

CITY-COUNTY GENERAL ORDINANCE NO. 171, 1998
Proposal No. 674, 1998

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 98-AO-7

A GENERAL ORDINANCE to amend certain sections of the Code of Indianapolis and Marion County, Indiana and the Revised Code of the Consolidated City and 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, (note: Need to add justification for inclusion of assisted-living facilities as a permitted use in the Dwelling Districts), 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, 97-AO-3, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.00, A, 7, b,(4) be amended by adding the underscored language and deleting the stricken language as follows:

(c) The minimum and aggregate side yard setbacks shall not be required in a cluster subdivision, so long as a minimum distance of ten (10) feet between buildings shall be maintained. In cases where the zero lot line option of this ordinance is utilized, the provisions of Section 2.00, A, 6, b and d shall apply. shall have a minimum depth in accordance with Section 2.00, A, 6, side Yard Setback - Zero Lot Line Option, with the exception that provision 2.00, A, 6, c. shall not apply when utilizing the Cluster Subdivision Exception.

B. That Section 2.09, A be amended by adding the underscored language as follows:

A. *Permitted D-6 uses.* The following uses shall be permitted in the D-6 District. Only one primary use shall be permitted per lot. All uses in the D-6 District shall conform to the D-6 Development Standards (section 2.09, B) and the Dwelling District Regulations of section 2.00.

1. *Primary uses:*

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
- c. Religious use, as regulated in section 2.24.
- d. Assisted-living facility, as defined in section 2.25.

2. *Temporary uses*, as regulated in section 2.18.

3. *Accessory uses*, as regulated in section 2.19.

4. *Home occupations*, as regulated in section 2.20.

C. That Section 2.09, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities*. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

a. Maximum Floor Area: floor area ratio (FAR)	0.200
b. Minimum Open Space: open space ratio (OSR)	3.850
c. Minimum Livability Space: livability space ratio (LSR)	2.600
d. Minimum Major Livability Space: major livability space ratio (MLSR)	0.180
e. Minimum Parking Spaces: total car ratio (TCR)	1.600
f. <u>Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities</u>	<u>0.500</u>

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

D. That Section 2.10, A be amended by adding the underscored language as follows:

A. *Permitted D-6II uses*. The following uses shall be permitted in the D-6II District. Only one primary use shall be permitted per lot. All uses in the D-6II District shall conform to the D-6II Development Standards (section 2.10, B) and the Dwelling District Regulations of section 2.00.

1. *Primary uses*:

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
- c. Religious use, as regulated in section 2.24.
- d. Assisted-living facility, as defined in section 2.25.

2. *Temporary uses*, as regulated in section 2.18.

3. *Accessory uses*, as regulated in section 2.19.

4. *Home occupations*, as regulated in section 2.20.

E. That Section 2.10, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities*. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.280
- b. Minimum Open Space: open space ratio (OSR) 2.650
- c. Minimum Livability Space: livability space ratio (LSR) 1.650
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.160
- e. Minimum Parking Spaces: total car ratio (TCR) 1.500
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

F. That Section 2.11, A be amended by adding the underscored language as follows:

A. *Permitted D-7 uses.* The following uses shall be permitted in the D-7 District. Only one primary use shall be permitted per lot. All uses in the D-7 District shall conform to the D-7 Development Standards (section 2.11, B) and the Dwelling District Regulations of section 2.00.

- 1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
- 2. Temporary uses, as regulated in section 2.18.
- 3. Accessory uses, as regulated in section 2.19.
- 4. Home occupations, as regulated in section 2.20.

G. That Section 2.11, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.350
- b. Minimum Open Space: open space ratio (OSR) 2.100
- c. Minimum Livability Space: livability space ratio (LSR) 1.250
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.140

- e. Minimum Parking Spaces: total car ratio (TCR) 1.400
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

H. That Section 2.12, A be amended by adding the underscored language as follows:

A. *Permitted D-8 uses.* The following uses shall be permitted in the D-8 District. Only one primary use shall be permitted per lot. All uses in the D-8 District shall conform to the D-8 Development Standards (section 2.12, B and C) and the Dwelling District Regulations of section 2.00.

1. *Primary uses:*

- a. Urban dwelling or dwellings, including one of the following: single-family, two-family, and attached multifamily dwellings, including a Manufactured Home as regulated in section 2.22.
- b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
- c. Religious use, as regulated in section 2.24.
- d. Assisted-living facility, as defined in section 2.25.

2. *Temporary uses*, as regulated in section 2.18.

3. *Accessory uses*, as regulated in section 2.19.

4. *Home occupations*, as regulated in section 2.20.

I. That Section 2.12, C, 5 be amended by adding the underscored language as follows:

- 5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- a. Maximum Floor Area: floor area ratio (FAR) 0.600
- b. Minimum Open Space: open space ratio (OSR) 1.180
- c. Minimum Livability Space: livability space ratio (LSR) 0.660
- d. Minimum Major Livability Space: major livability space ratio (MLSR) 0.110
- e. Minimum Parking Spaces: total car ratio (TCR) 1.000
- f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

J. That Section 2.13, A be amended by adding the underscored language as follows:

A. *Permitted D-9 uses.* The following uses shall be permitted in the D-9 District. Only one primary use shall be permitted per lot. All uses in the D-9 District shall conform to the D-9 Development Standards (section 2.13, B) and the Dwelling District Regulations of section 2.00.

1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.
 - d. Assisted-living facility, as defined in section 2.25.
2. *Temporary uses,* as regulated in section 2.18.
3. *Accessory uses,* as regulated in section 2.19.
4. *Home occupations,* as regulated in section 2.20.

K. That Section 2.13, B, 5 be amended by adding the underscored language as follows:

5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):

- e. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

- f. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

L. That Section 2.14, A be amended by adding the underscored language as follows:

A. *Permitted D-10 uses.* The following uses shall be permitted in the D-10 District. Only one primary use shall be permitted per lot. All uses in the D-10 District shall conform to the D-10 Development Standards (Section 2.14, B) and the Dwelling District Regulations of Section 2.00.

1. *Primary uses:*
 - a. Attached multifamily dwellings.
 - b. Group home, as defined in section 2.25, and as regulated in section 2.00, A, 8.
 - c. Religious use, as regulated in section 2.24.

- d. Assisted-living facility, as defined in section 2.25.
- 2. *Temporary uses*, as regulated in section 2.18.
- 3. *Accessory uses*, as regulated in section 2.19.
- 4. *Home occupations*, as regulated in section 2.20.

M. That Section 2.14, B, 5 be amended by adding the underscored language as follows:

- 5. *Development amenities.* Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios and regulations (all as defined in Section 2.25):
 - f. Minimum Parking Spaces: total car ratio (TCR) - assisted-living facilities 0.500
In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.
 - g. Required Off-Street Loading Areas - assisted-living facilities: One (1) off-street loading area shall be provided for the delivery of goods and supplies for projects involving more than fifteen (15) units.

N. That Section 2.17, A be amended by deleting the stricken language and adding the underscored language as follows:

A. *Permitted D-P uses.* The following uses shall be permitted in the D-P District. Only one primary use shall be permitted per lot. All uses in the D-P District shall conform to the Dwelling District Regulations of Section 2.00.

- 1. *Primary use: Planned unit residential development*, pursuant to the D-P Terms and Conditions (Section 2.17, B).
- 2. *Group home*, as defined in Section 2.25.
- 3. *Assisted-living facility*, as defined in Section 2.25.
- ~~3~~4. *Temporary uses*, as regulated in Section 2.18.
- ~~4~~5. *Accessory uses*, as regulated in Section 2.19.
- ~~5~~6. *Home occupations*, as regulated in Section 2.20.
- ~~6~~7. *Nonresidential uses*, designed to provide an integrated amenity to the Planned Unit Residential Development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Residential Development, as regulated in Section 2.17, B.
- 78. *Religious uses*, as regulated in Section 2.24.

O. That Section 2.25, B, be amended by adding the underscored language as follows; and to renumber subsequent definitions.

10. Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

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, 97-AO-5, and 97-AO-13), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.01, A be amended by adding the new underscored language below and to renumber subsequent provisions:

A. Permitted C-1 uses. Permitted uses in the C-1 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-1 District Development Standards of Section 2.01, B. The following uses shall be permitted in the C-1 District:

1. Assisted-living facility.

B. That Section 2.02, A be amended by adding the new underscored language below and to renumber subsequent provisions:

A. Permitted C-2 uses. Permitted uses in the C-2 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-2 District Development Standards of Section 2.02, B. The following uses shall be permitted in the C-2 District:

1. Any use permitted in the C-1 district.

2. Assisted-living facility.

C. That Section 2.03, A be amended by adding the new underscored language and deleting the stricken language as follows:

A. Permitted C-3 uses. Permitted uses in the C-3 District shall conform to the General Commercial District Regulations and Performance of Section 2.00, and the C-3 District Development Standards of Section 2.03, B. The following uses shall be permitted in the C-3 District:

1. Any use permitted in the C-1 district (except Convalescent or Nursing Home, Assisted-living Facility, Day Care Center).

D. That Section 2.09, A be amended by adding the new underscored language and deleting the stricken language as follows:

e. Assisted-living facilities;

ef. Any other appropriate planned land use, complex or combination of land uses as designated and specified in the petition or ordinance zoning land to the C-S District.

E. That Section 2.10, Table 2.10-A be amended by adding the new underscored language below and renumbering subsequent provisions:

2. Assisted-living facility. Total car ratio (TCR) - assisted-living facilities: 0.500

In addition: one (1) visitor parking space shall be provided per six (6) dwelling units; plus one (1) parking space per employee on duty during the peak work shift.

F. That Section 2.11, H be amended by adding the new underscored language below and renumbering subsequent provisions:

4. For Assisted-living Facilities: Provide an off-street loading area for the delivery of goods and supplies for projects involving more than fifteen (15) units.

45. For any Commercial District use not specified above, the off-street loading requirements for a specified use to which said use is most similar shall apply:

G. That Section 2.16, B, be amended by adding the underscored language as follows; and to renumber subsequent definitions.

20. Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

SECTION 3. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part xx (adopted under Metropolitan Development Commission docket numbers 94-AO-3, 95-AO-3, 95-AO-12, 96-AO-1, 96-AO-4, 97-AO-13, 98-AO-4, and 98-AO-5), as amended, pursuant to IC 36-7-4 be amended as follows:

A. That Section 2.02, A, 1 be amended by adding the new underscored language and deleting the stricken language as follows:

A. Permitted hospital district uses.

1. Permitted hospital district one (HD-1) uses. All uses permitted within the HD-1 District shall be subject to the Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

a. Assisted-living facility (as defined in Section 2.05, B)

- b. Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:
 - a. (1) Administrative and professional staff offices.
 - b. (2) Apartments and dormitories for hospital staff, personnel and students.
 - c. (3) Cafeterias, gift shops, book stores and other similar convenience functions.
 - d. (4) Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
 - e. (5) Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
 - f. (6) Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
 - h. (7) Other similar uses and facilities.
- gc. Wireless communication facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended. (G.O. 112, 1998)

B. That Section 2.02, A, 2 be amended by adding the new underscored language and deleting the stricken language as follows:

- 2. Permitted hospital district two (HD-2) uses. All uses permitted within the HD-2 District shall be subject to the Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.
 - a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
 - b. Assisted-living facility, (as defined in Section 2.05, B).
 - bc. Commercial parking lots and garages.
 - ed. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales & rental.
 - de. Nursing, convalescent and retirement homes.
 - ef. Offices for physicians, dentists, and other professions dealing with public health (excluding Substance Abuse Treatment Facilities, which are permitted in the C-4, C-5, and C-7 Districts of the Commercial Zoning Ordinance of Marion County, Indiana, 69-AO-1, as amended). (G.O. 101, 1998)
 - fg. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
 - gh. Wireless communication facility, as defined in, and subject to the additional regulations of, the Wireless Communications Zoning Ordinance of Marion County, Indiana, 98-AO-1, as amended. (G.O. 112, 1998)

C. That Section 2.05, B be amended by adding the underscored language as follows; and to renumber subsequent definitions.

- 2. Assisted- living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

SECTION 4. 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 5. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

The foregoing was passed by the City-County Council this 14th day of December, 1998 at 8:57 p.m.

ATTEST:

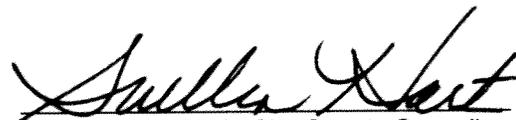

 Suellen Hart, Clerk, City-County Council


 Dr. Beurt SerVaas
 President, City-County Council

STATE OF INDIANA, MARION COUNTY)
) SS:
 CITY OF INDIANAPOLIS)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 674, 1998, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 14th day of December, 1998, by a vote of 22 YEAS and 0 NAYS, and was retitled General Ordinance No. 171, 1998, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 18th day of December, 1998.


 Suellen Hart, Clerk, City-County Council

(SEAL)