

ARTICLE IV. UNDERGROUND UTILITIES

Editor's note: This article consists of the Underground utility line regulation ordinance, Docket No. 72-AO-5, reprinted Nov. 1993. Future amendments will be indicated by a parenthetical history note following the amended section.

Sec. 730-400. Underground utility line regulations.

All utility lines (as hereinafter defined) installed after January 1, 1973, within any dwelling zoning district or C-1 or C-2 commercial zoning district shall be located underground.

Provided, however, nothing contained in this article shall prohibit:

- (1) The temporary aboveground location of utility lines during construction or emergency conditions.
- (2) Renewal, reinstallation, relocation, replacement, repair or maintenance of existing aboveground utility lines; or installation of aboveground utility lines in location predominantly served by existing aboveground utility lines.
- (3) Aboveground utility lines where underground location would not be feasible due to soil conditions, physical obstructions or terrain.
- (4) The at or above-grade location of transformers, service or meter pedestals and similar accessory installations, including any aboveground utility lines necessarily or customarily extending above-grade in an underground utility line system.
- (5) The installation or completion of aboveground utility lines to serve any structure for which an Improvement Location Permit has been issued prior to January 1, 1973.

Further provided, however, the property owner shall provide adequate access for such underground installation, at no cost to the utility.

Further provided, however, such underground installation shall not be required in the case of any land area for which a determination of EXCEPTION has been obtained pursuant to section 730-401 of this article.

Sec. 730-401. Exceptions.

(a) The Administrator of the division of planning of the Department of Metropolitan Development shall make a determination of EXCEPTION to the above underground utility line regulations as applied to any specific land area, upon sufficient evidence that the underground location of utility lines therein would be undesirable, infeasible, unnecessary or inappropriate because of the size, design, number of units or character of the proposed development, its relationship to existing or planned adjacent uses, or other relevant planning considerations of land use, location, site design, physical or environmental conditions, aesthetics, economics or technology.

(b) Such determination of EXCEPTION shall be made upon petition by the owner(s) of fifty (50) percent or more of the subject land area and/or by the utility. The Administrator shall furnish notice of his determination or denial of EXCEPTION to the petitioner(s) and the utility.

The Administrator's determination or denial of EXCEPTION shall be subject to the filing of an appeal within ten (10) days from the date thereof, by any aggrieved person, to the

Metropolitan Development Commission. Upon appeal, the Commission shall consider the petition for EXCEPTION de novo.

No public or individual notice of such petition for EXCEPTION or appeal to the Commission shall be required.

(G.O. 2, 2002, § 3)

Sec. 730-402. Requirement for Improvement Location Permit issuance.

After January 1, 1973, as a prerequisite to the issuance of an Improvement Location Permit for any structure to be served by utility lines required by this article to be located underground, the applicant shall provide a copy of an agreement with the utility (or other evidence satisfactory to the Administrator) that all utility lines required by this article to be located underground will be installed in compliance with the requirements of this article.

Sec. 730-403. Definitions.

For purposes of this article, the following definitions shall be applied:

Dwelling zoning district. Any D-S, D-1, D-2, D-3, D-4, D-5, D-6, D-6II, D-7, D-8, D-9, D-10, D-11, D-12 or D-P zoning district of Marion County, Indiana.

Utility. The respective natural or artificial entity authorized by the appropriate governmental agency to render electric, telephone or cablevision utility service in Marion County, Indiana.

Utility lines. Electrical, telephone and cablevision distribution and service wires and cables accessory to primary uses within any dwelling zoning district or C-1 or C-2 commercial zoning district of Marion County, Indiana, excluding, without limitation, all transmission lines, main feeder distribution lines and other similar nonaccessory lines, the function of which is not to serve exclusively the primary residential or commercial use of the site as an accessory thereto.