

AN ORDINANCE amending the Code of Indianapolis and Marion County, Indiana, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, as amended, 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 within the county for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the City-County Council and neighborhood representatives have expressed concern over the potential clustering of group homes for the mentally ill in certain portions of the community; and,

WHEREAS, current State Statute (IC 12-28-4-7) allows for a local zoning ordinance to provide for up to a 3000 foot separation between group homes for the mentally ill, 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, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission docket Numbers 89-AO-2, 90-AO-3, 92-AO-1, 92-AO-3, 93-AO-4, and 95-AO-1), as amended, be amended as follows:

A. That Section 2.00, A, be amended by inserting the underscored language as follows:

8. Requirement for Group Homes for the Mentally Ill.

In any Dwelling District, a group home (as defined in section 2.25) for the mentally ill shall be excluded from a residential area if the group home is located within three thousand (3,000) feet of another group home for the mentally ill, as measured between lot lines.

B. That Section 2.01, A, 1; 2.02, A, 1, b.; 2.03, A, 1, b.; 2.04, A, 1, b.; 2.05, A, 1, c.; 2.06, A, 1, c.; 2.07, A, 1, c.; 2.08, A, 1, c.; 2.09, A, 1, c.; 2.10, A, 1, b.; 2.11, A, 1, b.; 2.12, A, 1, b.; 2.13, A, 1, b.; 2.14, A, 1, b.; and 2.15, A, 2 be amended by deleting the stricken-through language and inserting the underscored language as follows: GROUP HOMES, as defined in Section 2.25- and as regulated in Section 2.00, A, 8.

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

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

The foregoing was passed by the City-County Council this 26th day of June, 1995, at 10:09 p.m.

