

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2008
Proposal No. 88, 2008
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2007-AO-02
(Abbreviated)

A GENERAL ORDINANCE to amend portions of the "Revised Code of the Consolidated City and County" regarding the Industrial, Commercial, Dwelling Districts and Special Districts Zoning Ordinances 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 within 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, the City of Indianapolis adopted a Comprehensive Plan, the first part of which, known as the Community Values Component, included recommended ordinance changes to further the mission of the Department of Metropolitan Development; and

WHEREAS, a section of the Community Values Component entitled "Recommended Ordinance and Procedure Changes" included the following recommendation: "Amend commercial and industrial zoning ordinances to require sidewalks and standards for pedestrian safety;" and

WHEREAS, current ordinance requirements do not address the provision of sidewalks for new development or expansion of existing development; and

WHEREAS, development of employment centers and commercial areas increase the impact upon our transportation network system-wide, not just their immediate site, by potentially drawing employees and customers from throughout the jurisdiction; and improvements to all modes of the transportation network, including sidewalks, need to be undertaken to meet this increased demand; and

WHEREAS, the provision of a robust public transit system that effectively serves the citizenry is vital for a community to be sustainable, economically dynamic, and equitable to the health of all citizens, and sidewalks are a fundamental element of a successful public transit; and

WHEREAS, public health of Indianapolis' citizenry is declining according to the Center for Disease Control and Prevention, the Harvard School of Public Health and other nationally recognized sources; public health is directly correlated to the public's ability and opportunity to exercise (American Journal of Preventive Medicine, 22, 188-199); the opportunity for outdoor exercise is directly correlated to the walkability of a community; and the provision of sidewalks is a critical building block of a walkable and accessible community; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 731-102 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams in the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to renumber as needed:

Section 731-102 Definitions. The words in the text of this article and Article II of this chapter shall be interpreted in accordance with the definitions set forth below.

(16) *Blended transitions:* A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram M.)

(45) *Curb ramps:* A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

(~~68~~70) *Full control of access:* The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and

connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections.

Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

~~(8789)~~ Interior access drive: A minor, private or public street roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

~~(162)~~ (164) Sidewalk: A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

(173) Street, eligible public: Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

SECTION 2. Subsection (b)(15) of Section 731-215 of the “Revised Code of the Consolidated City and County,” regarding perimeter sidewalks in the D-11 District of the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows:

Section 731-215 D-11 Dwelling District Eleven Regulations.

(b) *D-11 Development Standards.*

(15) Streets and Sidewalks.

- a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.
- b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with section 731-221, Special regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways which have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

- c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:
 1. Sidewalks are required to be installed on one (1) side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet.
 2. All sidewalks shall be hard-surfaced and shall have a thickness of no less than four (4) inches.
 3. Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one (1) mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street.
 4. A hard-surfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided.
 5. In addition to those sidewalks required by this section 731-215(b)(15), sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the

sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.

6. A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system.

7. No portion of any parking space shall encroach upon any portion of a sidewalk.

- d. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. Sidewalks constructed pursuant to this section shall comply with Sections 731-221(c)(4)a, b, d, and e.

SECTION 3. Subsection (c) of Section 731-221 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 731-221 Special Regulations.

(c) *Street Requirements:*

(4) Sidewalk Requirements in the D-6, D-6II, D-7, D-8 (Multi-Family Lots), D-9, and D-10 Dwelling Districts. On any lot or project that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

1. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
2. Sidewalks shall extend along the full length of the eligible public street.
3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department Of Transportation Design Standards and Specifications. Sidewalks along eligible public streets that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

- c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks or reduce the five (5) foot minimum sidewalk to not less than four (4) feet. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, side slope grades steeper than 3:1, and linear grade changes along the right-of-way line in excess of 7%. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$18 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.45 annually beginning January 1, 2009.
- d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.
- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development of a project when a building is constructed, erected, or relocated. Sidewalks shall be provided for the reconstruction of a project upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.
- f. Internal accessibility for new development. Within a project, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located along the public right-of-way of each of the project's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting the Fair Housing Act of 1988 and ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway. Such internal accessibility shall be (i) subject to the Site Considerations provisions as provided in paragraph c. above, but without any contribution obligation, and (ii) subject to and in accordance with the requirements of the Fair Housing Act of 1988 and ADA.
- g. Requirements for sidewalks for redevelopment or additions. For a lot or project upon which a building or a permanent foundation exists prior to July 1, 2008, and additional improvements are proposed, sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations, provided however, in the event of a project with more than 2/3 of its units being complete as of July 1, 2008, the provisions of this ordinance shall not be applicable to all phases of the project:
1. Sidewalks shall be required when a building is constructed, converted to a residential use, erected, enlarged, extended, reconstructed or relocated; except where a building that was destroyed or damaged by fire or natural causes or where a building is being rehabilitated and such reconstruction or rehabilitation is on substantially the same foundation and of substantially the same gross floor area.
 2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, converted to a residential use, erected, enlarged, extended, reconstructed or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of eligible public streets of the project, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$18 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.45 annually beginning January 1, 2009.

4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
5. The provision of the sidewalks shall be required for each addition to the site until the sidewalk is constructed along all eligible public streets or the equivalent contribution has been made for the sidewalks.

SECTION 4. Subsection (c) of Section 732-214 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Commercial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 732-214 Special Regulations

(c) *Street Requirements:*

(4) Sidewalk Requirements in the C-1, C-2, C-3, C-3C, C-4, C-5, C-6, C-7, and C-ID Districts. On any freestanding lot or integrated center that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

1. Sidewalks shall be provided along all abutting eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
2. Sidewalks shall extend along the full length of the freestanding lot or integrated center’s eligible public streets.
3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but not limited to, waterway crossings,

- significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
- d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.
- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development of a freestanding lot or integrated center when a building is constructed, erected, or relocated. Sidewalks shall be provided for the reconstruction of a freestanding lot or integrated center upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.
- f. Internal accessibility for new development. Within a freestanding lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- g. Requirements for sidewalks for redevelopment or additions. When improvements are proposed for:
- (i) a freestanding lot or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008; or,
 - (ii) a lot upon which no building on permanent foundation exists and is located within an integrated center upon which a building on a permanent foundation exists prior to July 1, 2008,
- sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations:
1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated, or converted to a commercial use; except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
 2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, converted to a commercial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of the eligible public streets of the freestanding lot or integrated center, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
 4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street

where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.

5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible frontages or the equivalent contribution has been made for the sidewalks.

(5) Sidewalks in the C-S District. Pedestrian accessibility shall be provided along all eligible public streets in accordance with the site and development plan approved with the adoption of the C-S district and the following regulations. If the adopted C-S site and development plan fails to specify pedestrian accessibility, sidewalks shall be provided in accordance with the provisions of Section 732-214(c)(4).

a. **Pedestrian Accessibility shall be provided along eligible public streets and to available public transit.** The pedestrian accessibility may be sidewalks, paths, trails, or combination thereof. Prior to the approval of a path or trail, documentary assurances shall be filed indicating that the path or trail shall be provided with regular maintenance and repair, including, but not limited to surface, subgrade, subsurface drainage, trailside drainage, lights, signs, traffic control signs, and traffic control signals, as applicable, and that this maintenance obligation shall be met by the adjoining property owner in perpetuity. Such documentary assurances shall be recorded in the Office of the Recorder of Marion County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Administrator.

b. **Internal accessibility.** Within a lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.

c. **Compliance with the Americans with Disabilities Act (ADA).** Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.

SECTION 5. Subsection (b) of Section 732-217 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams in the Commercial Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

Section 732-217 Construction Of Language And Definitions

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram N.)

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Interior access drive. A minor, ~~private street~~ roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

Lot, freestanding. A lot that is not located in or a part of an integrated center.

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

SECTION 6. Subsection (c) of Section 733-211 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-211 Special Regulations

(c) Street Requirements:

(4) Sidewalk Requirements. On any freestanding lot, project, industrial park, or integrated center that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

1. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
2. Sidewalks shall extend along the full length of the freestanding lot, project, industrial park or integrated center’s eligible public streets.
3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department Of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades

- steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
- d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.
- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development for a freestanding lot or project upon which structures are constructed, erected, or relocated. Sidewalks shall be provided in connection with the development of an industrial park or integrated center upon which structures are constructed, erected, or relocated in accordance with the conditions of the grant of a Special Exception. Sidewalks shall be provided for a project or lot upon which at least 2/3 of all buildings have been removed, demolished, damaged or destroyed.
- f. Internal accessibility for new development. Within a freestanding lot, project, industrial park, or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot, project, industrial park, or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- g. Requirements for sidewalks for redevelopment or additions. When improvements are proposed for:
- (i) a freestanding lot, project, industrial park, or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008; or,
 - (ii) a lot upon which no building or permanent foundation exists and is located within a project, industrial park, or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008,

sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations:

1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated, converted to an industrial use; except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
2. Sidewalks shall be provided at a minimum rate of 3 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, converted to an industrial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of eligible public streets of the freestanding lot, project, industrial park, or integrated center, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.

4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible public streets or the equivalent contribution has been made for the sidewalks.

SECTION 7. Subsections (b)(3) and (c) of Section 733-212 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in Industrial Parks in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-212 Special Exception Provisions

(b) *Special regulations for uses permitted by special exception.*

(3) Industrial Parks.

- a. General Purpose. An industrial park shall be designed so as:
 1. To assure that all special treatment and handling of street patterns, and arrangements of grouping of buildings, off-street parking and loading, accessory uses, etc., shall result in a superior land development scheme which accomplishes the objectives and carries out the intent of the applicable comprehensive plan and zoning ordinances;
 2. To create and maintain desirable, efficient and economical use of land with high aesthetic value, attractiveness and compatibility of land use;
 3. To permit reasonable deviation from standard zoning district requirements where necessary due to special size or shape of site(s) or character of condition of topography and terrain or other special conditions;
 4. To permit adequate private interior access roads to serve a variety of industrial sites and uses within the industrial park;
 5. To provide sufficient and adequate access, parking and loading areas for all uses and structures within the industrial park;
 6. To provide adequate traffic control and street plan integration with existing and planned streets;
 7. To provide for pedestrian connectivity and public transit accessibility;
 - ~~8~~7. To provide adequate sanitation, drainage and public utilities servicing the industrial park; and
 - ~~9~~8. To allocate adequate land for all uses proposed, the site design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- b. Exceptions. In order to allow flexibility in the development of an industrial park, certain exceptions to development standards of the applicable industrial district may be authorized by grant of special exception for an industrial park including, but not limited to:
 1. Front setback and frontage on public street. Sites for uses within the industrial park may front upon and be serviced by private interior access roads, provided:
 - i. Each such site shall have a front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area.

- ii. A front yard and setback in accordance with the industrial zoning district's standard requirements shall be provided along all public streets abutting the periphery of the industrial park.
- 2. Required side yards. The total of the required side yards and setbacks may be provided entirely on one (1) side or divided in any proportion between the two (2) sides of the site.
- 3. Building separation - setback between side of buildings. The sides of any two (2) buildings shall be separated by a minimum of twenty (20) feet unless they abut one another.
- 4. Deceleration lane. No deceleration lane shall be required within the industrial park provided the street or private interior access roads are of sufficient width and number of lanes that continuous movement of through traffic is not impeded.
- 5. Pedestrian Accessibility. Pedestrian accessibility shall be provided along eligible public streets and to available public transit. The pedestrian accessibility may be sidewalks, paths, trails, or combination thereof. Prior to the approval of a path or trail, documentary assurances shall be filed indicating that the path or trail shall be provided with regular maintenance and repair, including, but not limited to surface, subgrade, subsurface drainage, trailside drainage, lights, signs, traffic control signs, and traffic control signals, as applicable, and that this maintenance obligation shall be met by the adjoining property owner in perpetuity. Such documentary assurances shall be recorded in the Office of the Recorder of Marion County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Administrator.
- (c) Grant of special exception. The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant special exceptions to the industrial district's standard terms, regulations and requirements, as specified in this chapter, and issue special exceptions to permit uses designated in section 733-212(a), subject to the following requirements:
 - (1) A petition for special exception to permit any use designated in section 733-212(a) shall be filed with the Board of Zoning Appeals in accordance with the Board's rules of procedure. In addition to the site plan and area map filing requirements of the Board's rules of procedure or special exception petition forms, the petitioner shall file with the special exception petition:
 - a. A site plan, drawn to scale, noting:
 - 1. Primary building(s) and accessory building(s);
 - 2. Off-street parking layouts;
 - 3. Vehicular entrances, exits, and turn-off lanes;
 - 4. Sidewalk and pedestrian walkways;
 - 45. Setbacks;
 - 56. Landscaping and screening (including walls and fences);
 - 67. Storm drainage and sewage disposal facilities;
 - 78. Other utilities, if located above ground.

SECTION 8. Subsection (b) of Section 733-213 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-213 Construction of Language and Definitions

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of

the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram J)

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Interior access drive. A minor, ~~private street~~ roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram B).

Lot, freestanding. A lot that is not located in or a part of an industrial park, integrated center, or project.

Sidewalk. A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

SECTION 9. Subsection (b)(2) of Section 735-720 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Park Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-720 Park District Regulations

(b) Site and Development Plan Consideration

(2) Site and Development Requirements. Land in the PK-1 and PK-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether such site and development plan, proposed uses, buildings and structures shall:

- a. Be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Commission resolution 65-CPS-R-2, as amended;
- b. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana.

- g. Provide pedestrian accessibility, which may be paths, sidewalks, trails, or combination thereof, along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Regional Parks, Natural Resource Areas and Greenways as designated by the department of parks and recreation in the "Indianapolis-Marion County Park, Recreation and Open Space Plan" are exempted from this paragraph.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

SECTION 10. Subsection (b)(2) of Section 735-730 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the Hospital Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-730 Hospital District Regulations

(B) Site and Development Plan Consideration

(2) Site and Development Requirements. Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the hospital district and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

SECTION 11. Subsection (b)(2) of Section 735-740 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the University Quarter Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-740 University Quarter District Regulations

(b) Site and Development Plan Consideration

(2) *Site and Development Requirements.* In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings or structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas; except, however, such primary group dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan. The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public meeting of the Commission.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District.

SECTION 12. Subsection (b)(2) of Section 735-750 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Special Use Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-750 Special Uses District Regulations

(b) *Site and Development Plan Consideration*

(2) *Site and Development Requirements.* Land in the SU Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable university quarter plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and

- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(4) for the installation of sidewalks.

Exception: Golf courses that exist prior to July 1, 2008, in the SU3, SU10 and SU34 Districts, shall not be required to provide sidewalks or pedestrian accessibility. For golf courses that are established after July 1, 2008, in the SU3, SU10 and SU34 Districts, the Commission shall assess the provision of sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S district.

SECTION 13. Subsection (b) of Section 735-751 of the “Revised Code of the Consolidated City and County,” regarding definitions and diagrams and diagrams in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

SECTION 735-751 Construction of Language and Definitions

(b) *Definitions.*

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram A)

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

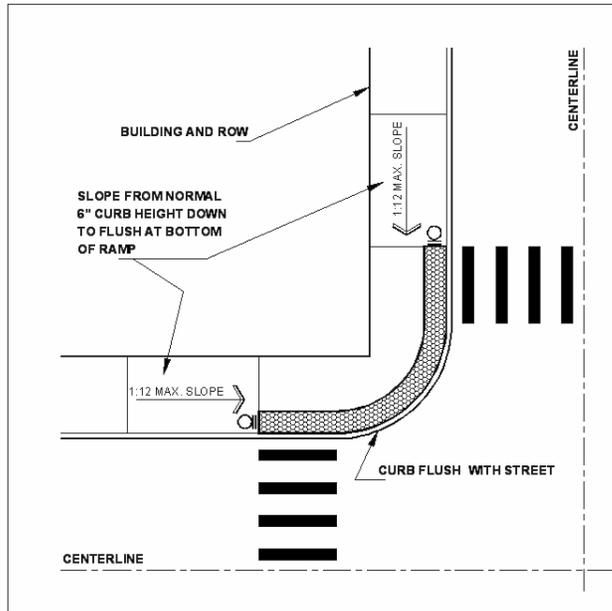
Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access the property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Sidewalk. A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

Diagram A in the Special Districts Zoning Ordinance
Diagram J in the Industrial Districts Zoning Ordinance
Diagram N in the Commercial Districts Zoning Ordinance
Diagram M in the Dwelling Districts Zoning Ordinance

Blended Transition



SECTION 14. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 15. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 16. This ordinance shall be in effect on **July 1, 2008**.

The foregoing was passed by the City-County Council this 14th day of April, 2008, at 8:20 pm

ATTEST:

/s/ Bob Cockrum
 Bob Cockrum
 President, City-County Council

/s/ Melissa Thompson
 Melissa Thompson
 Clerk, City-County Council

Presented by me to the Mayor this 17th day of April, 2008, at 10:00 am

/s/ Melissa Thompson
 Melissa Thompson
 Clerk, City-County Council

Approved and sign by me this day of April, 2008.

/s/ Gregory A. Ballard
 Gregory A. Ballard, Mayor

Ratified by the Metropolitan Development Commission on May 7, 2008.