METROPOLITAN PLAN COMMISSION
DOCKET NO. 58-AO-12

ORDINANCE

BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Ordinance No. 8-1957, adopted by The Marion County Council on March 28, 1957, pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all Zoning and Subdivision Control Ordinances which were adopted as parts thereof be amended by the addition of the following provisions:

"Any proposed plat for a subdivision submitted to the Executive Director of the Metropolitan Planning Department of Marion County, Indiana, shall designate and label any public ways, streets, highways or roads appearing thereon in accordance with the following definitions, specifications and requirements regarding platted width and right of way for control of access thereto:

'Control of Access' - The condition where the right of owners or occupants of abutting land, or other persons, to access, including its location in connection with public ways, streets, highways or roads, is fully or partially controlled by public authority, including the Metropolitan Plan Commission of Marion County, Indiana.

'Full Control of Access' - The condition where access, including its location, is fully controlled in connection with public ways, streets, highways or roads, to give preference to through traffic by providing access connections only with selected public ways, streets, highways or roads, and by prohibiting both crossings at grade and direct private driveway connections.

'Partial Control of Access' - The condition where access, including its location, is partially controlled in connection with public ways, streets, highways or roads to give preference to through traffic to a degree that in addition to access connections with selected public ways, streets, highways or roads, there may be permitted some crossings at grade and some direct driveway connections, with design and location approved by public authority, including the Metropolitan Plan Commission of Marion County, Indiana.

'Expressway' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of The

Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as an 'Expressway' shall be a divided arterial street, highway or road, designed, planned and intended for through traffic, with full and/or partial control of access.

Minimum width or right of way for any street, highway or road designated as an 'Expressway' shall be 120 feet where full control of access is contemplated or exercised. Minimum width or right of way for an 'Expressway' shall be 165 feet where partial control of access is contemplated or exercised. Partial control of access to said 'Expressway' shall be exercised so as to permit access connections only at street intersections.

'Parkway' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road equal to or more than 5280 feet in length adjoined by land which is predominately dedicated and/or used for park purposes on one or both sides of said street, highway or road, may be designated as a 'Parkway'.

The minimum width or right of way for any street, highway or road designated as a 'Parkway' shall be 90 feet. Partial control of access to said 'Parkway' shall be exercised so as to permit access connections only at street intersections.

'Primary Thoroughfare' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so

designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as a 'Primary Thoroughfare' shall be an arterial street, highway or road designed, planned and intended to carry traffic from one area or segment of Marion County to another, and said 'Primary Thoroughfares' shall generally be located at 1 mile intervals and shall generally run in a north-south, east-west grid pattern, except in congested areas where they may be located at closer intervals.

Minimum width or right of way for a 'Primary Thoroughfare' shall be 90 feet except where existing property necessitates or, in the opinion of the Metropolitan Plan Commission of Marion County, Indiana, justifies a minimum width or right of way of 110 feet. Partial control of access to said 'Primary Thoroughfare' shall be exercised in either event so as to permit access to each abutting lot or parcel of property adjoining any such 'Primary Thoroughfare'.

'Secondary Thoroughfare' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as a 'Secondary Thoroughfare' shall serve as a distributor and collector of vehicular traffic through a section or sections of land and between neighboring subdivisions of land and shall serve as a feeder street, highway or road to and from 'Expressways', 'Parkways' and 'Primary Thoroughfares'.

Minimum width or right of way shall be 90 feet and partial control of access to said 'Secondary Thoroughfare' shall be exercised so as to permit access to each abutting lot or parcel of property adjoining any such 'Secondary Thoroughfare'.

'Collector Street' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana

General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as a 'Collector' street shall be designed, planned and intended to carry traffic from 'Expressways', 'Parkways', 'Primary Thoroughfares' and 'Secondary Thoroughfares' to 'Collector Streets', 'Local Streets' and 'Cul de Sacs', or vice versa, and 'Collector Streets' shall include but not be limited to entrance streets of any residential, commercial, and industrial or other development.

Minimum width or right of way shall be 70 feet and partial control of access to said 'Collector Street' shall be exercised so as to permit access to each abutting lot or parcel of property adjoining such 'Collector Street'.

'Local Street' - Any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as a 'Local Street' shall be designed, planned and intended primarily as a means of providing access to properties abutting thereon.

Minimum width or right of way for a 'Local Street' shall be 50 feet for single family development and 60 feet for multiple family, commercial, industrial or other development, except where a greater minimum right of way shall be deemed necessary and specified by the Metropolitan Plan Commission of Marion County, Indiana, for commercial, industrial or other development. Partial control of access to said 'Local Street' shall be exercised so as to permit access to each abutting lot or parcel of property adjoining any such 'Local Street'.

'Cul de Sac' - any street, highway or road within the limits of Marion County, Indiana, which is so designated and labeled on any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so designated and labeled on any plat for a subdivision approved by the Metropolitan Plan Commission of Marion County, Indiana.

Any street, highway or road designated as a 'Cul de Sac' shall have one end open to traffic from any 'Expressway', 'Parkway', 'Primary Thoroughfare', 'Secondary Thoroughfare', 'Collector Street', or 'Local Street' and shall have the other end permanently terminated by a vehicular turnaround.

Minimum width or right of way for a 'Cul de Sac' shall be 50 feet with a radius of 50 feet for the vehicular turnaround. Partial control of access to said 'Cul de Sac' shall be exercised so as to permit access to each abutting lot or parcel of property adjoining any such 'Cul de Sac'.

If in the opinion of the Executive Director of the Metropolitan Planning Department of Marion County, Indiana, the designation of any public ways, streets, or highways or roads on a proposed plat by an applicant will not correspond with or will interfere with any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, pursuant to Section 5 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 1 of Chapter 184 of the Acts of the Indiana General Assembly for 1957, Section 31 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, and Sections 35 and 36 of Chapter 174 of the Acts of the Indiana General Assembly for 1947, or any street, highway or road which is so deisgnated and labeled as an 'Expressway', 'Parkway', 'Primary Thoroughfare', 'Secondary Thoroughfare', 'Collector Street', 'Local Street', or 'Cul de Sac', on any subdivision plat previously approved by the Metropolitan Plan Commission of Marion County, Indiana, or if in the opinion of the Executive Director of the Metropolitan Planning Department of Marion County, Indiana, the exercise of full or partial control of access should or may be exercised by public authority, including the Metropolitan Plan Commission of Marion County, Indiana, to provide for additional land to be designated for crossings, not at grade, at any point on said plat for a subdivision, then the Executive Director may schedule for determination by the Metropolitan Plan Commission at a

public meeting of said Commission the matter of the correct designation of any public ways, streets, highways or roads on said proposed plat and the matter of determining the amount and location of any additional land to be designated for crossings not at grade at any point on said plat for subdivision.

If in the opinion of the Executive Director of the Metropolitan Planning Department of Marion County, Indiana, the designation of any public ways, streets, highways or roads on any proposed plat corresponds to any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, or if in his opinion designations of public ways, streets, or highways or roads on said proposed plat will not interfere with any applicable Thoroughfare Plan, or segment thereof, adopted by the Metropolitan Plan Commission of Marion County, Indiana, as referred to above, or if in his opinion designations of public ways, streets, or highways or roads on said proposed plat will not interfere with any plat for subdivision which has been previously approved by the Metropolitan Plan Commission of Marion County, Indiana, then he, the Executive Director, shall proceed to set a date for a hearing on said proposed plat before the Commission, after he determines that the standards in the applicable Subdivision Control Ordinance have been or will be complied with, as required by law.

If the Executive Director has referred to the Metropolitan Plan Commission at a public hearing the matter of the designation of any public ways, streets, highways or roads shown on said proposed plat or the matter of determining the amount and location of any additional land to be designated for crossings, not at grade, at any point on said plat for a subdivision, then the Metropolitan Plan Commission of Marion County, Indiana, shall make such determinations at the public hearing set by the Executive Director, or at a subsequent meeting if said matters are properly continued, the applicant may thereafter make such changes on the proposed plat for a subdivision as are necessitated by the Commission's determination and the applicant may submit such changed proposed plat with such designations fixed by the Metropolitan Plan Commission of Marion County, Indiana, to the Executive Director who shall proceed to set a date for hearing before the Commission on said changed proposed plat, if he determines that the standards of the applicable Subdivision Control Ordinance have been or will be complied with, as required by law.

Building Set Back Lines - With regard to any application for plat approval filed with and approved by the Metropolitan Plan Commission of Marion County, Indiana, subsequent to the passage of this amending ordinance by The Marion County

Council, the following front building set back lines are hereby established:

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 any 'Expressway', 'Parkway' or 'Primary Thoroughfare' as hereinabove defined.

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' as hereinabove defined.

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' as hereinabove defined.

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' as hereinabove defined.

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 'Cul de Sac' as hereinabove defined.

In the event that any proposed plat for a subdivision includes land abutting upon an existing State Highway which is planned to be widened, or if a proposed State Highway will pass through or near any proposed plat for a subdivision, then the Metropolitan Plan Commission of Marion County, Indiana, may as a condition to approving said proposed plat require the applicant for the same to include in said plat restrictions or covenants running for a reasonable period of time, not to exceed 3 years from the date of the State Highway Department's notice to the applicant for plat approval (sent to the applicant prior to the final public hearing before the Metropolitan Plan Commission to approve or disapprove the proposed plat) that the proposed plat interferes with said existing or proposed State Highway, prohibiting the erection of any building or structure on any part of the land in said plat affected by said existing State Highway which is planned to be widened or said proposed State Highway, Department or Commission.

Despite any designation affixed to and any dedication of any public way, street, highway or road appearing on any plat submitted to and approved by the Metropolitan Plan Commission of Marion County, Indiana, the applicant for such plat approval shall not be required to construct any pavement on said right of way of greater widths than are specified or required by the zoning, subdivision or other ordinances applicable to the land involved in said plat or, in the event no widths are so specified or required,

of a greater width than 30 feet, any public ways, streets, highways or roads shown on said plat."

NOW BE IT FURTHER ORDAINED that any and all portions of said Ordinance No. 8-1957, as amended, in conflict herewith are hereby repealed.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after this date.

Edwin J. Koch

Josephine K. Bicket

Rondal M. Mannon

Frank J. Billeter

Irwin W. Cotton

Letta I. Shonle

THE MARION COUNTY COUNCIL

Dated: 9/23/58

Attest: E. Allen Hunter
Auditor of Marion County