

## ARTICLE I. PURPOSE AND APPLICATION

Editor's note: G.O. 73, 2000, § 1, adopted July 10, 2000, did not specifically amend this Code. Hence, its provisions have been included as §§ 730-100--730-103 at the discretion of the editor to read as herein set out.

### **Sec. 730-100. Statement of purpose.**

The purpose of this article is to assign zoning classifications to the unzoned land in Marion County, which is generally occupied by freeways, but which also may be occupied by other uses.

(G.O. 73, 2000, § 1)

### **Sec. 730-101. Extension of zoning districts.**

Where a zoning boundary line follows the edge of the rights-of-way of the freeways or lies within the rights-of-way of the freeways within Marion County, that zoning boundary shall be extended to the centerline of that right-of-way and shall be construed as following the centerline of the right-of-way.

(G.O. 73, 2000, § 1)

### **Sec. 730-102. Severability.**

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

(G.O. 73, 2000, § 1)

### **Sec. 730-103. Compliance.**

This article shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

(G.O. 73, 2000, § 1)

## ARTICLE II. ZONING PROCEDURES

*Editor's note: This article consists of the zoning procedures ordinance, G.O. 130, 1995, adopted Oct. 18, 1995. Future amendments will be indicated by a parenthetical history note following the amended section.*

### **Sec. 730-200. Combined hearing.**

**(a) Authority to conduct combined hearing.** The Metropolitan Development Commission is authorized to designate a hearing examiner or Committee of the Commission to conduct a combined hearing procedure relative to developments that require more than one (1) hearing under IC 36-7-4. In conducting this combined hearing procedure, the hearing examiner or Committee of the Commission may exercise the following:

- (1) Powers of the hearing examiner under IC 36-7-4-402(d) in relation to the 600 series of IC 36-7-4.
- (2) Powers of the Plat Committee under the 700 series of IC 36-7-4.
- (3) Powers of the Board of Zoning Appeals under the 900 series of IC 36-7-4.

**(b) Appeals and exceptions.** Decisions of the hearing examiner or Committee of the Metropolitan Development Commission under the combined hearing procedure may be excepted to or appealed as follows:

- (1) Decisions under the authority of IC 36-7-4-402(d) in relation to powers under the 600 series of IC 36-7-4 shall be excepted to in the same manner as exceptions may be filed to decisions of the hearing examiner or Committee under IC 36-7-4-402(d).
- (2) Decisions under the authority of the 700 series of IC 36-7-4 shall be appealed to the Metropolitan Development Commission, in the same manner as decisions of the Plat Committee may be appealed.
- (3) Decisions under the authority of the 900 series of IC 36-7-4 may be appealed to the Metropolitan Development Commission within five (5) days after the decision is rendered and the Commission shall consider the petition in the same manner as the petition would be considered by a Board of Zoning Appeals.

**(c) Rules.** The Metropolitan Development Commission shall make rules governing the hearing of cases under the combined hearing procedure. The rules may not require a petitioner or an applicant to use the combined hearing procedure.

**Sec. 730-201. Exercise of Board of Zoning Appeals powers in historic districts.**

**(a) Authority for Indianapolis Historic Preservation Commission to exercise powers of the Board of Zoning Appeals.** The Indianapolis Historic Preservation Commission is authorized to exercise the powers of a Board of Zoning Appeals within an historic area of a historic zoning district established under IC 36-7-11.1-6. However, this authorization does not eliminate the need for the Indianapolis Historic Preservation Commission to issue a certificate of appropriateness before the approval of a variance by either:

- (1) A Board of Zoning Appeals; or
- (2) The Indianapolis Historic Preservation Commission exercising the powers of a Board of Zoning Appeals.

**(b) Rules.** The Indianapolis Historic Preservation Commission shall make rules governing the hearing of cases under this section.

**Sec. 730-202. Severability.**

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