MARION COUNTY MASTER PLAN

PERMANENT ZONING ORDINANCE

as prepared by

MARION COUNTY PLAN COMMISSION

and adopted by

BOARD OF COUNTY COMMISSIONERS

for the

COUNTY OF MARION on

NOVEMBER 12, 1948

and subsequently amended.

REPRINTED MARCH, 1966

Further adopted by the Metropolitan Plan Commission by Resolution and Certified to the Marion County Council, who subsequently adopted said ordinance as part of General Ordinance No. 8, 1957, on March 28, 1957, in accordance with Chapter 283 of the 1955 Acts of the Indiana General Assembly.

MARION COUNTY MASTER PLAN

PERMANENT ZONING ORDINANCE

MARION COUNTY PLAN COMMISSION
COURTHOUSE
Indianapolis, Indiana

* Frank J. Unversaw, President
* Horace E. Abbott, Vice-President
  (Marion County Agricultural Agent)

John C. Hart
Lowell B. McCracken
Mary B. McKinzie
Herbert W. H. Ristow
Fred Nordsiek
* Robert R. Hamilton, County Commissioner
* Robert F. Gladden, County Superintendent of Schools

* EX-OFFICIO

Fred H. Norris, Executive Secretary

PREPARED UNDER THE AUTHORITY OF THE MARION COUNTY COMMISSIONERS

William T. Ayres
William Bosson, Jr.
Ray D. Mendenhall

We acknowledge the invaluable assistance provided so generously and without compensation by more than 400 Marion County property owners who served as township advisory committeemen in the preparation of the maps which are a part of this Master Plan Ordinance.

We also gratefully acknowledge the assistance of Messrs J. B. Kohlmeyer, N. S. Hadley and J. E. Losey of the Department of Agricultural Economics of Purdue University, and Mr. H. E. Abbott, Marion County Agricultural Agent.

Text Prepared by
Benenice Cota Poling
Plan Commission Attorney
Indianapolis, Indiana

Quotation from Ruskin:

> "Therefore when we build, let us think that we build forever. Let not be for present delight, nor for present use alone. Let it be such work as our descendants will thank us for, and let us think, as we lay stone on stone, that a time is to come when those stones will be held sacred because our hands have touched them, and that men will say as they look upon the labor, and wrought substance of them, see this our fathers did for us."

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MARION COUNTY MASTER PLAN

PERMANENT ZONING ORDINANCE

Chapter I - Statement of Intent

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, COMMERCE, PROSPERITY AND WELFARE OF THE PRESENT AND FUTURE INHABITANTS OF MARION COUNTY BY REGULATING THE USE AND INTENSITY OF USE OF LAND, THE LOCATION OF TRADES, CALLINGS, INDUSTRIES AND COMMERCIAL ENTERPRISES, AND THE LOCATION OF BUILDINGS AND STRUCTURES DESIGNED FOR SPECIFIC USE AND DIVIDING THE UNINCORPORATED AREAS OF SAID COUNTY INTO ZONING DISTRICTS AS HEREINAFTER DESCRIBED, AND PRESCRIBING MINIMUM DWELLING DIMENSIONS AND LOT AREA REQUIREMENTS FOR RESIDENCE DISTRICTS AND DEFINING EACH USE CLASSIFICATION IN SAID ZONING DISTRICTS: PROVIDING STANDARDS FOR SUBDIVISION DEVELOPMENT, A THOROUGHFARE PLAN AND GENERAL PROVISIONS AND EXCEPTIONS AND CREATING THE MARION COUNTY BOARD OF ZONING APPEALS, CREATING THE MARION COUNTY PLAN COMMISSION, ADOPTING A MASTER PLAN AND PERMANENT ZONING ORDINANCE AND A BUILDING CODE, AND PROVIDING FOR THE ENFORCEMENT OF SUCH ORDINANCE AND BUILDING CODE AND MASTER PLAN AND PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF.

WHEREAS, Chapter 174 of the Acts of the 1947 Indiana General Assembly authorized and empowered Boards of County Commissioners to appoint County Plan Commissions for the purpose of recommending and certifying to said Board of County Commissioners a Master Plan and a draft of a permanent zoning ordinance providing for zoning districts and land use regulations, and including procedure for appeals from decisions under the authority of such order and providing further that said Boards of County Commissioners be authorized and empowered to adopt such Master Plan and permanent zoning ordinance, and

WHEREAS, the Board of County Commissioners of Marion County did on the 6th day of January, 1948, appoint a plan commission under the authority and for the purpose above mentioned, and

WHEREAS, on the 16th day of September, 1948, the Marion County Plan Commission duly appointed, qualified and acting as aforesaid filed with the Board of County Commissioners of the County of Marion, a final report recommending the adoption of a permanent zoning ordinance and Master Plan, including explanatory maps, setting out the zoning districts and the boundaries thereof, and

NOW THEREFORE, be it ordained by the Board of County Commissioners as follows:

Chapter II - Zoning Districts and District Maps

Section 1 - For the purpose of promoting the public health, safety, morals, commerce, prosperity and welfare of the present and future inhabitants of Marion County by regulating, restricting and determining the location of trades and industries, the location, height, bulk, dimension and lot area of buildings and other structures designed for specific uses and establishing districts of such number, shape and area as are best suited to carry out the purposes of Section 56 of Chapter 174 of the Acts of the 1947 Indiana General Assembly, Marion County, outside the limits of incorporated cities and villages, is hereby divided into twenty-three (23) primary and one (1) secondary zoning districts designated as follows:

		AMENDED
Primary -	F-1 - Forestry District	58-AO-3
	A-1 - Agricultural District	58-AO-4
	A-2 - Agricultural District	58-AO-6
	R-1 - Residential District	58-AO-7
	R-2 - Residential District	58-AO-8
	R-3 - Residential District	58-AO-9
	R-4 - Residential District	58-AO-10
	R-5 - Residential District	58-AO-11
	R-6 - Residential District	
	B-1 - Business District	
	B-2 - Business District	
	B-3 - Business District	

B-4 - Business District
B-5 - Business District
B-6 - Business District
I-1 - Industrial District
I-2 - Industrial District
I-3 - Industrial District
RT-1 - Temporary Residential District
RT-2 - Temporary Residential District
RT-3 - Temporary Residential District
S - Speical Uses District
RR - Railroad District
Secondary - G-S - Gravel - Sand District

Section 2 - Boundaries of Districts, Maps:

(1) Boundaries of such zoning districts are shown on the sectional zoning maps, each sectional zoning map being a part of a map of the respective townships of Marion County, namely: Center, Decatur, Franklin Lawrence, Perry, Pike, Warren, Washington and Wayne.
AMENDED 58-AO-3, 4, 6, 7, 8, 9, 10, 11
(2) Each sectional zoning map showing the classification and boundaries of zoning districts is attached hereto and made a part of this ordinance, and all permanent notations, references and other information shown thereon shall be as much a part of this ordinance as if all the matter and information set forth by said maps were fully described herein.

Chapter III - Definitions

Section 1

For the purpose of this ordinance certain words are defined as hereinafter set forth.

Words used in the present tense include the future; words used in the singular number include the plural number and words used in the plural number include the singular number.

"Accessory Building" - Shall mean any subordinate building or portion of the main building, the use of which is supplemental to that of the main building on the same lot.

"Agricultural District" - Shall mean any area designated A-1 or A-2 on the sectional zoning maps and shall be considered a general use class.

"Business District" - Shall mean any area designated B-1, B-2, B-3, B-4, B-5, or B-6 on the sectional zoning maps and shall be considered a general use class.

"Forestry District" - Shall mean any area designated F-1 on the sectional zoning maps and shall be considered a general use class.

"General Use Class" - Means any one of the following: Agricultural, Forestry, Residential, Residential Temporary, Business and Industrial.

"Industrial District" - Shall mean any area designated I-1, I-2 or I-3 on the sectional zoning maps and shall be considered a general use class.

"Non-conforming" - Shall mean any building or land occupied by a use which does not conform to the regulations of the zoning district in which it is situated.

"Railroad District" - Shall mean any area designated "RR" on the sectional zoning maps and shall not be considered a general use class.

"Residential District Temporary" - Shall mean any area designated RT-1, RT-2 and RT-3 on the sectional zoning maps and shall be considered a general use class.

"Special Use District"- Shall mean any area designated "S" on the sectional zoning maps and shall not be considered a general use class.

"Tourist Court, Tourist Cabin or Tourist Cottage" - Shall mean a structure or unit of a structure offered as an overnight lodging place to the transient public for compensation, but shall not include hotels or seasonal resort cabins.

Chapter IV - Forestry District

Section 1 - F-1 District

In a forestry district designated F-1, no building or land shall be used and no building shall be located, erected, converted, or structurally altered, unless otherwise provided herein, except, for one or more of the following uses:

Section 1.001 - Uses:

(1) Forests, forest, propagation nurseries, arboretums.
(2) Watershed Protection.
(3) Fish hatcheries, lakes and ponds.
(4) Projects specifically designed for conservation of soil or water.

Chapter V - Agricultural Districts

Section 1 - A-1 District

In an agricultural district designated A-1 no building or land shall be used and no building shall be located, erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 1.001 - Uses:

(1) Any use permitted in an F-1 district.
(2) Commercial greenhouses and plant nurseries.
(3) Truck gardens and related field crops, mushroom cellars, general gardening and apiaries.
(4) Stands for the sale of agricultural products produced on the premises.
(5) Single family dwelling.
(6) Accessory buildings including separate tenant house for farm employees when located in conformity with set-back regulations hereinafter prescribed.
(7) A one or two car private garage not more than one story in height. (Amended 2-AO-53)

Section 1.002 - Height:

In an A-1 District no residential building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 1.003 - Yards:

For every Main building hereafter erected or structurally altered, in an A-1 district, there shall be provided a front yard in compliance with dwelling set-back regulations, and a rear yard of not less than fifteen (15) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or 15 feet, whichever is the lesser.

Section 1.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In an A-1 district the front building set-back line is hereby established at sixty (60) feet from the street or highway right-of-way line upon which said dwelling fronts; provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 1.005 - Lot Area:

In an A-1 district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 15,000 square feet per housekeeping unit, and a minimum lot frontage of less than eighty (80) feet, for each dwelling, measured at the set-back line.

Section 1.006 - Dwelling Dimensions:

In an A-1 district no dwelling shall hereafter be erected or structurally altered, which has a ground floor area, exclusive of open porches and garages, of less than 900 square feet in the case of a one-story building, or less than 660 square feet in the case of a higher building.

Section 2 - A-2 District

In an agricultural district designated A-2 no building or land shall be used and no building shall be located, erected or structurally altered unless otherwise provided herein, except for one or more of the following uses:

Section 2.001 - Uses:

(1) Any use permitted in the A-1 agricultural district.
(2) Production of grains, grasses, plants, vines, and orchards.
(3) Grazing or feeding of livestock for animal increase or value increase.
(4) Stands for the sale of agricultural products produced on the premises.
(5) Barns, sheds, storage buildings and fences essential to the agricultural enterprise.
(6) Single family dwelling.
(7) Accessory buildings including separate tenant houses for farm employees when located in conformity with set-back regulations hereinafter prescribed.
(8) A one or two car private garage not more than one story in height. (Amended 2-AO-53)

Section 2.002 - Height:

In an A-2 district no residential building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 2.003 - Yards:

For every main building hereafter erected or structurally altered, in an A-2 district, there shall be provided a front yard in compliance with building set-back regulations, and a rear yard of not less than fifteen (15) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot and the set-back line or 15 feet, whichever is the lesser.

Section 2.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected. In A-2 districts the front building set-back line is hereby established at sixty (60) feet from street or highway right-of-way line upon which said dwelling fronts: Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 2.005 - Lot Area:

In an A-2 district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 15,000 square feet per housekeeping unit and a lot frontage of less than eighty (80) feet, for each dwelling, measured at the set-back line.

Section 2.006 - Dwelling Dimensions:

In an A-2 district no dwelling shall hereafter be erected or structurally altered which has a ground floor area, exclusive of open porches and garages, of less than 900 square feet in the case of a one-story building, or less than 660 square feet in the case of a higher building.

Chapter VI - Residential Districts

Section 1 - R-1 Districts

In a residential district designated R-1 no building or land shall be used and no building shall hereafter be located, erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 1.001 - Uses:

(1) Any forestry use permitted in F-1 district.
(2) Any agricultural use permitted in A-1 district.
(3) Any agricultural use permitted in A-2 may be carried on upon an area of not less than five (5) acres in an R-1 district.
(4) Single family dwelling.
(5) Church, school, library, community center. (Amended 14-AO-54)
(6) Public park, public playground.
(7) A one, two or three car private garage not more than one story in height. (Amended 2-AO-53)
(8) Living quarters for domestic employees and such living quarters are to be located in conformity with the set-back, side yard and rear yard regulations applicable to the street or highway on which such living quarters fronts.

Section 1.002 - Height:

In an R-1 residential district no building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 1.003 - Yards: (Amended 4-AO-53)

For every main building hereafter erected or structurally altered, in an R-1 district, there shall be provided a front yard in compliance with dwelling set-back regulations, and a rear yard of not less than forty (40) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or 20 feet, whichever is the lesser.

Section 1.004 - Building set-back lines:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In R-1 residential districts the front building set-back line is hereby established at seventy-five(75) feet from the street or highway right-of-way line upon which said dwelling fronts; Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 1.005 - Lot Area:

In an R-1 residential district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 9,500 square feet per housekeeping unit, and a lot frontage of less than one hundred (100) feet, for each dwelling measured at the set-back line.

Section 1.006 - Dwelling Dimensions: (Amended 60-AO-5)

In an R-1 residential district no dwelling shall hereafter be located, erected or structurally altered which has a ground floor area, exclusive of open porches and attached garages, of less than 1700 sq. ft. in the case of a one-story building, or less than 1000 square feet in the case of a higher building.

Section 2 - R-2 Districts

In a residential district designated R-2 no building or land shall be used and no building shall hereafter be located, erected, converted, or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 2.001 - Uses:

(1) Any use permitted in R-1 district.
(2) Single family dwelling.
(3) Church, school, library, community center. (Amended 14-AO-54)
(4) Public park, public playground.
(5) A one or two car private garage not more than one story in in height. (Amended 2-AO-53)
(6) Living quarters for domestic employees and such living quarters are to be located in conformity with the set-back side yard and rear yard regulations applicable to the street or highway on which such living quarters fronts.

Section 2.002 - Height:

In an R-2 residential district no building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 2.003 - Yards: (Amended 4-AO-53)

For every main building hereafter erected or structurally altered in an R-2 district, there shall be provided a front yard in compliance with dwelling set-back regulations, and a rear yard of not less than forty (40) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or 20 feet whichever is the lesser.

Section 2.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In R-2 residential districts the front building set-back line is hereby established at seventy-five (75) feet from the street or highway right-of-way line upon which said dwelling fronts. Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 2.005 - Lot Area:

In an R-2 residential district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 20,000 square feet per housekeeping unit, and a minimum lot frontage of less than ninety (90) feet, for each dwelling measured at the set-back line.

Section 2.006 - Dwelling Dimensions: (Amended 60-AO-5)

In an R-2 Residential district no dwelling shall hereafter be located, erected or structurally altered, which has a ground floor area, exclusive of open porches and attached garages, of less than 1200 square feet in the case of a one-story building, or less than 800 square feet in the case of a higher building.

Section 3 - R-3 Districts

In a residential district designated R-3 no building or land shall be used and no building shall hereafter be located, erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 3.001 - Uses:

(1) Any use permitted in R-2 district.
(2) Single family dwelling.
(3) Two-way dwellings on street or highway corner lots only.
(4) Church, school, library, community center. (Amended 14-AO-54)
(5) Public park, public playground.
(6) A one or two car private garage not more than one story in height. (Amended 2-AO-53)

Section 3.002 - Heights:

In an R-3 residential district no building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 3.003 - Yards: (Amended 4-AO-53)

For every main building hereafter erected or structurally altered, in an R-3 district, there shall be provided a front yard in compliance with dwelling set-back regulations and a rear yard of not less than fifteen (15) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or 15 feet whichever is the lesser.

Section 3.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In R-3 districts the front building set-back line is hereby established at sixty (60) feet from the street or highway right-of-way line upon which said dwelling fronts, Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Provided further that every two-way two-family dwelling shall be set-back at least sixty (60) feet from both of the street or highway right-of-way lines on which said dwelling fronts.

Section 3.005 - Lot Area:

In an R-3 residential district no dwelling shall hereafter be erected, located or structurally altered upon a lot having an area of less than 15,000 square feet and a frontage of less than eighty (80) feet, for each dwelling, measured at the set-back line.

Provided that no two-way two-family dwelling shall hereafter be erected, located or structurally altered upon a lot having an area of less than 15,000 square feet or having a lot frontage of less than 120 feet upon each street or highway upon which said dwelling fronts.

Section 3.006 - Dwelling Dimensions: (Amended 60-AO-5)

In an R-3 residential district no dwelling shall hereafter be [illegible], erected or structurally altered which has a ground floor area, exclusive of open porches and attached garages, of less than [illegible] square feet in the case of a one-story one-family dwelling or less than 660 square feet in the case of a higher one-family dwelling or less than 1,350 square feet in the case of a one-story two-family dwelling or less than 990 square feet in the case of a higher two-family dwelling.

Section 4 - R-4 Districts

In a residential district designated R-4 no building or land shall be used and no building shall hereafter be located, erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 4.001 - Uses:

(1) Any use permitted in an R-3 district.
(2) Single family dwelling.
(3) Two-family dwelling.
(4) Church, school, library, community center. (Amended 14-AO-54)
(5) Public park, public playground.
(6) A one or two car private garage not more than one story in height. (Amended 2-AO-53)

Section 4.002 - Height:

In an R-4 residential district no building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 4.003 - Yards: (Amended 4-AO-53)

For every main building hereafter erected or structurally altered, in an R-4 district, there shall be provided a front yard in compliance with set-back regulations, and a rear yard of not less than fifteen (15) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or 15 feet whichever is the lesser.

Section 4.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In an R-4 residential district the front building set-back line is hereby established at fifty (50) feet from the street or highway right-of-way line upon which said dwelling fronts. Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 4.005 - Lot Area:

In an R-4 residential district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 11,250 square feet and a frontage of less than seventy (70) feet, for each dwelling measured at the set-back line.

Section 4.006 - Dwelling Dimensions: (Amended 60-AO-5)

In an R-4 residential district no dwelling shall hereafter be erected or structurally altered which has a ground floor area, exclusive of open porches and attached garages, of less than 720 square feet in the case of a one-story one-family dwelling or less than 500 square feet in the case of a higher one-family dwelling or less than 1,080 square feet in the case of a one-story two-family dwelling or less than 750 square feet in the case of a higher two-family dwelling.

Section 5 - R-5 Districts.

In a residential district designated R-5 no building or land shall be used and no building shall hereafter be located, erected, converted, or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 5.001 - Uses:

(1) Any use permitted in an R-4 district.
(2) Single family dwelling.
(3) Two-family dwelling.
(4) Church, school, library, community center. (Amended 14-AO-54)
(5) Public Park, public playground.
(6) A one or two car private garage not more than one story in height. (Amended 2-AO-53)

Section 5.002 - Height:

In an R-5 residential district no building shall be erected to a height greater than thirty-five (35) feet measured from the grade to the line of the eaves of such building.

Section 5.003 - Yards: (Amended 4-AO-53)

For every main building hereafter erected or structurally altered, in an R-5 district, there shall be provided a front yard in compliance with dwelling set-back regulations and a rear yard of not less than ten (10) feet in depth and a side yard on each side of the building equal in width to fifteen (15) per cent of the width of the lot at the set-back line or ten (10) feet, whichever is the lesser.

Section 5.004 - Building set-back line:

Between a building set-back line as herein established and the street or highway right-of-way line no building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

In R-5 residential districts the front building set-back line is hereby established at fifty (50) feet from the street or highway right-of-way line upon which said dwelling fronts. Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 5.005 - Lot Area:

In an R-5 residential district no dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 9,000 square feet and a frontage of less than sixty (60) feet, for each dwelling measured at the set-back line.

Section 5.006 - Dwelling dimensions: (Amended 60-AO-5)

In an R-5 residential district no dwelling shall hereafter be erected or structurally altered which has a ground floor area of less than 500 square feet in the case of a one-story one-family dwelling or less than 500 square feet in the case of a higher one-family dwelling or less than 900 square feet in the case of a one-story, two-family dwelling or less than 750 square feet in the case of a higher two-family dwelling.

Section 6 - R-6 Districts:

Section 6.001 - Uses:

(1) Single Family Dwelling.
(2) Two Family Dwelling.
(3) Multiple Dwelling.
(4) Church, school, library, community center. (Amended 14-AO-54)
(5) Public Park, Public playground.
(6) A private garage, not more than one story in height, containing accommodations for not more than two automobiles per dwelling unit of the main building. (Amended 2-AO-53)

Section 6.002 - Height:

In an R-6 District no building shall be erected to a height greater than three (3) stories or forty-five (45) feet measured from the lot grade at the front of the building to the line of the eaves of such building.

Section 6.003 - Yards: (Amended 4-AO-53)

For every building hereafter erected or structurally altered, in an R-6 District, there shall be provided a front yard in compliance with dwelling set-back regulations and a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed thirty-five (35) feet and a side yard on each side of the building of not less than fifteen (15) per cent of the width of the lot, Provided, however, that said side yard shall be increased by one (1) foot for each ten (10) feet, or part thereof, by which the length of the dwelling exceeds fifty (50) feet in over-all dimensions along the adjoining lot line and an additional five (5) feet for each story or fifteen (15) feet of building height in excess of the first story or fifteen (15) feet.

Section 6.004 - Building Set-back Line:

(1) Between a building set-back line as herein established and the street or highway right-of-way line on building or portion of a building other than an unenclosed porch or ornamental fence or wall not exceeding 3-1/2 feet in height may be erected.

(2) In an R-6 District the front building set-back line is hereby established at fifty (50) feet from the street or highway right-of-way line upon which said dwelling fronts.

Section 6.005 - Lot Area:

(1) In an R-6 Residential District no single family dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 14,000 square feet and a minimum lot frontage of eighty (80) feet for each such dwelling.

(2) In an R-6 Residential District no two or three family dwelling shall hereafter be erected or structurally altered upon a lot having an area of less than 20,000 square feet and a minimum lot frontage of one hundred (100) feet for each such dwelling.

(3) In an R-6 Residential District no dwelling containing more than three dwelling units shall hereafter be erected or structurally altered upon a lot having an area of less than 1,200 square feet for each dwelling unit. (Amended 60-AO-3)

Section 6.006 - Dwelling Dimensions: (Amended 60-AO-5)

(1) In an R-6 Residential District no single family dwelling shall hereafter be erected, located or structurally altered which has a ground floor area of less than 900 square feet in the case of a one-story building or 660 square feet of ground floor area in the case of a higher one family dwelling.

(2) In an R-6 Residential District no two or three family dwelling shall hereafter be erected, located or structurally altered which has a

ground floor area of less than 1,500 square feet in the case of a one-story structure or less than 1,200 square feet of ground floor area in the case of a higher structure.

(3) In an R-6 Residential District no dwelling containing more than three dwelling units shall hereafter be erected, located or structurally altered which has a ground floor area of less than 400 square feet per dwelling unit exclusive of public or common hallways.

Section 6.007 - Courts:

(1) Outer Courts:

(a) The width of any outer court upon which windows open, except windows which open from a public hallway, shall be not less than the height of any opposing wall forming said court. The depth of an outer court formed by walls on three sides, shall be not greater than one and one-half times the width.

(b) The width of any outer court shall be not less than two-thirds the height of any opposing wall forming said court, and the depth shall not be greater than one and one-half times the width.

(2) Inner Courts:

(a) The minimum dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet.

(b) An open and unobstructed passage way shall be provided at the grade level of each inner court. Such passage-way shall have a cross section area and sufficient head room to permit the passage of fire fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area between buildings.

Section 6.008 - Distance between Buildings on Same Plot:

No principal building shall be located closer to any other principal building than the average of the height of said buildings.

Section 6.009 - Off Street Parking Requirements:

In a residential district designated R-6 there shall be provided on the same lot with any dwelling for more than two families a garage space or a graveled surfaced or paved parking area sufficient in size to accommodate one motor vehicle for each family unit provided for in the building, together with provisions for ingress and egress to and from the public street, highway or alley. Such parking area shall not be leased, but shall be for the sole use of the occupants of such building and the visitors thereto. A minimum of one hundred forty-four (144) square feet of parking space (exclusive of ingress and egress provisions) shall be provided for each motor vehicle. Provided, however, that no court or front yard shall be used for the open air parking or storage of any motor vehicle.

Chapter VII - Business District

Section 1 - B-1 District

In a business district designated B-1, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 1.001 - Uses:

(1) Any use permitted in an R-6 residential district. (Amended 10-AO-54)
(2) Retail stores.
(3) Accessory buildings essential to or a part of residence or retail stores.

Section 2 - B-2 Districts

In a business district designated B-2 no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 2.001 - Uses:

(1) Any use permitted in B-1 business district.
(2) Personal Service shops.
(3) Office buildings and banks.
(4) Restaurants and eating places, except where the public is served outside the building.
(5) Ice cream and soft drink parlors, except where the public is served outside the building.
(6) Painting and photographic studios.

Section 3 - B-3 District

In a business district designated B-3, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 3.001 - Uses:

(1) Any use permitted in a B-2 business district.
(2) Assembly halls and auditoriums.
(3) Club and fraternal rooms, ball rooms. (Amended 12-AO-54)
(4) Hotels, boarding and rooming houses.
(5) Theatres and moving picture houses, except drive-in theatres.
(6) Telephone Exchanges.
(7) Repair and Assembly of watches, clocks, meters and metering, or timing instruments and devices.
(8) AMENDED 61-AO-1

Section 4 - B-4 District

In a business district designated B-4, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 4.001 - Uses:

(1) Any use permitted in a B-3 business district.
(2) Any use permitted in an R-4 residential district. (Amended 10-AO-54) AND 7-AO-54
(3) Filling stations and accessory services, except when used as repair shops or car storage.

Section 5 - B-5 District

In a business district designated B-5, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 5.001 - Uses:

(1) Any use permitted in a B-4 business district. (Amended 4-AO- 56)
(2) Any open air sales yard except one for the sale or storage of junk of any description.
(3) Automobile laundry.
(4) Battery charging and repairing.
(5) Frozen food locker plants. (Not including livestock slaughter)
(6) Gymnasiums.
(7) Garages, automobile repair shops and automobile storage.
(8) Hatcheries.
(9) Newspaper printing and commercial printing.
(10) Parking lots.
(11) Plumber's workshop. (14) AMENDED 1-AO-53
(12) Sign Painting (15) AMENDED 1-AO-53
(13) Undertaking and funeral parlors.

Section 6 - B-6 District

In a business district designated B-6, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 6.001 - Uses:

(1) Any use permitted in a B-5 business district.
(2) Any use permitted in an R-5 residential district. (Amended 10-AO-54) AND 5-AO-54
(3) Bowling alleys and other public recreation rooms.
(4) Building material establishments and accessory storage, yards.
(5) Commercial feeding of poultry and rabbits.
(6) Coal, coke and wood yards.
(7) Drive-in restaurants, ice cream and soft drink parlors or other eating places where the public is served outside of the building.
(8) Dyeing and cleaning works.
(9) Laundries.
(10) Miniature golf courses.
(11) Riding academies, commercial stables. (Amended 2-AO-54)
(12) Skating rinks.
(13) Stadiums.
(14) Veterinary hospitals.
(15) Warehouses, wholesale and storage.
(16) Any other business enterprise which is similar in character to any use permitted in this district.

Section 6.002 AMENDED 9-AO-54

Chapter VIIA - Building Set-Back Line in Business Districts

Section 1

(1) Between a building set-back line, as herein established for all business districts, and the street or highway right-of-way line no building or portion of a building may be erected or located. (Amended 6-AO-53)(2-AO-55)

(2) In all business districts now established or hereafter established, the front building set-back line is hereby established at seventy-five (75) feet from the street or highway right-of-way line upon which the business building fronts. Provided, however, that where said building set-back lines have been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line. (Amended 60-AO-7)

Chapter VIII - Motor Vehicle Parking Facility

Section 1

All buildings or lands hereafter located, erected or included in any business district and being of such a nature as will reasonably necessitate the loading or unloading of trucks or the parking of motor vehicles by patrons or employees shall make the following provision for the loading or unloading of trucks and/or parking of motor vehicles:

Section 1.001

A loading dock attached to the building and conforming to all the regulations governing the location of the building and a motor vehicle parking space located off the public street or highway with a hard usable surface, Said parking space shall provide 220 square feet of area for every four (4) persons employed on the premises plus 110 square feet of area for every four (4) patrons who visit said place of business during an average business day. Such parking space shall not be leased or rented for hire and shall provide for ingress from an egress to the public street, or highway.

Chapter IX - Industrial Districts

Section 1 - I-1 District

In an industrial district designated I-1, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 1.001 - Uses:

(1) Any use permitted in an R-5 residential district. (Amended 10-AO-54)
(2) Any use permitted in a B-6 district.
(3) Bakery (wholesale).
(4) Beverage manufacture and bottling (soft drinks).
(5) Cabinet manufacturing.
(6) Candle manufacturing.
(7) Clothing manufacturing.
(8) Clock factory.
(9) Coffee roasting.
(10) Condensed milk manufacturing.
(11) Cosmetic manufacturing.
(12) Creamery.
(13) Electric sign manufacturing.
(14) Electric appliance manufacturing.
(15) Engraving plant.
(16) Feed manufacturing not otherwise classified.
(17) Food manufacturing not otherwise classified.
(18) Fruit and vegetable drying.
(19) Ice cream manufacturing.
(20) Jewelry manufacturing.
(21) Laboratories. (Amended 3-AO-53)
(22) Leather trinket manufacturing.
(23) Medicine manufacturing.
(24) Milk processing or bottling plant.
(25) Oil Reconditioning process.
(26) Optical goods manufacturing.
(27) Paper box manufacturing.
(28) Paper products manufacturing (except tar paper).
(29) Pencil factory.
(30) Pharmaceutical products manufacturing.
(31) Phonograph manufacturing.
(32) Soda water manufacturing.
(33) Stone monument works.
(34) Upholstery shops and manufacturing.
(35) Any light manufacturing enterprise which is similar in character to any other use permitted in this district.

Section 1.002 - Motor Vehicle Parking Facility: (Amended 58-AO-2)

(1) Motor vehicle parking space with hard usable surface shall be provided off of the public street or highway in a ratio of not less than two hundred twenty (220) square feet of area to every four (4) persons employed on the premises for every building to be hereafter erected in an I-1 district, together with provisions for ingress from and egress to the public street or highway. Such parking space shall not be leased or rented for hire but shall be for the sole use of the occupants of such building and the visitors thereto.

Section 1.003 - Building Set-back line: (Amended 58-AO-2)

(1) Between a building set-back line, as herein established for I-1 districts, and the street or highway right-of-way line no building or portion of a building may be erected or located.

(2) In all I-1 districts the front building set-back line is hereby established at one hundred (100) feet from the street or highway right-of-way line upon which the industrial building fronts. Provided, however, that where a building set-back line has been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 2 - I-2 Districts

In an industrial district designated I-2 no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 2.001 - Uses:

(1) Any use permitted in I-1 industrial districts.
(2) Boat manufacturing.
(3) Canning of food for human consumption.
(4) Can manufacturing.
(5) Cement manufacturing.
(6) Cigar and Cigarette manufacturing.
(7) Coffin manufacturing.
(8) Color and dye manufacturing.
(9) Communication equipment manufacturing.
(10) Concrete mixing.
(11) Concrete burial vault manufacturing.
(12) Exterminator or poison manufacturing.
(13) Grain Storage, processing or milling.
(14) Furniture manufacturing.
(15) Ice manufacturing.
(16) Light machine shop (using motors of three (3) horsepower or less).
(17) Malt products manufacturing.
(18) Mattress manufacturing.
(19) Office equipment manufacturing.
(20) Oil processing, refining or manufacturing.
(21) Oleomargarine manufacturing.
(22) Piano manufacturing.
(23) Pumping station.
(24) Refrigerator manufacturing.
(25) Sheet Metal shop.
(26) Shoe polish manufacturing.
(27) Soybean oil manufacturing.
(28) Vehicle manufacture other than automobile.
(29) Vulcanizing shop.
(30) Wallpaper manufacturing.
(31) Welding establishments.
(32) Wood products manufacturing.
(33) Any medium manufacturing enterprise which is similar in character to any other use permitted in this district.

Section 2.002 - Motor Vehicle Parking Facility: (Amended 58-AO-2)

(1) Motor vehicle parking space with hard usable surface shall be provided off of the public street or highway in a ratio of not less than two hundred twenty (220) square feet of area to every four (4) persons employed on the premises for every building to be hereafter erected in an I-2 district, together with provision for ingress from and egress to the public street or highway. Such parking space shall not be leased or rented for hire, but shall be for the sole use of the occupants of such buildings and the visitors thereto.

Section 2.003 - Building Set-back Line: (Amended 58-AO-2)

(1) Between a building set-back line, as herein established for I-2 districts, and the street or highway right-of-way line no building or portion of a building may be erected or located.

(2) In all I-2 districts the front building set-back line is hereby established at one hundred (100) feet from the street or highway right-of-way line upon which the industrial building fronts. Provided, however, that where a building set-back line has been otherwise legally established then the building set-back line shall be distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Section 3 - I-3 Districts

In an industrial district designated I-3, no building or land shall be used and no building shall hereafter be erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

Section 3.001 - Uses:

(1) Any use permitted in I-2 industrial district.
(2) Any use permitted in R-5 residential district.
(3) Any use permitted in B-6 business district.
(4) Acetylene gas manufacturing.
(5) Acid manufacturing.
(6) Agricultural implement manufacturing.
(7) Automobile manufacturing.
(8) Automobile parts manufacturing.
(9) Beverage manufacturing. (Malt and spirits.)
(10) Bicycle manufacturing.
(11) Blast furnaces.
(12) Boilerworks.
(13) Brewery.
(14) Brick yards and kilns.
(15) Chemicals manufacturing.
(16) Clay products manufacturing.
(17) Coke ovens.
(18) Creosote manufacturing and treatment.
(19) Disinfectant manufacturing.
(20) Distillation of liquors, spirits, etc.
(21) Electric power plants.
(22) Engine manufacturing.
(23) Fat rendering.
(24) Fertilizer manufacturing.
(25) Foundry.
(26) Gas manufacturing.
(27) Glass manufacturing.
(28) Lime and gypsum manufacturing.
(29) Leather curing and tanning.
(30) Locomotive manufacturing.
(31) Lumber mill.
(32) Machine shop.
(33) Match factory.
(34) Metal and metal products manufacturing.
(35) Packing meat and poultry.
(36) Paint manufacturing.
(37) Planning mills.
(38) Plating works.
(39) Poultry and Rabbit killing and processing.
(40) Public utility plants.
(41) Rolling mills.
(42) Rubber manufacturing.
(43) Saw mills.
(44) Smelting metals.
(45) Soap mills.
(46) Steel mills.
(47) Tar paper manufacturing or processing.
(48) Tar products manufacturing.
(49) Tile and terra cotta manufacturing.
(50) Tire manufacturing.
(51) Tool and implement grinding.

Section 3.002 - Motor Vehicle Parking Facility: (Amended 58-AO-2)

(1) Motor vehicle parking space with hard usable surface shall be provided off of the public street or highway in a ratio of not less than two hundred twenty (220) square feet of area to every four (4) persons employed on the premises for every building to be hereafter erected in an I-3 district, together with provisions for ingress from and egress to the public street or highway. Such parking space shall not be leased, but shall be for the sole use of the occupants of such building and the visitors thereto.

Section 3.003 - Building Set-back Line: (Amended 58-AO-2)

(1) Between a building set-back line, as herein established for I-3 districts, and the street or highway right-of-way line no building or portion of a building may be erected or located.

(2) In all I-3 districts the front building set-back line is hereby established at one hundred (100) feet from the street or highway right-of-way line upon which the industrial building fronts. Provided, however, that where a building set-back line has been otherwise legally established then the building set-back line shall be a distance from the street or highway right-of-way line equal to the average distance of existing residence buildings from the street or highway right-of-way line.

Chapter X - Temporary Residential District

Section 1 - RT-1 District (Temporary Residence)

In a temporary residential district designated RT-1 no building or land shall be used and no building shall hereafter be located, erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 1.001 - Uses:

(1) Any use permitted in R-3 and complying with R-3 requirements.
(2) Motels (when used as a lodging place by the transient public).
(3) Accessory buildings customarily incident to the above use.
(4) Community Center.
(5) Public park, public playground, gymnasium.

Section 1.002 - Height:

In an RT-1 district no building shall hereafter be erected to a height greater than one (1) story or fifteen (15) feet measured from the lot grade at the front of the building to the line of the eaves of such building.

Section 1.003 - Yards:

For every building hereafter erected or structurally altered, in an RT-1 district, there shall be provided a front yard in compliance with dwelling set-back regulations and a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but the depth of such yard need not exceed thirty-five (35) feet and a side yard on each side of the building of not less than fifteen (15) per cent of the width of the lot measured at the set-back line.

Section 1.004 - Building Set-back Line:

(1) Between a building set-back as herein established and the street or highway right-of-way line no building or portion of a building other than an enclosed porch or ornamental fence or wall, not exceeding 3-1/2 feet in height, may be erected.

(2) In an RT-1 district the front building set-back line is hereby established at sixty (60) feet from the street or highway right-of-way line upon which said building fronts.

Section 1.005 - Lot Area:

In an RT-1 district no motel building shall hereafter be erected or structurally altered upon lot having an area of less than one acre.

Section 1.006 - Dwelling Unit Dimension:

In an RT-1 district no motel building shall hereafter be erected or structurally altered which has a ground floor area of less than two hundred (200) square feet per dwelling unit exclusive of garages or carports.

Section 1.007 - Distance Between Buildings on Same Plot:

In an RT-1 district no principal building shall be located closer to

any other principal building than the average height of said principal buildings.

Section 1.008 - Sanitation Facilities:

(1) Every motel building shall contain at least one (1) shower stall or bath tub, at least one (1) wash basin and at least one flush toilet for each of its dwelling units.

(2) Each dwelling unit in every motel building shall be provided with an adequate supply of pure water for drinking and bathing purposes.

Section 1.009 - Off Street Parking Requirements:

In an RT-1 district there shall be provided on the same lot with every motel building a garage space or a gravel surfaced or paved parking area sufficient in size to accommodate one motor vehicle for each dwelling unit contained in such motel building, together with provisions for ingress/egress to and from the public street, highway or alley. Such parking area shall not be leased, but shall be for the sole use of the occupants of the building. A minimum of one hundred forty-four (144) square feet of parking space (exclusive of ingress and egress provisions) shall be provided for each motor vehicle.

Section 2 - RT-2 (Temporary Residence)

In a temporary residential district designated RT-2 no building or land shall be used and no building shall hereafter be located, erected, converted structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 2.001 - Uses:

(1) Any use permitted in R-3 and complying with R-3 requirements.
(2) Motels.
(3) Tourist courts (tourist cabins, tourist cottages).
(4) Accessory buildings customarily incident to any of the above uses including buildings housing toilets, lavatories, showers, slop sinks, and laundry facilities.
(5) Community center.
(6) Public parks, public playground, gymnasium.

Section 2.002 - Requirements and Regulations for Tourist Courts:

(1) No tourist court shall hereafter be constructed, operated or maintained in any part of Marion County to which this ordinance applies without a permit therefore, issued by the County Building Commissioner. Applications for such permits shall be made in writing, and shall be accompanied by plans and specifications sufficient to establish the fact that the applicant is able to comply with the requirements hereinafter set forth. The permit shall be in writing and shall be displayed under glass in some public place on the premises to which it is applicable. The permit shall be for one year but shall be revocable by the said County Building Commissioner at any time for failure of the permittee to maintain all the requirements herein set forth. No such permit shall be issued unless said County Building Commissioner shall find from said application, plans and specifications that the applicant is prepared and agrees to conform to the following applicable requirements:

(2) No tourist court shall be constructed, operated or maintained which has a total ground area of less than twenty-five thousand (25,000) square feet.

(3) The minimum area of premises used or occupied by one unit in a tourist court shall be fifteen hundred (1500) square feet. The minimum land or driveway on which each individual tourist cabin, or tourist court unit shall front, shall be twenty (20) feet in width, surfaced with a durable, dust-proof, hard surface. Such lane or driveway shall have unobstructed access to a public street or highway.

(4) No tourist cabin shall be placed within twelve (12) feet of another, or within sixty (60) feet of the right-of-way line of any street, or within ten (10) feet of the boundaries of a tourist court lot, provided that in tourist courts sleeping units not more than two (2) rooms in depth may be placed side by side in a continuous structure and, provided further, that the maximum number of such sleeping units in any one structure shall not exceed ten (10) and that the minimum distance between said structures shall be twelve (12) feet at the ends thereof, and twenty (20) feet when such structures are placed back to back or thirty (30) feet when such structures are placed front to front. No tourist court structure shall be placed within ten (10) feet of the boundaries of the tourist court lot.

(5) The sanitary regulations of the Marion County and the State Board of Health shall be complied with as to all plumbing fixtures and sewerage facilities installed or maintained in any tourist court provided that there shall be sanitary facilities for each sex in proportions recommended by the State Board of Health.

(6) No tourist court shall be constructed, operated or maintained unless the same shall contain at least one bathing and toilet facility per each two (2) units or unless there shall have been erected thereon a suitable building or buildings, proportionate in floor area to the size of the tourist court, for housing toilets, lavatories and showers pursuant to the rules and recommendations of the State Board of Health. The distance from any tourist unit to the lavatory, toilet and shower accommodation shall not exceed two hundred fifty (250) feet.

(7) Provisions shall be made for the handling and removal of all garbage, trash or refuse from any tourist court in conformity to the sanitary regulations of Marion County. All entrances, exits, lanes and driveways between rows of tourist units used or occupied in any tourist court shall be lighted by electricity; at least one (1) fifty (50) watt light shall be provided for each fifty (50) lineal feet.

(8) Gasoline or oil storage tanks shall comply as to location and size with regulations of the State Fire Marshall.

(9) No business shall be conducted in any tourist unit in a tourist court.

(10) In an RT-2 district no building shall be erected to a height greater than one story or fifteen (15) feet measured from the grade to the line of the eave of such building.

(11) Any tourist court now established in areas covered by this ordinance shall conform to all of the above regulations except subparagraph (2) and (3) within ninety (90) days after effective date of this ordinance. Provided, however, that additions in area or structures, to presently established tourist courts shall comply with all the above regulations.

Section 2.003 - Water Supply:

(1) An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the court. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located in each tourist unit space. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing and laundry facilities.
AMENDED 4-AO-54

Section 3 - RT-3 District - (Temporary Residence)

In a temporary residence district designated RT-3 no building or land shall be used and no building shall hereafter be located, erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:

Section 3.001 - Uses:

(1) Any use permitted in an R-3 District and complying with R-3 requirements.
(2) Motels, tourist courts.
(3) Trailer coach parks, trailer camps.
(4) Accessory building customarily incident to the above used including buildings housing toilets, lavatories, showers, slop sinks and laundry facilities.
(5) Community center.
(6) Public parks, public playground and gymnasium.

Section 3.002 - Permits:

(1) It shall be unlawful for any person to maintain or operate within the limits of the unincorporated area of Marion County, any trailer camp or trailer coach park unless such person shall obtain a permit therefor. All trailer coach parks or trailer camps in existence upon the effective date of this ordinance shall within ninety (90) days thereafter obtain such permit and in all other respects comply fully with the requirements of this ordinance.

(2) The permit shall be in writing and shall be displayed under glass in some public place on the premises to which it is applicable. The permit shall be for one year but shall be revocable by the said County Building Commissioner at any time for failure of the permittee to maintain all the requirements herein set forth. No such permit shall be issued unless said County Building Commissioner shall find from said application, plans and specifications that the applicant is prepared to and agrees to conform to the applicable requirements hereinafter set out.

Section 3.003 - Permit Fees:

(1) The annual permit fee for each trailer coach park shall be $25.00 for each block of 100 trailer coach spaces or fraction thereof provided that the maximum annual permit for one trailer coach park shall not be more than $250.00.

(2) In addition to the annual permit fee there shall be a quarterly inspection fee of $1.00 for each trailer coach space which has been occupied during that quarter for a period or periods aggregating more than thirty (30) days. AMENDED 4-AO-54

(3) The fee for the transfer of a permit as provided in this ordinance shall be $25.00.

Section 3.004 - Application for Permit:

(1) Applications for a trailer coach park permit shall be filed with and issued by the County Building Commissioner. Applications shall be in writing signed by the applicant and shall contain the following:

(a) The name and address of the applicant.
(b) The location and legal description of all land included in the trailer coach park.
(c) A complete plan of the park showing compliance with all sections of this ordinance.
(d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.
(e) Such further information as may be requested by the County Board of Health to enable it to determine if the proposed park will comply with legal requirements.

(2) The application and all accompanying plans and specifications shall be filed in triplicate. The County Building Commissioner shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this ordinance and all other applicable ordinances or statutes, the County Building Commissioner shall approve the ap-

plication and upon completion of park according to the plans shall issue the permit.

(3) Upon application for a transfer of the permit, the County Building Commissioner shall issue a transfer if his investigation shall show that the transferee is of good moral character.

Section 3.005 - Trailer Coach Park:

The trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Trailer coach spaces shall be provided consisting of a minimum of 1,500 square feet for each space which shall be at least thirty feet in width and fifty (50) feet in length and clearly defined. Trailer coaches shall be harbored, on each space, that there will be at least fifteen (15) feet clearance between trailer coaches. No trailer coach shall be located closer than ten (10) feet from any property line bounding the park closer than sixty (60) feet to the right-of-way line of the street or highway upon which said park fronts.

(3) All trailer coach spaces shall abut upon a driveway not less than twenty (20) feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be hard surfaced, well marked in the daytime and lighted at night with not less than fifty (50) watt lamps at intervals of not more than fifty (50) feet located approximately ten (10) feet above the ground.

(4) Walkways not less than two feet wide shall be provided from the trailer coach spaces to the service buildings. The walkways shall be hard surfaced, well marked in the daytime and lighted at night with not less than fifty (50) watt lamps at intervals of not more than fifty (50) feet located approximately ten (10) feet above the ground.

(5) Each park shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities as hereinafter more particularly prescribed.

(6) An electrical circuit supplying at least 110 volts shall be provided for each trailer coach space.

(7) No trailer coach park or trailer camp shall be constructed, operated or maintained which has a total ground area of less than 5 acres. AMENDED 1-AC-53

Section 3.006 - Water Supply:

(1) An adequate supply of pure water for drinking and domestic purpose shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located on each trailer coach space. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing, and laundry facilities.

Section 3.007 - Sanitation Facilities:

(1) Each park shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

(2) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a sound-resistant wall.

(3) Toilet facilities for women shall consist of not less than one flush toilet for every ten (10) trailer coach spaces, one shower or bath tub for every ten (10) trailer coach spaces, and one lavatory for every twenty (20) trailer coach spaces. Each toilet showers and bath tub shall be in a private compartment.

(4) Toilet facilities for men shall consist of not less than one flush toilet for every fifteen (15) trailer coach spaces, one shower or bath tub for every ten (10) trailer coach spaces, one lavatory for every ten (10) trailer coach spaces and one urinal for every fifteen (15) trailer coach spaces. Each toilet, shower and bath tub shall be in a private compartment.

(5) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems, and shall be located not closer than ten (10) feet nor farther than 200 feet from any trailer coach space.

(6) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(7) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened opening, shall be constructed of such moisture-proof material, painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious material and shall slope to a floor drain connected with the sewage system.

(8) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

Section 3.008 - Laundry Facilities:

(1) The laundry facilities shall be provided in the ratio of one double laundry tub or one automatic washing machine and one ironing board for every ten (10) trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board.

Drying space shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

Section 3.009 - Sewage and Refuse Disposal:

(1) Waste from showers, bath tubs, toilets, slop sinks and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard. All kitchen sinks, washbasins, bath or shower tubs in any trailer coach harbored in any park may empty into a sanitary sink drain located on the trailer coach space.

Section 3.010 - Garbage Receptacles:

(1) Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 100 feet from any trailer coach space. The cans shall be kept in sanitary condition at all times. Garbage shall be collected and disposed of as frequently as may be necessary to insure that the garbage will not overflow.

Section 3.011 - Fire Protection:

(1) Every park shall be equipped at all times with one fire extinguisher in good working order for every ten (10) trailer coach spaces located not farther than 200 feet from each trailer coach space. No open fires shall be permitted at any place which

would endanger life or property. No fires shall be left unattended at any time.

Section 3.012 - Animals and Pets:

(1) No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach park.

Section 3.013 - Register of Occupants:

(1) It shall be the duty of the permitee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

(a) Name and address of each occupant.
(b) The make, model and year of all automobile and trailer coaches.
(c) License number and owner of each trailer coach and automobile by which it is towed.
(d) The state issuing such licenses.
(e) The dates of arrival and departure of each trailer coach.

(2) The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration.

Section 3.014 - Posting of Permit:

(1) The trailer coach park permit shall be conspicuously posted in the office of, or on the premises of the trailer coach park at all times.

Section 3.015 - Use with Fixed Structures:

(1) Any action to erect, place or maintain any structure, tent, sectional or prefabricated cabin or cottage or any other structure in or upon any premises permitted as a trailer coach park which is to be used in connection with or added to any trailer legally located on a unit of land in such trailer coach park shall subject the trailer to the requirements of this zoning ordinance for dwellings and to the Building Code of Marion County, Indiana.

Section 3.016 - Official Inspection:

(1) All trailer camps and trailer coach parks and appurtenant facilities shall be open to inspection by public officials at all times.

Section 3.017 - Time Limit:

(1) Any trailer coach park or trailer camp now established in areas covered by this ordinance shall conform to all of the regulations set out in Section 2, hereof, except sub-paragraph (7) of sub-section 2.002 and sub-paragraph (2) of sub-section 3.005, within ninety (90) days after the effective date of this ordinance.

Chapter XI - Special Uses Districts

Section 1

The uses set out in Section 1.001 of Chapter XI of the Marion County Master Plan Permanent Zoning Ordinance are each, hereby, classified as Special Uses:

Section 1.001 - Uses:

(1) Churches.
(2) Schools.
(3) Golf courses, golf ball driving ranges.
(4) Airport or landing fields.
(5) Radio receiving or broadcasting towers and accessory buildings.
(6) Hospitals and sanitariums.

(7) Charitable and philanthropic institutions.
(8) Correctional and penal institutions.
(9) Buildings and grounds used by any department of township, county, state or federal government.
(10) Cemeteries.
(11) Auto wrecking and junking.
(12) Junkyards -- iron, rag, paper -- storage or bailing.
(13) Rubbish dumps.
(14) Garbage feeding and disposal.
(15) The raising or maintenance of animals or livestock for biological purposes or for their fur or pelts.
(16) Amusement parks and swimming pools privately owned and open to public patronage.
(17) Automobile race tracks, speedways.
(18) Light and power substations.
(19) Drive-In Theatres.
(20) Advertising signs or billboards. (Amended 2-AO-55)
(21) Dog kennels, boarding and breeding.
(22) Livestock sales yards and auction yards.
(23) Permanent gravel and sand processing plant and stock piling.
(24) Abattoir.
(25) Asphalt handling.
(26) Glue Manufacturing.
(27) Livestock killing or meat processing.
(28) Petroleum refineries and petroleum products storage.
(29) Reduction plants.
(30) Rock Crushing, grinding or milling.
(31) Slaughter house.
(32) Stock yards.
(33) Pharmaceutical laboratories. (Amended 3-AO-53)
(34) Club Rooms (a) (Amended 3-AO-53)
(34) Fraternal Rooms (b) (Amended 12-AO-54)
(34) Ballrooms Public (c) (Amended 12-AO-54) 1-AO-54
(35) Telecommunication - Broadcasting towers. (Amended ~~12-AO-54~~)
(36) Riding Academies, commercial stables. (Amended ~~1-AO-54~~)
(37) Library. (Amended 2-AO-54) AMENDED 14-AO-54 2-AO-54
(38) Community Center. (Amended 14-AO-54)
(39) Water tanks & similar structures not on buildings. (Amended ~~14-AO-54~~) 1-AO-55
(40) Dance studio. (Amended ~~1-AO-55~~) 3-AO-55
(41) Sewage Disposal. (Amended 3-AO-55) (Amended 3-AO-56)

Provided that all churches, schools, golf courses, golf driving ranges, airport, or airplane landing fields, hospitals, sanitariums, charitable and philanthropic institutions, correctional and penal institutions, federal, state, county or township buildings, cemeteries, amusement parks, swimming pools, automobile race tracks or speedways, light and power substation, drive-in theatres, dog kennels, livestock sales and auction yards, abattoir handling, glue manufacturing, livestock killing or meat processing, petroleum refineries and petroleum products, reduction plants, slaughter house and stock yards shall be provided with adequate off-street parking and loading space.

AMENDED (42) 59-AO-[illegible] (43) 59-AO-20

Section 1.002

The use of every Special Uses District heretofore or hereafter established, shall be limited to the use first lawfully established therein. If said use, so established, shall thereafter be abandoned then the area comprising said Special Uses District shall become zoned and be classified an A-1 district without further action of the Board of County Commissioners.

Section 1.003

In order to change the use of any of said special uses districts it shall be necessary to have the area comprising said special uses district re-zoned by amendment to the zoning ordinance and map.

Chapter XII - Railroad Districts.

Section 1

Railroad district now existing in the unincorporated areas of Marion

County, are each hereby classified and zoned as railroad districts and designated "Railroad Districts" on the legend of the district maps.

Section 1.001 - Uses:

(1) Railroad tracks, right-of-ways, passenger and freight yards and depots, spurs and switch sites actually operated by a railroad. Said railroad districts may continue in and shall be limited to the use existing therein at the effective date of this ordinance. Provided, however, that if said use shall thereafter be abandoned, then the area comprising said use shall become zoned and be classified as agriculture 1 without further action of the Board of County Commissioners.

Chapter XII A. Gravel - Sand District

Section 1 - Gravel - Sand Districts - Purpose - Establishment.

(1) Purpose - It is the purpose and object of this Chapter to establish reasonable and uniform limitations, safeguards and controls in the unincorporated areas of Marion County, Indiana, for the further production of sand and gravel irrespective of the regulations of the Marion County Master Plan Permanent Zoning Ordinance. Restrictive limitations, safeguards and controls are deemed necessary in the public interest to effect practices which will provide for a more economic production of sand and gravel and which will also take into consideration the surface use of land as such uses are indicated by the value and character of the existing improvements in the districts where such production is hereinafter permitted, the desirability of the area for residential or other uses, or any other factor directly relating to the public health, comfort, safety and general welfare in sand and gravel districts.

(2) Establishment - Certain lands, as shown on the secondary zoning classification maps, containing deposits of gravel and sand or both shall be given a secondary zoning classification of "Gravel - Sand District" and be designated "G-S Gravel - Sand District" on the legend of the secondary zoning classification maps. In a Gravel - Sand District designated G-S no structure or land shall be used and no building, structure, sand or gravel plant, or sand or gravel equipment shall hereafter be located, unless otherwise provided herein except for one or more of the following uses:

(a) Any use permitted in the primary zoning district in which said Gravel - Sand District is situated.
(b) Mining, quarrying, excavating of sand or gravel or both.
(c) Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and stock-piling of sand or gravel, or both, mined on the premises.

Provided, however, that permanent plants for the processing and stock-piling of gravel or sand, mined on the premises or elsewhere, shall not be permitted in any Gravel - Sand District except one which has a primary zoning classification of I-3. It is further provided that changes in the primary zoning classification of areas comprising, in whole or in part, a Gravel - Sand District shall not affect such Gravel - Sand District as herein established. It is further provided that Gravel - Sand Districts as herein established shall be enlarged or diminished only by ordinance.

Section 1.001 - Requirements and Regulations:

(1) No gravel or sand shall hereafter be mined in any part of Marion County, to which this ordinance applies, unless a permit for such work has been issued by the Clerk of the Improvement Location Department.

(2) Applications for the permits mentioned in sub-paragraph (1) of Section 1.001 shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all of the applicable requirements set out in Section 1.001 of Chapter XII A. Said bond shall be in an amount fixed by the Plan Commission, but not be less than one thousand ($1,000.00) dollars and not more than ten thousand ($10,000.00) dollars and shall be with surety approved by the Plan Commission. Said bond shall specify

the time for the completion of all of the applicable requirements of said Section 1.001 of Chapter XII A. Such permit shall be renewed for like periods provided an application accompanied by bond is filed within six (6) months before any expiration date, with the said Clerk as provided herein in case of original application, provided the applicant is carrying out the requirements of his permit in good faith and there exists no judicial determination at said time to the contrary. (Amended 59-AO-17)

(3) All equipment used for the production of sand or gravel shall be constructed, maintained and operated in such a manner as to eliminate as far as practicable, noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.

(4) No production of sand or gravel shall be permitted nearer than fifty (50) feet to the boundary of a district designated Gravel - Sand District nor shall such production be permitted nearer than fifty (50) feet to the boundary of an adjoining property within any such Gravel - Sand District unless the written consent of the owner in fee of such adjoining property is first secured.

(5) No excavation shall be made closer than one hundred fifty (150) feet from the right-of-way line of any existing or platted street, road or highway, except mining of sand and gravel may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing elevation of the adjoining and existing or platted street, road or highway.

(6) All excavation must either be made to a water-producing depth, such depth to be not less than five (5) feet measured from the low water mark, or graded or back-filled with non-noxious, non-inflammable and non-combustible solids to assure the following:

(a) That the excavated area will not collect and permit to remain therein stagnant water.

(b) That the surface of such area shall be graded or back-filled as necessary so as to reduce the peaks and depressions thereof to a surface which will result in a gently rolling topography, and minimize erosion due to rainfall, and which will be in substantial conformity to the land area immediately surrounding.

(c) To plant trees, shrubs, legumes or grasses upon the parts of such area where revegetation is possible.

(7) The banks of all excavations not back-filled as provided in sub-paragraph (6) of sub-section 1.001, shall be sloped to the water line at a slope which shall not be less than one and one-half (1-1/2) feet horizontal, to one (1) foot vertical and said bank shall be sodded or surfaced with a minimum of six (6) inches of suitable soil, and the same shall be seeded with grass seed.

(8) Whenever the permit referred to in sub-paragraph 1 of section 1.001 hereof shall have expired or whenever any gravel or sand pit or excavation shall have been abandoned for any period exceeding twelve (12) consecutive months then all plants, buildings, structures (except fences), stockpiles and equipment shall be entirely removed from such property. Provided, however, that the provisions of this sub-paragraph shall not apply to permanent sand or gravel processing plants located in an I-3 district.

Chapter XIII - General Provisions and Exceptions

Section 1 - The foregoing regulations shall be subject to the following exceptions:

The following uses shall be permitted in any district providing that such uses do not alter the character of the premises in respect to their use for the purpose permitted in such respective districts:

(1) Real estate offices of a temporary character when located on premises being offered for sale.

(2) Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.,

(3) In zoning district permitting the same, no service station, mechanical garage, or public parking lot shall be erected, operated, or maintained where an entrance or exit for motor cars is lo-

cated on the same side of the street within two hundred (200) feet of a pedestrian entrance or exit from a public or private school, park, parkway, playground, public library, church, hospital, home for children or the aged, or other public or semi-public institution.

(4) No high tension steel tower transmission lines, radio broadcasting towers, railroads or railways shall be constructed on right-of-ways acquired after the effective date of this ordinance, unless authorization, therefor, is obtained in the manner provided herein, for variances from and amendments to this ordinance. Upon the granting of such authorization by amendment to the ordinance or by variance granted by the Board of Zoning Appeals the Clerk of the Improvement Location Permit Department shall, upon proper application, issue an Improvement Location Permit, and the County Building Commissioner shall, upon proper application, issue a building permit for the proposed construction.

Section 1.001 - Height:

(1) Chimney stacks, penthouses, cupolas, water tanks and similar structures and necessary mechanical appurtenances may with the permission of the Board of Zoning Appeals, be built and used to a greater height than the limit established within the district in which such structures are located. Provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any mechanical purpose other than such as may be incidental to the permitted uses of the main building.

(2) Public or semi-public buildings, institutions, churches, hospitals, sanitariums, schools or colleges may be erected to a height not to exceed sixty (60) feet, provided that where they are located in residential districts R-1 to R-3, inclusive, they must be set back from each property line at least five (5) feet for each ten (10) feet of additional building height above the limit for the district in addition to the other front and side yard requirements for the district.

Section 1.002 - Area and Yard Exceptions:

(1) No gasoline pumps in a zoning district permitting the same shall be located closer than twelve (12) feet (measured from center line of said pumps) to the nearest lot line, or line of established street or highway. On a corner lot, when a gasoline pump or series of pumps is placed in a pump island parallel to the lot line or at an angle to the lot line, the end pump nearest the street shall be located no closer than twenty (20) feet (measured along the axis of said pump island) to the street line of said street.

(2) Any lot shown upon a recorded subdivision or any lot for which a deed is of record in the office of the recorder of Marion County, or any lot for which a contract of sale is in full force and effect at the time this ordinance becomes effective, may be used as a building site.

(3) Front yard regulations, and side yard regulations on street or highway corner lots in each district shall be subject to the provisions of this ordinance in which building set-back lines have been established. Provided, however, that no building shall be erected, altered or moved, nor shall any excavation be made in a B-1, B-2, B-3, B-4, B-5, B-6, I-1, I-2 or I-3 district so as to be within five (5) feet of the side line of the front half of an adjacent lot if said adjacent lot is in a residential district.

(4) A detached accessory building shall occupy not more than fifty (50) per cent of the area of the rear yard.

(5) Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum side yard more than twenty-four (24) inches.

(6) Detached accessory building in residential districts R-1 to R-5 inclusive, shall conform to the following regulations:

(7) In the case of an interior lot abutting upon one street, no detached accessory building shall be erected, altered, or moved so as to encroach upon the front half of the lot.

(8) In the case of an interior lot abutting on two (2) or more streets no accessory building shall be erected, altered or moved so as to place the street wall of the accessory building closer to the street line or lot line than the street wall of the main building is to the front street line or front lot line.

(9) In the case of a corner lot abutting upon two (2) streets, no accessory building shall be erected, altered or moved so as to encroach upon the area between such respective streets and lines drawn parallel to such streets respectively in a manner to divide the lot into two (2) equal areas, the two (2) parallel lines being at all times equi-distant from the respective street lines.

(10) In the case of a corner lot abutting on more than two (2) streets, no detached accessory building shall be erected, altered, or moved so as to be nearer the street line on the long side of the lot than one-fifth of the width of the lot, and so as to be nearer the street line on the ends of the lot than one-fifth of the length of the lot.

(11) No detached accessory building shall be erected, altered, or moved so as to be within five (5) feet of the side line of the front half of an adjacent lot.

(12) No accessory building shall be placed nearer than eighteen (18) inches from any side or rear lot line, or in any case nearer than five (5) feet to an alley, provided that an accessory building having no entrance on an alley may be placed eighteen (18) inches from the alley line.

(13) Where an accessory building is attached to and made a part of the main building, such accessory building shall comply in all respects with the requirements of this ordinance applicable to the main building.

(14) All detached accessory buildings shall be placed at least five (5) feet behind or to the rear of the rear wall of the main building on the lot.

(15) In the R-1 to R-5 residential districts, inclusive, no buildings except those designed, used or intended to be used for dwelling purposes shall occupy in excess of twenty (20) per cent of the area of the lot.

(16) Porches, terraces (other than sod or grass), steps, and outside stairways, not above the first floor, unroofed and unenclosed, shall not project more than four (4) feet into any side yard. In no case shall said projecting porch, terrace, or steps be nearer than three (3) feet to the side lot line.

AMENDED 59-AO-3 AND 59-AO-19

Section 1.003 - Lots of Non-Conforming Width:

A platted lot having less than the minimum frontage required for the residential district in which it is situated shall be given an additional classification to be indicated by a letter as follows:

(1) R-1a, R-2a, R-3a, R-4a, or R-5a, to indicate one (1) to ten (10) feet less than the minimum frontage required for the district in which said lot is situated.

(2) R-1b, R-2b, R-3b, R-4b, or R-5b, to indicate more than ten (10) and up to twenty (20) feet less than the minimum frontage required for the district in which said lot is situated.

(3) R-1c, R-2c, R-3c, R-4c, or R-5c, to indicate more than twenty (20) feet and up to thirty (30) feet less than the minimum frontage required for the district in which said lot is situated.

(4) R-1d, R-2d, R-3d, R-4d, or R-5d, to indicate more than thirty (30) feet less than the minimum frontage required for the district in which said lot is situated.

(5) On a lot less than sixty (60) feet in width, platted or separately owned prior to the effective date of this ordinance the side yards may be reduced to a width equal to ten (10) per cent of the width of the lot at the set-back line.

(6) On a lot thirty-five (35) feet or less in width the north or west side yard may be reduced to three (3) feet in width and the south or east side yard may be reduced to four (4) feet in width.

(7) The front yard, rear yard and percentage of lot occupied by buildings and all other requirements must comply with the district in which the lot or lots are situated.

(8) In the case of any lot platted or separately owned prior to the effective date of this ordinance and less in width than required for the district in which the lot is located, the side yards may be reduced to a width equal to the width required by or shown on the plat or required by any restriction or covenant running with the land, if such there may be.

(9) In the case of two lots in any residential district, owned by one owner, a residence may be centered upon the dividing line between the two said lots. Provided, however, that the height, yard, building set-back line, lot area and dwelling dimension regulation applicable to the district in which such lots are located, shall apply.

Section 1.004 - Non-Conforming Uses:

(1) The lawful use or occupancy of land existing at the time of the effective date of this ordinance may be continued as a non-conforming use, but if such non-conforming use is discontinued, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance. Provided, however, that no non-conforming use may be extended or expanded without permission of the Board of Zoning Appeals.

(2) Nothing herein contained shall prevent the structural alteration, restoration, or repair of any structure or building lawfully occupied by a non-conforming use at the effective date of this ordinance; provided, however, that such structural alteration, restoration, or repairs shall not constitute expansion and shall not during its life exceed fifty (50) per cent of the assessed valuation of such structure or building, said valuations being that in effect at the effective date of this ordinance.

(3) If at any time any building in existence or maintained at the effective date of this ordinance which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, act of God, or act of the public enemy to the extent of more than seventy-five (75) per cent of the assessed value thereof, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then the said building and land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this ordinance for the district in which such land and building are located.

(4) The provisions of subsections (1), (2), and (3) of this section shall apply to non-conforming uses in districts hereafter changed.

(5) The lawful use, occupancy, location and/or height of a building or part of a building existing at the effective date of this ordinance may be continued as a non-conforming use, occupancy, location and/or height. Provided, however, that no non-conforming use may be extended without permission of the Board of Zoning Appeals.

(6) Whenever any district shall be hereafter changed or the requirements thereof shall be changed, any then non-conforming use, occupancy or location requirement and/or height limitation may be continued or changed to a use permitted in new district provided all other regulations governing the new district are complied with. Provided, however, that no non-conforming use may be extended or expanded without permission of the Board of Zoning Appeals.

(7) Whenever a lawful non-conforming use, occupancy, location and/or height of a building has been changed to a more restricted use, occupancy, location and/or height, or to a conforming use, occupancy, location and/or height, such use, occupancy, location and/or height shall not thereafter be changed to a less restricted use, occupancy, location and/or height unless the district in which such building is changed to permit less restrictive requirements.

(8) Nothing in this ordinance shall be construed as prohibiting agriculture in any of the districts except as specifically provided in the restrictions of said district.

(9) AMENDED 2-AO-55

Chapter XIV - County Plan Commission

Section 1

Under authority of the Acts of 1947, Indiana General Assembly, a County Plan Commission is hereby created consisting of nine (9) members whose qualifications, term of office, powers and duties shall be as set out in Section 11 through Section 16 of Chapter 174 of the Acts of the 1947 Indiana General Assembly as applying to County Plan Commissions.

Section 1.001 - Rules and Procedures:

(1) The Plan Commission shall, from time to time, adopt such rules concerning the filing, service of notice and conduct of hearing on petitions for the change, amendment or supplement of the Zoning Ordinance and maps; and concerning the filing, service of notice and conduct of hearings on applications for the approval of plats or replats as shall be necessary to carry out their duties under the terms of this ordinance and of Chapter 174 of the Acts of the 1947 General Assembly.

AMENDED 5-AO-53 AND 57-AO-2

Section 1.002 - Subdivision Control:

(1) In order to secure a harmonious development of real estate, provide for the coordination of streets, secure open spaces for the movement of traffic, the development and maintenance of public utility services and access of fire fighting apparatus and police vehicles, preserve sufficient light and air for wholesome habitation and to prevent excess concentration of population in certain areas, the following set-out plans, rules, regulations and/or specifications are hereby declared to be the Marion County provisions for subdivision control and the approval of plats or replats.

(2) In determining whether an application for the approval of a plat or replat shall be granted the Commission shall determine whether or not the plat or replat provides for:

(a) Coordination of subdivision streets with existing and planned streets or highways.
(b) Coordination with and extension of facilities included in the Master Plan.
(c) The minimum width, depth and area of lots within the projected subdivision meet the requirements of the zoning ordinance.
(d) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and to the harmonious development of the county.
(e) Fair allocations of areas for streets, parks, schools, public and semi-public buildings, homes, utilities, business and industry.

(3) As a condition of approval of a plat the Plan Commission may specify the following:

(a) The manner in which streets and roadways shall be laid out, graded and improved.
(b) Provisions for water, sewerage, and other utility services.
(c) Provisions for schools.
(d) Provisions for essential municipal service.
(e) Provisions for recreational facilities.

(4) Every person desiring the approval of a plat or replat shall submit a written application for a certificate of approval together with three blue print sketches of the proposed plat to the County Plan Commission. Upon receipt of the application the Plan Commission, if it tentatively approves the application, shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise, any person or governmental unit having