

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 71-AO-1

G.O. NO. 39, 1971

IMPROVEMENT LOCATION PERMIT ORDINANCE

OF

MARION COUNTY, INDIANA

DEPARTMENT OF METROPOLITAN DEVELOPMENT

1971

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.

IMPROVEMENT LOCATION PERMIT ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA;

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted; and

WHEREAS, section 55 of said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, grants certain improvement location permit powers to said Commission and City-County Council;

NOW THEREFORE BE IT ORDAINED by the City-County Council of the consolidated City of Indianapolis and of Marion County, Indiana, pursuant to said section 55 of Chapter 283 of the Indiana Acts of 1955, as amended, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Indiana Acts of 1955, as amended, and the Improvement Location Permit Ordinance of Marion County, Indiana, Ordinance 68-AO-11, adopted as an amendment thereto, be amended by the addition of the following provisions and the repeal of all portions thereof in conflict herewith:

SECTION 1. IMPROVEMENT LOCATION PERMIT REGULATIONS

- A. Within Marion County, Indiana, no structure shall be located, erected, altered or repaired (except that repairs or alterations which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance) unless the use, character and location of the structure are in conformity with the provisions of the applicable zoning ordinances, thoroughfare ordinance and other ordinances relating to land use, including this ordinance.
- B. 1. No structure shall be located, erected, altered or repaired (except that repairs or alterations which do not change the height, size or lateral bulk of the structure shall be exempt from the requirements of this ordinance) upon any land within Marion County, Indiana, until an Improvement Location Permit therefor has been applied for by the owner (or authorized agent) thereof and issued by the Metropolitan Development Commission of Marion County, Indiana,

2. APPLICATION FOR IMPROVEMENT LOCATION PERMIT

Applications for Improvement Location Permits shall be made upon forms prescribed by the Metropolitan Development Commission, shall include a legal description of the lot, and shall be accompanied by the following:

REQUIRED SITE
PLAN

- a) An accurate site plan in duplicate, drawn to scale, showing:
- 1) Location of right-of-way line or lines of all streets, alleys and easements, located adjacent to or within the lot. Location of center line of all streets and dimension to right-of-way line(s).
 - 2) Location and dimensions of private drives and interior access roads, including connection to public streets and proposed driveway entrances and exits.
 - 3) Names of all adjacent streets, private drives and interior access roads.

Address of proposed structure or use, as assigned by Metropolitan Development Department.

- 4) The lot and dimensions thereof.
 - 5) Setbacks, minimum required front, side and rear yards.
 - 6) Existing structures (location, dimensions to lot lines and size) - except structures to be razed prior to, or contemporaneously with construction pursuant to the Permit.
 - 7) Proposed location of structure(s) on lot, indicating dimensions to all lot lines.
 - 8) Accurate dimensions of structure(s) proposed.
 - 9) Signs, including location, dimensions to lot lines, type and size.
 - 10) Size, height and location of landscaping, screens, walls, fences (when required by ordinance or grant of variance).
 - 11) Off-street parking area (when required by ordinance or grant of variance), including dimensions of parking spaces, driveways and maneuvering aisles.
 - 12) Off-street loading area (when required by ordinance or grant of variance), including dimensions.
- OTHER REQUIRED INFORMATION
- b) Any other information, plans or exhibits required by or to indicate compliance with applicable zoning ordinances, the requirements of this ordinance, parol covenants and conditions of grant of variance.

REQUIREMENT OF CONFORMITY WITH REZONING PLANS, COVENANTS

3. The site plan accompanying an application for Improvement Location Permit shall be in substantial conformity with all Plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and Parol Covenants (such term to mean any representation of fact or intention made verbally in a public hearing and identified by the person making the same as a Covenant) filed, made or presented by the petitioner, his attorney or agent (including such Plans and Parol Covenants so signed, made or presented by predecessors, titleholders or petitioners, and attorneys or agents) in support of any petition for rezoning filed with the Metropolitan Development Department after the effective date of this ordinance and pursuant to which the land included in the Application for Improvement Location Permit is currently zoned. Applications for Improvement Location Permit shall be in conformity with any applicable recorded covenants running to the Metropolitan Development Commission.

Building plans or other additional plans, specifications, exhibits or information shall be filed as necessary as a part of said Improvement Location Permit Application to demonstrate conformity with said Plans, Parol Covenants, and recorded covenants, and all development pursuant to said Permit shall be in conformity therewith. If the Application for Improvement Location Permit is not in substantial conformity with said Plans, Parol Covenants and recorded covenants, the Permit shall not be issued.

Provided, however:

- 1) A Petition to Modify said Plans and/or Parol Covenants may be filed with the Metropolitan Development Commission, which shall hold a hearing thereon. Notice by publication and to adjacent property owners shall be required in accordance with the Rules of Procedure of said Commission relative to rezoning petitions. Following the hearing, the Commission may consider and act upon said Petition, by approving in whole or in part, or subject to any amendments or conditions, or by disapproving. In accordance with the Commission's approval of the Petition to Modify, an Improvement Location Permit shall be issued.

REQUIREMENT OF
CONFORMITY WITH
APPLICABLE
ORDINANCES,
VARIANCES

4. No Permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with the provisions of all applicable zoning ordinances, thoroughfare ordinances and other ordinances relating to land use, including this ordinance. No Permit shall be issued for any structure or use authorized by variance unless the use, character and location thereof shall be in conformity with all requirements and conditions of said variance.

STREET FRONTAGE
REQUIREMENTS

5. No Permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the requirements of the Subdivision Control Ordinance of Marion County, Indiana) in accordance with the requirements of all applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.

Appropriate street numbers for all structures and/or uses shall be assigned by the Metropolitan Development Department and indicated on the Permit, which numbers shall thereafter be applied thereto.

AUTOMATIC REVOCATION-
2 - YEARS IF WORK NOT
BEGUN

6. Every Permit shall be automatically revoked if active work thereunder is not commenced within two (2) years of its issue -- excepting, however, the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department may, upon good cause shown, grant extensions thereof for periods not to exceed 180 days.

REVOCATION IN EVENT
OF VIOLATION

7. If the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department determines that the construction or development under any Permit is not proceeding according to the applicable ordinances, site plan filed with said Permit application, or other requirements or conditions upon which such Permit was issued, or is otherwise proceeding in violation of law, the Permit may be revoked.

VARIANCES; 1-YEAR
REQUIREMENT FOR
OBTAINING PERMIT

8. From and after the effective date of this ordinance, applications for Improvement Location Permit for structures or uses authorized by variance shall be filed within one (1) year of the grant of such variance, in accordance with the requirements of this ordinance -- excepting, however, the Administrator of the Division of Planning and Zoning of the Metropolitan Development Department may upon good cause shown, grant extensions of such one-year period, not to exceed 180 days thereafter.

SECTION 2. ENFORCEMENT

A. 1. A structure erected, raised or converted, or land or premises used in violation of any provisions of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant thereto including this ordinance, shall and hereby is declared to be a common nuisance and the owner of the structure, land or premises shall be liable for maintaining a common nuisance and shall be fined not less than ten (\$10.00) dollars and not more than three hundred (\$300.00) dollars, and for violations continued or renewed after the imposition of a fine hereunder, each day's violation shall constitute a separate offense.

2. In addition to or instead of proceeding under paragraph 1 above, the Metropolitan Development Commission of Marion County, Indiana, may institute a suit for injunction in the Circuit or Superior Court of Marion County to restrain an individual or governmental unit from violating any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance.

The Metropolitan Development Commission may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of any provision of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance. If the Metropolitan Development Commission is successful in its suit, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such a case.

3. Actions brought under either paragraphs 1 or 2 above may be brought in the name of and captioned as "The Metropolitan Development Commission of Marion County, Indiana" versus the person, persons or governmental unit charged with violating the provisions of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, or any ordinance enacted pursuant to its terms, including this ordinance.
4. Nothing herein contained shall limit the powers conferred on the Metropolitan Development Commission by subsection 10 of section 20 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended.

SECTION 3. DEFINITIONS

- A. 1. For purposes of this ordinance, a "structure", for which an Improvement Location Permit shall be required, shall include any building, sign or other structure, constructed or erected, the use of which requires a more or less specific location upon the ground, whether permanently affixed to the ground, temporary or mobile (including, without limitation upon the generality of the foregoing, mobile structures such as mobile homes and mobile identification, business or advertising signs), land improvements, constructions or alterations (including, without limitation upon the generality of the foregoing, off-street parking areas; mobile homes parks; swimming pools; reservoirs; artificial lakes; the commercial excavation or removal of earth, minerals, sand or gravel; miniature golf; golf driving ranges; archery centers; tennis courts; athletic fields; stadiums; race tracks; golf courses; cemeteries; heliports; landing fields; reviewing stands; zoos; other outdoor exhibition or display areas, such as automobile, mobile homes, trailer or equipment storage, sales or rental; metal or salvage storage; model homes display), seasonal or temporary uses (including without limitation upon the generality of the foregoing, Christmas tree or nursery plant sales; fruit stands; tent exhibitions; outdoor bazaars) and similar open land uses.

NOW 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.

Dated March 15, 1971

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

Attest: Margaret A. Laughlin

Lois C. Hodson

President (or Presiding Officer)

FILED

FEB 22 1971

**CITY CLERK
INDIANAPOLIS, INDIANA**