

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1994
Proposal No. 196, 1994

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-3

A GENERAL ORDINANCE creating the Special Districts Zoning Ordinance of Marion County, Indiana, by repealing the Park Districts Zoning Ordinance; the Hospital Districts Zoning Ordinance; and the University Quarter Zoning Ordinance and including the language of each ordinance into the combined new Special Districts Zoning Ordinance.

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

SECTION 1. The Park Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Number 69-AO-2, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The Hospital Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 68-AO-8 and 73-AO-3, as amended, pursuant to IC 36-7-4, is hereby repealed.

SECTION 3. The University Quarter Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 66-AO-6 and 73-AO-5, as amended, pursuant to IC-36-7-4, is hereby repealed.

SECTION 4. The language of the former Park Districts Zoning Ordinance, Hospital Districts Zoning Ordinance, and University Quarter Zoning Ordinance shall be recodified and combined into the new Special Districts Zoning Ordinance in the following manner:

- a. delete the stricken-through language from the former individual ordinances;
- b. insert the underlined language into the applicable sections of the ordinance; and,
- c. insert non-altered language into the applicable sections of the ordinance.

CHAPTER I

Sec. 1.00. Establishment of Special Zoning Districts.

The following primary Special Zoning Districts for Indianapolis/Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the Zoning Base Maps, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

PARK DISTRICTS

- PK-1 Park District One
PK-2 Park Perimeter-Special District Two

HOSPITAL DISTRICTS

- HD-1 Hospital District One
HD-2 Hospital District Two

UNIVERSITY QUARTER DISTRICTS

UQ-1 University Quarter District One
UQ-2(B) University Quarter District Two (Butler University)

CHAPTER II

Sec.2.00. General regulations.

A. *Applicability of regulations.* The following regulations shall apply to all land with the Special Zoning Districts. After the effective date of this ordinance:

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

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

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

1. *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, which ordinance is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. *Noxious matter.* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.

7. Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

CHAPTER I

SECTION 1.00 ~~ESTABLISHMENT OF PARK ZONING DISTRICTS PERMITTED USES~~

A. ~~The following primary PARK ZONING DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:~~

Sec. 2.01. Park District regulations.

A. Permitted Park District uses.

1. Park District One (PK-1) uses. ~~Permitted Use~~ Public playgrounds, playfields, ball fields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wild life refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.

Provided, however, that no use not specifically enumerated, ~~and no~~ nor any building or structure shall hereafter be constructed or used on any land in the PK-1 District for any purpose other than lawfully existed on or prior to ~~the date of the adoption hereof~~ May 7, 1969 until a site and development plan for said land and all Park District lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Metropolitan ~~Plan~~ Development Commission.

The Metropolitan ~~Plan~~ Development Commission may consider and act upon any ~~such~~ proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice ~~thereof~~ of such meeting shall not be required; however, the governmental unit or department filing such plan shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) a. Be in conformity with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by ~~the~~ Metropolitan ~~Plan~~ Development Commission Resolution 65-CPS-R-2, as amended;
- (2) b. Create and maintain a desirable, efficient and economical use of park land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the park and with adjacent uses;
- (3) c. Provide sufficient and adequate access, parking and loading areas;

- (4) d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) e. Provide adequately for sanitation, drainage and public utilities; and
- (6) 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 or ~~Master~~ Plan for Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

~~B. The following primary PARK PERIMETER SPECIAL DISTRICT for Marion County, Indiana, is hereby established, and land within Marion County is hereby classified, divided and zoned into said district as designated on the PARK DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following permitted use or uses:~~

- 1 2. Permitted Park Perimeter-Special District Two (PK-2) uses. Permitted uses, as approved by the Metropolitan ~~Plan~~Development Commission as hereinafter provided:
 - 1 a. Any dwelling use, including single-family or multi-family, attached or detached dwellings, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided and subject to all standards, requirements and regulations of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, ~~66-AO-289-AO-2, as amended,~~ specified in the petition for such Commission approval.
 - 2 b. Any commercial office use, office complex, commercial office-apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~Development Commission as hereinafter provided.
 - 3 c. Regional, community or neighborhood shopping center, commercial center - office - apartment complex, apartment hotels, hotels, ~~motor hotels~~ motels or other similar single commercial use or multi-use planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
 - 4 d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of section 2.05 of the Industrial Zoning Ordinance, (I-1-U Restricted Industrial Urban District ~~Regulations~~) of Ordinance 63-AO-4, the ~~INDUSTRIAL ZONING ORDINANCE~~ of Marion County, Indiana, as amended), and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.
 - 5 e. Public and semipublic structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate uses and accessory facilities therefor, as approved by the Metropolitan ~~Plan~~ Development Commission as hereinafter provided.

- 6 f. Residential-recreational-commercial planned complex, including multi-family dwellings, townhouses, condominium, cluster-housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities therefor, as approved by the Metropolitan Plan Development Commission as hereinafter provided.
- 7 g. Any other appropriate planned land use, complex or combination of land uses, as approved by the Metropolitan Plan Development Commission as hereinafter provided.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use, and a site and development plan for the use ~~thereof~~ shall have been filed with and approved by the Metropolitan Plan Development Commission.

The Metropolitan Plan Development Commission may consider and act upon any ~~such~~ proposed use and site and development plan ~~therefor~~, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice ~~thereof~~ and notice to adjoining land owners by the petitioner shall be required in accordance with the Commission's ~~Rules of Procedure~~ shall be required. Such site and development plan, and proposed use, building and structure shall:

- (1) Be consistent with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by the Metropolitan Plan Commission Resolution 65-CPS-R-2, as amended;
- (2) 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;
- (3) Provide sufficient and adequate access, parking and loading areas;
- (4) Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) Provide adequately for sanitation, drainage and public utilities; and
- (6) 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 ~~or Master~~ Plan of Marion County, Indiana, including said Comprehensive Park Plan for Marion County, Indiana.

All land use within the PK-2 DISTRICT shall be subject to all requirements of ~~Section 1, B, 3 of The Improvement Location Permit Ordinance, 68-AO-11, as amended, the~~ IMPROVEMENT LOCATION PERMIT ORDINANCE of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and ~~and~~ covenants, or commitments filed, made or presented in support of such petition.

- C No use, building or structure shall be established or erected in any PARK DISTRICT without an ~~improvement location permit~~. An Improvement Location Permit and said permit shall not be issued until the proposed use and said site and development plan, or such part thereof as includes the proposed use, building or structure, shall have been approved by the Metropolitan ~~Plan~~ Development Commission. Applications for ~~improvement location permit~~ shall be made upon Department of Metropolitan Planning Department forms and shall include all information specified by such forms.

CHAPTER II

SECTION 2.00 — ~~PARK DISTRICT REGULATIONS~~

~~The following regulations shall apply to all land within the PK-1 and PK-2 DISTRICTS.~~

~~A. After the effective date of this ordinance:~~

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

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

B. PK-1 DEVELOPMENT STANDARDS

B. Park District One (PK-1) development standards. The following development standards shall apply to all land within Park District One:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a street designated on the Official Thoroughfare Plan of Marion County, Indiana (adopted March 6, 1991), as a collector, primary or secondary thoroughfare, parkway, expressway or freeway.
2. *Minimum lot area.* There shall be no minimum lot area.
3. *Setback lines and minimum front yards.* ~~a. Setback lines and minimum front yard:~~ Front Yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:
 - (1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure ~~(except an eave or cornice overhang not exceeding 4 feet)~~ shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.
 - (2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1991). No part of any structure ~~(except an eave or~~

~~cornice overhang not exceeding 4 feet~~ shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.

- (3) Collector Street. No part of any structure ~~(except an eave or cornice overhang not exceeding 4 feet)~~ shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
- (4) Local Street, Marginal Access Street or Cul-de-Sac. No part of any structure ~~(except an eave or cornice overhang not exceeding 4 feet)~~ shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turn-around thereof. No part of any structure ~~(except an eave or cornice overhang not exceeding 4 feet)~~ shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally-supported extensions may extend into the front yard setback a maximum of four (4) feet.

4. *Maximum height.* Thirty-five (35) feet.
5. *Off-street parking.*
- a. Adequate off-street parking spaces shall be provided for the various PK-1 District park activities and uses.
 - b. Off-street parking area for all uses in the PK-1 District shall be developed and maintained in accordance with the following requirements:
 - (1) Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
 - (2) The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 - (3) Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.
 - c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.
6. *Signs.* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- a. ~~The surface area of all identification signs shall be not greater than an amount equal to one (1) square foot of sign area for each lineal foot of street frontage.~~

~~b. All identification and directional signs shall be setback from public street right-of-way lines at least twenty five (25) feet.~~

~~C. PK I AND PK II PERFORMANCE STANDARDS All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.~~

- ~~1. VIBRATION. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.~~
- ~~2. SMOKE, DUST & PARTICULATE MATTER. Smoke, dust, particulate matter, and any other air borne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.~~
- ~~3. DUST. No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.~~
- ~~4. NOXIOUS MATTER. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.~~
- ~~5. ODOR. No use shall omit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.~~
- ~~6. SOUND. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.~~
- ~~7. HEAT AND GLARE. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.~~
- ~~8. WASTE MATTER. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, and the Board of Sanitary Commissioners of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety, or welfare or cause injury to property.~~

CHAPTER III

SECTION 3.00 — SEVERABILITY

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

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

~~Dwight L. Cottingham
Beurt R. SorVaas
William K. Byrum
Rezelle Boyd
Wm. A. Brown
THE MARION COUNTY COUNCIL OF
MARION COUNTY, INDIANA~~

~~DATED: May 7, 1969~~

~~ATTEST: Edward G. Hoffmann, Jr.
AUDITOR OF MARION COUNTY, INDIANA~~

~~METROPOLITAN PLAN COMMISSION~~

~~HOSPITAL DISTRICTS
ZONING ORDINANCE
OF
MARION COUNTY, INDIANA~~

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

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

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

~~— NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the Hospital Districts Zoning Ordinance of Marion County, Indiana, Ordinance 68-AO-8, adopted as an amendment thereto, be amended to read as follows:~~

~~CHAPTER 1~~

~~SECTION 1.00 ESTABLISHMENT OF HOSPITAL ZONING DISTRICTS PERMITTED USES~~

~~A. The following primary HOSPITAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the HOSPITAL DISTRICTS ZONING MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICTS other than the following permitted uses.~~

Sec. 2.02. Hospital District regulations.

Statements of purpose:

Hospital District One (HD-1).

The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

Hospital District Two (HD-2).

The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and, (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

A. Permitted Hospital District uses.

1. Permitted Hospital District One (HD-1) uses. All uses permitted within the HD-1 District shall be subject to the Metropolitan Development Commission's approval, as included with a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

1. HOSPITAL DISTRICT ONE (HD 1)	<u>PERMITTED HD 1 USES</u>
The HD 1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and, further to permit appropriate land use modifications as necessary to facilitate the highest level of such service	<u>(All uses permitted within the HD 1 DISTRICT shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with and approved by said Commission as hereinafter provided.</u>
	<u>HOSPITAL COMPLEX OR HOSPITAL CAMPUS, including the following accessory uses operated by or for the hospital, and integrally related thereto:</u>

Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:

- 4 a. Administrative and professional staff offices.
- 6 b. Apartments and dormitories for hospital staff, personnel and students.
- 3 c. Cafeterias, gift shops, book stores and other similar convenience functions.
- 2 d. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
- 6 e. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
- 4 f. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
- 7 g. Other similar uses and facilities.

~~Provided, however, that no use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 District for any purpose other than lawfully existed on the date of the adoption hereof until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Metropolitan Development Commission.~~

~~Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:~~

- ~~(1) Proposed Hospital District uses.~~
- ~~(2) Any existing uses, building and structures.~~
- ~~(3) Proposed buildings and structures.~~
- ~~(4) Off street parking layouts.~~
- ~~(5) Vehicular entrances and exits and turn-off lanes.~~
- ~~(6) Setbacks.~~
- ~~(7) Landscaping, screens, walls, fences.~~
- ~~(8) Signs, including location, size and design thereof.~~
- ~~(9) Sewage disposal facilities.~~
- ~~(10) Storm drainage facilities.~~
- ~~(11) Other utilities if above ground facilities are needed.~~

~~The Metropolitan Development Commission may consider and act upon such proposed use and site and development plan, approved the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner filing such plan shall have the right to appear and be heard. Such site and development plan, proposed use, and building or structure shall:~~

- ~~(1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.~~
- ~~(2) create and maintain a desirable, efficient and economical use of land and high functional and aesthetic value, attractiveness and compatibility of land uses, within the Hospital District and with adjacent uses;~~
- ~~(3) provide sufficient and adequate access, parking and loading areas;~~

- ~~(4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;~~
- ~~(5) provide adequately for sanitation, drainage and public utilities; and~~
- ~~(6) 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 or Master Plan of Marion County, Indiana.~~

2. Permitted hospital district two (HD-2) uses. All uses permitted within the HD-2 District shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with, and approved by, said Commission as specified in Section 2.02, B.

2. HOSPITAL DISTRICT TWO (HD-2) ————— PERMITTED HD-2 USES

~~The HD-2 zoning category is ————— (All uses permitted with the designed to (1) permit and ————— HD-2 DISTRICT shall be subject facilitate the logical associ ————— to the Metropolitan Develop- ation of a diversity of land ————— ment Commission's approval, as uses in close proximity to a ————— included within a required major hospital complex, (2) ————— site and development plan to provide adequate land area ————— filed with and approved by for such hospital related uses, ————— said Commission as hereinafter and (3) to assure a quality and ————— provided.) character of site development that will create the environ- ment of safety, quietness, attractiveness and convenience compatible with such hospital complex.~~

- 4 a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
- 6 b. Commercial parking lots and garages.
- 2 c. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales and rental.
- 3 d. Nursing, convalescent and retirement homes.
- 4 e. Offices for physicians, dentists, and other professions dealing with public health.
- 5 f. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
- 7 g. Other similar hospital-related or - oriented uses.

B. Site and development plan. Provided, however, that ~~n~~No use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose

other than lawfully existed on or prior to July 17, 1968 the date of the adoption hereof until a site and development plan for said land, including the proposed Hospital District use or uses shall have been filed with and approved by the Metropolitan Development Commission.

1. Site and development plan requirements. Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
- {1} a. Proposed Hospital District uses.
 - {2} b. Any existing uses, buildings and structures.
 - {3} c. Proposed buildings and structures.
 - {4} d. Off-street parking layouts.
 - {5} e. Vehicular entrances and exits and turn-off lanes.
 - {6} f. Setbacks.
 - {7} g. Landscaping, screens, walls, fences.
 - {8} h. Signs, including location, size and design thereof.
 - {9} i. Sewage disposal facilities.
 - {10} j. Storm drainage facilities.
 - {11} k. Other utilities if above ground facilities are needed.

The Metropolitan Development 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 or conditions thereon at any public hearing of the Commission.

Public notice

HD-1. Public notice of a public hearing of the Commission regarding site and development plan approval shall not be required; however, the owner/petitioner filing such plan shall have the right to appear and be heard.

HD-2. Public notice of a public hearing of the Commission regarding site and development plan approval, thereof and notice by the petitioner to adjoining land owners (including, additionally, the major hospital of the adjacent HD-1 District) shall be required in accordance with the Commission's Rules of Procedure shall be required.

Such site and development plan, proposed use, and building or structure shall:

- {4} . be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.

- (2) . 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;
- (3) . provide sufficient and adequate access, parking and loading areas;
- (4) . provide traffic control and street plan integration with existing and planned public streets and interior roads;
- (5) . provide adequately for sanitation, drainage and public utilities; and
- (6) . 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 ~~or~~ Master Plan of Marion County, Indiana.

2. Improvement location permit requirements. ~~B.~~ No building or structure shall be erected in the HD-1 or HD-2 District without an ~~improvement l~~location ~~p~~permit. Said permit shall not be issued until the site and development plan, including the proposed Hospital District use or uses and plans for such building or structure, shall have been approved by the Metropolitan Development Commission in accordance with ~~s~~Section ~~1.00 A~~ 2.02, B. Applications for ~~an~~ ~~improvement l~~location ~~p~~permit shall be made upon Department of Metropolitan Development ~~Department~~ forms and shall include all information specified by such forms.

CHAPTER II

SECTION 2.00 HOSPITAL DISTRICT REGULATIONS

~~The following regulations shall apply to all land within the Hospital Districts.~~

~~A. After the effective date of this ordinance:~~

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

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

~~B. C. Hospital District development standards. All development within the Hospital Districts shall be in accordance with the site and development plan, as approved by the Metropolitan ~~Plan~~ Development Commission in accordance with ~~s~~Section ~~1.00~~ 2.02, B.~~

~~G. HOSPITAL DISTRICT PERFORMANCE STANDARDS~~

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

1. ~~VIBRATION~~ — No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. ~~SMOKE~~ — No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. ~~DUST~~ — No use shall cause dust, dirt, or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. ~~NOXIOUS~~ — No use shall discharge across the lot lines noxious,
~~MATTER~~ — toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. ~~ODOR~~ — No use shall emit across the lot lines odor in such quantities as to readily be detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6. ~~SOUND~~ — No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
7. ~~HEAT AND~~ — No use shall produce heat or glare creating a hazard
~~GLARE~~ — perceptible from any point beyond the lot lines.
8. ~~WASTE~~ — No use shall accumulate within the lot or discharge
~~MATTER~~ — beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

CHAPTER III

SECTION 3.00 SEVERABILITY

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

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

~~Date June 8, 1973 CITY COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA~~

~~Attest: Jean A. Wyttenbach (Clerk)
Thomas C. Hasbrook (or Presiding Officer)~~

UNIVERSITY QUARTER ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

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

~~WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a UNIVERSITY QUARTER SITE PLAN FOR MARION COUNTY, INDIANA, adopted by Resolution 66-CPS-R-3 on December 21, 1966; and~~

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

~~NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and the University Quarter Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-6, adopted as an amendment thereto, be amended to read as follows:~~

CHAPTER I

SECTION 1.00 — ESTABLISHMENT OF UNIVERSITY QUARTER ZONING DISTRICTS — PERMITTED USES, DEVELOPMENT STANDARDS

~~A. The following primary UNIVERSITY QUARTER ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the UNIVERSITY QUARTER DISTRICTS ZONING MAPS, which MAPS are attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICTS other than the following permitted uses.~~

Sec. 2.03. University Quarter District regulations.

A. Permitted University Quarter District uses.

1. Permitted University Quarter One (UQ-1) uses.

~~1. UNIVERSITY QUARTER PERMITTED UQ-1 USES DISTRICT ONE UQ-1~~

- ~~4.~~ a. University uses, ~~Provided,~~ however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 District, the Metropolitan Development Commission's approval shall be required.

The petition for such UQ-1 approval shall include a site and development plan. The Metropolitan Development Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the Commission. Public notice thereof shall not be required; however, the owner/petitioner shall have the right to appear and be heard. The proposed use, building or structure and site and development plan shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- (2) 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;
- (3) provide sufficient and adequate access, parking and loading areas;
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- (5) provide adequately for sanitation, drainage and public utilities; and
- (6) 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 ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan.

2. Permitted University Quarter Two (Butler University) (UQ-2(b)) uses.

~~2. UNIVERSITY QUARTER PERMITTED UQ-2(B) USES DISTRICT TWO (BUTLER UNIVERSITY) UQ-2(B)~~

- ~~4.~~ a. Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of section 2.067 of the Dwelling Districts Zoning Ordinance (D-5 Dwelling District Five regulations), ~~of Ordinance No. 66-AO-289-AO-2, as amended. DWELLING DISTRICTS ZONING ORDINANCE~~ of Marion County, Indiana, as amended.
- ~~2.~~ b. University-related group dwelling use (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such University-

related group dwelling use shall be subject to the Metropolitan Development Commission's approval, as hereinafter provided, ~~in subsection a.,~~ and subject to the development standards of ~~subsection b. hereof.~~ Section 2.03, B.

~~a.~~ The petition for UQ-2(B) University-related group dwelling use approval shall include a site and development plan. The Metropolitan Development Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. Public notice thereof and notice by the petitioner to adjoining land owners in accordance with the Commission's rules of procedure shall be required. The proposed use, building or structure, and site and development plan shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive ~~or Master~~ plan of Marion County, Indiana, including the applicable University Quarter Plan;
- (2) 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;
- (3) indicate 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;
- (4) provide adequately for sanitation, drainage and public utilities; and
- (5) 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 ~~or Master~~ Plan of Marion County, Indiana, including the applicable University Quarter Plan.

B. University Quarter District development standards.

1. Development standards - UQ-2(B), University-related group dwelling uses.

~~b. UQ 2(B) UNIVERSITY-RELATED GROUP DWELLING USES shall be subject to the following development standards:~~

~~(1) a. Setback lines and minimum yards.~~

- ~~(a)~~ (1) Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of section 2.4721, A of the Dwelling Districts Zoning Ordinance, 89-AO-2, as amended, shall be provided along all street right-of-way lines.
- ~~(b)~~ (2) Minimum side and rear yards: fifteen (15) feet or one (1) foot for each foot of building height, which ever is greater.

~~(2) b. Maximum building area.~~ Building area (as defined in section 2.4925 of the Dwelling Districts Zoning Ordinance), 89-AO-2, as amended, shall not exceed forty percent (40%) of the lot area.

~~{3} c. Maximum height. Thirty-five (35) feet.~~

~~CHAPTER II~~

~~SECTION 2.00 UNIVERSITY QUARTER DISTRICT REGULATIONS~~

~~The following regulations shall apply to all land within the UNIVERSITY QUARTER DISTRICTS.~~

~~A. After the effective date of this ordinance:~~

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

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

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

- ~~1. VIBRATION — No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.~~
- ~~2. SMOKE — No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.~~
- ~~3. DUST — No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.~~
- ~~4. NOXIOUS MATTER — No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.~~
- ~~5. ODOR — No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.~~
- ~~6. SOUND — No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.~~
- ~~7. HEAT AND — No use shall produce heat or glare creating a hazard~~

~~GLARE~~ perceptible from any point beyond the lot lines.

8. ~~WASTE~~ No use shall accumulate within the lot or discharge
~~MATTER~~ beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

~~C. All uses permitted within the UNIVERSITY QUARTER DISTRICTS shall be provided with adequate off street parking and loading spaces.~~

Sec. 2.04. Reserved.

CHAPTER III

Sec. 3.00. Severability.

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

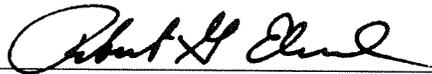
~~NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.~~

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Now be it further ordained that this ordinance shall be in full force and effect from and after its adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 25th day of April, 1994 at 9:21 p.m.

ATTEST:



Acting Clerk of the City-County Council



President

