

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 24, 1992**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, August 24, 1992, with Councillor SerVaas presiding.

Councillor Boyd asked for a moment of silence in memory of Judge Toni Cordingley. Councillor Boyd led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

A quorum of twenty-nine members being present, the President called the meeting to order.

OFFICIAL COMMUNICATIONS

Rob Loy, Senior Consultant, George S. Olive & Co., presented an operational analysis of the Indianapolis Convention & Visitors Association (ICVA).

INTRODUCTION OF GUESTS AND VISITORS

Councillor Ruhmkorff said that she wants to publicly congratulate Renaud Tabord, a City employee, who is becoming a citizen of the United States on August 25, 1992.

Councillor Coughenour introduced her husband, her brother and his wife, and her cousin and his wife from Los Angeles.

Councillor Howard acknowledged the presence of a group of maintenance employees with the Department of Parks and Recreation's golf division.

Councillor Gilmer introduced Bill McGowan, President, ICVA.

Councillor Hinkle introduced Dan Orcutt, Executive Director, Indianapolis Airport Authority.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 24, 1992, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
Beurt SerVaas, President
City-County Council

August 3, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 5, 1992, a copy of LEGAL NOTICE on General Ordinance No. 41, 1992.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

August 3, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 13, 1992, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 360, 363 and 367, 1992, to be held on Monday, August 24, 1992, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

August 24, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Beverly S. Rippy, the following ordinances and resolutions:

SPECIAL RESOLUTION NO. 55, 1992, authorizing the lease of approximately 15,000 square feet of office space for the Marion County Cooperative Extension Service.

SPECIAL ORDINANCE NO. 8, 1992, authorizing the amendment of previously executed bond documents relating to \$1,000,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Mid State Chemical & Supply Corp. Project) dated as of July 26, 1988.

FISCAL ORDINANCE NO. 44, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional one million One Hundred Sixty-eight Thousand Eight Hundred Fifty-five Dollars (\$1,168,855) in the Manpower Federal Programs Fund for purposes of the Department of Administration, Occupational and Community Services Division, and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 45, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 46, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Five Hundred Dollars (\$500) in the County Grants Fund for purposes of the Presiding Judge of the Municipal Court and reducing the unappropriated and unencumbered balance in the County Grants Fund.

FISCAL ORDINANCE NO. 48, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Seventy-two Thousand Five Hundred Eighty-seven Dollars (\$72,587) in the County Corrections Fund for purposes of the Marion County Community Corrections Center and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

FISCAL ORDINANCE NO. 49, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Million Two Hundred Fifty-four Thousand Two Hundred Fifty Dollars (\$1,254,250) in the Sanitation General Fund for purposes of the Department of Public Works, Advanced Wastewater Treatment Division, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 50, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Consolidated County Fund for purposes of the Department of Administration, Legal Division, and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 51, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Consolidated County Fund for purposes of the Department of Administration, Human Resources Division, and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 52, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the County General Fund for purposes of the Forensic Services Agency and reducing certain other appropriations for that department.

GENERAL ORDINANCE NO. 42, 1992, concerning the reorganization of the Department of Metropolitan Development.

GENERAL ORDINANCE NO. 43, 1992, concerning the reorganization of the Department of Public Works.

GENERAL ORDINANCE NO. 44, 1992, amending the Code concerning duties and responsibilities of the Marion County Justice Agency.

GENERAL ORDINANCE NO. 45, 1992, amending the Code concerning the Building Authority's security officers.

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GENERAL ORDINANCE NO. 46, 1992, amending the Code by authorizing intersection controls in the Spinnaker Cove subdivision (District 5).

GENERAL ORDINANCE NO. 47, 1992, amending the Code by authorizing intersection controls in the Bradford Meadows subdivision (District 1).

GENERAL ORDINANCE NO. 48, 1992, amending the Code by authorizing intersection controls in the Crooked Creek subdivision (District 1).

GENERAL ORDINANCE NO. 49, 1992, amending the Code by authorizing a traffic signal at the intersection of Dandy Trail and 34th Street (District 1).

GENERAL ORDINANCE NO. 50, 1992, amending the Code by authorizing a traffic signal at the intersection of Moller Road and 46th Street (District 1).

GENERAL ORDINANCE NO. 51, 1992, amending the Code by authorizing a traffic signal at the intersection of Guion Road and 62nd Street (Districts 1 and 9).

GENERAL ORDINANCE NO. 52, 1992, amending the Code by authorizing a traffic signal at the intersection of Kentucky Avenue, Olender Drive and Southwest Drive (District 19).

GENERAL ORDINANCE NO. 53, 1992, amending the Code by upgrading existing intersection controls to current DOT standards at various locations (District 18).

GENERAL ORDINANCE NO. 54, 1992, amending the Code by authorizing a 4-way stop at the intersection of Bridgeport Road and Hauelsen Road (District 19).

GENERAL ORDINANCE NO. 55, 1992, amending the Code by authorizing intersection controls at Brewster and Sawleaf Roads and Brewster and Staghorn Roads (District 3).

GENERAL ORDINANCE NO. 56, 1992, amending the Code by authorizing intersection controls at Merrill Street and Missouri Street (District 16).

GENERAL ORDINANCE NO. 57, 1992, amending the Code by authorizing parking restrictions on both sides of Vermont Street between West Street and Toledo Street (District 16).

GENERAL ORDINANCE NO. 58, 1992, amending the Code by deleting parking restrictions on the east side of Meridian Street from a point 74 feet south of New York Street to a point 162 feet south of New York Street (District 16).

GENERAL ORDINANCE NO. 59, 1992, amending the Code by changing the length of the current loading zone for the Indianapolis Symphony Orchestra, 45 Monument Circle (District 16).

GENERAL ORDINANCE NO. 60, 1992, amending the Code by authorizing a passenger and material loading zone at 100 East Court Street for the Summit Bank (District 16).

GENERAL ORDINANCE NO. 61, 1992, amending the Code by authorizing an 88 foot bus stop zone on the west side of Pennsylvania Street, from a point 36 feet north of Ohio Street to a point 124 feet north of Ohio Street (District 16).

GENERAL ORDINANCE NO. 62, 1992, amending the Code by authorizing a 35 mph speed limit on Dandy Trail between 46th Street and 56th Street (District 1).

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of August 3, 1992. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 418, 1992. This proposal, sponsored by Councillor Rhodes, concerns Dr. John M. Vaughan. Councillor Rhodes read the resolution and presented a framed document to Dr. Vaughan, who expressed appreciation for the recognition. Also present were Dr. Vaughan's wife, Sara; Mary Buckler, Marion County Treasurer; and Dan Orcutt, Executive Director, Indianapolis Airport Authority. Councillor Rhodes moved, seconded by Councillor Gilmer, for adoption. Proposal No. 418, 1992 was adopted by unanimous voice vote.

Proposal No. 418, 1992 was retitled SPECIAL RESOLUTION NO. 56, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1992

A SPECIAL RESOLUTION concerning Dr. John M. Vaughan.

WHEREAS, Dr. John M. Vaughan served Indianapolis well as a member of the Indianapolis Airport Authority Board from 1980 through 1991, and was that Board's President during all but the first three years of service; and

WHEREAS, during those twelve years on the Board, Dr. Vaughan played an important guiding role in the airport's transformation from six to 22 airlines, two million to five million passengers a year, reorganization of the staff's structure; he is proud that Indianapolis' airport has more accredited professional executives than any other airport in the nation; he presided over the building of the new parking garage, new concourse, terminal renovation and runway, and the job-creating Federal Express and U.S. Postal Service Express Mail hubs, and the negotiations and signing of the United Airlines maintenance facility; and

WHEREAS, the stewardship and vision of Dr. Vaughan reflect the highest credit upon himself and upon the Marion County Board of Commissioners who appointed him; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Dr. John M. Vaughan for his twelve years of distinguished service on the Indianapolis Airport Authority Board.

SECTION 2. Indianapolis is blessed to have citizens like Dr. Vaughan who are willing to volunteer their talents for important community tasks.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 419, 1992. This proposal, sponsored by Councillor Jimison, recognizes the 20th Indianapolis-Scarborough Peace Games. Councillor Jimison read the resolution and presented a framed document to Councillor O'Dell, who expressed appreciation for the resolution. Also present from the Department of Parks and Recreation were Leon Younger, Director, and Robert Meier, Coordinator of Peace Games. Councillor Jimison moved, seconded by Councillor Hinkle, for adoption.

The President said the Scarborough Council members proposed establishing an economic development partnership with Indianapolis. The President asked Councillor O'Dell to become involved with this program.

Proposal No. 419, 1992 was adopted by unanimous voice vote.

Proposal No. 419, 1992 was retitled SPECIAL RESOLUTION NO. 57, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 1992

A SPECIAL RESOLUTION recognizing the 20th Indianapolis-Scarborough Peace Games.

WHEREAS, the Indianapolis-Scarborough Peace Games is the oldest and largest continuous international amateur sporting event in Indiana, and was the genesis for the amateur sports movement in Indianapolis; and

WHEREAS, the 20th Games were conducted in Indianapolis August 7-10, 1992, with over 800 athletes from each city competing in track and field, cross country, badminton, baseball, basketball, bowling, chess, cycling, horseshoes, soccer, softball, swimming, table tennis, tennis, volleyball, wrestling and archery; and

WHEREAS, from the opening ceremonies at Pan Am Plaza through the closing celebration at Major Taylor Velodrome good sporting competition, healthy cultural exchanges and long lasting friendships prevailed; and

WHEREAS, Indianapolis athletes won their 18th consecutive wrestling victory and 19th basketball title, and the all-events series between the two cities became tied at ten wins apiece; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 20th annual Indianapolis-Scarborough Peace Games, and congratulates all of the athletes who participated.

SECTION 2. The Council further recognizes Robert Meier and Leon Younger and their colleagues of the Indianapolis Department of Parks and Recreation for their exemplary work in organizing the 1992 Games, and Council Parks and Recreation Committee Chairman Cory O'Dell for hosting the visiting foreign officials.

SECTION 3. The people of Indianapolis look forward to visiting Scarborough, Canada, next summer for the tie-breaking 21st Games.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 362, 1992. Councillor Schneider reported that the Municipal Corporations Committee heard Proposal No. 362, 1992 on August 13, 1992. The proposal appoints Charles R. Cagann to the Indianapolis Public Transportation Corporation Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor West, for adoption. Proposal No. 362, 1992 was adopted by a unanimous voice vote.

Proposal No. 362, 1992 was retitled COUNCIL RESOLUTION NO. 61, 1992 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 1992

A COUNCIL RESOLUTION appointing Charles R. Cagann to the Indianapolis Public Transportation Corporation Board.

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

August 24, 1992

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board, the Council appoints:

Charles R. Cagann

SECTION 2. The appointment made by this resolution is for a term ending August 6, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 391, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing the Auditor to contract for assistance in collecting money owed to the County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 392, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the preparation of an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for the Department of Public Welfare"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 393, 1992. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 394, 1992. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 395, 1992. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 396, 1992. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 397, 1992. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION reviewing, modifying and approving the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 398, 1992. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$21,750 for the Department of Parks and Recreation, Administration Division, to cover the costs of a

Midnight Basketball Program"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 399, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for the Metropolitan Emergency Communications Agency for 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$25,600 for the Domestic Relations Counseling Bureau to fund personnel expenses for the Visiting Nurse Service through a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 401, 1992. Introduced by Councillors Franklin, Golc, Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE recodifying and amending the Code concerning court services and jury expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 402, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 403, 1992. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$17,900 for the Department of Public Works, Air Pollution Control Division, to cover the replacement costs of one ozone monitor and one carbon monoxide monitor funded by a state grant"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 404, 1992. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning the allocation and use of parking meter revenues"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 405, 1992. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls on Sunset at Eagle Creek subdivision (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 406, 1992. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at various street intersections within the Crystal Glen Apartment complex (District 11)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 407, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Fall Creek Road/79th Street/82nd Street (Districts 4 and 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 408, 1992. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at the intersection of Acton Road and Maze Road (District 23)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 409, 1992. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the Fire station at 6231 South Arlington Avenue (District 23)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 410, 1992. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at the intersection of Franklin Road and 50th Street (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 411, 1992. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Indian Lake Road and 79th Street (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 412, 1992. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Bancroft Street and 9th Street (District 15)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 413, 1992. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls at Highland Avenue and Polk Street (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 414, 1992. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting intersection controls within the Lincolnwood Subdivision, Sections 2 and 3 (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 415, 1992. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 40 mph speed limit on Emerson Avenue between County Line Road and Raymond Street (Districts 23 and 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 416, 1992. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Shelby Street from Southern Avenue to 150 feet north of Southern Avenue (District 20)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 417, 1992. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight restrictions on St. Peter Street (District 21)"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 389, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 389, 1992 on August 19, 1992. The proposal approves an Inducement Resolution for National Benevolent Association, Robin Run Village Phase III, in an amount not to exceed \$2,200,000 for an addition to the existing facilities located at 5354 West 62nd Street. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption. Proposal No. 389, 1992 was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Hinkle, Howard, Jimison, Jones, Moriarty, O'Dell, Ruhmkorff, Schneider, SerVaas, Smith, West, Williams

0 NAYS:

6 NOT VOTING: Gilmer, McClamroch, Mullin, Rhodes, Shambaugh, Short

Proposal No. 389, 1992 was retitled SPECIAL RESOLUTION NO. 58, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 1992

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-1-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, The National Benevolent Association of the Christian Church (Disciples of Christ), a not-for-profit corporation (the "Applicant") has previously advised the Indianapolis Economic Development Commission and the Issuer that it proposed that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities described as the acquisition, construction, installation and equipping of a three-story, multi-wing, brick, and frame apartment and office building (the "Building") and related facilities (the "Facilities") to be built in two phases, the first phase containing 103 apartments, a clock tower, two guest rooms, a library, multi-purpose athletic courts, walking trails, a laundry facility, temporary dining facilities, and administrative offices, and the second phase containing between 85 and 95 apartment units, a dining facility, and a swimming pool. Also included in the Building is space for a sundries store, a barber/beauty shop, and banking facilities. Each apartment unit in the Building will be rented to persons over age 55 and will include wheelchair accesses, safety grab bars in bathrooms, and portable and installed emergency calling systems. The Building contains approximately 277,000 square feet. The Building and the Facilities are located on approximately 11 acres of land at 5354 West 62nd Street, Indianapolis, Indiana. The project also encompassed the acquisition, construction, installation and equipping of various site improvements in the Building and the Facilities and the acquisition of machinery, equipment, fixtures and furnishing for use in the Building and the Facilities. The Building and the Facilities are owned by the Applicant and are operated by Greater Indianapolis Disciples Housing, Inc., an Indiana not-for-profit corporation (collectively, the "Project"). Pursuant to this request, the City-County Council of the City of Indianapolis and of Marion County, Indiana on November 20, 1989 adopted City-County Special Resolution No. 73, 1989 (the "Original Resolution") concerning the Project; and

WHEREAS, Phase I of the Robin Run Village Project was financed in part through the issuance of City of Indianapolis Economic Development Revenue Bonds, Series 1990 (National Benevolent Association - Robin Run Village Project) in the aggregate principal amount of \$11,000,000 and consists of a three story multi-wing building containing 103 apartments and related facilities which have now been constructed and are operating; and

WHEREAS, the Applicant has previously advised the Indianapolis Economic Development Commission and the Issuer that it proposed that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic

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development financing to the Applicant for the same, said economic development facilities described as the acquisition, construction, installation and equipping of Phase II of the Project which will consist of 55 additional older adult apartments with services, permanent dining facilities, swimming pool, intergenerational day care facilities, and 24 nursing beds. The nursing care facility will include 24-hour staffing, physical therapy, an activities area and a separate dining room. The day care and nursing facilities will share certain activity areas (the "Revised Phase II"). Pursuant to this request, the City-County Council of the City of Indianapolis and of Marion County, Indiana on May 6, 1992 adopted City-County Special Resolution No. 32, 1992 concerning the Project; and

WHEREAS, the Applicant has now requested that the Issuer proceed with the Phase III financing; and

WHEREAS, Phase III of the Project will now consist of 60 additional nursing care beds to compliment the twenty-four (24) nursing beds in Phase II with 24-hour staffing. The day care and nursing facilities will share certain activity areas all of which will be located at 5354 West 62nd Street, Indianapolis, Indiana (the "Phase III"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately sixty-eight (68) and ninety-one (91) (full-time equivalents) at the end of one (1) and three (3) years with estimated additional payrolls of \$852,542 and \$1,475,968 respectively) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Phase III will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Phase III would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment (an additional number of jobs of approximately sixty-eight (68) and ninety-one (91) (full-time equivalents) at the end of one (1) and three (3) years with estimated additional payrolls of \$852,542 and \$1,475,968 respectively) in the City of Indianapolis, Indiana, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Phase III and the sale or leasing of the Phase III to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Phase III will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Phase III, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires February 28, 1993, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project including Phase III and for additions to the Project including Phase III, including the costs of issuance (providing that the financing of such addition or additions to the Project including Phase III is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of Phase III incurred after the adoption of the Original Resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, installation and equipping of Phase III will be permitted to be included as part of the bond issue to finance said Phase III, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance Phase III. The Applicant may incur and pay expenditures with respect to Phase III prior to the issuance of the bonds and the Issuer hereby declares that it expects to reimburse the Applicant for such expenditures out of the proceeds of the bonds which may aggregate a maximum of \$2,200,000, the anticipated cost of Phase III. This declaration of official intent is made under Section 1.103-18 of the Income Tax Regulations.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 390, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 390, 1992 on August 19, 1992. The proposal authorizes the amendment of previously executed bond documents relating to the previously issued \$1,400,000 City of Indianapolis, Indiana Pollution Control Revenue Bonds (General Motors Corporation Project) Series 1984. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 390, 1992 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
1 NOT VOTING: Hinkle

Proposal No. 390, 1992 was retitled SPECIAL ORDINANCE NO. 9, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1992

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis, Indiana Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984 and approving and authorizing other actions in respect thereto.

WHEREAS, City of Indianapolis (the "Issuer") previously issued City of Indianapolis, Indiana Pollution Control Revenue Bonds (General Motors Corporation Project), Series 1984 (the "Bonds"), in the aggregate principal amount of \$1,400,000 pursuant to a Trust Indenture by and among the Issuer, BANKERS TRUST COMPANY, as Trustee (the "Trustee") and INB NATIONAL BANK (formerly known as the Indiana National Bank), as Co-Trustee (the "Co-Trustee"), dated as of April 1, 1984 (the "Original Indenture"); and

WHEREAS, pursuant to the terms of Section 204 of the Original Indenture, certain events with respect to a Mandatory Conversion Event as described in paragraph (c) thereof have occurred or are about to occur; and

WHEREAS, pursuant to a Mandatory Conversion Event as set forth in the Original Indenture, the Bonds must be converted from the Adjusted Rate to the Fixed Rate on the Fixed Rate Conversion Date following a Mandatory Conversion Event; and

WHEREAS, General Motors Corporation (the "Company") has requested that the Issuer, the Trustee and the Co-Trustee enter into a supplemental indenture to permanently amend the Original Indenture to remove the provisions of the Original Indenture and the Bonds with respect to Mandatory Conversion Events (including, but not limited to, the provisions in Section 204(c) of the Indenture), so that at no time will a Mandatory Conversion Event occur; and

WHEREAS, Article XIII of the Original Indenture permits the execution and delivery of indentures supplemental thereto in accordance with the terms thereof; and

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WHEREAS, the Company has consented to the execution and delivery of the 1992 Supplemental Indenture dated as of September 1, 1992 by and among the Issuer, Trustee and Co-Trustee (the "Supplemental Indenture"); and

WHEREAS, the Trustee has received consents from the holders of 100% of the Bonds (the "Holders") to the foregoing amendments pursuant to the terms of the Original Indenture; and

WHEREAS, the Indianapolis Economic Development Commission on August 19, 1992 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Supplemental Indenture in the form presented at that meeting complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Supplemental Indenture by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution of the Supplemental Indenture will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Supplemental Indenture approved by the Indianapolis Economic Development Commission is hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the Supplemental Indenture are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Supplemental Indenture approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Supplemental Indenture approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27 (a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance and the Supplemental Indenture shall constitute a contract binding between the City of Indianapolis and the parties to the Supplemental Indenture, and after the execution of the Supplemental Indenture, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Supplemental Indenture shall remain in effect.

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 420, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on August 21, 1992". The Council did not schedule Proposal No. 420, 1992 for hearing pursuant to IC 36-7-46-608. Proposal No. 420, 1992 was retitled REZONING ORDINANCE NO. 79, 1992 and is identified as follows:

REZONING ORDINANCE NO. 79, 1992. 92-Z-62 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT #09.
5333 WEST 56TH STREET (approximate address), INDIANAPOLIS.
PRINCE OF PEACE LUTHERAN CHURCH, by David Rees, requests the rezoning of 3.7692 acres, being in the D-A District, to the SU-1 classification to provide for the construction of a church.

PROPOSAL NOS. 422-427, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 21, 1992". The Council did not schedule Proposal Nos. 422-427, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 422-427, 1992 were retitled REZONING ORDINANCE NOS. 80-85, 1992 and are identified as follows:

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REZONING ORDINANCE NO. 80, 1992. 92-Z-35 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT #19.

7409 TROTTER ROAD (approximate address), INDIANAPOLIS.
GREENWALD ENTERPRISES, INC., by Randall L. Chilcote, requests the rezoning of 55.0 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 81, 1992. 92-Z-56 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #05.

9905 EAST 63RD STREET (approximate address), INDIANAPOLIS.
R. N. THOMPSON & ASSOCIATES, INC., by Raymond Good, requests the rezoning of 100.5 acres, being in the D-A District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 82, 1992. 92-Z-70 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #24.

5815 GRAY ROAD (approximate address), INDIANAPOLIS.
MELODY COMMUNITIES, INC. requests the rezoning of 0.7 acre, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 83, 1992. 92-Z-71 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #24.

6450 GRAY ROAD (approximate address), INDIANAPOLIS.
ROBERT J. HENSLER requests the rezoning of 0.685 acre, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 84, 1992. 92-Z-72 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT #07.

1030 EAST 75TH STREET (approximate address), INDIANAPOLIS.
DONALD M. and VIRGINIA A. REAMER, by Richard C. Kraege, request the rezoning of 0.165 acre, being in the C-3 District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 85, 1992. 92-Z-90 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT # 23.

7150 ACTON ROAD (approximate address), INDIANAPOLIS.
A.L. & L, INC., by David Retherford, requests the rezoning of 9.05 acres, being in the D-A District, to the D-S classification to provide for a 6 lot subdivision by platting.

PROPOSAL NO. 428-433, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 21, 1992". The Council did not schedule Proposal Nos. 428-433, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 428-433, 1992 were retitled REZONING ORDINANCE NOS. 86-91, 1992 and are identified as follows:

REZONING ORDINANCE NO. 86, 1992. 92-Z-63 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #13.

11209 and 11223 EAST WASHINGTON STREET, INDIANAPOLIS.
JOHN MCNEAL and LAURA MCNEAL, by Michael J. Kias, request the rezoning of 2.51 acres, being in the D-5 District, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 87, 1992. 92-Z-66 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #05.

10320 EAST 59TH STREET (approximate address), INDIANAPOLIS.
SCM REAL ESTATE DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests the rezoning of 31.482 acres, being in the I-2-S District, to the D-7 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 88, 1992. 92-Z-67 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #05.

10210 EAST 59TH STREET (approximate address), INDIANAPOLIS.
SCM REAL ESTATE DEVELOPMENT, by Thomas Michael Quinn, requests the rezoning of 126.782 acres, being in the D-6II and D-7 District, to the D-5 classification to provide for residential development.

REZONING ORDINANCE NO. 89, 1992. 92-Z-77 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #20.

1019 EAST HANNA AVENUE (approximate address), INDIANAPOLIS.

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LANDMARK PROPERTIES, by J. Murray Clark, requests the rezoning of 1.75 acres, being in the D-3 AND C-5 Districts, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 90, 1992. 92-Z-78 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #24.

8820 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.
DENISON PROPERTIES, INC., by Harry F. McNaught, Jr., requests the rezoning of 19.0 acres, being in the D-A District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 91, 1992. 92-Z-79 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT #02.

8401 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.
NORTH MICHIGAN ROAD PROPERTIES, by Thomas Michael Quinn, requests the rezoning of 0.052 acre, being in the D-6II District, to the C-1 classification to provide for commercial development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 319, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 319, 1992 on August 18, 1992. The proposal appropriates \$250,000 for the Department of Metropolitan Development, Planning Division, to cover organizational costs to improve the efficiency of the transportation system. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 319, 1992 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

4 NOT VOTING: Coughenour, Gilmer, Hinkle, Williams

Proposal No. 319, 1992 was retitled FISCAL ORDINANCE NO. 53, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 53, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Planning Division, to receive additional federal funding to help improve the efficiency of the transportation system through a host of new programs and projects emphasizing travel demand management techniques.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT
PLANNING DIVISION

3. Other Services and Charges
4. Capital Outlay
TOTAL INCREASE

CONSOLIDATED COUNTY FUND

\$225,000
25,000
\$250,000

SECTION 4. The said additional appropriations are funded by the following reductions:

Unappropriated and Unencumbered
Consolidated County Fund
TOTAL REDUCTION

CONSOLIDATED COUNTY FUND

\$250,000
\$250,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 320, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 320, 1992 on August 18, 1992. The proposal appropriates \$130,694 for the Department of Metropolitan Development, Planning Division, to support a Ft. Harrison planning team. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 320, 1992 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

3 NOT VOTING: *Hinkle, Schneider, Williams*

Proposal No. 320, 1992 was retitled FISCAL ORDINANCE NO. 54, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 54, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Thirty Thousand Six Hundred Ninety-Four Dollars (\$130,694) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Planning Division, to utilize Department of Defense Community Planning Assistance funds to direct the redeveloping activities for reuse of Fort Benjamin Harrison.

SECTION 2. The sum of One Hundred Thirty Thousand Six Hundred Ninety-four Dollars (\$130,694) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

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DEPARTMENT OF METROPOLITAN DEVELOPMENT
PLANNING DIVISION

CONSOLIDATED COUNTY FUND

2. Supplies	\$ 19,430
3. Other Services and Charges	105,184
4. Capital Outlay	<u>6,080</u>
TOTAL INCREASE	\$130,694

SECTION 4. The said additional appropriations are funded by the following reductions:

CONSOLIDATED COUNTY FUND

Unappropriated and Unencumbered Consolidated County Fund	<u>\$130,694</u>
TOTAL REDUCTION	\$130,694

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 360, 1992. The proposal appropriates \$64,675 for the County Recorder to cover monthly payments for document imaging computer equipment. Councillor Borst asked for consent to postpone Proposal No. 360, 1992 until September 8, 1992. Consent was given.

PROPOSAL NO. 363, 1992. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 363, 1992 on August 20, 1992. The proposal appropriates \$130,000 for the Department of Parks and Recreation, Administration Division, to hire a consultant to develop a strategic plan for the City's parks, funded by a Lilly Endowment grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:16 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Mullin, for adoption. Proposal No. 363, 1992 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith

0 NAYS:

5 NOT VOTING: Golc, Howard, Ruhmkorff, West, Williams

Proposal No. 363, 1992 was retitled FISCAL ORDINANCE NO. 55, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 55, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Thirty Thousand Dollars (\$130,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation, Administration Division, to appropriate a Lilly Endowment Grant for purposes of employing a consultant to create an action plan for revitalizing the City's parks.

SECTION 2. The sum of One Hundred Thirty Thousand Dollars (\$130,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

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SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS & RECREATION	
<u>ADMINISTRATION DIVISION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>\$130,000</u>
TOTAL INCREASE	\$130,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>\$130,000</u>
TOTAL REDUCTION	\$130,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 367, 1992. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 367, 1992 on August 13, 1992. The proposal elects to fund MECA in 1993 with COIT revenues. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor Short, for adoption. Proposal No. 367, 1992 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

2 NOT VOTING: *Hinkle, Williams*

Proposal No. 367, 1992 was retitled SPECIAL ORDINANCE NO. 10, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1992

A SPECIAL ORDINANCE election to fund MECA in 1993 with County Option Income Tax Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 1993, the City-County Council, prior to September 1, 1992, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 1993 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,000,000.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 341, 1992. Councillor Gilmer reported that Transportation Committee heard Proposal No. 341, 1992 on August 19, 1992. The proposal, sponsored by Councillor Ruhmkorff, amends the Code by authorizing a traffic signal at the intersection of German Church Road and 10th Street (District 12). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 341, 1992 was adopted on the following roll call vote; viz:

23 YEAS: *Beadling, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

6 NOT VOTING: *Black, Brents, Howard, Mullin, Rhodes, Williams*

Proposal No. 341, 1992 was retitled GENERAL ORDINANCE NO. 63, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. 2	German Church Rd. & 10th St.	None	All Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28, Pg. 2	German Church Rd. & 10th St.	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 361, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 361, 1992 on August 11, 1992. The proposal amends the Flood Control Districts Zoning Ordinance. The revision of the ordinance is in response to a mandate from the federal government as a condition for continued participation in the National Flood Insurance Program. This has been thoroughly discussed with neighborhood groups, craft groups, realtors, developers, and land use attorneys. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor McClamroch, for adoption.

The President passed the gavel to Councillor West.

President SerVaas said that over the years he has had more complaints from citizens who live in floodplain areas than from any other single group. These citizens seem to be

punitively effected so that they cannot repair their houses, they cannot build a garage, and they claim they cannot get any cooperation from government agencies to help them in their plight. The amount of land involved in the flood areas is 15% of the land in Marion County, and that takes a lot of land out of development. He asked if the local restrictions in the flood control ordinance, as revised by the Department of Metropolitan Development (DMD), exceed the federal mandates.

Councillor Borst replied that the local restrictions meet the federal and state standards, they do not exceed them. He also said that the revised ordinance will not stifle new development because with the proper permits from DMD and the Department of Public Works buildings can still be constructed in these areas.

President SerVaas said that he would like to have Jon Meeks' assurance that the local regulations or restrictions do not exceed the federal mandate.

Jon Meeks, Administrator, Division of Development Services, stated that the local requirements do not exceed federal requirements. This revised ordinance meets the minimum requirements of both the state and federal governments. He also said that DMD went to great lengths to make sure that all interested parties were notified about hearings concerning this revised flood ordinance.

Councillor West passed the gavel back to the President.

Councillor Curry asked if the federal maps more properly represent the floodways and floodplains of Marion County than the City's zoning maps. Councillor Borst replied that that was correct.

Councillor Curry asked how DMD is going to respond and assess the merits of the permit requests if it does not have the data within its own database.

Ed Mitro, Senior Planner, DMD, stated that DMD looks at all available data that it has. The ultimate vote in whether property is in a floodplain area or not rests with the federal government.

Councillor Smith asked what recourse will be available to the Council in years to come if it feels that the regulations are too restrictive.

Mr. Mitro replied that once the ordinance is adopted there will be an on-going review of the regulations to see how they do or do not fit.

Councillor McClamroch stated that he is a member of the Regulatory Study Commission which studied this issue and Mr. Mitro represented that he would bring this ordinance back before the Regulatory Study Commission so that the Commission could study this as to whether or not it will stifle development. Councillor McClamroch said that the consequences of not passing this are enormous in that development in floodplains and floodways would absolutely stop, unless one can pay cash for a piece of property. The result of this is that it will impede development if it is not passed. He suggested that the Council adopt this ordinance and give the Regulatory Study Commission the opportunity to study the regulations and then the Commission can come back and tell the Council which specific regulations need to be changed.

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Proposal No. 361, 1992, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Howard, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

1 NAY: Hinkle

3 NOT VOTING: Beadling, Jimison, Schneider

Proposal No. 361, 1992, as amended, was retitled GENERAL ORDINANCE NO. 64, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 1992

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBER 92-AO-6

A GENERAL ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

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

SECTION 1. That Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Indiana Acts of 1955, and all zoning Ordinances and zoning district maps adopted as amendments thereto, including the Comprehensive Zoning Maps of Marion County, Indiana, adopted by Zoning Ordinance 70-A0-4, as amended, be amended to read as follows:

PART 18. FLOOD CONTROL DISTRICTS ZONING ORDINANCE

CHAPTER I.

ESTABLISHMENT OF FLOOD CONTROL ZONING DISTRICTS

Sec. 1.00. Establishment of Districts.

A. The following secondary Flood Control Districts for Marion County, Indiana, are hereby classified, divided and zoned into said 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 Ordinance:

FLOOD CONTROL ZONING DISTRICTS	ZONING DISTRICT SYMBOLS
FLOODWAY (secondary)	FW
FLOOD PLAIN (secondary)	FP
<u>FLOODWAY FRINGE (secondary)</u>	<u>FF</u>

B. The District boundaries have been established from hydrological data delineated on Flood Boundary and Floodway Maps and Flood Insurance Rate Maps provided by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Indianapolis, Indiana" dated November 15, 1983-June 3, 1988. 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 Boundary and Floodway Maps and Flood Insurance Rate Maps, in accordance with FEMA and INRC procedures and regulations. These maps contain numbered Zone A 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 unnumbered Zone A floodplain areas for which floodway district boundaries and base flood elevations are not provided. Each of the aforementioned maps also contain Zone B 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 A 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:

Numbered Zone A.

The Floodway (FW) and Floodway Fringe (FF) Zone District boundary is determined from the Flood Boundary and Floodway Map. The accompanying base flood elevation shall be determined from the Flood

Insurance Study Base Flood Profile, using the Flood Insurance Rate Map as a guide, and is rounded up to the nearest one half foot of elevation.

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 using the procedure set forth for unnumbered Zone A areas. For both Zone AH and Zone AO floodplain areas the floodway district and floodway fringe district boundaries shall be determined in accordance with the procedures for unnumbered Zone A floodplain areas.

Unnumbered 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 DPW or a floodplain recommendation letter issued by INRC 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 DPW or to obtain a floodplain recommendation letter from INRC.

Zone B.

Only those Zone B areas for which the approximate headwater floodplain is depicted are subject to regulation under this Ordinance. Proposed developments in Zone B headwater floodplain areas generally do not require mandatory flood insurance under the NFIP but are still subject to flood hazards and therefore are regulated by this Ordinance. The procedure for establishing the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and base flood elevation is the same as that for unnumbered Zone A areas.

C. Detailed hydrological data ~~are~~ may not be available on the aforementioned maps for certain portions of the Floodway and Floodway Fringe ~~PLAIN~~ Districts. ~~In which such cases,~~ in which such cases, an owner of land or applicant for a ~~Improvement Location Floodplain Development~~ Permit shall be required to request a determination of district boundaries and appropriate flood protection ~~building grade~~ from the ~~Indiana Natural Resources Commission ("INRC")~~ and the appropriate District regulations shall apply. In the event INRC lacks sufficient data, ~~the Flood Control Division of the Department of Public Works of the City of Indianapolis ("DPW")~~ shall determine which type of Flood Control District the site is located in and the appropriate flood protection ~~building grade~~ and limitations applicable to that District. If DPW 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 registered 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 and Flood Boundary and Floodway Maps are set forth in Section 1.01 of this Ordinance. The circumstances in which specific determinations of DISTRICT boundaries are to be made are set forth in Section 2.00(2) of the Amending Ordinance [84-A0-3], which Section amends the Flood Control District Zoning Maps.

Sec. 1.01. Changes to District Boundaries CHANGES THERETO.

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 of 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 and Zone B floodplain 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 may apply for a District boundary change in accordance with this Section.

The boundary of any District established by this Ordinance may be relocated by zoning amendment of the Flood Control District Zoning maps or by the Metropolitan Development Commission of Marion County, Indiana, upon receipt of a written statement of approval such boundary relocation and description thereof from (1) DPW or (2) INRC.

An owner of land or applicant for an Improvement Location Permit for a building or structure in the FLOODWAY or FLOOD PLAIN Districts, may submit a request to the DPW or INRC for approval of relocation of District boundary upon any engineering determination that the land involved is not subject to

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~~flooding and should be excluded from such District due to: original mapping error, availability of more recent or refined hydrological data, or construction of flood control measures.~~

~~The applicant for such relocation of District boundary shall file with the Metropolitan Development Commission said written approval of DPW or INRC, as a prerequisite to boundary relocation by the Metropolitan Development Commission.~~

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 unnumbered Zone A and Zone B 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.

DPW 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 DPW shall issue a signed Community Acknowledgment 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, DPW may require the applicant to enter into an agreement with DPW to provide such operation and maintenance.

DPW shall be responsible for maintaining up to date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with INRC, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

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 LOMRs and LOMAs as changes to the Flood Control District Zoning Maps.

FLOOD CONTROL DISTRICT REGULATIONS

Sec. 2.00. General Regulations Applicable to All Districts.

The following regulations shall apply to all land within any Flood Control District.

~~A. As used in this Ordinance, a legally established nonconforming use means a use or structure which is not in full compliance with the regulations of this Ordinance and which was lawfully established prior to October 4, 1971, the effective date of the Flood Control District Zoning Ordinance (Ordinance 71 A0 3).~~

~~A.B.~~ From and after October 4, 1971:

1. No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Ordinance.
2. No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, ~~or~~ relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this Ordinance.

~~Provided, however, legally established nonconforming uses, including levees, which are damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to their original dimensions and condition, provided the damage does not reduce the value of the building or facilities, excluding the value of the land, by more than forty percent (40%) of its predamaged market value.~~

B. No Land Alteration, Watercourse Alteration, Open Land Use, Legally Established Nonconforming Use, or Structure as defined in this Ordinance shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a Floodplain Development Permit is issued for the proposed activity as required by this Ordinance.

C. Application for a Floodplain Development Permit shall be made on a form provided by DPW. The application shall be accompanied by drawings of the site drawn to scale which depict the proposed activity in a manner adequate for DPW to determine compliance with this Ordinance. At a minimum the site plan shall show: all existing and proposed structures; existing and proposed contours (if the proposed activity includes Land Alteration or Watercourse Alteration); the governing base flood elevation for the site (including the source

of the base flood elevation value); and the proposed flood protection grade elevation (if the proposed activity requires a specified flood protection grade under this Ordinance).

Site plans for all platted subdivisions shall also include a delineation of the existing and proposed Floodway and Floodway Fringe boundaries; a flood protection grade denoted for each building pad; and, for each lot located in a Flood Control District, a plan note identifying the Flood Control District in which it is located and the requirements and limitations imposed under this Ordinance for construction on a floodplain lot.

Plans for proposed activities requiring a specified flood protection grade under this Ordinance, which involve Land or Watercourse Alterations, or involve floodproofing of a structure shall be certified by a Professional Engineer, Professional Surveyor, or Professional Architect as defined by this Ordinance.

D. An application fee shall be charged for the processing of a Floodplain Development Permit application. A fee schedule shall be developed by DMD for categories of proposed activities sufficient to recover the cost of processing applications.

E. A Floodplain Development Permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

F. DPW shall require that an NFIP Elevation Certificate be completed by a Professional Engineer, Professional Architect or Professional Surveyor for each new structure, Substantial Addition, Substantial Improvement, or restoration of Substantial Damage located in a Flood Control District, as required by FEMA. DPW shall supply each applicant for a Floodplain Development Permit with a blank NFIP Elevation Certificate during the DPW's Floodplain Development Permit review process. The applicant shall have a Professional Engineer, Professional Architect or Professional Surveyor complete the NFIP Elevation Certificate, showing the as built flood protection grade and lowest adjacent grade to the structure. The applicant shall deliver a signed and completed NFIP Elevation Certificate to DPW within 10 calendar days after completion of construction of the lowest floor grade, and before DMD completes the final site inspection.

DPW shall require that a floodproofing certificate if required by Section 2.02(B)(1), be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control district, as required by FEMA. DPW shall supply each applicant for a floodplain development permit with a blank floodproofing certificate during the DPW's floodplain development permit review process. The applicant shall have a professional engineer or architect complete the floodproofing certificate, showing the as built flood protection grade as provided by the floodproofing measures constructed. The applicant shall deliver a signed and completed floodproofing certificate to DPW within ten (10) calendar days after completion of construction of the structural floodproofing and before DMD completes the final site inspection.

DMD shall not perform the final inspection of construction involving a new building or addition to a building requiring an Elevation Certificate or Floodproofing Certificate until it has received notification that a properly completed Elevation Certificate or Floodproofing Certificate has been submitted to DPW. Failure to submit a properly completed Elevation Certificate, or Floodproofing Certificate if applicable, shall result in the issuance of a stop work order on the project by DMD, revocation of the Floodplain Development Permit by DMD, or both.

G. DPW shall make all determinations and obtain all data in accordance with FEMA standards at 44 C.F.R. § 60.3. The permit applicant is responsible for supplying data to DPW that is required by FEMA.

H. The Metropolitan Development Commission hereby delegates authority to DPW to perform all functions relating to the review of applications for and issuance of Floodplain Development Permits, in accordance with this Ordinance.

- I. All new construction and substantial improvements shall
 1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 2. be constructed with materials resistant to flood damage,
 3. be constructed by methods and practices that minimize flood damages, and

4. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. A Floodplain Development Permit shall not be issued for proposed activity in an Unnumbered Zone A or Zone AH or Zone AO until the Flood Control District boundaries and base flood elevation are established in accordance with Section 1.00(B).

Sec. 2.01. FW Floodway District Regulations (Secondary).

The following regulations, in addition to those in section 2.00, shall apply to all land within the Floodway District. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the Floodway District is to guide development in areas identified as a Floodway. INRC exercises primary jurisdiction in the Floodway District under the authority of IC 13-2-22; however, the City may impose terms and conditions on any Floodplain Development Permit it issues in a Floodway District which are more restrictive than those imposed by INRC regulations.

A. Permitted uses. The following uses shall be permitted in the Floodway District subject to the development standards of Sec.2.01 (b).

1. Open Land Uses.
2. Land Alterations and Watercourse Alterations.
3. Non-Building Structures.
4. Detached Residential Accessory Structures.
5. Improvements, additions, and restoration of damage to legally established nonconforming uses.

B. Development Standards.

1. Open Land Use.

Any Open Land Use as defined in this Ordinance shall be permitted provided no permanent structures are erected other than pavement, curbs or fences so constructed as not to impede the flow of floodwater and debris carried by such water allowed without a Floodplain Development Permit provided that the OPEN LAND USE does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a Floodway in accordance with INRC regulations. Otherwise, proposed OPEN LAND USES shall require a Floodplain Development Permit in accordance with this subsection.

- ~~2. Necessary PUBLIC and SEMIPUBLIC FACILITIES OR UTILITY STRUCTURES if constructed in a manner not to impede the flow of floodwater and debris carried by such water.~~

- ~~3. DETACHED RESIDENTIAL ACCESSORY STRUCTURES may be erected under the following conditions:~~

- ~~a. The detached structure is constructed or placed on _____ the same lot as an existing primary residential _____ structure and is operated and maintained under the _____ same ownership,~~
- ~~b. The detached structure is customarily incidental, _____ accessory and subordinate to, and commonly _____ associated with, the operation of the primary use _____ of the lot,~~
- ~~c. The detached structure is no larger than 80% of the _____ size of the existing primary residential structure _____ or 720 square feet, whichever is smaller,~~
- ~~d. The detached structure is not used in total, or in _____ part, as finished living space,~~
- ~~e. Any electrical wiring in the detached structure is _____ located above the 100 year flood level and the _____ detached structure is not used for the storage of _____ any substance or chemical~~

~~which is dangerous or~~ _____ ~~would become dangerous if~~
~~mixed with water,~~

~~f. The Department of Natural Resources (DNR)/Natural~~ _____ ~~Resources Commission (NRC)~~
~~has issued the~~ _____ ~~appropriate approval for~~
~~construction, and~~

~~g. As a condition to allowing a detached residential~~ _____ ~~accessory structure, the~~
~~Department of Public Works~~ _____ ~~(DPW) may require the owner~~
~~to record a statement,~~ _____ ~~in a form approved by DPW,~~
~~indicating that the~~ _____ ~~attached residential accessory~~
~~structure shall not,~~ _____ ~~in the future, be used in total,~~
~~or in part, as~~ _____ ~~finished living space. Such~~
~~covenant shall run with~~ _____ ~~the land and shall be binding~~
~~on all subsequent~~ _____ ~~owners.~~

B. PERFORMANCE STANDARDS

~~1. No use shall involve the storage, accumulation,~~ _____ ~~spreading, dismantling or~~
~~processing of garbage, trash,~~ _____ ~~junk, or any other similar~~
~~material.~~

~~2. Except as provided in Section 2.01, A, 3, no use shall alter the land in any manner which will:~~

~~a. encroach upon the carrying capacity of any watercourse,~~

~~b. change topography,~~

~~c. drain or reclaim land,~~

~~d. alter, widen, deepen, or fill watercourses, drainage channels or ways,~~

~~e. result in a pond, lake, levee, dam or any other change of watercourse, drainage channel or floodway.~~

~~unless the DNR/NRC has issued the appropriate approval for such alteration.~~

2. Land and Watercourse Alterations.

Land Alterations and Watercourse Alterations as defined in this Ordinance, shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

In addition, no Floodplain Development Permit shall be issued for Land Alterations or Watercourse Alterations in a Floodway unless a Certificate of Approval for Construction in a Floodway is first issued by INRC for the proposed activity, if required pursuant to IND. CODE 13-2-22-13.

3. Non-Building Structures.

Non-Building Structures as defined in this Ordinance shall be permitted in a Floodway only under the following conditions:

a. The Non-Building Structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;

b. The Non-Building Structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;

c. The Non-Building Structure is designed to minimize potential contamination or infiltration of flood waters or other potential environmental health or safety hazards associated with flooding up to and including the base flood;

- d. The Non-Building Structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross section area perpendicular to the flow path, and placement of the Non-Building Structure away from areas of greater depth or velocities;
- e. The INRC has first issued a Certificate of Approval of Construction in a Floodway, if applicable pursuant to IND. CODE 13-2-22-13; and
- f. The Non-Building Structure must meet the applicable flood protection grade required by INRC and FEMA rules.

4. Detached Residential Accessory Structures.

Detached Residential Accessory Structures may be erected in a floodway with or without a flood protection grade two feet above the base flood elevation only if the following conditions are met. A flood protection grade two feet above the base flood elevation is not a condition for the erection of a detached residential accessory structure in a floodway. However, the following conditions must be met irrespective of whether a flood protection grade is provided.

- a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
- b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
- c. The detached structure is no larger than seventy five percent of the size of the existing primary residential structure or four hundred square feet, whichever is smaller;
- d. The detached structure shall never be used in total, or in part, for habitable space ;
- e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base flood elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water;
- f. The INRC has first issued a Certificate of Approval of Construction in a Floodway; and
- g. As a condition to allowing construction of a Detached Residential Accessory Structure, DPW may first require the owner to record a statement, in a form approved by DPW, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

5. Legally-Established Nonconforming Uses in a Floodway (FW) District.

Nothing stated in this subsection shall prevent Ordinary Maintenance or Repair of Legally-Established Nonconforming Uses as defined in this Ordinance. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the fifty percent limit for determining substantial improvement, restoration of substantial damage or substantial addition as defined herein.

a. Restoration of Damage.

- (1) Non-Substantial Damage: A Legally-Established Nonconforming Use which has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition provided that the damage is Non-Substantial Damage as defined in this Ordinance and a Certificate of Approval of Construction in a Floodway, if required in accordance with INRC rules, is first obtained from INRC.
- (2) Substantial Damage: A Legally-Established Nonconforming Use which is Substantially Damaged as defined in this Ordinance may only be restored if the following conditions are satisfied:
 - (i) the Legally-Established Nonconforming Use is not a Primary Residential Structure;
 - (ii) the applicant for the proposed restored use must first obtain a Certificate of Approval for Construction in a Floodway from INRC;

- (iii) a restored structure must be provided with a flood protection grade at or above the base flood elevation;
- (iv) the design of the foundation of a restored structure must be certified by a Professional Engineer or Professional Architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
- (v) if the damage to a structure is such that the structure including the foundation is destroyed the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by DPW;
- (vi) the restored or rebuilt structure does not restrict or obstruct the Floodway more than the damaged structure;
- (vii) the damage was not intentionally caused by the owner or occupant;
- (viii) the restoration of the structure is begun within one year and completed within two years following the date that the damage occurred.

b. Improvements.

- (1) Non-Substantial Improvements: A Legally-Established Nonconforming Use in a Floodway (FW) District may undergo a one-time only Non-Substantial Improvement. Subsequent Improvements shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Improvements.
- (2) Substantial Improvements: A Substantial Improvement to a Legally-Established Nonconforming Use in a Floodway (FW) District is prohibited.

c. Additions.

- (1) Non-Substantial Additions: A Legally-Established Nonconforming Use in a Floodway (FW) District may undergo a one-time only Non-Substantial Addition. Subsequent additions shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Additions.

A Certificate of Approval for Construction in a Floodway must be obtained from INRC for any Addition prior to the issuance of a Floodplain Development Permit.

- (2) Substantial Addition: A Substantial Addition to a Legally-Established Nonconforming Use in a Floodway (FW) District is prohibited.

6. Prohibition of Garbage, Trash, Junk in Floodway (FW) District.

No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.

~~C. Development Procedure.~~

- ~~1. All plans, drawings, specifications and any other information pertinent to the development, location and construction of a building or structure shall be submitted to the DPW for consideration.~~
- ~~2. No Improvement Location Permit shall be issued for any building or structure in a Floodway District until the application therefor submits satisfactory evidence that the DNR/NRC has issued the appropriate approval for said construction.~~

Sec. 2.02. Floodway Fringe (FF) - FP FLOOD PLAIN District Regulations
(Secondary).

The following regulations, in addition to those in section 2.00 shall apply to all land within the Floodway Fringe Plain District. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the Floodway Fringe District is to guide development in areas subject to potential flood damage, but outside a Floodway District.

A. Permitted Uses. All uses permitted in the applicable primary zoning district shall be permitted in the Floodway Fringe Plain District, subject to the requirements of this Section.

B. Development Standards.

1. General.

Except as provided in subsections 2, 3 and 5 B, C, and D below, no building or structure shall be erected, reconstructed, expanded, structurally altered, converted, used, or relocated, restored, or improved unless it is provided with a Flood Protection Grade of at least two (2) feet above the base flood elevation. This Flood Protection Grade may be achieved for non-residential structures by structural floodproofing. The design and construction shall be certified on a Floodproofing Certificate by a Professional Engineer or Professional Architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

For Floodplain development at sites which are elevated with fill, lowest floor levels, including basement floors, shall be provided with a flood protection grade of at least two (2) feet above the base flood elevation. The flood protection grade as well as all other requirements of this Ordinance shall not be applicable to property which has been removed from a Flood Control District through the issuance of a final LOMR or LOMA by FEMA.

Floodway Fringe Fill on which a building is to be placed shall be compacted to 95% of maximum density using the Standard Proctor Test method. The surface of the fill shall extend at least ten feet horizontally from the perimeter of the building before sloping below the base flood elevation. This is a minimum distance which may need to be increased by the designer based on site conditions. Fill slopes shall be adequately protected from erosion using a method approved by DPW.

~~1. flood protective measures, determined to be adequate therefor and approved in writing by the DPW, are provided, or~~

~~2. the land grade upon which such building or structure is to be located, all land within ten (10) feet thereof, and adequate all weather access to a public street, all are above the applicable flood elevation; and the first floor of such building or structure shall be at least two (2) feet above the applicable flood elevation.~~

2. Open Land Use.

Any Open Land Use as defined in this Ordinance shall be allowed in a Floodway Fringe District without a Floodplain Development Permit.

3. Land and Watercourse Alterations.

Land Alterations and Watercourse Alterations in a Floodway Fringe District shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

4. Non-Building Structures.

Non-Building Structures as defined in this Ordinance shall be allowed in a Floodway Fringe District only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and the following conditions are met:

a. The Non-Building Structure is designed, located and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;

b. The Non-Building Structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;

c. The Non-Building Structure is designed to minimize potential contamination or infiltration of flood waters or other potential environmental or safety hazards associated with flooding up to and including the base flood;

- d. The Non-Building Structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross section perpendicular to the flow path, and placement of the Non-Building Structure away from areas of greater depth or velocities;
- e. The Non-Building Structure must meet the applicable flood protection grade required by INRC and FEMA rules.

B. NONCONFORMING USES

- ~~1. Any building which constitutes a legally established nonconforming use may be altered, enlarged or extended on a one-time only basis, provided such alterations, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than forty percent (40%) of its pre-improvement market value, and the alteration, enlargements, or extensions are not otherwise prohibited or restricted by law. However, nothing stated in this subsection shall prevent ordinary maintenance or repair of buildings or structures, nor shall this subsection prevent the alteration, enlargement or extension of a nonconforming use if such alteration, enlargement or extension complies with the requirements of subsection A.~~
- ~~2. As a condition to allowing the alteration, enlargement or extension of a nonconforming use, the Department of Public Works may require the owner to record a statement, in a form approved by DPW, indicating that the improvement is made on a one-time basis. This statement shall serve as notice to subsequent possessors and owners.~~
- 5. Detached Residential Accessory Structures.

C. DETACHED ACCESSORY STRUCTURES ~~Detached accessory structures~~ Detached Residential Accessory Structures may be erected in a Floodway Fringe District above or below the Flood Protection Grade only if under the following conditions are met:

- ~~1.a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;~~
- ~~2.b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;~~
- ~~3.c. If the detached structure is accessory to a one or two family dwelling, the detached structure is no larger than seventy five percent (75%) eighty percent 80% of the size of the existing primary residential structure or four hundred square feet 720, whichever is smaller;~~
- ~~4. If the detached structure is not accessory to a one or two family dwelling, the detached structure is no larger than 1000 square feet,~~
- ~~5.d. The detached structure shall never be is not used in total, or in part, for habitable space as finished living space and;~~
- ~~6.e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the base 100-year flood elevation level and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and~~
- ~~7.f. As a condition to allowing a detached residential accessory structure, the DPW may require the owner to record a statement, in a form approved by DPW, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as finished living habitable space. This shall be a Such covenant that shall run with the land be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.~~

6.D. Attached Non-Habitable Residential Structures Accessory Enclosures.

Attached Non-Habitable Accessory Enclosures ~~Attached non-habitable structures~~ may be constructed in a Floodway Fringe District as a part of one family dwellings, two family dwellings, or multi-family dwellings structures only under the following conditions:

- a.1. ~~All parts of the building or structure other than the aAttached nNon-hHabitable Accessory Enclosure structure shall be erected, constructed, reconstructed, expanded, structurally altered, converted, used or relocated in compliance with this Subsection 2.02 AB;~~
 - b.2. ~~The aAttached nNon-hHabitable Accessory Enclosure structure is attached to or part of the primary residential structure and is operated and maintained under the same ownership;~~
 3. ~~The attached non-habitable structure is constructed at the same time as the primary residential building;~~
 - c.4. ~~The aAttached nNon-hHabitable Accessory Enclosure structure is customarily incidental, accessory and subordinate to, and commonly associated with the use of the primary residential structure;~~
 5. ~~The attached non-habitable structure is no larger than 720 square feet;~~
 - d.6. ~~The aAttached nNon-hHabitable Accessory Enclosure structure is not used in total or in part, as habitable finished living space, but is solely for parking vehicles, building access or storage of materials not covered under the Standard Flood Insurance Policy;~~
 - e.7. ~~As a condition to allowing an aAttached nNon-hHabitable Accessory Enclosure structure, the DPW shall may require the owner to record a statement, in a form approved by DPW, indicating that the aAttached nNon-hHabitable Accessory Enclosure structure shall not, in the future, be used in total, or in part, as habitable finished living space. This shall be a Such covenant that shall run with the land be recorded in the Office of the Recorder, Marion county, Indiana, with the deed and shall be binding on all subsequent owners, and;~~
 - f.8. ~~Any electrical wiring and any heating, and cooling or other major appliance or equipment in the aAttached nNon-hHabitable Accessory Enclosure structure is located above the base 100-year flood elevation level and the attached non-habitable accessory enclosure structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and~~
 - g. ~~The exterior walls of the Attached Non-Habitable Accessory Enclosure shall be constructed with a material which will maintain its structural integrity during and after exposure to flood waters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood waters. Designs for meeting this requirement must meet the following minimum criteria:~~
 - (1) A minimum of two wall openings having a total net area of not less than one square foot for every two square feet of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all openings shall be no higher than one foot above the floor level of the enclosure or no greater than one foot above grade, whichever is less; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters without reliance on human or electrical activation; and
 - h. ~~Attached Non-Habitable Accessory Enclosures that are also Legally-Established Nonconforming Uses pursuant to Section 2.02 B-8 shall not be subject to the requirements of Section 2.02 B-6.~~
7. Manufactured Home Dwellings, Mobile Dwellings and Recreational Vehicles.
- a. Manufactured Home Dwellings and Mobile Dwellings that are placed or undergo Substantial Improvements or Substantial Additions on sites outside of a Mobile Dwelling Project, in a New Mobile Dwelling Project or Subdivision, in an Expansion to an Existing Mobile Dwelling Project or Subdivision, or in an Existing Mobile Dwelling Project or Subdivision on which a Manufactured Home Dwelling or Mobile Dwelling has incurred Substantial Damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the Manufactured Home Dwelling or Mobile Dwelling is elevated with a flood protection grade at least two feet above the base flood and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
 - b. Manufactured Home Dwellings and Mobile Dwellings that are placed or undergo Substantial Improvements or Substantial Additions on sites in an Existing Mobile Dwelling Project or Subdivision on which a Manufactured Home Dwelling or Mobile Dwelling has not incurred

Substantial Damage as the result of a flood, shall be elevated so that either the lowest floor of the Manufactured Home Dwelling or Mobile Dwelling is elevated with a flood protection grade at least two feet above the base flood or the Manufactured Home Dwelling or Mobile Dwelling chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and be securely anchored foundation system to resist flotation, collapse and lateral movement.

- c. Recreational Vehicles placed on sites in the Floodway Fringe for one hundred eighty consecutive days or more shall be subject to the requirements for Manufactured Home Dwellings and Mobile Dwellings contained in this Ordinance. Recreational Vehicles placed on sites in the Floodway Fringe shall not be subject to requirements for Manufactured Home Dwellings and Mobile Dwellings contained in this Ordinance and shall not require a Floodplain Development Permit if the Recreational Vehicle is either placed on the site for fewer than one hundred eighty consecutive days or is fully licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.

8. Legally Established Nonconforming Uses.

Nothing stated in this subsection shall prevent Ordinary Maintenance or Repair of Legally-Established Nonconforming Uses as defined in this Ordinance. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the fifty percent limit for determining a substantial improvement, restoration of substantial damage or substantial addition as defined herein.

Improvements, Additions and Restoration of Damage to Legally Established Non-Conforming Uses authorized under this subsection shall not be subject to Subsection 2.02 B6 of this Section.

a. Restoration of Damage.

- (1) Non-Substantial Damage: A Legally-Established Nonconforming Use in a Floodway Fringe District damaged by flood, fire, explosion, act of God or the public enemy, may be restored to its original dimensions and condition provided that the damage is a Non-Substantial Damage as defined by this Ordinance.
- (2) Substantial Damage: A Legally-Established Nonconforming Use that is Substantially Damaged may only be restored if the restored structure is provided with a flood protection grade of two feet above the base flood elevation.

b. Improvements.

- (1) Non-Substantial Improvements: A Legally-Established Nonconforming Use in a Floodway Fringe District may undergo a one-time only Non-Substantial Improvement. Subsequent improvements shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Improvements.
- (2) Substantial Improvement: A Legally-Established Nonconforming Use may only undergo a Substantial Improvement if the structure is provided with a flood protection grade of at least two feet above the base flood.

c. Additions.

- (1) Non-Substantial Addition: A Legally-Established Nonconforming Use in a Floodway Fringe District may undergo a one-time only Non-Substantial Addition. Subsequent improvements or additions shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Additions.
- (2) Substantial Addition: A Legally-Established Nonconforming Use may only undergo a Substantial Addition if the addition is provided with a flood protection grade of at least two feet above the base flood.

~~E. BASEMENT FLOOR ELEVATION No basement floor construction at an elevation lower than the applicable flood elevation as indicated on the Flood Control Districts Zoning Maps shall be undertaken unless:~~

- ~~1. flood protection measures determined to be adequate therefore and approved in writing by DPW are provided, or~~

~~2. such basement has been designed to withstand pressure from water at the flood elevation and plans for such construction, certified by a registered professional engineer to be so designed and approved in writing by the DPW, have been filed with the Department of Metropolitan Development of Marion County, Indiana.~~

9.F. Draining of Land; Altering of Watercourses; Construction of Ponds, Lakes, Levees, Dams.

No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the Floodway Fringe District Flood Plain unless first approved by the ~~DPW or DNR~~, INRC, if applicable, and any other local, state or federal agencies ~~having jurisdiction over such activity.~~

10. Construction of New Access Roads.

If the proposed activity includes the construction of a new access road between proposed buildings to be located in the Floodway Fringe District and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one access road between the public road and any proposed building, only one must provide access at or above the base flood elevation.

Sec. 2.03. Variances.

A. The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) Districts if the applicant submits evidence that:

1. There exists a good and sufficient cause for the requested variance;
2. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant;
3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other applicable laws or Ordinances.

B. The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) Districts subject to the following conditions:

1. No variance for the construction of a new residential structure in a Floodway (FW) District may be granted;
2. Any variance granted for a use in a Floodway (FW) District shall first require a permit from INRC, if such permit is required by INRC rules and procedures;
3. Variances to the flood protection grade requirements may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;
4. Variances may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, subject to the condition that such variance will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character;
5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
6. DPW shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks of life and property and could require payment of increased flood insurance premiums.

Sec. 2.04 Permit Application and Review Procedures; Recordkeeping.

A. DPW shall review all applications for a Floodplain Development Permit for all sites which have been identified by DMD or DPW as lying in a Flood Control District. DPW shall verify that the site is in a Flood Control District by referring to the Flood Boundary and Floodway Map or Flood Insurance Rate Map. In cases

where the floodplain status of the site cannot be fully determined through the use of these maps, DPW shall use the best available data to determine the floodplain status of the site, in accordance with Section 1.00 of this Ordinance.

B. If the permit application is for a site located in an identified Floodway (FW) District, then DPW shall direct the applicant to apply to INRC for a state permit for construction in floodway. A Floodplain Development Permit shall not be issued for the proposed activity until the INRC has issued a Certificate of Approval of Construction in a Floodway or a letter stating that INRC approval is not required, and DPW determines that the application complies with all other applicable requirements of this Ordinance.

C. If the permit application is for a site located in a Floodway Fringe (FF) District, then DPW may approve the application upon compliance with the applicable requirements of this Ordinance.

D. In both Floodway (FW) and Floodway Fringe (FF) Districts, DPW will require such modifications to the design and materials of the proposed activity as DPW may deem appropriate under this Ordinance.

E. In reviewing applications for Floodplain Development Permits for compliance with the requirements of this Ordinance, DPW, in conjunction with DMD, shall assure that all necessary permits related to floodplain management objectives from state, federal, and local agencies have been obtained.

F. Records of Floodplain Development Permits.

1. DPW will maintain a file of all Floodplain Development Permits issued in a Flood Control District.

2. DPW will make these Floodplain Development Permits available to representatives of FEMA, INRC and other interested parties.

G. NFIP Elevation Certificates.

1. DPW will file the NFIP Elevation Certificate, and the Floodproofing Certificate if applicable, for each building and structure in a Flood Control District with the Floodplain Development Permit.

2. DPW will make available to insurance agents and lenders, upon request, copies of the NFIP Elevation Certificate and the Floodproofing Certificate to assist in the actuarial rating of the structure for flood insurance purposes.

H. DPW shall notify an adjacent community and INRC prior to any alteration or relocation of a watercourse in a riverine situation and submit copies of such notifications to FEMA.

Sec. 3.00. National Flood Insurance Program Regulation.

~~The Administrator of the Division of Development Services Flood Control Division, in cooperation with DMD and DPW, during the his review of Floodplain Development Permit applications Improvement Location Permits located in identified Flood Control Districts flood hazard area, shall ensure assure that all National Flood Insurance Program regulations (codified at contained in 44 CFR, Part 60.3 (d)) pertaining to state and federal permits, subdivision review, building permit review, flood proofing nonresidential structures, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.~~

Sec. 4.00. Severability.

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

Sec. 5.00. Violations.

A violation of this Ordinance shall be enforceable under the Enforcement Remedies Zoning Ordinance of Marion County, Code of Indianapolis and Marion County, Appendix D, Part 26.

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A violation may lead to the cancellation of a Standard Flood Insurance Policy. DPW shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by the Standard Flood Insurance Policy to be suspended.

Sec. 6.00. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the plain, ordinary meaning they have in common usage and to give the Ordinance its most reasonable application.

As-Built Condition. The state of being of a structure or building immediately following its construction or placement.

Attached Non-Habitable Accessory Enclosure. An enclosed area of structure below the elevated first floor used solely for parking vehicles, building access or storage which satisfies all requirements for such a structure as set forth in this Ordinance.

Base Flood. That flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a hundred year period, as calculated by a method and procedure which is acceptable to and approved by the INRC. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

Base Flood Elevation. The site-specific elevation of the water surface of the base flood measured in feet above mean sea level (1929 NGVD or NAVD 1988). In either case a conversion number shall be included.

Best Available Data. Information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by DPW to make Flood Control District determinations pursuant to Section 1.00 of this Ordinance, when detailed floodplain data are not available for a particular site.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

Cost. The actual value of the work to be performed based on a method approved by FEMA.

Detached Residential Accessory Structure. A detached non-habitable structure which is subordinate to and located no less than six feet from the primary residential structure and which satisfies all local regulations regarding this classification.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DMD. The Department of Metropolitan Development of the City of Indianapolis.

DPW. The Department of Public Works of the City of Indianapolis.

Elevation Certificate. The most recently published official Elevation Certificate document issued by FEMA.

Existing Mobile Dwelling Project or Subdivision. A Mobile Dwelling Project or Subdivision for which the construction of facilities for servicing the lots on which the Mobile Dwellings are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion to an Existing Mobile Dwelling Project or Subdivision. The preparation of additional sites for an Existing Mobile Dwelling Project or Subdivision by the construction of facilities for servicing the lots on which the Mobile Dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FDP. Floodplain Development Permit.

FEMA. Federal Emergency Management Agency.

Fifty Percent Limit. The maximum amount of work allowed in or on a Legally-Established Non-Conforming Use before the work is not eligible for the special allowances provided for Restoration of Non-Substantial Damage, Non-Substantial Improvements and Non-Substantial Additions as provided herein. The proposed work shown on an application for a Floodplain Development Permit in or on a Legally-Established Nonconforming

Use shall be evaluated to determine whether the fifty percent limit has been exceeded by taking the ratio of the projected cost of the work divided by the market value before the start of construction of the Legally-Established Nonconforming Use (excluding the value of the land or detached structures) as a percentage.

Fill. Soil material placed upon the ground, compacted and graded for the purpose of elevating the surface of the ground.

Flood or Flooding.

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of rivers, streams, ditches or enclosed drainage systems;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source;
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Insurance Study Base Flood Profile. The base flood elevation profile included in the June 3, 1988 Flood Insurance Study published by FEMA.

Floodplain. The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

Floodproofed Building. A nonresidential building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Floodproofing Certificate. The most recently published official document for Floodproofing Certificate for Non-Residential Structures issued by FEMA.

Flood Protection Grade. The elevation of the lowest point in a building at which flood waters may enter the interior of the building. Such lowest point is defined by the following:

- (1) The lowest floor of the building (if a basement is included, the basement floor is the lowest floor);
- (2) The garage floor, if the garage is the lowest level of the building (except garages which qualify as an allowed non-habitable attached accessory enclosure);
- (3) The first floor of buildings elevated on pilings or constructed on a crawl space;
- (4) The floor level of any enclosure below the elevated first floor unless the enclosure satisfies the requirements for a non-habitable attached accessory enclosure;
- (5) The level of protection provided to a nonresidential building below which the building is designed to be water tight. The design and construction shall be certified on a Floodproofing Certificate by a professional engineer or a professional architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Floodwater. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

Floodway Fringe. The portion of the regulatory floodplain which is not required to convey the 100 year frequency flood peak discharge and therefore lies outside of the floodway.

Habitable Space. The enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

Historic Structure. Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in accordance with a state historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior.

INRC. The Indiana Natural Resources Commission.

Land Alteration. Any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse.

For purposes of this Ordinance, Land Alterations do not include the construction, placement of, or other activities involving buildings or non-building structures, or those activities which are defined as Open Land Use in this Ordinance, or ordinary maintenance and repair of an INRC approved Land Alteration.

Legally Established Nonconforming Use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of this Ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the Flood Control Zoning District.

LOMA. Letter of Map Amendment issued by FEMA.

LOMR. Letter of Map Revision issued by FEMA.

Manufactured Home Dwelling. A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least 950 square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

Market Value of Structure. The market value of the structure itself not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and DPW. If an appraisal is used the appraiser must have at least one of the following designations:

- (1) member of the American Institute of Real Estate Appraisers (MAI);
- (2) residential member of the American Institute of Real Estate Appraisers (RM);
- (3) senior real estate analyst of the Society of Real Estate Appraisers (SREA);
- (4) senior residential appraiser of the Society of Real Estate Appraisers (SREA);
- (5) senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
- (6) senior member of the American Society of Appraisers (ASA);

- (7) accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
- (8) accredited appraiser of the Manufactured Housing Appraiser Society.

Mobile Dwelling. A movable or portable unit fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion county, and which was either:

- (a) constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
- (b) constructed subsequent to or on June 15, 1976 and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

Mobile Dwelling Project or Subdivision. An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project or, an area of contiguous land separated only by a street that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

New Mobile Dwelling Project or Subdivision. A Mobile Dwelling Project or Subdivision for which the construction of facilities for servicing the lots on which the Mobile Dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

NFIP. National Flood Insurance Program.

Non-Building Structure. Structures other than buildings including but not limited to public utilities, on-site waste disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by DPW to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

Non-Substantial Addition. A structural enlargement of a structure the cost of which is less than fifty percent of the market value of the structure before the start of construction.

Non-Substantial Damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the Owner or Occupant whereby the cost of restoring the structure to its pre-damaged condition would be less than fifty percent of the market value of the structure before the damage occurred.

Non-Substantial Improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which is less than fifty percent of the market value of the structure before the start of construction of the improvement. This term does not include either:

- (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (3) Ordinary maintenance and repair as defined herein.

Open Land Use. The production of crops, pasture, forests, parks, and recreational uses which do not involve any structure, obstruction, construction, excavation or deposit in a Floodway as defined by INRC, or any Land Alteration or Watercourse Alteration as otherwise defined in this Ordinance.

The following specific activities are classified as Open Land Use:

- (1) Excavation of cemetery graves;

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- (2) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (3) Ordinary cultivation of agricultural land including tilling, construction of minor open ditches, and crop irrigation; and
- (4) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences.

Ordinary Maintenance and Repair. Construction activity commonly accomplished in or on an existing structure or existing building equipment for the purposes of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing bricks, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction activity which alters the prior or initial capacity, performance, specifications, type of required energy or functional features of an existing structure or building equipment.

Primary Residential Structure. The residential building in which the permitted primary use of the lot is conducted.

Professional Architect. An architect registered under IC 25-4-1.

Professional Engineer. An engineer registered under IC 25-31-1.

Professional Surveyor. A surveyor registered under IC 31-1-1.

Recreational Vehicle. A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.

Regulatory Flood Profile. A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the base flood.

Residential Building. Any building which possesses the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

Standard Flood Insurance Policy. The Flood Insurance Policy issued by the Federal Insurance Administrator, or an insurer pursuant to an arrangement with the Administrator pursuant to federal statutes and regulations.

Standard Proctor. The maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by 100, and the value obtained must meet or exceed the minimum values specified herein.

Start of Construction. The date that a Floodplain Development Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, substantial addition or restoration of substantial damage, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. Anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks,

cabins, manufactured homes, travel trailers to be placed on a site for more than one hundred and eighty consecutive days, and other similar items.

Substantial Addition. A structural enlargement of the enclosed space of a structure the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction.

Substantial Damage. Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (3) Ordinary maintenance and repair as defined herein.

Variance. A grant of relief from the terms of this Ordinance.

Violation. The failure of a structure or development or use to be fully compliant with this Ordinance. A structure or use or development without the Elevation Certificate, other certifications, or other evidence of compliance required.

Watercourse. Natural streams, man-made ditches, lakes, reservoirs, ponds, retention or detention basins, and drainage swales. A watercourse is distinguished from overland flow, sheet flow, shallow swale flow, and storm sewer flow by the following characteristics which must be present to constitute a watercourse;

- (1) Defined and distinguishable stream banks under natural conditions; and
- (2) Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

Watercourse Alteration. Any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse Alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel nor does it include ordinary maintenance or repair of an INRC approved Watercourse Alteration.

Zone A. Areas within the floodplain established by the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps which include Zone A, AO, AH, A1-A30, and A99. Those areas on the maps labeled Zone A with no base flood elevation depicted have not been studied in detail.

Zone B. Areas between limits of the 100 year flood and 500 year flood; certain areas subject to 100 year flooding with average depths less than one square mile; and areas protected by levees from the base flood.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 365, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 365, 1992 on August 24, 1992. The proposal approves the sale of certain real estate of the Department of Public Works. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 365, 1992, as amended, was adopted on the following roll call vote; viz:

August 24, 1992

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Schneider*

Proposal No. 365, 1992, as amended, was retitled SPECIAL RESOLUTION NO. 59, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 1992

A SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Public Works.

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

SECTION 1. The City-County Council approves, pursuant to IC 36-1-11-3, the sale of the following real property by the Department of Public Works:

<u>Location</u>	<u>Appraised Value</u>
848 S. Lynhurst Dr.	\$35,000

The disposing agent is authorized to sell the above referenced property to the highest and best bidder. However, he or she may sell the property for less than ninety percent (90%) of the appraised value only after having an additional notice of the sale published in accordance with IC 36-1-11-4(c).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 366, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 366, 1992 on August 11, 1992. The proposal approves a Board of Public Works resolution regarding the write-off of certain sewer service accounts of \$25 or less. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 366, 1992 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Schneider*

Proposal No. 366, 1992 was retitled GENERAL RESOLUTION NO. 4, 1992 and reads as follows:

CITY-COUNCIL GENERAL RESOLUTION NO. 4, 1992

A GENERAL RESOLUTION approving Board of Public Works Resolution No. 3004-1992, a Resolution Declaring Certain Sewer Service Final Accounts as Uncollectible and Authorizing the Cessation of Further Collection Efforts.

WHEREAS, the City-County Council has the authority, pursuant to IC 36-9-25-11.7, effective March 1, 1988, and Section 27-115 of the Code of Indianapolis and Marion County, Indiana, as amended, effective May 17, 1988, of final approval of all Board of Public Works resolutions deeming as uncollectible FINAL sewer service accounts for which the outstanding balance is twenty-five dollars (\$25.00) or less, which are at least 120 days delinquent, and which the Department of Public Works has determined to be uncollectible;

WHEREAS, at its regularly scheduled meeting on July 6, 1992, the Board of Public Works approved and adopted Resolution No. 3004-1992, a resolution declaring the accounts listed in the Schedule of Uncollectible

Final Accounts attached to that resolution as uncollectible and authorizing the cessation of further collection efforts;

WHEREAS, the Schedule of Uncollectible Final Accounts attached to that resolution contains approximately 1836 separate accounts totalling approximately \$13,348.66. Such final accounts have balances of twenty-five dollars (\$25.00) or less, are at least 120 days delinquent, have been closed since before July 1, 1989, and have been determined by the Department of Public Works to be uncollectible;

WHEREAS, Board of Public Works Resolution No. 3004-1992 and the Board of Public Works action thereon fulfill all the requirements of Section 27-115 of the Code of Indianapolis and Marion County, Indiana, except for approval by the City-County Council; and

WHEREAS, a copy of Board of Public Works Resolution No. 3004-1992 has been filed with the Clerk of the Council; now, therefore:

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

SECTION 1. The City-County Council hereby approves Board of Public Works Resolution No. 3004-1992, declares that the accounts listed in the certified Schedule of Uncollectible Final Accounts which is a part of that resolution are deemed uncollectible and further authorizes and directs the Department of Public Works to cease collection procedures and to expense the amounts outstanding on such accounts as bad debts.

SECTION 2. This resolution shall be in full force and effect upon adopting in compliance with IC 36-3-4-14.

The President announced that he has given permission to a group of employees to address certain concerns that they have on their employment.

Chuck Watts stated that he is the representative of the Department of Parks golf course union employees. He expressed the union's opposition to the Mayor's proposal to privatize the City's golf courses. The union does not believe that this proposal is in the best interest of the golfers, the employees nor the citizens. He requested the media to air both sides of this issue, and he asked all citizens and City employees to contact their Councillors on this issue.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of August, 1992.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.


President

ATTEST:


Clerk of the Council

(SEAL)