

**METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2008-AO- 01**

A **GENERAL ORDINANCE** to amend portions of the “Revised Code of the Consolidated City and County” regarding the Regional Center Zoning Ordinance and affixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, the Indianapolis Regional Center Plan 2020 was the result of a community-based, multi-year planning process engaging over 1000 interested people in creating a vision and establishing priorities for the Indianapolis Regional Center; and

WHEREAS, the City of Indianapolis adopted the Indianapolis Regional Center Plan 2020 as a component of the Comprehensive Plan that included recommendations for ordinance changes to fulfill the Plan’s goals and objectives; and

WHEREAS, the Indianapolis Regional Center contains the essential university, business governmental, and other institutional assets that set Indianapolis solidly in the center of the marketplace, the Regional Center Plan 2020 focuses community energies on six key priorities that bring these assets together into strong working collaborations that will advance our best economic opportunities; and

WHEREAS, one of the six priorities is the advocacy of good urban design to assure a vibrant and appealing Downtown by reinforcing public engagement in the evaluation of the design review process and policies to promote quality design and diversity, improve accessibility, and raise environmental awareness; and

WHEREAS, input from the Urban Design Oversight Committee and its sub-committees, which consisted of civic leaders and professionals representing Indianapolis’ arts, business, construction, design and development community, was instrumental in the development of these proposed changes; now, therefore:

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

SECTION 1. The Regional Center Zoning Ordinance of Marion County, Indiana, Chapter 735 Article VI of the Revised Code of the Consolidated City and County, as amended, (adopted under Metropolitan Development Commission Docket Numbers 70-AO-3, as amended), pursuant to IC 36-7-4, be further amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows:

ARTICLE VI. REGIONAL CENTER AND NORTH MERIDIAN STREET CORRIDOR

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

(a) Establishment of the official zoning map.

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

(b) Establishment of Regional Center and the North Meridian Street Corridor. The Regional Center and *North Meridian Street Corridor* secondary zoning district is hereby established. All uses and development permitted by the various zoning districts applicable to land located within the Regional Center and the *North Meridian Street Corridor* secondary zoning district, as designated on the official zoning map, shall be subject to the following additional standards and requirements: of this Article.

Sec. 735-601. Metropolitan Development Commission approval required.

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

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

Sec. 735-602. (4) Requirements of Metropolitan Development Commission approval.

~~a. Existing uses. All existing uses, except those uses identified in the amortization section (subsection (a)(2)d.), lawfully in existence on the date of adoption of this article shall be exempt from the provisions of this article, however the alteration, modification, enlargement or improvement to any existing use, or the change in use within an existing structure, which requires an Improvement Location Permit shall also require the Metropolitan Development Commission approval.~~

~~b. New uses. No new use, building, improvement, or structure shall be established after the effective date of this article until the proposed use, site and~~

development plan have been filed with and approved by the Metropolitan Development Commission.

(a)e. *Filing the site and development plan.* All new uses and changes to existing uses All alteration, construction, conversion, demolition, development, enlargement, improvement, and modification on any lot shall file a petition request for approval of the proposed changes.

Upon the filing of such a petition approval request, the *Administrator*, on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, or refer to the *Regional Center Hearing Examiner*, the proposed use, site and development plan.

Petitions for *High Impact Projects* shall be automatically referred to the *Regional Center Hearing Examiner*. Petitions for *High Impact Projects* shall be required to provide public and individual notice of such filing and action referral by the *Administrator* shall not be required in accordance with the Rules of Procedure of the Metropolitan Development Commission.

The action of upon such a petition by the *Administrator* or *Regional Center Hearing Examiner* upon such approval request shall be subject to the filing of an appeal, within ten (10) calendar days, by any aggrieved person to the Metropolitan Development Commission. Such an appeal shall otherwise be in accordance with Article VII of the Rules of Procedure of the Metropolitan Development Commission.

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

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

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

a.(1) The required site and development plan, drawn to scale and dimensioned, including and building and structural plans, shall indicate, where applicable:

- 1a. Existing uses, buildings and structures, noting those to remain and including a description of ~~construction~~ materials and exterior colors.
- 2b. Proposed buildings and structures, including a description of and the materials and exterior colors thereof.
- c. Floor plans indicating floor area by activity types, vertical circulation, exits, service access.
- 3d. Elevation drawings of proposed buildings and structures and the color, materials, window glazing material reflectance & transmissivity thereof.
- 4e. Off-street parking design and internal traffic pattern.

- 5f. Vehicular entrances, exits, and turnoff lanes.
- 6g. Rights-of-way, easements, and Bbuilding setbacks.
- 7h. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials.
- i. Site improvements, such as site lighting, paving materials, furnishings, and the materials and colors thereof.
- 8j. Screens, walls, fences, ~~including a description of~~ and the materials, and colors thereof.
- 9k. Signs, ~~including~~ and the location, size, elevation, color, materials, and design thereof.
- 10l. Utilities, if aboveground facilities are needed.
- 11m. Pedestrian ways below, at, or above grade.
- n. Information related to the development's environmental impact (such as application for LEED certification, paving permeability, and other sustainable techniques) and shadow casting.
- o. For High Impact Projects, a written statement of design intent.
- 12p. Documentation demonstrating compliance with all ~~All~~ other requirements of this Article ~~section 730-300(b)~~ of this Code.

b. (2) Details of such a development, including ~~use,~~ signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure, shall be so designed to:

- a. ~~1-~~ Be in conformity with the Regional Center Plan for Indianapolis, Marion County, Indiana, ~~and the North Meridian Street Corridor Development Plan, adopted by the Metropolitan Development Commission's Resolution 82-CPS-R-4, April 15, 1982, 82-CPS-R-1, January 6, 1982; and the Regional Center Design Guidelines, adopted by the Metropolitan Development Commission's Resolution 2008-CPS-R-003, June 18, 2008; and any subsequently adopted plan;~~
- b. 2.—Create a superior land development plan, in conformity with the Comprehensive Plan for Marion County, Indiana;
- c. ~~3-~~ Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
- d. ~~4-~~ Provide adequate access, parking and loading areas;
- e. ~~5-~~ Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
- f. ~~6-~~ Provide adequately for sanitation, drainage and public utilities;
- g. ~~7-~~ Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;

- h. ~~8.~~ Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and *North Meridian Street Corridor* for pedestrians and motorists;
- i. Create and enhance defensible, safe spaces and discourage crime through appropriate design, passive, natural surveillance and activated pedestrian areas;
- j. Provide for accessibility and mass transit opportunities;
- k. ~~9.~~ Be compatible in construction material, scale, color and pattern with the existing environment.

Sec. 735-603. Applicability.

With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Article. In the case of any difference of regulations between this Article and the regulations of the primary zoning district, this Article shall control. Except as modified by this Article, all development standards as required by the primary zoning district shall apply.

Sec. 735-604. Prohibited Uses in the Regional Center and North Meridian Street Corridor.

~~e.~~ Uses and structures within the North Meridian Street Corridor shall further be in accordance:

~~1.~~ The following uses, whether existing or proposed, are not permitted and any existing uses listed below are subject to removal in accordance with the amortization section (subsection (a)(2)d.): Class I regulated commercial uses, including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code.

~~2.~~ The following uses seeking to locate within the North Meridian Street Corridor after the effective date of this article shall not be permitted within the Regional Center or within the North Meridian Street Corridor. Any of the following uses lawfully in existence on the date of this article shall be permitted to remain.

- ~~(a)~~ Pawnshops, loan shops, and variety stores.
- ~~(b)~~ Gasoline service stations, on any lot with frontage on Meridian Street.
- ~~(c)~~ Used car sales, except as an accessory use to new car sales.
- ~~(d)~~ Car wash, completely indoors, self-service car wash, automatic or semi-automatic car wash.
- ~~(e)~~ Package liquor store except as a part of an integrated commercial center.
- ~~(f)~~ Drive-in restaurant (fast food restaurant) except as a part of an integrated commercial center. Drive-in restaurant is defined by Chapter 732.
- ~~(g)~~ Indoor commercial amusement, recreation and entertainment including: bowling alley, billiard parlor, gymnasium, tennis facility, roller or ice skating rink, night club, private club, or lounge on any lot fronting on Meridian Street except as a part of an integrated commercial center or as an accessory use to an office, hotel, or apartment complex.

- (a) Adult entertainment businesses or uses.
- (b) Billiard parlor, or roller or ice skating rink on any lot with frontage on Meridian Street.
- (c) Facilities with a drive-in, drive-through, drive-up, or customer service window on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (d) Fuel or gasoline stations on any lot with frontage on Meridian Street, Market Street, Pennsylvania Street, Washington Street, or on any lot located within the *Mile Square*.
- (e) Night club, private club, or lounge on any lot with frontage on Meridian Street within the *North Meridian Street Corridor*.
- (f) Outside storage of equipment or materials that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart.
- (g) Outside display of merchandise that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (h) Package liquor stores and check cashing stores, except as a part of an integrated commercial center that exceeds a gross floor area of 10,000 square feet.
- (i) Pawnshops or loan shops.
- (j) Surface parking lot on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.
- (k) Vehicle sales (new or used) or vehicle service or repair on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the *Mile Square*. And further, used vehicle sales shall be prohibited except as an accessory use to new automobile sales.
- (l) Vehicle wash (any type, such as, completely indoors wash, self-service wash, automatic or semi-automatic wash) on any lot with frontage on Meridian Street, Washington Street, Market Street, or on any lot located within the *Mile Square*.

Sec. 735-605. Additional Development Standards in the Regional Center and North Meridian Street Corridor.

3.—All development standards as required by the zoning district shall be applicable in the Regional Center and the *North Meridian Street Corridor* except as modified by this section.

(a) *Required front yard, minimum setback.*

1. Buildings front setback and structures shall be located along the *established front setback line* (as defined in Chapter 732 of this Code). in accordance with the Metropolitan Development Commission's approval.
2. *Vehicle areas* shall be located with a minimum setback of eight (8) feet and the maximum setback shall be the *established front setback line*.

(b) *Use of required yards.* Off-street parking shall not be permitted in any required front yard required by ordinance.

(c) — *Screening and landscaping of required front yards.*

(i) — Front yards shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Chain-link fence may not be used in conjunction with landscaping in required front yards.

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

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

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

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

(ii) — Minimum maintenance standards for screening and landscaping area:

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

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

(c) Landscaping within the right-of-way. At least one overstory tree with associated grating or protection system shall be provided and maintained in the right-of-way for each forty (40) feet of linear frontage along the following streets within the *Mile Square*:

- (1) Capitol Avenue;

- (2) Illinois Street;
- (3) Meridian Street;
- (4) Pennsylvania Street;
- (5) Delaware Street;
- (6) Ohio Street;
- (7) Market Street;
- (8) Washington Street;
- (9) Maryland Street;
- (10) Georgia Street.

(d) Drive-in, drive-up, drive-through and customer service window facilities. No customer service window shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds thirty (30) feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds thirty (30) feet in width. In all instances, customer service windows shall be screened from all public rights-of-way that exceed thirty (30) feet in width regardless of proximity. Refer to Diagram W.

(e) Alley. An alley may be used for maneuvering for parking of automobiles.

(f) Exteriors. Building exteriors, awnings, porches, signs, landscaping, hardware and windows shall be properly maintained, kept clean, painted and in good repair.

(g)(d) Signs.

~~(1)(i) Business signs:~~ Business signs Building identification signs and freestanding identification signs shall comply with the Sign Regulations of Chapter 734 of this Code and be further modified by the following:

- a. ~~(a) Business~~ Building identification signs and freestanding identification signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, pole awning signs, marquee signs, suspended signs, pylon signs and projecting signs. Signs shall be further limited by the following:
 1. ~~▲ Pole~~ Pylon signs shall not exceed thirty-six (36) square feet per sign face and shall not exceed 14 feet in height.
 2. ~~▲~~ Ground signs shall not exceed thirty-six (36) square feet per sign face and may be up to six feet in height.
 3. ~~▲~~ Projecting signs shall not exceed eighteen (18) square feet per sign face.
- b. Building identification signs and freestanding identification signs within the Regional Center but not within the North Meridian Street Corridor shall be limited to wall signs, pylon signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
 1. Pylon signs shall not exceed thirty-six (36) square feet per sign face and shall not exceed 8 feet in height.
 2. Projecting signs shall not exceed thirty-six (36) square feet per sign face.
- c. Building identification signs and freestanding identification signs within the Mile Square shall be limited to wall signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
 1. Projecting signs shall not exceed fifty-four (54) square feet per sign face.

2. Projecting signs, awning signs, and marquee signs along Meridian Street and Market Street shall not project more than three (3) feet into the right-of-way.

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

~~(2)(ii) Advertising signs (also known as billboards or off-premise signs): Advertising signs shall not be permitted and shall comply with the sign regulations of Chapter 734 of this Code.~~

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

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

~~1. Uses to be amortized: All class I regulated commercial uses including amusement arcades, massage parlor service or facility, adult bookstore, adult theatre, adult amusement, recreation or entertainment center or facility, as defined and regulated by Chapter 732 of this Code where such uses are located within the North Meridian Street Corridor on the effective date of this article. Such nonconforming uses shall be terminated before January 1, 1990, and all other use of the land, structure, or premises thereafter shall be in accord with permitted land uses and regulations of the applicable zoning district and the Regional Center secondary zoning district. The termination of such nonconforming uses shall be accomplished without the payment of compensation therefor unless, on the date such termination is required, there is in effect a state statutory provision which specifically requires the payment of compensation for termination or removal of any such use.~~

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

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

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

Sec. 735-606. Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.

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

- (a) A nonconforming use in a Regional Center district of this article shall be deemed to be legally established (relative to both use and development standards) if the use:
1. Existed prior to April 8, 1969; and
 2. Has continued to exist from April 8, 1969, to the present; and
 3. Has not been abandoned; and
 4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

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

- (b) Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.
- (c) Subsection (a)(3) shall:
1. ~~Have~~ no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
 2. ~~Not~~ relieve any property of the obligation to comply with conditions and commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

Sec. 735-607. Definitions. The words in the text of this article of this chapter shall be interpreted in accordance with the definitions set forth below. Except as indicated below, the definitions of Chapter 732 shall apply.

- (a) Administrator. The Administrator of the Division of Planning of the Department of Metropolitan Development.
- (b) Alley. A public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot and typically measures 30 feet or less in width..
- (c) Established front setback line. The line that parallels the front lot line and is located at the closest point of any legally established building on the lot to the front lot line, measured at grade.

- (d) Regional Center Hearing Examiner. An employee or contracted employee of the City of Indianapolis appointed by the Metropolitan Development Commission with specific knowledge and experience in urban design.
- (e) High Impact Project. Projects that are: new construction valued at a hard cost value exceeding a specific threshold value; remodeling or modification of existing development values at a hard cost value exceeding a specific threshold value; proposing a floor area exceeding a specific threshold value measured in square footage; proposing an area of surface parking exceeding a specific threshold value measured in square footage; or demolition of historic structure as determined by the *Administrator*. The threshold values of High Impact Projects shall be established by a resolution of the Metropolitan Development Commission.
- (f) Mile Square. The geographic area within the Regional Center and North Meridian Street Corridor secondary zoning district bound by North Street, East Street, South Street, and West Street and including any lot with frontage on North Street, East Street, South Street, and West Street.
- (g) North Meridian Street Corridor. The geographic area within the Regional Center and North Meridian Street Corridor secondary zoning district bounded on the:
 - (1) North by 30th Street;
 - (2) South by 16th Street;
 - (3) East by Talbott Street, north of Fall Creek; the first *alley* east of Pennsylvania Street from Fall Creek to 17th Street; and then Talbott Street from 17th Street to 16th Street;
 - (4) West by the first *alley* west of Illinois Street extended from 30th Street to 16th Street.
- (h) Vehicle area. Uncovered area used for vehicular traffic, maneuvering and parking. Included are the parking areas, drives, and driveways.

Sec. 735-601608. Severability.

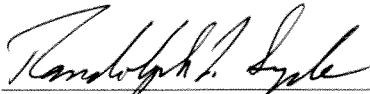
If any section, subsection, paragraph, subparagraph, clause, word, provision, or portion of this article shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this article as a whole or any part thereof,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


SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

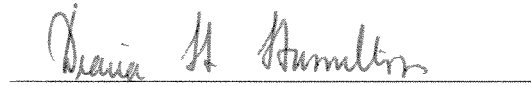
SECTION 4. This ordinance shall be in effect on August 31, 2008.


The foregoing amending ordinance, 2008-AO-01, to the Regional Center Zoning Ordinance of the "Revised Code of the Consolidated City and County" of Indianapolis- Marion County, Indiana, are hereby adopted by the affirmative vote of the undersigned members of said Commission, this 18th day of June, 2008.


Randy Shyder, President


Dorothy J. Jones, Vice President


Tom Morales, Vice-Secretary


Diana Hamilton, Commissioner



J. Scott Keller, Commissioner


Lisa Kobe, Commissioner


Tim Ping, Commissioner


John Suter, Commissioner

METROPOLITAN DEVLEOPMENT COMMISSION
OF MARION COUNTY, INDIANA

ATTEST: 
James J. Curtis, Sr., Secretary
Metropolitan Development Commission
of Marion County, Indiana

APPROVED AS TO LEGAL FORM
AND ADEQUACY this _____
day of _____, 2008

Stephen Neff, Assistant Corporation Counsel