

ORDINANCE

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 the Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance No. 66-A0-2, adopted as an amendment thereto, be amended in the following particulars:

That Section 1.00 of the said Dwelling Districts Zoning Ordinance, Ordinance No. 66-A0-2, be amended to read as follows:

SECTION 1.00

The following primary DWELLING ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said districts as designated on the DWELLING ZONING MAPS, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

<u>DWELLING ZONING DISTRICTS</u>	<u>ZONING DISTRICT SYMBOLS</u>
DWELLING SUBURBAN DISTRICT	D-S
DWELLING DISTRICT ONE	D-1
DWELLING DISTRICT TWO	D-2
DWELLING DISTRICT THREE	D-3
DWELLING DISTRICT FOUR	D-4
DWELLING DISTRICT FIVE	D-5
DWELLING DISTRICT SIX	D-6
DWELLING DISTRICT SEVEN	D-7
DWELLING DISTRICT EIGHT	D-8
DWELLING DISTRICT NINE	D-9
DWELLING DISTRICT TEN	D-10
DWELLING DISTRICT ELEVEN	D-11
DWELLING DISTRICT TWELVE	D-12
PLANNED UNIT DEVELOPMENT DISTRICT	D-P

And that a new Section be added to the said Dwelling Districts Zoning Ordinance, Ordinance No. 66-A0-2, to be inserted between Section 2.13 and 2.14 thereof, and to read as follows:

SECTION 2.135 D-P PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

A. PERMITTED D-P USES

The following uses shall be permitted in the D-P DISTRICT. All uses in the D-P DISTRICT shall conform to the Dwelling District Regulations of section 2.00.

1. PLANNED UNIT DEVELOPMENT, pursuant to the D-P Terms and Conditions (section 2.135, B).
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-P TERMS AND CONDITIONS

1. STATEMENT OF PURPOSE
 - a. To encourage a more creative approach in land and building site planning.
 - b. To encourage an efficient, aesthetic and desirable use of open space.
 - c. To encourage variety in physical development pattern.
 - d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the metropolitan area.
 - e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.
 - f. To permit special consideration of property with unique features, including, but not limited to, historical significance, unusual topography, landscape amenities, and size and shape.
 - g. To convert land so poorly developed as to be a public liability.

h. To simplify processing of development proposals for developers and the Metropolitan Plan Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

2. PROCEDURE

a. The authorization of a Planned Unit Development shall be subject to the procedures expressed herein.

b. Upon a petition of the owners of property of 50% or more of the area involved in the petition, or upon a petition initiated by the Metropolitan Plan Commission of Marion County, a preliminary plan for any area proposed for development as a Planned Unit Development shall be first presented to the Executive Director of the Metropolitan Planning Department of Marion County, Indiana.

At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for staff advice:

(1) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, lots and other elements basic to the proposed use in relationship to site conditions.

(2) Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.

(3) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent site development features.

(4) Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings.

(5) The preliminary plan may be a freehand pencil drawing but it shall include any other graphic mediums which will explain the features to be contained within the development or engineering feasibility.

(6) If the Planned Unit Development is to supersede an original plat being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines.

(7) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.

(8) An enumeration of covenants, in general terms, proposed to be made a part of the Planned Unit Development.

(9) A statement expressing the order and estimated time of development.

(10) A statement expressing in what manner the proposed development relates both to the purposes of this section and to the Comprehensive General Land Use Plan for Marion County, Indiana.

- c. Within fifteen (15) days of such presentation, the Executive Director or his representative shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petition which are deemed appropriate.
- d. Application for approval of the planned development shall then be submitted to the Metropolitan Plan Commission with nine (9) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Plan Commission and one copy shall be permanently retained in the offices of the Metropolitan Planning Department.
- e. The approved Preliminary Planned Unit Development shall then be certified to the County Council for adoption as a D-P District pursuant to the laws governing adoption of zoning ordinances.

- f. Upon adoption by the County Council, the planned development shall be returned to the Metropolitan Plan Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Plan Commission shall approve a detailed plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Plan Commission that the detailed plan is consistent with the approved Preliminary Planned Unit Development. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the President or Vice-President of the Plan Commission and one copy shall be permanently retained in the offices of the Metropolitan Planning Department. Approval of a detailed plan shall be obtained within six (6) months after adoption by the County Council, unless an extension of time is granted by the Plan Commission. Provided, however, if all or a part of the Planned Unit Development requires platting, only a preliminary plat shall be required within the said six (6) months period and final platting may be undertaken in sections or phases at a later time. Extensions of the time for approval may be granted by the Plan Commission to allow for phasing or for any reasonable purpose, in its discretion. A refusal by the Plan Commission to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date within the said six (6) months period nor shall it impair the right of the petitioner to obtain an extension of time for approval. In the event that approval of a detailed plan is not obtained, the Plan Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned into the category or categories it held before being zoned as a D-P District.
- g. The Plan Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.

- h. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Plan Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-A0-13, as amended), where such requirements are not in keeping with an approved Planned Unit Development and are not necessary to safeguard the public health, safety, morals, or welfare.
- i. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana - Ordinance 58-A0-13, as amended) have been submitted to the Executive Director and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.
- j. In the exercise of its continuing jurisdiction, the Plan Commission may from time to time modify the approved Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Unit Development to allow for changed circumstances and conditions unforeseen at the time of original approval.
- k. All development shall be in conformity with the approved Detailed Planned Unit Development. In the exercise of its continuing jurisdiction, the Plan Commission shall take cognizance of any material deviations from the approved Detailed Planned Unit Development and direct the Metropolitan Planning Department to take appropriate enforcement action.
- l. Approval by the Commission shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty per cent (50%) completed in terms of public improvements including streets, parks, walkways and utility installations such as power, gas, water and sanitary sewers, in which latter instance an extension of time may be granted by the Plan Commission not to exceed five (5) successive periods of two (2) years each.
- m. All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Plan Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of Detailed Planned Unit Developments.

3. NON-RESIDENTIAL USE

A Planned Unit Development may contain non-residential uses which are an integral part of a residential development logically oriented to and coordinated with the total planned unit.
4. ABANDONMENT OR EXPIRATION

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval by the Plan Commission of a Detailed Planned Unit Development for a development which has not been completed (or the expiration of an extension granted by the Plan Commission pursuant to section 2.135, B.2.k.), the Plan Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.
5. RECORDING

All approved Detailed Planned Unit Developments and modifications thereof shall be recorded in the appropriate plat books in the offices of the Marion County Recorder within fifteen (15) days after approval by the Plan Commission.
6. PERMIT

No improvement location permit shall be issued for a D-P District by the Metropolitan Planning Department unless all recording required by section 2.135, B.5, has been effected. No improvement location permit shall be issued for a D-P District unless the approved Detailed Planned Unit Development with modifications, if any, is adhered to.
7. COVENANTS AND MAINTENANCE
 - a. Covenants, when required by the Plan Commission as an ingredient for stability and longevity of the Planned Unit Development, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Executive Director upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission as well as other parties designated by the Plan Commission, and shall be specifically enforceable by the Plan Commission.

- b. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive General Land Use Plan for Marion County, Indiana. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed plan for such land consistent with the approved Preliminary Planned Unit Development. Such modified detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.
- c. The Plan Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
- (1) Lot area.
 - (2) Floor area.
 - (3) Ratios of floor space to land area.
 - (4) Area in which structures may be built. ("Buildable area").
 - (5) Open space.
 - (6) Setback lines and minimum yards.
 - (7) Building separations.
 - (8) Height of structures.
 - (9) Signs.
 - (10) Off-street parking and loading space.
 - (11) Design standards.
 - (12) Phasing of development.

- d. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-A0-13, as amended).
- e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

8. LIMITATION
ON
REZONING

The Plan Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Unit Development before completion of the development as long as development is in conformity with the approved Detailed Planned Unit Development, and proceeding is in accordance with the time requirements imposed by section 2.135, B.2.k.

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

Dwight L. Cottingham

William K. Byrum

Wm. A. Brown

Rozelle Royd

THE MARION COUNTY COUNCIL

OF

MARION COUNTY, INDIANA

DATED: March 8, 1967

ATTEST: John T. Sutton

AUDITOR OF MARION COUNTY, INDIANA