign Regulations of Marion County.
- f. CARPORTS, CANOPIES, COVERED PATIOS, STORAGE ROOMS, PORCHES, AWNINGS, SWINGS and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet measured from the finished mobile dwelling lot grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent hard surface material.
- g. Wholesale and retail sales of mobile dwellings conducted as a business by dealers or mobile dwelling project owners/operators shall be prohibited in the D-11 District. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwelling units on lots in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project. A model home sign, as regulated in section 14.04-3(2)vi. of Ordinance 71-AO-4 Sign Regulations of Marion County, shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.

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, including Manufactured Homes as regulated in section 2.175.
- 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 2.175. MANUFACTURED HOMES

A. PERMITTED MANUFACTURED HOMES

Manufactured Homes, as defined in Section 2.19, shall be permitted in all Dwelling Districts (except D-7, D-9 and D-10) and in any other zoning district in Marion County permitting one family dwelling uses, subject to the following schedule:

1. Manufactured Homes shall be subject to the grant of a SPECIAL EXCEPTION in D-S, D-1, D-2, D-3, D-4, D-5, D-6, D-6II, D-8, D-12 and any other zoning district in Marion County permitting one family dwelling uses, except as governed in 2.175(A) 2.
2. Manufactured Homes shall be permitted without a SPECIAL EXCEPTION in the D-3, D-4, D-5 and D-12 DISTRICTS if located in a subdivision given final plat approval on or after July 1, 1982.

B. MANUFACTURED HOME REQUIREMENTS

Manufactured Homes shall comply with the following requirements:

1. All Manufactured Homes, except those located in the D-11 District, shall be set onto a permanent foundation and comply with the set up, utility connection and underfloor space requirements set forth in Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is incorporated herein by reference.
2. A SPECIAL EXCEPTION shall be granted following application filed with the Secretary of said Board by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board - all in accordance with the Rules of Procedure of the Metropolitan Board of Zoning Appeals ONLY UPON THE METROPOLITAN BOARD'S DETERMINATION THAT:
 - a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.
 - b. The grant will not injure or adversely affect the adjacent area or property values therein.
 - c. The Manufactured Home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.
3. The grant of a SPECIAL EXCEPTION shall be conditioned upon the following requirements:
 - a. The Manufactured Home shall conform to all development standards of the applicable zoning district.
 - b. The Manufactured Home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of SPECIAL EXCEPTION by said Board - in case of conflict, the more restrictive standards or requirements to control. The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, but only to the extent necessary to ensure compliance with the conditions and standards set forth in above paragraph 1 and clauses (a), (b), and (c) of above paragraph 2.

SECTION 2.19 DEFINITIONS

30. ONE-FAMILY DWELLING

A unit designed for occupancy by one family, constructed or erected on a permanent foundation as specified by the Indiana One and Two Family Dwelling Code or by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is either:

1. constructed in compliance with the standards of the Indiana One and Two Family Dwelling Code; or,
2. a manufactured home.

31. MOBILE DWELLING

A unit built in a factory designed for occupancy by one family erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which was either:

1. constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
2. constructed subsequent to June 15, 1976 and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards Law.

32. MANUFACTURED HOME

a unit built in a factory after January 1, 1981, bearing a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law, which has at least 950 square feet of main floor area (exclusive of garages, carports and open porches), and exceeds 23 feet in width.