

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2001
Proposal No. 88, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to establish the electronic zoning map as the official zoning map for all zoning districts within Marion County.

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

SECTION 1. Section 731-100 of the "Revised Code of the Consolidated City and County," regarding the establishment of dwelling zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 731-100. Establishment of official zoning map; establishment of dwelling zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of dwelling zoning districts. The following primary dwelling zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the ~~applicable zoning maps~~ official zoning map by the following zoning district symbols, respectively ~~(which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):~~

Dwelling Zoning Districts

| <i>District</i> | <i>Symbol</i> |
|-----------------------------------|---------------|
| Dwelling agriculture district | D-A |
| Dwelling suburban district | D-S |
| Dwelling district one | D-1 |
| Dwelling district two | D-2 |
| Dwelling district three | D-3 |
| Dwelling district four | D-4 |
| Dwelling district five | D-5 |
| Dwelling district five-two | D-5II |
| Dwelling district six | D-6 |
| Dwelling district six-two | D-6II |
| Dwelling district seven | D-7 |
| Dwelling district eight | D-8 |
| Dwelling district nine | D-9 |
| Dwelling district ten | D-10 |
| Dwelling district eleven | D-11 |
| Dwelling district twelve | D-12 |
| Planned unit development district | D-P |

SECTION 2. Section 732-100 of the "Revised Code of the Consolidated City and County," regarding establishment of commercial zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 732-100. Establishment of official zoning map; establishment of commercial zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of primary commercial zoning districts. The following primary commercial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the ~~applicable zoning maps~~ official zoning map by the following zoning district symbols, respectively (~~which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance~~):

| <i>Title</i> | <i>Symbol</i> |
|--|---------------|
| Office-Buffer District | C-1 |
| High Intensity Office-Apartment District | C-2 |
| Neighborhood Commercial District | C-3 |
| Corridor Commercial District | C-3C |
| Community-Regional Commercial District | C-4 |
| General Commercial District | C-5 |
| Thoroughfare Service District | C-6 |
| High Intensity Commercial District | C-7 |
| Commercial-Industrial District | C-ID |
| Special Commercial District | C-S |

SECTION 3. Section 733-100 of the "Revised Code of the Consolidated City and County," regarding establishment of industrial zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 733-100. Establishment of official zoning map; establishment of industrial zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;

- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of primary industrial zoning districts. The following primary industrial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the ~~applicable zoning maps~~ official zoning map by the following zoning district symbols, respectively: ~~(which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):~~

Industrial Zoning District

| <i>District</i> | <i>Symbol</i> |
|--------------------------------|---------------|
| Restricted Industrial Suburban | I-1-S |
| Light Industrial Suburban | I-2-S |
| Medium Industrial Suburban | I-3-S |
| Heavy Industrial Suburban | I-4-S |
| Restricted Industrial Urban | I-1-U |
| Light Industrial Urban | I-2-U |
| Medium Industrial Urban | I-3-U |
| Heavy Industrial Urban | I-4-U |

SECTION 4. Section 735-101 of the "Revised Code of the Consolidated City and County," regarding airport special use zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-100. Establishment of official zoning map; establishment of Airport Special Use District.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) An Airport Special Use District is hereby established as a ~~which~~ primary zoning district, and shall permit the following uses:

Public airports municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public, subject to the requirements of section 735-101.

SECTION 5. Sections 735-102 through 735-105 of the "Revised Code of the Consolidated City and County," inclusive, regarding airport zoning districts, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-102. Zoning maps Airport special use district designation.

All land within ~~such district~~ the airport special use district shall be designated upon the ~~applicable zoning maps (adopted as a part of the zoning ordinances and Ordinance No. 8-1957)~~ official zoning map by the symbol "A" superimposed in the approximate geographic center of such district, the boundaries of which district to be designated and outlined.

Sec. 735-103. Establishment of Airspace district.

An airspace district, a secondary zoning district, is hereby established for Marion County, Indiana, and land within Marion County, Indiana, as designated on the ~~airspace district zoning base maps (which maps are attached hereto, incorporated herein and made a part of this article following section 735-105)~~ official zoning map, is hereby zoned and classified as the airspace district. The airspace district shall consist of airport instrument and noninstrument approach surface areas, airport transitional surface areas, airport horizontal surface areas and conical surface areas, heliport approach surface areas and heliport transitional surface areas as defined in section 735-105 and indicated on the ~~airspace district zoning base maps~~ official zoning map.

Sec. 735-104. Airspace district regulations.

The following regulations shall apply to all land within the airspace district. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land; in case of conflict, the more restrictive regulations shall control.

(a) *Use.*

- (1) *Prohibited uses-airport.* Within that part of the airport instrument and airport noninstrument approach surface areas and airport transitional surface areas of the ~~airspace district~~ official zoning map, which extend within ten thousand (10,000) feet from each end of a runway measured horizontally along the extended center line of such runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.
- (2) *Prohibited uses-heliport.* Within that part of the heliport surface areas and heliport transitional surface areas of the airspace district, as defined in section 735-105 and designated on the ~~airspace district~~ official zoning map, which extend four thousand (4,000) feet from the designated landing and takeoff area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional institution or any other public assembly use.

(b) *Height limits-airports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport noninstrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area, as defined in section 735-105 and designated on the ~~airspace district~~ official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the ~~airspace district~~ official zoning map).

- (1) *Height limits for the airport instrument approach surface area shall be:* One (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet

from the end of the runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.

- (2) *Height limits for the airport noninstrument approach surface area shall be:* One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the noninstrument runway and extending to a point five thousand two hundred (5,200) feet from the end of the runway; thence one (1) foot in height for each sixteen (16) feet in horizontal distance to a horizontal distance of ten thousand two hundred (10,200) feet from the end of the runway.
- (3) *Height limits for the airport transitional surface area shall be:* One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet from the center line of noninstrument runways, measured at right angles to the longitudinal center line of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation as indicated on the ~~airspace district~~ official zoning map; one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all instrument and noninstrument approach surface areas for the entire length of such approach surface areas, extending to their intersection with the outer line of the conical surface area; and, beyond such points of intersection, beginning at the outer lines of all instrument approach surface areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway center line, one (1) foot vertical height for each seven (7) feet of horizontal distance.
- (4) *Height limit for the airport horizontal surface area shall be:* One hundred fifty (150) feet above the established airport elevation as indicated on the ~~airspace district~~ official zoning map.
- (5) *Height limit for the airport conical surface area shall be:* One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal surface area and measured perpendicularly to the periphery of the horizontal surface area to a height of three hundred fifty (350) feet above the airport elevation. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(c) *Height limits-heliports.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the airspace district to a height in excess of the following height limits herein established for the applicable heliport approach surface area and heliport transitional surface area, as defined in section 735-105 and designated on the ~~airspace district~~ official zoning map. (Such height limits shall be computed from the applicable heliport landing and takeoff area elevation as designated on the ~~airspace district~~ official zoning map).

- (1) *Height limit for the heliport approach surface area shall be:* One (1) foot in height for each eight (8) feet in horizontal distance beginning at the end of the heliport primary surface (such primary surface coinciding in size and shape with the designated takeoff and landing area of the heliport) with the same width as the primary surface and extending outward and upward from a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet.
- (2) *Height limit for the heliport transitional surface area shall be:* One (1) foot in height for each two (2) feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surface for a distance of two hundred fifty (250) feet measured horizontally from the center line of the primary and approach surfaces. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.

(d) *Performance standards.* The following performance standards shall apply to all land within the perimeter of the airport conical surface area and heliport transitional surface area as defined in section 735-105 and indicated on the ~~airspace district~~ official zoning map.

- (1) *Interface with communications.* No use shall create interface with any form of communication, the primary purpose of which is for air navigation.
- (2) *Glare; marking and lighting of airspace hazards.*
 - a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare which may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.
 - b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in section 735-105, shall be permitted.
- (3) *Smoke, dust, particulate matter.*
 - a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 511 of this Code and regulations adopted pursuant thereto (a copy of which is on file in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
 - b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

Sec. 735-105. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.*

Airport conical surface area. The land area designated as "airport conical surface area" on the ~~airspace~~ district official zoning map, beginning at the periphery of the horizontal surface area and thence extending outwardly a distance of four thousand (4,000) feet - such conical surface area not including, however, the instrument and noninstrument approach surface areas and transitional surface area.

Airport horizontal surface area. The land area designated as "airport horizontal surface area" on the ~~airspace~~ district official zoning map, the perimeter of which is determined by projecting arcs from the center of the inner line of each instrument and noninstrument approach surface area (the dimension of such arcs for instrument approach surface areas being ten thousand (10,000) feet and for noninstrument approach connecting adjacent arcs by lines tangent thereto - not including, however, as a part of the horizontal surface area, the instrument and noninstrument approach surface areas and transitional surface area).

Airport instrument approach surface area. The land area designated as "airport instrument approach surface area" on the ~~airspace~~ district official zoning map, located at each end of each instrument runway for landings and take-offs - such surface area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its center line being the continuation of the runway center line.

Airport landing area. The area of the airport used for the landing, taking-off or taxiing of aircraft.

Airport noninstrument approach surface area. The land area designated as "airport noninstrument approach surface area" on the ~~airspace~~ district official zoning map, located at each end of each noninstrument runway for noninstrument landings and take-offs - such surface area having a width of five hundred (500) feet at a horizontal distance of two hundred (200) feet beyond each end of the runway and widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its center line being the continuation of the runway center line.

Airport transitional surface area. The land area designated as "airport transitional surface area" on the ~~airspace~~ district official zoning map, located adjacent to each instrument and noninstrument runway - such surface area extending outward as indicated on the ~~airspace~~ district official zoning map from a line two hundred fifty (250) feet on either side of the center line of a noninstrument runway, for the length of such runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area, and from a line five hundred (500) feet of either side of the center line of an instrument runway plus two hundred (200) feet at each end thereof, to the inner line of the horizontal surface area; further symmetrically located adjacent to each instrument and noninstrument runway approach surface area, on each side thereof, having variable widths, as indicated on the ~~airspace~~ district official zoning map, and extending the entire length of such approach surface areas to their intersection with the outline of the conical surface area; and further located beyond such points of intersection, beginning at the out lines of all instrument approach surface areas and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the runway center line, as indicated on the ~~airspace~~ district official zoning map.

Airspace hazard. Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace," "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.

Heliport approach surface area. The land area designated as "heliport approach surface area" on the ~~airspace~~ district official zoning map, located at the edge of the heliport landing and take-off area and widening thereafter uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet from the landing and take-off area.

Heliport landing and take-off area. The area of the heliport used for the landing and taking-off of helicopters.

Heliport primary surface area. That area coinciding in size and shape with the heliport landing and take-off area.

Heliport transitional surface area. The land area designated as transitional surface area on the ~~airspace district official~~ zoning map, located adjacent to the heliport primary surface - such surface extends outward perpendicular to the center line of the primary and approach surfaces for a horizontal distance of two hundred fifty (250) feet.

Instrument runway. A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Noninstrument runway. A runway other than an instrument runway.

Public airport or heliport. An airport or heliport publicly owned or operated, designated as a "public airport" or "public heliport" on the ~~airspace district official~~ zoning map, for which an airspace district is established by this article.

Runway. The surface of the airport used for landing and taking-off of aircraft.

Structure. An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines.

SECTION 6. Section 735-200 of the "Revised Code of the Consolidated City and County," regarding establishment of central business zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-200. Establishment of official zoning map; establishment of central business zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of central business zoning districts. The following primary central business zoning districts for Metropolitan Indianapolis, Marion County, Indiana, are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the ~~central business district zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

Central Business Zoning Districts

Symbol

| | |
|-------|-------------------------------|
| CBD-1 | Central Business District One |
| CBD-2 | Central Business District Two |

CBD-3
CBD-S

Central Business District Three
CBD-Special Development District

SECTION 7. Sections 735-300 and 735-301 of the "Revised Code of the Consolidated City and County," regarding establishment of secondary flood control zoning districts, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-300. Establishment of official zoning map; establishment of secondary flood control districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

~~(a)~~(b) Establishment of flood control districts. The following secondary flood control districts for Marion County, Indiana, are hereby classified, divided and zoned into such districts as designated on the ~~flood control districts zoning maps, which maps are attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

| <i>Flood Control Zoning Districts</i> | <i>Zoning District Symbols</i> |
|---------------------------------------|--------------------------------|
| Floodway (secondary) | FW |
| Floodway Fringe (secondary) | FF |

~~(b)~~(c) The District boundaries have been established from hydrological data delineated on Flood Insurance Rate Maps provided by the Federal Insurance Administration, dated January 5, 2001 a scientific and engineering report entitled "The Flood Insurance Study for the Marion County, Indiana and Incorporated Areas". Topographic-based floodplain maps which may be developed by the City and approved for use by FEMA may be used as best available data to supplement FEMA's Flood Insurance Rate Maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain Zone AE floodplain areas for which floodway district boundaries and base flood elevations are provided, Zone AH floodplain areas for which Base Flood Elevations are provided, Zone AO floodplain areas for which Base Flood Elevations are not provided, and Zone A floodplain areas for which floodway district boundaries and Base Flood Elevations are not provided. Each of the aforementioned maps also contain shaded Zone X floodplain areas which depict areas subject to flooding in the headwaters of a stream, the 500 year frequency floodplain collar outside of the 100 year frequency Zone AE area, and land subject to shallow flood depths of less than one foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

- (1) *Zone AE.* The Floodway Fringe (FF) Zone District boundary is determined by applying the Base Flood Elevations from the Flood Insurance Study Base Profiles to the specific topography of a site/parcel/property. The Floodway (FW) District Boundary is determined from the Flood Insurance Rate Map. The Base Flood Elevation shall be determined from the Flood Insurance Study Base Flood Profile, and is rounded up to the nearest one half foot elevation.

- (2) *Zone AH and Zone AO.* In Zone AH floodplain areas, the Base Flood Elevation shown on the Flood Insurance Rate Map shall be used. In Zone AO areas, the Base Flood Elevation shall be determined by adding the depth number specified in feet on the Flood Insurance Rate Map (two feet, if no depth number is specified) to the highest ground elevation at the site.
- (3) *Zone A.* Because this mapped area depicts only the approximate base flood boundary, the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and Base flood elevation must be established through a site-specific engineering analysis using a method acceptable to DCAM or a floodplain recommendation letter issued by IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a Floodplain Development Permit to provide the requisite engineering analysis to DCAM or to obtain a floodplain recommendation letter from IDNR.
- (4) *Zone X.* Zone X areas (shaded or unshaded) are not designated by FEMA as Special Flood Hazard Areas and are not regulated by this ordinance.

(e)(d) Detailed hydrological data may not be available on the aforementioned maps for certain portions of the FLOODWAY and FLOODWAY FRINGE DISTRICTS. In such cases, an owner of land or applicant for a Floodplain Development Permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the IDNR and the appropriate DISTRICT regulations shall apply. In the event IDNR lacks sufficient data, DCAM shall determine which type of Flood Control District the site is located in and the appropriate flood protection grade and limitations applicable to that District. If DCAM lacks sufficient data to make this determination the applicant for the Floodplain Development Permit shall be required to submit a Zoning District boundary determination completed by a professional engineer. The procedures by which specific determinations of DISTRICT boundaries are to be made and incorporated into revisions of the Flood Insurance Rate Maps are set forth in Section 1.01 of this Ordinance.

Sec. 735-301 Changes to district boundaries

(a) Procedures to change the Floodway and Floodway Fringe District boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: determination or original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge which changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping which more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied Zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular Flood Control Zoning District ~~map~~ may apply for a District boundary change in accordance with this Section.

(b) Changes to the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and the accompanying Base Flood Elevations must be approved by FEMA through a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this Ordinance. Detailed study data, developed for sites located in Zone A areas pursuant to Section 1.00 as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in District boundary revisions unless an official LOMR or LOMA is issued by FEMA which specifies such changes.

(c) DCAM shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this Ordinance. Upon verification DCAM shall issue a signed Community Acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain which requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, DCAM may require the applicant to enter into an agreement with DCAM to provide such operation and maintenance.

(d) Any changes in the Floodway District boundary must be reported to FEMA by the applicant within six (6) months of construction with a copy forwarded to DCAM. DCAM shall be responsible for maintaining up to date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with IDNR,

FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

(e) By reference the Metropolitan Development Commission and the City-County Council must acknowledge all Floodway (FW) and Floodway Fringe (FF) District boundary relocations and base flood elevation revisions approved by FEMA through the issuance of LOMR and LOMAs as changes to the ~~Flood Control District Zoning Maps~~ official zoning map.

(f) All Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) from September 2, 1992 until January 5, 2001 shall be incorporated as map amendments to the applicable Flood Control Districts boundaries (said letters [LOMA and LOMR] are incorporated by reference and made a part of this ordinance).

SECTION 8. Section 735-400 of the "Revised Code of the Consolidated City and County," regarding establishment of gravel-sand-borrow zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-400. Establishment of official zoning map; establishment of Gravel-sand-borrow districts; purpose; establishment.

(a) *Purpose.* It is the purpose of this article to establish reasonable and uniform limitations, safeguards and controls in Marion County, Indiana, for the further production of sand, gravel, borrow, and other mineral or earthen materials. 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, gravel, borrow, and other mineral or earthen materials, and which will also take into consideration the surface use of the 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 gravel-sand-borrow districts.

(b) Establishment of the official zoning map.

(1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.

(2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;

(3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.

(4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b)(c) Establishment of gravel-sand-borrow districts. Certain lands, as shown on the ~~secondary zoning classifications maps~~ official zoning map, containing deposits of gravel, sand, borrow, and other mineral or earthen materials, shall be given a secondary zoning classification of "gravel-sand-borrow district" and be designated "GSB Gravel-Sand-Borrow District" on the legend of the ~~secondary zoning classifications maps~~ official zoning map. In a gravel-sand-borrow district designated GSB, no structure or land shall be used and no building, structure, sand, gravel or borrow plant, or sand, gravel or borrow equipment shall hereafter be located, unless otherwise provided herein except for one (1) or more of the following uses:

- (1) Any use permitted in the primary zoning district in which such gravel-sand-borrow district is situated.
- (2) Mining, quarrying, excavating of sand, gravel, borrow, or other mineral or earthen materials.

- (3) Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and stockpiling of sand, gravel, borrow, or other mineral or earthen materials, mined on the premises.

Provided, however, that permanent plants for the processing and stockpiling of gravel, sand, borrow, and other mineral or earthen materials, mined on the premises or elsewhere, shall not be permitted in any gravel-sand-borrow district except one (1) which has a Special Use District (23) primary zoning classification. It is further provided that changes in the primary zoning classification of areas comprising, in whole or in part, a gravel-sand-borrow district shall not affect such gravel-sand-borrow district as herein established. It is further provided that gravel-sand-borrow districts as herein established shall be enlarged or diminished only by ordinance.

(c) *Borrow excavation pursuant to state highway department contract.* Provided, however, that nothing in this article shall prevent the excavating of borrow or other earthen materials in any zoning district of this Marion County ~~Master Plan Permanent Zoning Ordinance~~ pursuant to a contract therefor with the Indiana State Highway Department, as a part of a state or federal highway project, provided the following requirements have been met prior to the beginning of such excavation:

- (1) A bond for such excavation shall have been filed with the Indiana State Highway Department in accordance with all such Department's applicable requirements, specifications and performance standards of excavation, operation and restoration.
- (2) A copy of such bond shall be filed with the ~~Metropolitan Planning~~ Department of Metropolitan Development, together with a site plan, area map, and legal description of the land to be included in such borrow excavation.
- (3) A permit for such borrow excavation shall be obtained from the ~~Metropolitan Planning~~ Department of Metropolitan Development. Such permit shall be issued upon the filing of the bond, site plan, area map, and legal description.

SECTION 9. Section 735-500 of the "Revised Code of the Consolidated City and County," regarding establishment of historic preservation zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-500. Establishment of official zoning map; establishment of historic preservation districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of historic preservation districts. The following primary and secondary historic preservation districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the ~~historic preservation districts zoning map, which map is attached hereto, incorporated herein by reference and made a part of this article~~ official zoning map:

Historic Preservation Districts

Symbol

| | |
|------|--|
| HP-I | Historic Preservation District One – Primary |
| HP-S | Historic Preservation District – Secondary |

SECTION 10. Section 735-600 of the "Revised Code of the Consolidated City and County," regarding establishment of the regional center, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-600. Establishment of official zoning map; establishment of Regional Center and North Meridian Street Corridor; additional standards and requirements for use and development.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(a)(b) Establishment of Regional Center and the North Meridian Street Corridor. ~~The Regional Center and North Meridian Street Corridor secondary zoning district is hereby established. All uses permitted by the various zoning districts applicable to land located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana secondary zoning district, as such Regional Center and North Meridian Street Corridor area is shown on the attached Regional Center and North Meridian Street Corridor Secondary Zoning District (which map is incorporated herein by reference and made a part of this article) designated on the official zoning map,~~ shall be subject to the following additional standards and requirements:

All uses of land located within the Regional Center and the North Meridian Street Corridor of Indianapolis, Marion County, Indiana, shall be subject to the Metropolitan Development Commission's approval as included within a required site and development plan approved as hereinafter provided. Provided, however:

- The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the city controller in accordance with, Chapter 961 of this Code and shall not be subject to the provisions of this article.
- Any lot located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this article.

(1) Requirements of Metropolitan Development Commission approval.

- a. Existing uses. All existing uses, except those uses identified in the amortization section (subsection (a)(2)d.), lawfully in existence on the date of adoption of this article shall be exempt

from the provisions of this article, however the alteration, modification, enlargement or improvement to any existing use, or the change in use within an existing structure, which requires an Improvement Location Permit shall also require the Metropolitan Development Commission approval.

- b. *New uses.* No new use, building, improvement, or structure shall be established after the effective date of this article until the proposed use, site and development plan have been filed with and approved by the Metropolitan Development Commission.
- c. *Filing the site and development plan.* All new uses and changes to existing uses shall file a request for approval of the proposed changes.

Upon the filing of such approval request, the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development, on behalf of the Metropolitan Development Commission, shall consider and either approve, disprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, the proposed use, site and development plan. Public and individual notice of such filing and action by the Administrator shall not be required.

The action of the Administrator upon such approval request shall be subject to the filing of an appeal, within ten (10) days, by any aggrieved person to the Metropolitan Development Commission.

The Metropolitan Development Commission may consider and act upon such appeal of the action of the Administrator at any public meeting of the Commission and shall either approve, disapprove, or approve the use, site and development plan subject to any conditions, amendments, commitments, or covenants by the petitioner. The petitioner or appellant, if on appeal, shall have the right to be heard.

Provided, however, rezoning of any land within the Regional Center or North Meridian Corridor from the primary zoning district classification applicable thereto to any other zoning district classification shall require notice as provided by statute and the rules of procedure of the Metropolitan Development Commission.

(2) *Standards and requirements for site and development plan, uses and structures.*

- a. The required site and development plan, drawn to scale, including building and structural plans, shall indicate, where applicable:
 - 1. Existing uses, buildings and structures, noting those to remain and including a description of construction materials and exterior colors.
 - 2. Proposed buildings and structures, including a description of materials and colors.
 - 3. Elevation drawings of proposed buildings and structures.
 - 4. Off-street parking design and internal traffic pattern.
 - 5. Vehicular entrances, exits, and turnoff lanes.
 - 6. Building setbacks.
 - 7. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
 - 8. Screens, walls, fences, including a description of materials and colors.
 - 9. Signs, including location, size, elevation, color and design thereof.

10. Utilities, if aboveground facilities are needed.
 11. Pedestrian ways below, at, or above grade.
 12. All other requirements of section 730-300(b) of this Code.
- b. Details of such a development, including use, signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:
1. Be in conformity with the Regional Center Plan for Indianapolis, Marion County, Indiana, and the North Meridian Street Corridor Development Plan, adopted by the Metropolitan Development Commission's Resolution 82-CPS-R-4, April 15, 1982, 82-CPS-R-1, January 6, 1982; and
 2. Create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
 3. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
 4. Provide adequate access, parking and loading areas;
 5. Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
 6. Provide adequately for sanitation, drainage and public utilities;
 7. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
 8. Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and North Meridian Street Corridor for pedestrians and motorists;
 9. Be compatible in construction material, scale, color and pattern with the existing environment.
- c. Uses and structures within the North Meridian Street Corridor shall further be in accordance with the following use restrictions and development standards:
1. The following uses, whether existing or proposed, are not permitted and any existing uses listed below are subject to removal in accordance with the amortization section (subsection (a)(2)d.): Class I regulated commercial uses, including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code.
 2. The following uses seeking to locate within the North Meridian Street Corridor after the effective date of this article shall not be permitted. Any of the following uses lawfully in existence on the date of this article shall be permitted to remain.
 - (a) Pawnshops, loan shops, and variety stores.
 - (b) Gasoline service stations, on any lot with frontage on Meridian Street.
 - (c) Used car sales, except as an accessory use to new car sales.

- (d) Car wash completely indoors, self-service car wash, automatic or semi-automatic car wash.
 - (e) Package liquor store except as a part of an integrated commercial center.
 - (f) Drive-in restaurant (fast food restaurant) except as a part of an integrated commercial center. Drive-in restaurant is defined by Chapter 732.
 - (g) Indoor commercial amusement, recreation and entertainment including: bowling alley, billiard parlor, gymnasium, tennis facility, roller or ice skating rink, night club, private club, or lounge on any lot fronting on Meridian Street except as a part of an integrated commercial center or as an accessory use to an office, hotel, or apartment complex.
3. All development standards as required by the zoning district shall be applicable in the North Meridian Street Corridor except as modified by this section.
- (a) Required front yard, minimum setback. Buildings and structures shall be located along the established front setback line (as defined in Chapter 732 of this Code).
 - (b) Use of required yards. Off-street parking shall not be permitted in any required front yard.
 - (c) Screening and landscaping of required front yards.
 - (i) Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Chain link fence may not be used in conjunction with landscaping in required front yards.

Provided, however, along any portion of a lot where parking exists or is proposed in front or at the side of the structure, there shall be provided and maintained along the front lot line of the parking areas a buffer screen of either:

Architectural screen. A wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Such wall or fence shall be at least forty-two (42) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or

Plant material screen. A compact hedge of evergreen or deciduous shrubs, at least thirty-six (36) inches in height at the time of planting.

The ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or grass. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

- (ii) Minimum maintenance standards for screening and landscaping area:
 - All trash containers/dumpsters shall be screened from frontage views.
 - Equipment and supplies such as tires, parts, machinery, tools and the like shall be screened or stored in an enclosed space.

- Inoperable vehicles and any related parts shall be screened or stored in an enclosed space.
- All lawns, required front, rear and side yards shall be regularly mowed during growing season, and shall be free of weeds, trash, and litter at all times.
- Shrubbery, trees, ground cover and planting beds shall be maintained in a safe, functional, and aesthetic condition.
- Walks, steps, drives and parking lots including surface and edges shall be maintained in a safe, functional and clean condition. Chuckholes, in parking lots, broken curbs and crumbling sidewalks shall be repaired to original condition.
- Building exteriors including awnings, porches, hardware and windows shall be properly maintained, kept clean, painted and in good repair.
- All existing and proposed uses shall comply with these maintenance standards after the effective date of this article.

(iii) All existing uses and all new uses shall be required to meet the screening and landscaping provision of this section as stipulated in the amortization provisions of this article (subsection (a)(2)d.).

(d) Signs.

(i) Business signs: Business signs shall comply with the sign regulations of Chapter 734 of this Code and be further modified by the following:

(a) Business signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, pole signs and projecting signs.

- Pole signs shall not exceed thirty-six (36) square feet per sign face.

- Ground signs shall not exceed thirty-six (36) square feet per sign face.

- Projecting signs shall not exceed eighteen (18) square feet per sign face.

(b) All existing business signs and all new business signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.

(ii) Advertising signs: Advertising signs shall be permitted and shall comply with the sign regulations of Chapter 734 of this Code.

(iii) All existing signs and all proposed signs within the North Meridian Street Corridor shall be required to meet the provisions of this section and the amortization provisions of subsection (a)(2)d. of this section.

d. Amortization provisions. Amortization of certain nonconforming uses and amortization of certain nonconforming site development requirements.

1. Uses to be amortized: All class I regulated commercial uses including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code where such uses are located within the North Meridian Street Corridor on the effective date of this article. Such nonconforming uses shall be terminated before January 1, 1990, and all other use of the land, structure, or premises thereafter shall be in accord with

permitted land uses and regulations of the applicable zoning district and the Regional Center Secondary Zoning District. The termination of such nonconforming uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for termination or removal of any such use.

2. Amortization of certain nonconforming site development requirements: All property within the North Meridian Street Corridor existing within any zoning district on the effective date of this article:

- (a) Shall conform to the following subsections of this section before January 1, 1990: use of required yards (subsection (a)(2)c.3.(b)); screening and landscaping of required yards (subsection (a)(2)c.3.(c)); and business signs (subsection (a)(2)c.3.(d)).

- (b) Such nonconforming use of required yards, screening and landscaping of required yards, and business signs shall be in accordance with permitted land uses and regulations of the applicable zoning district and the Regional Center Secondary Zoning District of Marion County upon such date. The termination of such nonconforming standards or uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for the termination or removal of any such use.

(3) *Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.*

- a. A nonconforming use in a Regional Center District of this article shall be deemed to be legally established (relative to both use and development standards) if the use:

1. Existed prior to April 8, 1969; and
2. Has continued to exist from April 8, 1969, to the present; and
3. Has not been abandoned; and
4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

- b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.

- c. Subsection (a)(3) shall:

- Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
- Not relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

SECTION 11. Section 735-700 of the "Revised Code of the Consolidated City and County," regarding establishment of special zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-700. Establishment of official zoning map; establishment of special zoning districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.*
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map.*
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.*
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.*

~~(a)~~(b) Establishment of special zoning districts. The following primary special zoning districts for Indianapolis, Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the ~~zoning base maps which maps are hereby incorporated by reference and made a part of this article~~ official zoning map:

Park Districts

| | |
|------|-------------------|
| PK-1 | Park District One |
| PK-2 | Park District Two |

Hospital Districts

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

University Quarter Districts

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

~~(b)~~(c) Establishment of special use zoning districts; permitted uses. The following primary special use zoning districts for Marion County, Indiana, are hereby established, and land within the county zoned to such district classifications shall be designated on the applicable zoning base maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this article). No use shall be permitted in any special use zoning district other than the following permitted use or uses specified for each such district, respectively:

| <i>Special Use Zoning District</i> | <i>Zoning District Symbol</i> | <i>Permitted Use</i> |
|------------------------------------|-------------------------------|--|
| Special Use District I | SU-1 | Religious use (as defined in section 735-751) |
| Special Use District II | SU-2 | School |
| Special Use District III | SU-3 | Golf course, golf driving range, golf country club-public or private |

| <i>Special Use Zoning District</i> | <i>Zoning District Symbol</i> | <i>Permitted Use</i> |
|------------------------------------|-------------------------------|---|
| Special Use District V | SU-5 | Radio receiving or broadcasting tower and accessory buildings |
| Special Use District VI | SU-6 | Hospital, sanitarium, nursing home |
| Special Use District VII | SU-7 | Charitable, philanthropic and not-for-profit institution |
| Special Use District VIII | SU-8 | Correctional and penal institution |
| Special Use District IX | SU-9 | Building(s) and grounds used by any department of town, city, township, county, state or federal government |
| Special Use District X | SU-10 | Cemetery |
| Special Use District XIII | SU-13 | Sanitary landfill |
| Special Use District XVI | SU-16 | Indoor and outdoor commercial amusement, recreation and entertainment establishment |
| Special Use District XVIII | SU-18 | Light or power substation |
| Special Use District XX | SU-20 | Telephone exchange offices |
| Special Use District XXIII | SU-23 | Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling |
| Special Use District XXVIII | SU-28 | Petroleum refinery and petroleum products storage |
| Special Use District XXXIV | SU-34 | a. Club rooms b. Fraternal rooms – fraternity and lodge c. Ballroom--public |
| Special Use District XXXV | SU-35 | Telecommunication receiving or broadcasting tower and associated accessory buildings |
| Special Use District XXXVII | SU-37 | Library |
| Special Use District XXXVIII | SU-38 | Community center |
| Special Use District XXXIX | SU-39 | Water tank, water pumping station and similar structures not located on buildings |
| Special Use District XXXXI | SU-41 | Sewage disposal plant; garbage feeding and disposal |
| Special Use District XXXXII | SU-42 | Gas utility |
| Special Use District XXXXIII | SU-43 | Power transmission lines |
| Special Use District XXXXIV | SU-44 | Off-track mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (off-track betting facilities) |

Including for each such district:

- (1) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses.
- (2) Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

SECTION 12. Section 735-800 of the "Revised Code of the Consolidated City and County," regarding establishment of wellfield protection zoning districts, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-800. Establishment of official zoning map; establishment of wellfield protection districts.

- (a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the department of metropolitan development shall be the custodian of the official zoning map;
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of wellfield protection districts. The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the ~~wellfield protection zoning districts maps which maps are attached hereto, incorporated herein by reference and made part of this article~~ official zoning map.

| <i>Wellfield Protection Zoning Districts</i> | <i>Zoning District Symbols</i> |
|---|--------------------------------|
| One Year Time-of-Travel Protection Area (secondary) | W-1 |
| Five Year Time-of-Travel Protection Area (secondary) | W-5 |

(a)(c) *Studies and evaluations of the W-1 and W-5 Districts.* The W-1 and W-5 Districts shall be reevaluated by the Department of Public Works, Environmental Resources Management Division ("ERMD"), with input from a Committee including representatives from ERMD, the Department of Metropolitan Development ("DMD"), Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five (5) years to determine scientific reasonableness of the districts' maps. The first of these reevaluations shall be completed by ERMD on or before December 31, 1998.

(b)(d) *Reports.*

- (1) The ERMD shall provide progress reports on the studies and evaluations as required in subsection (a) above to the chairman of the Metropolitan Development Committee of the city-county council and to the Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in subsection (a)(2) above, and thereafter such reports shall be provided on a quarterly basis.
- (2) Every water utility having a wellfield within a W-1 or W-5 District shall on or before January 15, 1998, prepare and file with the chairman of the Metropolitan Development Committee of the city-county council, the Commission and the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the chairman of the Metropolitan Development Committee of the city-county council, the Commission, and the Health and Hospital Corporation of Marion County.

SECTION 13. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

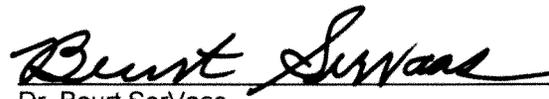
SECTION 14. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 15. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 16th day of April, 2001, at 9:25 p.m.

ATTEST:


Suellen Hart, Clerk, City-County Council


Dr. Beurt SerVaas
President, City-County Council

STATE OF INDIANA, MARION COUNTY))
CITY OF INDIANAPOLIS)) SS:
))

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 88, 2001, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 16th day of April, 2001, by a vote of 24 YEAS and 0 NAYS, and was retitled General Ordinance No. 31, 2001, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 17th day of April, 2001.


Suellen Hart, Clerk, City-County Council

(SEAL)