

METROPOLITAN PLAN COMMISSION
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LOW RISE MULTIPLE DWELLING DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

1964

LOW RISE MULTIPLE DWELLING DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

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LOW RISE MULTIPLE DWELLING DISTRICTS ZONING 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 Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, no uniform regulations for the zoning and districting of land within the various political units within and a part of Marion County, Indiana, had previously existed, although the conditions relating to the use and development of said land are in many cases identical; and

WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a LAND USE MAP OF MARION COUNTY, INDIANA, adopted by Resolution 62-CPS-R-2 on August 8, 1962; and

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or district-

ing 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;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof be amended, pursuant to said Chapter 283 by the addition of the following provisions:

CHAPTER I

ESTABLISHMENT OF LOW RISE MULTIPLE DWELLING ZONING DISTRICTS

SECTION 1.00

The following primary LOW RISE MULTIPLE DWELLING ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, hereafter zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended and are hereby incorporated by reference and made a part of this ordinance):

<u>MULTIPLE DWELLING ZONING DISTRICTS</u>	<u>ZONING DISTRICT SYMBOLS</u>
DWELLING DISTRICT SIX	D-6
DWELLING DISTRICT SEVEN	D-7
DWELLING DISTRICT EIGHT	D-8

CHAPTER 11

LOW RISE MULTIPLE DWELLING DISTRICT REGULATIONS

SECTION 2.00

The following regulations shall apply to all land within the LOW RISE MULTIPLE DWELLING DISTRICTS.

- A. After the effective date of this ordinance:
1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
 2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

- B. All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. DUST No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. NOXIOUS
MATTER No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. ODOR No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6. SOUND No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
7. HEAT AND
GLARE No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. WASTE
MATTER No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

(D-6 REGULATIONS)

SECTION 2.01 DWELLING DISTRICT SIX (D-6) REGULATIONS

A. PERMITTED D-6 USES

The following uses shall be permitted in Dwelling District Six. All uses in the Dwelling District Six shall conform to the D-6 Development Standards (Section 2.01, B hereof).

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.

B. D-6 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA
There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS
 - a. Minimum yards shall be provided in accordance with section 2.04, A, wherever the project or lot abuts a public street.
 - b. Minimum yards of at least 30 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
 - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
 - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
- (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.05) may project into minimum yards required by paragraphs b. and c. above. In addition, up to 20% of such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT

- a. Primary building, attached multi-family dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
- b. Primary building, detached single-family cluster dwelling: 35 feet but not to exceed 2 floors above grade level.
- c. Accessory building: 25 feet

(D-6 REGULATIONS)

5. DEVELOP-
MENT
AMENITIES

Floor area, open space, livability space, recreation space and parking area shall be provided for each project in accordance with the following required ratios (all as defined in section 2.05):

- | | | |
|-------------------------------------|--|------|
| a. Maximum Floor Area: | | |
| floor area ratio (FAR) | | 0.20 |
| b. Minimum Open Space: | | |
| open space ratio (OSR) | | 3.85 |
| c. Minimum Livability Space: | | |
| livability space ratio (LSR) | | 2.60 |
| d. Minimum Major Livability Space: | | |
| major livability space ratio (MLSR) | | 0.18 |
| e. Minimum Parking Space: | | |
| total car ratio (TCR) | | 1.60 |

SECTION 2.02 DWELLING DISTRICT SEVEN (D-7) REGULATIONS

A. PERMITTED D-7 USES

The following uses shall be permitted in Dwelling District Seven. All uses in Dwelling District Seven shall conform to the D-7 Development Standards (Section 2.02, B hereof).

1. ATTACHED MULTI-FAMILY DWELLINGS.

B. D-7 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS a. Minimum yards shall be provided in accordance with section 2.04, A, wherever the project or lot abuts a public street.
b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
 - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

(D-7 REGULATIONS)

Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.

(2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.05) may project into minimum yards required by paragraphs b. and c. above. In addition, up to 20% of such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT

- a. Primary building, attached multi-family dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
- b. Accessory building: 25 feet

(D-8 REGULATIONS)

SECTION 2.03 DWELLING DISTRICT EIGHT (D-8) REGULATIONS

A. PERMITTED D-8 USES

The following uses shall be permitted in Dwelling District Eight. All uses in Dwelling District Eight shall conform to the D-8 Development Standards (Section 2.03, B hereof).

1. ATTACHED MULTI-FAMILY DWELLINGS.

B. D-8 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS a. Minimum yards shall be provided in accordance with section 2.04, A, wherever the project or lot abuts a public street.
b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
(1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

(2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.05) may project into minimum yards required by paragraphs b. and c. above. In addition, up to 20% of such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT

a. Primary building, attached multi-family dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.

b. Accessory building: 25 feet

SECTION 2.04 SPECIAL REGULATIONS

A. BUILDING SETBACK LINES

Yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right-of-way lines, and building setback lines shall be as follows:

1. Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

2. Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 40 feet to any right-of-way line of any secondary thoroughfare.

3. Collector Street

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 30 feet to any right-of-way line of any collector street.

4. Local Street, Marginal Access Street or Cul-de-Sac

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 25 feet to any right-of-way line of any local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of any cul-de-sac.

Provided, however, that in any block in which an existing yard depth is established (by existing legally established structures) for more than twenty-five percent (25%) of the frontage of the block (or a distance of four hundred (400) feet, whichever is the lesser), the required yard depth and setback for any new building shall be the average of such established yards.

Further provided, that yards in accordance with the requirements of sections 2.01, B3, b & d; 2.02, B3, b & d; and 2.03, B3, b & d shall be provided along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased by a governmental agency.

(SPECIAL REGULATIONS)

B. ATTACHED MULTI-FAMILY DWELLINGS AND SINGLE-FAMILY CLUSTER DWELLINGS - SITE PLAN REQUIREMENT PRIOR TO IMPROVEMENT LOCATION PERMIT ISSUANCE

Prior to improvement location permit issuance for any structure within an attached multi-family dwelling or single-family cluster dwelling project, two copies of the site plan for the entire project shall be filed with the Metropolitan Planning Department.

C. PUBLIC STREET REQUIREMENT

1. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Sub-division Regulations for Marion County, Indiana, Ordinance 58-A0-13, as amended.
2. The right-of-way of all streets indicated on the Official Thoroughfare Plan for Marion County, Indiana, within the project shall be dedicated to the public, or the right-of-way thereof shall be reserved for future dedication or acquisition.

D. REQUIREMENTS FOR INTERIOR ACCESS ROADS OR DRIVEWAYS

1. All interior access roads (within a multiple dwelling project) and driveways shall be paved with concrete or improved with a compacted aggregate base, and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface.
2. Interior access roads and driveways shall be privately maintained (not by governmental agencies) in good condition and free of weeds, dirt, trash and debris.
3. Where interior access roads or driveways intersect with public streets, a turning radius of not less than 10 feet shall be provided.
4. No fence, wall, hedge, tree, shrub or other sight obstruction shall be located within the turning radius described in 3 above or to materially impede the view of any street, highway or railroad intersection with an interior access road or driveway.
5. Interior access roads and driveways shall be designed with sufficient width to provide at all times for the passage of emergency vehicles.
6. Interior access roads or driveways shall be located a minimum distance of twenty-five (25) feet from the nearest point of intersecting street right-of-way lines. Such locations shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

E. OFF-STREET PARKING REQUIREMENTS

1. Entrances and Exits.

Off-street parking entrances or exits, for all uses in the multiple dwelling districts, shall be located a minimum distance twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

2. Parking Areas. All off-street parking areas for multiple dwelling uses shall be subject to the following requirements:

- a. The parking area shall not be used for permanent storage, or the display advertisement, sale, repair, dismantling or wrecking or any vehicle, equipment or materials.
- b. Parking areas shall be paved with concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
- c. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
- d. The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
- e. Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

(DEFINITIONS)

SECTION 2.05 DEFINITIONS

The following definitions shall be applied for purposes of this ordinance:

1. ATTACHED MULTI-FAMILY DWELLING A structure for multi-family use, having common or party wall or walls.
2. BUILDING AREA The total ground area, within the project, covered by enclosed residential building space plus garages, carports and other accessory buildings.
3. CAR AREA Open space area (uncovered and covered) used for car traffic, maneuvering and parking. Included are all parking areas, drive-ways, interior access roads and right-of-way of all streets within the project, plus the area of half of any abutting alley or street right-of-way.
4. COVERED OPEN SPACE All exterior space within the project, which is open on its sides, but not open above to the sky. It includes roofed porches, roofed carports, covered exterior balconies and exterior spaces covered by portions of buildings.
5. DETACHED SINGLE-FAMILY CLUSTER DWELLING A structure for single-family use, having no common or party walls; and utilizing common open space with other detached single-family cluster dwellings arranged in close proximity to one another.
6. FLOOR AREA The sum of the horizontal areas of the one or several floors and basements of all buildings or portions thereof, within the project, and devoted to permitted uses. Not including, however: floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for recreational purposes that is available to all occupants within the project.
7. FLOOR AREA RATIO (FAR) The total floor area of all stories of all buildings within the project divided by the land area.

(DEFINITIONS)

8. LAND AREA The total area within the project boundaries, plus the area of half of any abutting alley or street right-of-way plus half the area of any abutting open space, such as a river, lake, public park, playground or golf course, with reasonable expectation of perpetuity provided, however, that no portion of such open space located more than 80 feet from the project boundaries shall be included in computing such open space area.
9. LIVABILITY SPACE The Open Space minus the Car Area within the Open Space.
10. LIVABILITY SPACE RATIO (LSR) The Livability Space divided by the Floor Area.
11. MAJOR LIVABILITY SPACE The total area provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of the Major Livability Space Ratio shall be at least 20 feet away from any residential wall containing one or more windows on the ground floor and shall have a minimum dimension averaging 80 feet, except that an area of lesser dimension is countable if:
- a. the total required Major Livability Space is less than 6,400 square feet, or
 - b. the shape or topography of the site prevents compliance with the minimum dimension.
12. MAJOR LIVABILITY SPACE RATIO (MLSR) The total Major Livability Space of countable size divided by the total Floor Area.
13. OPEN SPACE The total horizontal area of all Uncovered Open Space plus one-half of the total horizontal area of all Covered Open Space.

(DEFINITIONS)

14. OPEN SPACE RATIO (OSR) The Open Space divided by the Floor Area.
15. PARKING SPACE A portion of the Car Area at least nine feet in width and twenty feet in length, which shall be used only for the off-street parking of a vehicle.
16. PROJECT A lot or parcel of contiguous land to be developed for a use or uses permitted in the multiple dwelling districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, and/or conveyed into smaller lots or parcels. For permitted multi-family dwelling, or detached single-family cluster dwelling uses, such smaller lots or parcels within the Project may front upon private interior access roads provided said Project meets the minimum street frontage requirements of sections 2.01, B2; 2.02, B2; and 2.03, B2 of this ordinance.
17. TOTAL CAR RATIO (TCR) The total number of Parking Spaces divided by the number of living units.
18. UN-COVERED OPEN SPACE The Land Area, minus the Building Area, plus the Usable Roof Area.
19. USABLE ROOF AREA The total roof area, within the project, of residential buildings, garages and accessory buildings which has been improved for outdoor use of occupants. Roof areas used for car storage are included.

CHAPTER III

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, sub-paragraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, sub-paragraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

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.

Beurt R. SerVaas

James A. Buck

H. Norris Cottingham

Ronald E. Bingman

Edwin J. Koch

William A. Brown

Harry E. Foxworthy

THE MARION COUNTY COUNCIL

OF

MARION COUNTY, INDIANA

DATED: August 4, 1964

ATTEST: John T. Sutton

AUDITOR OF MARION COUNTY, INDIANA