

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

**REGULAR MEETINGS
MONDAY, JANUARY 23, 1995**

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 7:17 p.m. on Monday, January 23, 1995, with Councillor SerVaas presiding.

Councillor Giffin 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Ruhmkorff recognized two boy scouts from Troop 137, Old Bethel United Methodist Church, Matt and Josh Parson, and their leaders, John Shurig and Carol Megnin.

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, January 23, 1995, 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
President, City-County Council

January 10, 1995

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, January 12, 1995, a copy of a NOTICE TO TAXPAYERS of Public Hearing on Proposal No. 44, 1995, said hearing to be held on Monday, January 23, 1995, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

January 11, 1995

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, Suellen Hart, the following resolutions:

SPECIAL RESOLUTION NO. 1, 1995 - recognizing the public service of Lawrence L. "Larry" Buell

SPECIAL RESOLUTION NO. 2, 1995 - concerning the 1999 World Police and Fire Games

SPECIAL RESOLUTION NO. 3, 1995 - remembering Fred C. "Bud" Tucker, Jr.

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

The President called for additions or corrections to the Journal of January 9, 1995. There being no additions or corrections, the minutes were approved as distributed.

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS
AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 81, 1995. This proposal, sponsored by Councillors Rhodes, Schneider and SerVaas, recognizes the State Champion North Central High School Boys Soccer Team. Councillor Rhodes read the resolution and presented a copy of the document and a Council pin to the members of the soccer team and their coaches. Team member Tory Harris expressed appreciation for the recognition. Councillor Rhodes moved, seconded by Councillor Schneider, for adoption. Proposal No. 81, 1995 was adopted by unanimous voice vote.

Proposal No. 81, 1995 was retitled SPECIAL RESOLUTION NO. 4, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 4, 1995

A SPECIAL RESOLUTION recognizing the State Champion North Central High School Boys Soccer Team.

WHEREAS, the North Central High School Boys Soccer Team has compiled an outstanding two year record of 50 wins and no losses; and

WHEREAS, during the last two seasons, the North Central Panthers have scored 246 goals to their opponents scoring only 11 goals; and

WHEREAS, the team is Indiana State Champions, and was recognized in the national newspaper *USA Today* as the seventh best boys high school soccer team in the nation; 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 congratulates the North Central High School Boys Soccer Team for their outstanding success on the playing field, their state championship and their national recognition.

SECTION 2. The Council commends the Panther team members: Ben Anderson, Ted Brauer, Matt Foley, Rashaad Frazier, Matt Fundenberger, Chris Greiner, Tory Harris, Seth Little, Scott Long, John Maggard, Nathan McGuire, Scott McNichols, Brian Miller, Elliot Mills, Tony Monroe, Craig Myers, Brett Northcutt, James Pettengill, Chris Prouty, Drew Richardson, Ben Robinson, Matt Rosen, McKinley Tennyson, Scott Walti and Kurt Weaver;

SECTION 3. The Council also recognizes: Managers: Erin Campbell, Colin Sipe, Santino Monroe, Ashley Traylor and Katy Karrmann; Head Coach Jerry Little, Assistant Coach Bruce Quilling; Athletic Director Chuck Jones, Assistant Athletic Director Paul Loggan; Principal Dr. Mike Jones, Superintendent Dr. Eugene White, and all the supportive parents, volunteers and others who helped make this team so successful.

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. 82, 1995. This proposal, sponsored by Councillors Coughenour and Mullin, recognizes the 1994 state football champion Roncalli High School Rebels. Councillor Coughenour read the resolution and presented a copy of the document and a Council pin to the team members and their coaches. Coach Bruce Scifres expressed appreciation for the recognition. Councillor Coughenour moved, seconded by Councillor Mullin, for adoption. Proposal No. 82, 1995 was adopted by unanimous voice vote.

Proposal No. 82, 1995 was retitled SPECIAL RESOLUTION NO. 5, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 5, 1995

A SPECIAL RESOLUTION recognizing the 1994 state football champion Roncalli High School Rebels.

WHEREAS, for the second year in a row the Roncalli High School football team made it to the Indiana High School Athletic Association's Class 3A state finals; and

WHEREAS, also for the second year in a row the Roncalli team walked out of the domed stadium in downtown Indianapolis carrying the huge State Champion trophy destined for the schools trophy case; and

WHEREAS, Roncalli capped the football season by smashing Tipton 35-14 in the State Championship game, and had an enviable regular season record of 12-2 experiencing character building losses only to Franklin Central and Seccina; and

WHEREAS, Coach Bruce Scifres and the school are very proud of their State Champion athletes, and refer to this group of young men as a "Dream Team"; 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 commends the 1994 Indiana Class 3A State Champion football team -- the Roncalli Rebels.

SECTION 2. Special recognition is extended to the team's graduating seniors: Doug Bauman, Rob Dinn, Ryan Eads, Dan Elsener, Mike Griffin, Brian Lauck, Pat Mahin, Chris Redmond, Greg Sanders, Paul Schaub, Chris Scheich, Nick Scott, Rick Scott, Jeremy Stahley, Nick Shotts, Seth Thomas, Andy Vohs and Trevor Wilson; Head Coach Bruce Scifres; and Assistant Coaches: Phil Gatts, Jeff Palmer, Tim Puntarelli, Brent Shepler, Scott Stewart and Bob Tully.

SECTION 3. The Council also recognizes the Roncalli parents, faculty and staff, band, cheerleaders and all the others who rendered invaluable support to the team.

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. 83, 1995. This proposal, sponsored by Councillors Beadling and Ruhmkorff, commends Yellow Cab and the new assistance of St. Vincent and Community Hospitals for free taxi rides home on New Year's Eve. Councillor Beadling read the resolution and presented a copy of the document to Roger Lewis, Operations Manager, Yellow Cab, who expressed appreciation for the recognition. Councillor Beadling moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 83, 1995 was adopted by unanimous voice vote.

Proposal No. 83, 1995 was retitled SPECIAL RESOLUTION NO. 6, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 6, 1995

A SPECIAL RESOLUTION commending Yellow Cab and the new assistance of St. Vincent and Community Hospitals for free taxi rides home on New Year's Eve.

WHEREAS, Indianapolis has not had a single New Year's Eve drunken driving fatality during the 13 years that Indianapolis Yellow Cab Company has offered free rides home to all partygoers who request it; and

WHEREAS, during that time Richard Hunt, owner of Indianapolis Yellow Cab, reports that the cab company has transported 30,000 people who should not be behind the wheel; and

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WHEREAS, Mr. Hunt has contributed \$100,000 of his own money to support this worthwhile community service, and was preparing to discontinue it because no one had come forward to help with some of the expense; and

WHEREAS, St. Vincent and Community Hospitals came to the aid of the program just before Christmas, and they hauled 3,169 people this New Year's Eve with heavy utilization at downtown Union Station and at Broad Ripple; 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 commends Richard Hunt and his Indianapolis Yellow Cab Company, St. Vincent Hospital and Community Hospital for their cooperative effort that helped keep drunken drivers off the road on New Year's Eve.

SECTION 2. The Council hopes that in future years others will agree that this is an important community safety issue that is worthy of support.

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.

The President ruled that Proposal Nos. 14, 15, 16, 17, 18, 22 and 23, 1995, all board appointments, were heard by various committees and would be voted on together.

PROPOSAL NO. 14, 1995. The proposal reappoints Ruby Miller to the City-County Administrative Board. PROPOSAL NO. 15, 1995. The proposal reappoints Clifford R. Snedeker to the Information Services Agency Board. PROPOSAL NO. 16, 1995. The proposal reappoints Mary Alice (Dubbie) Buckler to the Information Services Agency Board. PROPOSAL NO. 17, 1995. The proposal reappoints John von Arx to the Information Services Agency Board. PROPOSAL NO. 18, 1995. The proposal reappoints Phillip Hinkle to the Marion County Board of Tax Adjustment. PROPOSAL NO. 22, 1995. The proposal reappoints Phillip Hinkle to the Audit Committee. PROPOSAL NO. 23, 1995. The proposal reappoints Arno Haupt to the Board of Capital Asset Management. Councillor McClamroch moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 14, 15, 16, 17, 18, 22 and 23, 1995 were adopted by unanimous voice vote.

Proposal No. 14, 1995 was retitled COUNCIL RESOLUTION NO. 1, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 1995

A COUNCIL RESOLUTION reappointing Ruby Miller to the City-County Administrative Board.

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

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

Ruby Miller

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 15, 1995 was retitled COUNCIL RESOLUTION NO. 2, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 1995

A COUNCIL RESOLUTION reappointing Clifford R. Snedeker to the Information Services Agency Board.

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

SECTION 1. As a member of the Information Services Agency Board, the Council appoints:

Clifford R. Snedeker

SECTION 2. The appointment made by this resolution is for a term ending December 31, 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.

Proposal No. 16, 1995 was retitled COUNCIL RESOLUTION NO. 3, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 1995

A COUNCIL RESOLUTION reappointing Mary Alice (Dubbie) Buckler to the Information Services Agency Board.

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

SECTION 1. As a member of the Information Services Agency Board, the Council appoints:

Mary Alice (Dubbie) Buckler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 17, 1995 was retitled COUNCIL RESOLUTION NO. 4, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 1995

A COUNCIL RESOLUTION reappointing John von Arx to the Information Services Agency Board.

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

SECTION 1. As a member of the Information Services Agency Board, the Council appoints:

John von Arx

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 18, 1995 was retitled COUNCIL RESOLUTION NO. 5, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 1995

A COUNCIL RESOLUTION reappointing Phillip Hinkle to the Marion County Board of Tax Adjustment.

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CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Board of Tax Adjustment, the Council appoints:

Phillip Hinkle

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 22, 1995 was retitled COUNCIL RESOLUTION NO. 6, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 1995

A COUNCIL RESOLUTION reappointing Phillip Hinkle to the Audit Committee.

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

SECTION 1. As a member of the Audit Committee, the Council appoints:

Phillip Hinkle

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 23, 1995 was retitled COUNCIL RESOLUTION NO. 7, 1995 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 1995

A COUNCIL RESOLUTION reappointing Arno Haupt to the Board of Capital Asset Management.

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

SECTION 1. As a member of the Board of Capital Asset Management, the Council appoints:

Arno Haupt

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 19, 1995. The proposal reappoints Joe M. Rink to the Cable Franchise Board. PROPOSAL NO. 20, 1995. The proposal reappoints James E. Sawyers to the Cable Franchise Board. PROPOSAL NO. 21, 1995. The proposal appoints Fredric A. Hunn and Donald Hargadon to the Cable Franchise Board. Councillor McClamroch moved, seconded by Councillor Rhodes, to table Proposal Nos. 19, 20 and 21, 1995. This motion passed by unanimous voice vote.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 55, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the

County General Fund in the amount of \$443,115 for the County Auditor to fund the cost of the redevelopment of the property tax financial system financed by unappropriated revenues in the County General Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 56, 1995. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Information Services Internal Services Fund in the amount of \$443,115 for the Information Services Agency to fund the cost of the redevelopment of the property tax financial system financed by revenues from that fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 57, 1995. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Greg L. Henneke as Director of the Department of Capital Asset Management for a term ending December 31, 1995"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 58, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Elaine E. Bedel as Director of the Department of Metropolitan Development for a term ending December 31, 1995"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 59, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Jack H. Hall, M.D. to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 60, 1995. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an application for designation of the former Westinghouse Air Brake Company site at 217 South Belmont Street as an Industrial Recovery Site"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 61, 1995. Withdrawn.

PROPOSAL NO. 62, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Dwelling Districts Zoning Ordinance addressing state statute changes to "Home Day Care"; and the President referred it to the Metropolitan Development Committee.

Councillor West moved to suspend the rules to introduce Proposal No. 98, 1995 at this time. Proposal No. 98, 1995, is a SPECIAL RESOLUTION determining the need to lease office space at Thomson Consumer Electronics, 600 North Sherman Drive, for the Department of Metropolitan Development. The President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 63, 1995. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Chapter 282 of the Revised Code eliminating the White River Greenway Development Board"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 64, 1995. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Sec. 22-2 of the Code to provide penalties for persons unlawfully sledding in City parks and golf courses"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 65, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael E. Beaver as Director of the Department of Public Safety for a term ending December 31, 1995"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 66, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending Sec. 2-358 of the Code to allow Marion County to receive deposits from the Indiana Department of Corrections into the County Corrections Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 67, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by permitting the Sheriff to establish franchise zones for the towing of automobiles"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 68, 1995. Withdrawn.

PROPOSAL NO. 69, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is the transfer of \$310,000 from the County General Fund to the Supplemental Public Defender Fund to make up the 1994 revenue shortfall in the Supplemental Public Defender Fund financed by unappropriated revenues in the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 70, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$330,000 for the Prosecuting Attorney, Marion County Public Defender Agency, and the County Auditor to fund the Expedited Trial Program which is a joint effort to reduce the population at the Marion County Jail financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 71, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Drug Free Community Fund in the amount of \$230,000 for the Court Administrator Agency, Marion County Public Defender Agency, and the County Auditor to provide the matching funds required by the grant awarded for the Expedited Trial Program financed by revenues

from the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 72, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Supplemental Adult Probation Fees Fund in the amount of \$44,100 for the Superior Court, Criminal Division, Probation Department, to pay an existing lease agreement for outside office space financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 73, 1995. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Supplemental Adult Probation User Fee Fund in the amount of \$24,600 for the Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds required by the recently awarded federal grant of \$71,350 which is to be utilized for the Automated Probation Case Management System financed by revenues from that fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 74, 1995. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael B. Stayton as Director of the Department of Public Works for a term ending December 31, 1995"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 75, 1995. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Leon E. Younger as Director of the Parks and Recreation for a term ending December 31, 1995"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 76, 1995. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Nancy Silvers as Deputy Mayor for a term ending December 31, 1995"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 77, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1995"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 78, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Alan Retherford to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 79, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Mary Jane Klepek to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 80, 1995. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Joanna Walker to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 53, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 53, 1995 on January 19, 1995. The proposal authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$7 million for Veltri Stamping Corporation (413 North Tremont Avenue, District 16). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 53, 1994 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Boyd, Jones

1 NOT PRESENT: Gray

Proposal No. 53, 1995 was retitled SPECIAL ORDINANCE NO. 1, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 1995

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Variable Rate Demand Revenue Bonds, (Veltri Stamping Corporation Project) Series 1995, in the aggregate principal amount not to exceed \$7,000,000 (the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Veltri Stamping Corporation (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, renovation, construction, installation, equipping and expansion of an existing building containing approximately 105,858 square feet located at 413 North Tremont Avenue, Indianapolis, Marion County, Indiana on approximately 8.62 acres of land to be used for processing and manufacturing of metal stamping products; the acquisition of machinery, equipment and furnishing for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction, renovation, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds (Veltri Stamping Corporation Project) Series 1995, in the aggregate principal amount not to exceed \$7,000,000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on January 18, 1995 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Trust Indenture (the "Indenture") dated as of January 1, 1995 by and between the Issuer and NBD Bank, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of January 1, 1995, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Placement Agreement, Preliminary Private Placement Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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 financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Seven Million Dollars (\$7,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Private Placement Agreement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to

the Issuer set forth in the Preliminary Private Placement Memorandum is hereby authorized to certify to NBD Bank, N.A. (the "Placement Agent") that the information in the Preliminary Private Placement Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Private Placement Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Placement Agent at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed twelve percent (12.0%) per annum. The use of a Final Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Placement Agent, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 54, 1995. Councillor Borst reported that the Economic Development Committee heard Proposal No. 54, 1995 on January 19, 1995. The proposal authorizes the issuance of economic development revenue bonds in an aggregate principal amount not to exceed \$3 million for Indianapolis Art Center, Inc. (820 East 67th Street, District 2). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Franklin, for adoption. Proposal No. 54, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Dowden

1 NOT PRESENT: Gray

Proposal No. 54, 1995 was retitled SPECIAL ORDINANCE NO. 2, 1995 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 1995

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Adjustable Economic Development Revenue Bonds, Series 1995 (Indianapolis Art Center, Inc. Project), in the aggregate principal amount not to exceed \$3,000,000 (the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Indianapolis Art Center, Inc. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, construction, installation and equipping of an approximately 40,000 square foot building to be located at 820 East 67th Street, Indianapolis, Indiana on approximately 7 acres of land which will be used by the Company as studio classes, library, auditorium and administration to carry out its not-for-profit purposes as an art teaching and resource center providing year-round programs in studio art classes; providing lectures and art series; mounting art exhibitions; providing outreach programs to the lesser served population; presenting inter-arts programming on its Riverfront state and presenting inter-arts programming in the proposed new auditorium; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, construction, installation and equipping of the Project by issuing its City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Bonds, Series 1995 (Indianapolis Art Center, Inc. Project), in the aggregate principal amount not to exceed \$3,000,000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on January 18, 1995 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Trust Indenture (the "Indenture") dated as of January 1, 1995 by and between the Issuer and NBD Bank, N.A. as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of January 1, 1995, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Loan Agreement, Indenture, Bond Placement Agreement, Preliminary Offering Memorandum, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance 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 financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Three Million Dollars (\$3,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Offering Memorandum is hereby authorized to certify to NBD Bank, N.A. (the "Placement Agent") that the information in the Preliminary Offering Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Offering Memorandum.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Placement Agent at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10.0%) per annum. The use of a Final Offering Memorandum in substantially the same form as the Preliminary Offering Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Placement Agent, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 84-85, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on January 19, 1995." The Council did not schedule Proposal Nos. 84-85, 1995

for hearing pursuant to IC 36-7-4-608. Proposal Nos. 84-85, 1995 were retitled REZONING ORDINANCE NOS. 9-10, 1995 and are identified as follows:

REZONING ORDINANCE NO. 9, 1995. 94-Z-193 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 17.

1811 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.
DANIEL and KATHLEEN TAYLOR, by Casey D. Cloyd, request the rezoning of 0.46 acre, being in the D-5 District, to the C-3 classification to provide for a restaurant use.

REZONING ORDINANCE NO. 10, 1995. 94-Z-196 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 20.

5433 MADISON AVENUE (approximate address), INDIANAPOLIS.
GUY N. NEWMAN, by Paul Pittman, requests the rezoning of 0.44 acre, being in the C-3 District, to the C-5 classification to provide for commercial development.

PROPOSAL NOS. 86-90, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on January 19, 1995." The Council did not schedule Proposal Nos. 86-90, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 86-90, 1995 were retitled REZONING ORDINANCE NOS. 11-15, 1995 and are identified as follows:

REZONING ORDINANCE NO. 11, 1995. 94-Z-191 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 15.

2444 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.
JAVIER AMEZCUA, by Zoe Urena Weiss, requests the rezoning of 0.15 acre, being in the C-2 District, to the C-3 classification to provide for the continued operation of a restaurant.

REZONING ORDINANCE NO. 12, 1995. 94-Z-214 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.

1410 SOUTH POST ROAD (approximate address), INDIANAPOLIS.
MARTIN L. FALL requests the rezoning of 36.01 acres, being in the I-2-S and I-3-S Districts, to the "A" classification to provide for expansion of an existing private airport runway.

REZONING ORDINANCE NO. 13, 1995. 94-Z-215 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 1.

8460 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.
ROLLINS LEASING CORP., by Philip A. Nicely, requests the rezoning of 7.5 acres, being in the I-2-S District, to the C-S classification to provide for the development of the site with light industrial uses and/or a truck leasing operation.

REZONING ORDINANCE NO. 14, 1995. 94-Z-218 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.

5820 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.
CHARTER CORPORATION requests the rezoning of 38.0 acres, being in the D-A District, to the D-4 classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 15, 1995. 94-Z-220 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 10.

5207 EAST 38TH STREET (approximate address), INDIANAPOLIS.
JAMES D. and JULIA SAMS request the rezoning of 0.57 acre, being in the D-4 District, to the C-3 classification to provide for construction of a shoe store.

PROPOSAL NOS. 91-96, 1995. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on January 19, 1995." The Council did not schedule Proposal Nos. 91-96, 1995 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 91-96, 1995 were retitled REZONING ORDINANCE NOS. 16-21, 1995 and are identified as follows:

REZONING ORDINANCE NO. 16, 1995. 94-Z-90A DECATUR and WAYNE TOWNSHIPS.
COUNCILMANIC DISTRICT # 17.
5252 WEST TROY AVENUE (approximate address), INDIANAPOLIS.
DANTROS DEVELOPMENT, INC., by Joseph M. Scimia, requests the rezoning of 3.971 acres, being in the D-A District, to the C-3 classification to provide for neighborhood commercial development.

REZONING ORDINANCE NO. 17, 1995. 94-Z-162 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 2.
3701 WEST 46TH STREET (APPROXIMATE ADDRESS), INDIANAPOLIS,
FRANK P. LLOYD, by James W. Beatty, requests the rezoning of 14.63 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 18, 1995. 94-Z-176 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
9820 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.
MICHAEL F. WILEY, by Mary E. Solada, requests the rezoning of 12.6 acres, being in the C-I, D-2 and C-2 Districts, to the C-1 classification to provide for commercial development.

REZONING ORDINANCE NO. 19, 1995. 94-Z-184 (Amended) WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 12.
1268 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests the rezoning of 18.52 acres, being in the D-6 District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 20, 1995. 94-Z-209 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
INDIANAPOLIS POWER & LIGHT COMPANY, by Robert C. Crews II, requests the rezoning of 5.778 acres, being in the D-A(FE)(FW) District, to the SU-18(FE)(FW) classification to provide for an electrical distribution substation.

REZONING ORDINANCE NO. 21, 1995. 94-Z-200 (Amended) DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.
7578 WEST COUNTY LINE ROAD (approximate address), INDIANAPOLIS.
INDIANA UNIVERSITY, by James B. Burroughs, requests the rezoning of 164.99 acres, being in the D-A District, to the UQ-1 classification to provide for the raising and maintenance of animals and livestock for biological research purposes, related to Indiana University.

PROPOSAL NO. 97, 1995. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on January 19, 1995." The Council did not schedule Proposal No. 97, 1995 for hearing pursuant to IC 36-7-4-608. Proposal No. 97, 1995 was retitled REZONING ORDINANCE NO. 22, 1995 and is identified as follows:

REZONING ORDINANCE NO. 22, 1995. 94-Z-150 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.
4404 SOUTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.
MARS HILL GENERAL BAPTIST CHURCH, by Michael J. Kias, requests the rezoning of 6.0 acres, being in the I-2-S District, to the SU-1 classification to provide for church development and use.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 44, 1995. The proposal approves Petition No. 94-Z-133 to rezone 8.4 acres, being in the D-A District, to the SU-18 classification to provide for an electrical substation. Proposal No. 44, 1995 was certified by the Metropolitan Development Commission on January 5, 1995. On January 9, 1995 the Council voted to schedule a public hearing for January 23, 1995.

Councillor Smith read the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 6621 Hickory Road have reached a compromise reflected in Revised Statement of Conditions and Amended Site Plan filed January 20, 1995, and it will not be necessary to have a hearing on this matter; therefore, I move that Proposal No. 44, 1995 (Rezoning Petition No. 94-Z-133) with the Revised Statement of Conditions and Amended Site Plan, as filed with the Department of Metropolitan Development on January 20, 1995, be adopted.

Proposal No. 44, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: Gray

Proposal No. 44, 1995 was retitled REZONING ORDINANCE NO. 23, 1995 and is identified as follows:

REZONING ORDINANCE NO. 23, 1995. 94-Z-133 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT # 23.

6621 HICKORY ROAD (approximate address), INDIANAPOLIS.

INDIANAPOLIS POWER & LIGHT COMPANY requests the rezoning of 8.4 acres, being in the D-A District, to the SU-18 classification to provide for an electrical substation.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 695, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 695, 1994 on January 17, 1995. The proposal amends Sec. 285-307 of the Revised Code concerning the distribution of enhanced access fees. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 695, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: Gray

Proposal No. 695, 1994 was retitled GENERAL ORDINANCE NO. 2, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 1995

A GENERAL ORDINANCE amending Sec. 285-307 of Article III of Chapter 285 of the Revised Code of the Consolidated City and County, increasing to 70% the share of enhanced access revenue designated for the agency which is the custodian of the relevant data.

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

SECTION 1. Sec. 285-307 of Article III of Chapter 285 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 285-307. Distribution of enhanced access fees.

The enhanced access fund is subject to the appropriation of the city-county council. Fees collected for enhanced access transactions shall be distributed as follows:

- (1) Costs incurred by the information services agency of Indianapolis and Marion County in enabling a particular type of enhanced access shall be calculated and reimbursed in the same manner as the information services agency's chargeback to other public agencies for information services.
- (2) Costs (as approved by the enhanced access board) incurred by any other public agency, including the county treasurer in billing enhanced access fees, and the custodian or custodians of computerized information in enabling a particular type of enhanced access, shall be reimbursed to that public agency.
- (3) After the reimbursement of costs under subsections (1) and (2) of this section for each enhanced access transaction, ~~twenty (20)~~ seventy (70) percent of the fees remaining shall be distributed to the custodian or custodians of the computerized information to which enhanced access is provided, to be used for the purposes specified in Sec. 285-304(c).
- (4) With the assistance and recommendation of the enhanced access board, the remaining balance in the enhanced access fund shall be appropriated by the city-county council to any of the participating public agencies to be expended for the purposes specified in Sec. 285-304(c).

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 provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 697, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 697, 1994 on January 12, 1995. The proposal authorizes the Marion County Recorder to collect a reasonable fee for providing duplicate copies of computer tapes, computer disks, optical disks, microfilm, or similar media to the general public. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Smith, for adoption. Proposal No. 697, 1994, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: West

1 NOT PRESENT: Gray

Proposal No. 697, 1994, as amended, was retitled GENERAL ORDINANCE NO. 3, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 1995

A SPECIAL ORDINANCE authorizing the Marion County Recorder to collect a fee for providing duplicate copies of public records stored on certain media to the general public.

WHEREAS, IC 36-2-7-10(b) sets forth the various fees to be charged by the Marion County Recorder for services rendered; and

WHEREAS, IC 36-2-7-10(b)(10) provides that the City-County Council is to authorize the fee charged by the Marion County Recorder for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media; and

WHEREAS, the Marion County Recorder seeks authorization to charge a fee for duplicating the various media described in IC 36-2-7-10(b)(10); now, therefore:

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

SECTION 1. The City-County Council hereby authorizes the Marion County Recorder to charge a fee for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media.

SECTION 2. The amount of this fee shall not exceed the sum of the direct cost of supplying the information in a particular medium and the standard cost per page set forth in IC 36-2-7-10(b) (6).

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

PROPOSAL NO. 702, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 702, 1994 on January 12, 1995. The proposal amends the Sign Regulations of Marion County to comprehensively revise and update the regulation of signs within the County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass with a recommended amendment.

Councillor West said that the Committee recommends amending Section 2.10, paragraph N, by inserting the underlined text as follows:

Section 2.10 Exempt signs.

- N. *Public signs* - Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's Approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's Approval shall:

- not be applicable in any "Protected District",
- be preceded by a petition for Approval to the Hearing Examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions for locations within the Regional Center, notice to all registered neighborhood organizations whose boundaries include all or part of the Regional Center.
- be permitted within the Central Business Districts after having filed for and obtained a Regional Center Approval. However, the such signs shall be permitted without notification or Regional Center Approval for a temporary period of sixty (60) days. After sixty days, if such signs authorized by the Administrator are to become permanent, a Regional Central Approval Petition shall be filed for, and Approval obtained, in order to ratify the Administrator's decision.

Provided, the administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, within the Central Business District for purposes of promoting specific civic, sporting or special events, on condition that such signs be removed prior to the end of such period.

An ILP shall not be required.

Councillor West moved, seconded by Councillor Williams, to amend Proposal No. 702, 1994, Section 2.10, paragraph N, as recommended by the Committee.

Councillor Williams stated that this amendment makes sure that the Central Business District is part of the public process, and that the various neighborhood organizations that are involved with the Central Business District and the Regional Center are informed of any petitions for public signs. She also commended Walter Niemczura, President, Metropolitan Development Commission, for attending the Committee hearings on the sign ordinance.

The Metropolitan Development Committee's recommended amendment of Section 2.10, paragraph N, of Proposal No. 702, 1994 was passed by the following vote; viz

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

Proposal No. 702, 1994, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 702, 1994 was retitled GENERAL ORDINANCE NO. 4, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 1995
METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 94-AO-10

A GENERAL ORDINANCE amending the Sign Regulations of Marion County to comprehensively revise and update the regulation of signs within the County.

WHEREAS, IC 36-7-4, as amended, establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and,

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to IC 36-7-4, as amended, various segments of its Comprehensive Plan of Marion County, Indiana; and

WHEREAS, said IC 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; and the public health, safety, comfort, morals, convenience and general public welfare may be promoted; and

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City-County as a whole; now, therefore:

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

SECTION 1. The Sign Regulations of Marion County, Appendix D, Part 19, of the Municipal Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Nos. 71-AO-4, 86-AO-1, 88-AO-3, 90-AO-2, and 91-AO-2 is further amended by adopting the language as follows:

CHAPTER 1.00 PURPOSE AND APPLICATION

Section 1.10 Statement of purpose.

This ordinance creates the legal framework for sign regulations that are intended to facilitate an easy and agreeable communication between people. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this ordinance. This ordinance recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and generally public opinions vary from one to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

The purpose of the Sign Regulations set forth in this document shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which by their good design, are integrated with and harmonious to the buildings and sites which they occupy; and which eliminate excessive and confusing sign displays; to retain current residents and attract new residents to the city; to preserve and improve the appearance of the city as a place in which to live and work as an attraction to non-residents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and to promote the public health, safety, morals and general welfare.

Section 1.20 Application of regulations.

The regulations of this Ordinance shall apply to the location, erection, and maintenance of signs in all Zoning Districts within Marion County, Indiana.

CHAPTER 2.00 GENERAL REGULATIONS

The requirements, conditions, prohibitions and exceptions specified in the General Regulations Chapter shall apply to all signs and sign structures in all zoning districts in Marion County, Indiana.

Section 2.10 Exempt signs.

The following signs are permitted in any zoning district and are exempt from other provisions of this Ordinance, except the provisions for a clear sight area as noted in Chapter 2.00, Section 2.40, J. The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for Improvement Location Permits shall not apply to certain of the signs specifically referenced in this section:

A. *Construction signs, project* - One construction sign per project construction site shall be permitted on each street frontage of the project, subject to the following:

1. Maximum sign area. The construction sign shall not exceed:
 - a. sixty-four (64) square feet in area,
 - b. twenty (20) feet in height.
2. Additional standards. Further, such signs shall:
 - a. not be erected until the applicable zoning and platting approvals have been obtained;
 - b. be confined to the site of construction;

- c. meet the setback requirements for signs in the applicable district; and
- d. be removed five (5) days after completion of construction and prior to occupancy.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

- B. *Flags, emblems, or insignia of any nation, state or political subdivision* shall be permitted, provided the setback requirements for signs in the applicable district are met. In addition, one (1) flag, displaying a corporate emblem, shall be permitted for each business not located in an integrated center. A flag displaying a corporate emblem, however, shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

- C. *Garage sale signs* - are permitted provided there shall be only one (1) sign, not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot having the sale and not on or within any public right-of-way. In the case of corner lots, one (1) additional sign is permitted on the other street frontage of the lot, for a maximum of two (2) signs on the lot. Further, such sign(s) shall be permitted for no longer than two (2) days prior to the sale and be removed immediately after the sale is completed.

An ILP shall not be required if the provisions noted above are satisfied.

- D. *Historic or commemorative plaques*. An historic or commemorative plaque shall not exceed four (4) square feet.

An ILP shall not be required if the provisions noted above are satisfied.

Historic or commemorative plaques in excess of four (4) square feet shall be regulated and permitted as wall signs.

- E. *Home improvement, home construction, home remodeling signs* - are permitted, provided there shall be only one (1) such sign not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring.

An ILP shall not be required if the provisions noted above are satisfied.

- F. *House number and name plates* - House numbers and name plates, each not exceeding two (2) square feet in area, are permitted for each residential unit or dwelling.

An ILP shall not be required if the provisions noted above are satisfied.

House numbers and name plates in excess of two (2) square feet in area shall be regulated as wall signs.

- G. *Interior signs* - Signs located:

1. within the interior of any building, or within an enclosed lobby or court of any building,
2. located within the inner or outer lobby, court or entrance of any theatre, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as "window signs" as herein defined, are permitted.

An ILP shall not be required if the provisions noted above are satisfied.

- H. *Memorial signs or tablets* - Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material. Such sign shall not be located within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

- I. *Model home signs* - are permitted, provided there shall be only one (1) such sign not exceeding sixteen (16) square feet in total surface area and four (4) feet in height located on the street frontage of the lot containing the model home. Such sign shall:

1. not be located on or within any public right-of-way or located on the model home building; and
2. be removed immediately after the building no longer serves as a model home.

An ILP shall not be required if the provisions noted above are satisfied.

- J. *Murals*, defined as works of graphic art painted or applied to building walls, which contain no advertising, identification messages, or logos.

An ILP shall not be required if the provisions noted above are satisfied, however, such murals are still subject to all requirements of any overlay district zoning which may apply.

- K. *Official signs* - authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty.

An ILP shall not be required if the provisions noted above are satisfied.

- L. *Political signs* - Political or campaign signs on behalf of candidates for public office or measures on election ballots are permitted for sixty (60) days prior to an election, and shall be removed within five (5) days after the election has been decided. Such sign shall not exceed six (6) square feet in total surface area and four (4) feet in height. No such sign shall be located on, within, or over the public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

- M. *Public notices* - Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

An ILP shall not be required.

- N. *Public signs* - Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's Approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's Approval shall:

- not be applicable in any "Protected District",
- be preceded by a petition for Approval to the Hearing Examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions for locations within the Regional Center, notice to all registered neighborhood organizations whose boundaries include all or part of the Regional Center.
- ~~be permitted within the Central Business Districts after having filed for and obtained a Regional Center Approval. However, the such signs shall be permitted without notification or Regional Center Approval for a temporary period of sixty (60) days. After sixty days, if such signs authorized by the Administrator are to become permanent, a Regional Central Approval Petition shall be filed for, and Approval obtained, in order to ratify the Administrator's decision.~~

Provided, the administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, within the Central Business District for purposes of promoting specific civic, sporting or special events, on condition that such signs be removed prior to the end of such period.

An ILP shall not be required.

- O. *Real estate signs* - Real estate signs announcing the sale or lease of that property by the owner or a real estate company shall be permitted, provided there shall be only one (1) sign for each lot, not exceeding:

1. six (6) square feet in total surface area and four (4) feet in height (for all districts permitting single or two-family residential development); or
2. thirty-two (32) square feet in total surface area and four (4) feet in height (for any other zoning district).

Such sign shall be located on the lot for sale or lease and not on or within any public right-of-way. Real estate signs shall not be directly illuminated and shall be removed within seven (7) days after the sale/lease/rental has been accomplished. Real estate signs which remain on the site for no longer than one (1) year shall not be required to obtain an ILP, however, if such signs remain beyond the one year period, an ILP shall be required, and such signs shall meet the requirements applicable to freestanding identification signs of the District.

Exceptions: In the case of a:

1. corner lot, one (1) additional sign, with the same maximum dimensions, is permitted, for a maximum of two (2) signs on a corner lot.
2. through lot, one (1) additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two (2) signs on a through lot.
3. lot which abuts a water body or golf course, one (1) additional sign, with the same maximum dimensions, is permitted on the water or golf course frontage of the lot, for a maximum of two (2) signs on such a lot. This exception shall not apply if the water body is designated as a "greenway corridor" in the "Indianapolis Greenways Plan", adopted by the Metropolitan Development Commission (May, 1994).

An ILP shall not be required if the provisions noted above are satisfied.

- P. *Real estate signs, temporary directional* - Temporary directional real estate signs shall not exceed twenty (20) per subdivision with no more than five (5) signs per subdivision allowed on the same street, in the same direction.

The maximum number of temporary directional real estate signs at an intersection shall be twelve (12). The intersection, for purposes of this provision, is defined as an area within a one hundred (100) foot radius of the intersecting center lines of two or more streets.

Temporary directional rear estate signs shall be placed at no less than two hundred (200) feet from any sign of the same subdivision and no closer than twenty (20) feet from another temporary directional real estate sign.

Further, temporary directional real estate signs shall be permitted only if:

1. They are limited to freestanding signs not to exceed eight (8) square feet in total area or four (4) feet square feet per sign face and shall not exceed forty (40) inches in height.
2. Signs shall not be placed before 5:00 p.m. on Friday and shall be removed by 7:00 a.m. on Monday. Signs shall be installed no earlier than 5:00 p.m. preceding any commonly recognized holiday and shall be removed by 7:00 a.m. the day following a holiday. All poles and stakes shall be completely removed.
3. Signs shall not be placed on private property without permission of the owner. Signs shall be placed at least six (6) feet from the pavement edge of the street (said pavement edge of the street includes the shoulder). Signs shall not touch or block any road marking signs, nor shall they be attached to utility poles, trees or natural features.

An ILP shall not be required if the provisions noted above are satisfied.

- Q. *Seasonal or holiday signs* - for display on private or public property shall be permitted, so long as they are primarily decorative in nature, clearly incidental and customarily and commonly associated with any national, local or religious holiday. Such signs may be of any type, number, area, height, illumination or animation. Such signs shall not be located on or within any public right-of-way, and shall be set back a minimum of ten (10) feet from the lot lines of the property.

An ILP shall not be required if the provisions noted above are satisfied.

R. *Temporary signs for grand openings or city-recognized special events* - provided that the maximum sign area of each sign shall not exceed thirty-two (32) square feet. Temporary signs allowed under this subsection include pennants and banners.

1. *Grand Openings*: Temporary signs for grand openings may be erected no more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such signs remain on the premises for more than thirty (30) days.
2. *City-Recognized Special Events*: Temporary signs for city-recognized special events may be erected throughout the year, however, the maximum number of days such signs may be displayed shall not exceed a total of thirty (30) days per year.

Such signs shall not be located on or within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

S. *Tombstones* - An ILP shall not be required.

T. *Works of art* - Three dimensional works or art (statuary, sculptures) and two dimensional works of art (i.e. murals) that are clearly artistic in nature and which do not promote commercial interests are exempt from regulation under this ordinance.

An ILP shall not be required if the provisions noted above are satisfied.

U. *Incidental signs, other than directional, and parking and loading signs* shall be permitted, subject to the following:

1. The maximum height of the sign shall not exceed four (4) feet.
2. The maximum sign surface area shall not exceed (1) square foot.
3. The sign shall be setback a minimum of ten (10) feet from the existing street right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

V. *Building outline lighting*. Outlining of structural/ architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any Commercial and Industrial District shall not be considered a sign, nor regulated by this ordinance. If however, such outline contains text or logos, such items shall be considered signs and regulated by this ordinance according to their type and placement. Outlining of structural/architectural elements of buildings using neon, incandescent or similar type of lighting shall be prohibited in any Protected District, and in no case shall it be permitted within six hundred (600) feet of a Protected District. (See also Section 2.20, K, for restrictions on other types of outline lighting). In no case, however, shall such building outlining flash or be animated.

Section 2.20 Prohibited signs.

The following signs are prohibited in all zoning districts:

A. *Signs in the public right-of-way*. No sign or sign structure may be placed on or in the right-of-way of an alley or a street, with the exception of governmental and public signs, or projecting signs permitted by this ordinance and having obtained an encroachment license from the proper governmental agency.

B. *Signs which interfere with official signs/traffic devices*.

1. No sign or sign structure shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with or obstructs the view of, or can be confused with, imitates, or resembles any official traffic sign, signal, or device. No rotating beam, beacon or flashing illumination resembling any emergency light shall be used in connection with any sign display.

2. No sign shall be permitted which prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign and approaching or merging traffic (See Section 2.40, J. Clear Sight Triangular Area).
- C. *Interference with street intersections.* No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing (See Section 2.40, J, Clear Sight Triangular Area).
- D. *Prohibition of signs affixed to utility poles, etc.* No sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, tree, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under Section 2.10, N (Public Signs).
- E. *Signs on natural features.* No signs shall be permitted to be painted on, attached to, or maintained upon trees, rocks or other natural features.
- F. *Pennants.* Pennants shall not be permitted.
- Exception: Temporary exception to this stipulation is noted in Section 2.10, R, "Temporary Signs for Grand Openings and Special Events."
- G. *Banners.* Banners shall not be permitted.
- Exceptions:
1. Temporary exception to this stipulation is noted in Section 2.10, R, "Temporary Signs for Grand Openings and Special Events."
 2. Special regulations governing temporary promotional banners within the Central Business Districts are found in Section 3.50.
 3. Banners that are attached securely to the wall of a building on all four corners shall be considered and regulated as wall signs.
- H. *Wind signs.* Wind signs shall not be permitted.
- Temporary exception to this stipulation is noted in Section 2.10, R, "Temporary Signs for Grand Openings and Special Events."
- I. *Portable signs.* Portable signs including but not limited to A- or T-frame, or signs on trailer frames whether or not the trailer wheels have been removed shall be prohibited. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property which is visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles such as buses or cabs.
- J. *Statuary, commercial.* Statues utilized and intended for commercial advertising purposes shall be prohibited.
- K. *Outline lighting.* Outlining of property lines or open sales areas, whether flashing or constant, shall be prohibited.
- L. *Balloon signs.* Lighter-than-air or gas filled balloons or other similar devices used to advertise or define a fixed location shall be prohibited.

Section 2.30 Computations.

- A. *Computation of area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, rectangle or

combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which its is place, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. (Refer to Diagram 1 for illustrative guides to computation methods)

- B. *Computation of area of multifaced signs.* The sign area for a sign with more than one face shall be computed by adding together the sign area of all sign faces from any one point. When two identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces (Refer to Diagram 2 for illustrative guides to computation methods).
- C. *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign or sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either (1) existing grade prior to construction; or, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. (Refer to Diagram 3 for illustrative guides to computation methods).

Section 2.40 General provisions.

- A. *Applicability of regulations.* No sign or sign structure, or part thereof, shall be constructed, erected converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations.
- B. *Consent of property owner.* No sign or sign structure shall be placed on private or public property without the expressed written consent of the owner or the owner's representative.
- C. *Maintenance of signs.* All signs and sign structures shall be kept in good repair and in proper state of maintenance.
- D. *Maintenance and restoration of legally established nonconforming signs and sign structures.* Any legally established nonconforming sign shall be permitted without alteration in size or location. Maintenance of such signs shall not include any changes made to the size, height or bulk of the sign or the temporary or permanent removal of the sign. If such sign is damaged exceeding two-thirds (2/3) of its replacement value, it shall not be rebuilt except in conformance with the provisions of this ordinance; provided, however, that nothing herein shall prevent maintenance, repainting, or posting of legally established nonconforming signs.
- E. *Number of faces permitted on a freestanding identification sign.* Unless specifically restricted by these sign regulations, a sign may contain more than one sign face, and may be two-sided, provided all other requirements of these regulations are met.
- F. *Discontinuation of nonconformity.* Within thirty (30) days after any lawful nonconforming sign or sign structure is no longer functional or is abandoned, as defined in Chapter 6 of this ordinance, the sign and sign structure shall be removed.
- G. *Grade mounding.* Earth mounding, inconsistent with the ground level of the land surrounding the sign structure, which increases the elevation of the sign, shall be included in the measurement of the sign height (Refer also to Section 2.30, C "Computation of Height" and Diagram 4).
- H. *Flashing or animated signs.* No flashing or animated sign shall be used in any Dwelling, Special Use, C-1, C-2 and C-3 Commercial, or Central Business District and inside, or within six hundred (600) feet of, any Protected District. The method of measurement from a Protected District shall be from the leading edge of the sign to the zoning line of the Protected District. (Refer to Diagram 7).

Exceptions to this provision are the following:

1. Time and temperature displays, which are regulated in Section 4.70.
 2. This provision shall not apply if it can be determined that a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District.
 3. This provision shall not apply if it can be determined that the flashing or animated sign is visibly obstructed from the Protected District.
- I. *Lighting of signs.* No lighting shall be permitted to be used in any way in connection with a sign unless:
1. it is effectively shielded so as to prevent beams or rays of light from being directed at vehicles travelling on a street; or,
 2. is of such low intensity or brilliance so as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- Sign light reflectors must be within twelve (12) feet of a sign facing.
- J. *Clear sight triangular area.* No sign or sign structure shall be located within a clear sight triangular area (Refer to Diagram 5). A clear sight triangular area shall be established as one of the following:
1. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
 2. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or,
 3. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

Section 2.50 Sign height exception - tall signs.

If a street elevation to which the sign is oriented is more than ten (10) feet greater than the grade elevation at the base of the sign structure, the street elevation may be used as the grade elevation in determining the permitted sign and sign structure height; however,

- . in no case shall the height of the sign or sign structure above the actual grade elevation at its base exceed eighty (80) feet; and,
 - . the height of the sign and sign structure at the street's elevation shall not exceed the maximum noted for the sign in the applicable District (See "Maximum Sign Height" provision in the applicable District).
- A. Tall signs are permitted only in relation to interchanges on I-465 and the freeways between I-465 and the Marion County boundary lines.
- B. Only signs designed to give information in the specific interest of the traveling public, including, identification of places for camping, lodging, eating and vehicle services of gasoline service stations, shall be permitted to be constructed as tall signs.
- C. Tall signs shall be located only on the premises of the referred use or activity.
- D. The use to which the tall sign refers shall be located within 1,320 feet of the intersection of the center line of the freeway or expressway to which it is oriented and the intersecting street. In no event shall the tall sign be closer to the right-of-way of the main-travelled way of the freeway or expressway than the minimum setback specified in Section 4.40 of this Ordinance. (Refer to Diagram 28).

- E. The sign surface area for a tall sign shall not exceed the maximum sign area permitted for a freestanding identification sign in the applicable District.
- F. Only one (1) tall sign shall be permitted for any one (1) use. Such sign shall constitute the only identification pole or pylon sign permitted on the premises of the referred use.
- G. Tall signs shall not be permitted within six hundred (600) feet of any Protected District, measured from the leading edge of the sign to the zoning line of the Protected District.

Exception: This provision shall not apply if it can be determined that a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District.

Refer to Diagrams 6 and 7 for illustrative guides to these provisions.

Section 2.60 Front sign setback exception.

Unless otherwise stated in this ordinance, no part of any freestanding business identification sign shall be located closer to a street right-of-way line than fifteen (15) feet, except that if an established building setback line along said right-of-way within two hundred (200) feet of the base of said sign, and not beyond the limits of the nearest street intersection in each direction is less than fifteen (15) feet from the right-of-way, the sign may be located so that no part of the sign is closer to the right-of-way than such building's setback line.

Section 2.70 Required permits.

Any sign not exempted from the requirements of obtaining an Improvement Location Permit (ILP) as noted in Chapter 2.00 EXEMPT SIGNS or identified as a prohibited sign type shall be required to obtain an ILP as stated in the Improvement Location Permit Ordinance of Marion County. Furthermore, any sign not identified as a permitted sign type in Chapter 5.00 Table A-D of the Sign Regulations is prohibited.

This provision shall not be construed to require an ILP for the routine maintenance or changing of the parts or copy of a sign for which an ILP has previously been issued, including changing a sign face, provided that the maintenance or change of parts or copy of a sign does not alter the surface area, height, or otherwise render the sign nonconforming, or increase the existing degree of nonconformity, with the standards of this ordinance.

Section 3.10 On-premise signs: Basic design elements.

Basic design elements for all on-premise signs.

- A. *Pole sign.* At its lowest point, the sign face of a pole sign shall be located a minimum of nine (9) feet above the grade. (Refer to Diagram 8).
- B. *Wall sign.* A wall sign shall not extend outward more than eighteen (18) inches from the building or structure wall. A wall sign may extend to a maximum of four (4) feet upward above a roof or parapet line, provided that at least fifty percent (50%) of the area of the wall sign shall be located below the roof or parapet line. (Refer to Diagram 9).
- C. *Roof-integral sign.* A roof-integral sign shall not exceed six (6) feet in height and shall not project more than eighteen (18) inches outward from the level of the roof measured horizontally from the sign's closest point to the roof. A roof-integral sign may extend up to the roof level line and not above the roof line or the top of the building or structure (as viewed in the elevation), provided the maximum height of the extended sign does not exceed twenty-six (26) feet measured from grade perpendicularly to the sign's highest point. (Refer to Diagram 10).
- D. *Pylon sign.* A sign face of a pylon sign may extend up from grade level provided the clear sight triangle provisions of Section 2.40, J shall be maintained.
- E. *Projecting sign.* A projecting sign or sign structure may extend up to, but not above, the roof level line or the top of the building or structure, as viewed in the elevation. (Refer to Diagram 11).

Section 3.20 On-premise signs: Dwelling districts.

A. *Regulations for freestanding identification signs.*

1. Where permitted.
 - a. Pole or pylon signs. Pole or pylon signs shall not be permitted in any Dwelling District, as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
 - b. Ground signs shall be permitted for subdivision or project signs in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-6, D-6II, D-7, D-8, D-9, D-10, D-11, D-12, and D-P Dwelling Districts.
2. Maximum sign height - ground signs. No part of the sign face or the sign support structure of a ground sign shall be more than four (4) feet above grade level, subject to the provisions of Section 2.40, G, "Grade Mounding". If subdivision or project signs are attached to fences or walls, such fences or walls shall meet all height requirements outlined in Section 2.19 of the Dwelling Districts Zoning Ordinance relative to structural barriers.
3. Minimum setbacks, front. The minimum setback for all freestanding identification signs shall be fifteen (15) feet from the existing street right-of-way line unless subject to the provisions of Section 2.60 (Front Sign Setback Exception), provided, however, the following provisions shall also be met in the location of minimum front setbacks:

No freestanding identification sign shall be erected within any area designated by the Thoroughfare Plan for Marion County as required for right-of-way for a public street unless the owner of said sign provides a written commitment to the Department of Metropolitan Development to relocate said sign out of the right- of-way at his/her expense upon the acquisition of said property by the applicable governmental agency for transportation purposes and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.
4. Minimum setbacks, side and rear.
 - a. If illuminated, no freestanding identification sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that the illuminated freestanding identification sign is visibly obstructed from the Dwelling District.
 - b. No freestanding identification sign shall be located closer than five (5) feet to a side or rear property line.
5. Maximum sign area. The maximum sign area of a freestanding identification sign shall not exceed forty (40) square feet. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
6. Number of signs. Two (2) freestanding identification subdivision or project ground signs shall be permitted at each entrance to a subdivision or project.

B. *Regulations for building identification signs.*

1. Wall signs.
 - a. Maximum size for wall signs. The maximum total sign area for a wall sign on a facade shall not exceed an amount equal to three (3) percent of the building facade or other architectural elevation to which the sign is oriented or three hundred (300) square feet, whichever is the lesser. The linear measurement of the sign shall not exceed eighty (80) percent of the linear frontage of the facade of the building (refer to Diagram 12).
 - b. Number of wall signs. One (1) wall sign shall be permitted for each building.
 - c. Wall signs on corner lots. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building's street frontage. Said

maximum allowance, however, is not transferable either in whole or in part from one building frontage to another nor from one occupancy to another.

- d. Distance from side or rear lot line when abutting a dwelling district. If illuminated, wall signs facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall not be located within fifty (50) feet of such side or rear lot line.

Exceptions: This provision shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District.
 - (2) the illuminated wall sign is visibly obstructed from the Dwelling District.
2. Roof signs. Roof signs shall not be permitted in any Dwelling District, as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
 3. Roof-integral signs. Roof-integral signs shall not be permitted in any Dwelling District, as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
 4. Projecting signs. Projecting signs shall not be permitted in any Dwelling District, as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
 5. Awning or canopy signs. Awning or canopy signs shall be permitted in the D-6, D-611, D-7, D-8 (multifamily), D-9, D-10, and D-P Dwelling Districts and shall:
 - a. be non-illuminated; and,
 - b. comply with the provisions of Section 4.10, A, 1, 4, 5, 6, and 7 ("Awning and Canopy Sign Regulations").
 6. Marquee signs. Marquee signs shall be permitted in the D-6, D-611, D-7, D-8 (multifamily), D-9, D-10, D-11 and D-P Dwelling Districts and shall:
 - a. be non-illuminated; and,
 - b. comply with the provisions of Section 4.10, A, 1, 3, 4, 5, and 6 ("Marquee Sign Regulations").
 7. Suspended signs.
 - a. Where permitted. Suspended signs shall be permitted in the D-6, D-611, D-7, D-8 (multifamily), D-9, D-10, D-11 and D-P Districts.
 - b. Maximum sign area. The maximum sign surface area for a suspended sign shall not exceed five (5) square feet.
 - c. Number of signs. One suspended sign shall be permitted per each building facade.
 - d. Clearance from grade. All portions of any suspended sign or sign structure (except for the supporting building) shall be not less than eight (8) feet above the finished grade.

Refer to Diagram 13 for illustrative guides to these provisions.

8. Window signs.
 - a. Where permitted. Window signs shall be permitted in any Dwelling District as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
 - b. Maximum sign copy area. The sign copy area shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed.

c. Number of window signs. One (1) window sign shall be permitted for each building.

d. Illumination. Window signs shall be non-illuminated.

C. *Regulations for incidental signs.* On-premise incidental signs shall be permitted in those districts identified in Chapter 5.00, Tables A, B, D in accordance with the following development standards:

1. Directional incidental signs.

a. The maximum height of the sign shall not exceed two and one half (2.5) feet.

b. The maximum sign surface area of the sign shall not exceed six (6) square feet.

c. The sign shall be setback a minimum of two feet from the existing street right-of-way.

d. Two such signs shall be permitted at each ingress or egress point on a lot.

2. Parking and loading incidental signs.

a. The maximum height of the sign shall not exceed four (4) feet.

b. The maximum sign surface area of the sign shall not exceed sixteen (16) square feet and may contain the name of the lot owner/operator.

c. The sign shall be setback a minimum of ten (10) feet from the existing street right-of-way.

d. One such sign shall be permitted per each frontage that contains an ingress/egress point.

3. Internal directory signs. Internal directory signs indicating only the names and addresses of the occupants of the premises on which the sign is to be located but containing no advertising material of any kind shall be subject to the following:

a. The internal directory signs may be either wall, ground or pylon signs.

b. There shall not be more than one (1) internal directory sign for each building or complex under unified control consisting of two (2) or more occupants. Internal directory signs shall not be permitted for single occupant buildings.

c. The aggregate gross surface area of an internal directory sign shall not exceed one (1) square foot for each occupant located in the building or complex.

d. The internal directory sign may be located within two (2) feet of any right-of-way, provided the requirements of Section 2.40, F (Clear Sight Triangular Area) are maintained.

e. An internal directory sign shall not project higher than ten (10) feet, as measured from the base of the building or the ground to which the sign is to be affixed.

4. Other incidental signs. See Chapter 2.00, Exempt signs.

Section 3.30 On-premise signs: Commercial and industrial districts.

A. Freestanding identification signs.

1. Maximum sign height - pole and pylon signs.

a. Single use - the maximum height of a freestanding identification pole or pylon sign and its supporting structure shall not exceed the heights noted in table 3.00-A. These signs shall be measured from grade level at the base of the sign structure.

TABLE 3.00-A	
MAXIMUM SIGN HEIGHT - POLE AND PYLON SIGNS - SINGLE USE	
ZONING DISTRICT	PERMITTED MAXIMUM HEIGHT
C-1*, C-2*, C-3C*	Twenty-five (25) feet
C-3, C-4, C-5, C-6, C-7, C-ID	Forty (40) feet
Any Industrial District	Forty (40) feet
<p>* Pole or pylon signs shall not be permitted within six hundred (600) feet of a Protected District, as defined in Chapter 6.00. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7).</p> <p>Pole or pylon signs shall not be illuminated within six hundred (600) feet of a Protected District. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7)</p> <p>Exceptions: The provision prohibiting pole or pylon signs within six hundred (600) feet of a Protected District shall not apply if it can be determined that:</p> <p>(1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District; or,</p> <p>(2) the sign is visibly obstructed from the Protected District.</p>	

b. Integrated centers - the maximum height of a freestanding identification pole or pylon sign and its supporting structure identifying an integrated center shall not exceed forty (40) feet above grade level at the base of such structure.

2. Maximum sign height - ground sign. No part of the sign face and the sign support structure of a freestanding identification ground sign shall be more than four (4) feet above grade level (Refer to Diagram 14).
3. Minimum setbacks, front. The minimum setback for all freestanding identification signs shall be fifteen (15) feet from the existing street right-of-way line, unless subject to the provisions of Section 2.60 (Front Sign Setback Exception). Provided, however, the following provisions shall also be met in the location of minimum front setbacks:

No freestanding identification sign shall be erected within any area designated by the Thoroughfare Plan for Marion County as required for right-of-way for a public street unless the owner of said sign provides a written commitment to the Department of Metropolitan Development to relocate said sign out of the right-of-way at his/her expense upon the acquisition of said property by the applicable governmental agency for transportation purposes and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.

4. Minimum setbacks, side or rear.
 - a. No freestanding identification sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that a commercial or industrial use, legally established by permanent variance of lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District.

- b. No freestanding identification sign shall be located closer than five (5) feet to a side or rear property line.

5. Maximum sign area.

a. Freestanding Identification Signs Not A Part of An Integrated Center.

- (1) The sign surface area of a freestanding identification sign shall not exceed that specified in the following table:

TABLE 3.00-B	
FREESTANDING IDENTIFICATION SIGN - SINGLE USE	
FRONTAGE (to which the sign is oriented)	MAXIMUM SIGN AREA
a. Up to fifty (50) linear feet	One hundred fifty (150) square feet.
b. between fifty (50) and one hundred ten (110) linear feet	1.5 additional square feet of sign area per each additional linear foot of frontage over fifty (50) feet to which the sign is oriented.
c. between one hundred ten (110) and three hundred (300) linear feet	No additional square feet of sign area than that allowed by b. above.
d. between three hundred (300) and five hundred (500) linear feet	0.75 additional square foot of sign area per each additional linear foot of frontage over three hundred (300) feet to which the sign is oriented. In no case shall the sign area exceed three hundred ninety (390) square feet.
e. over five hundred (500) linear feet	three hundred ninety (390) square feet.

- (2) On lots with a linear frontage oriented to the same street in excess of three hundred (300) linear feet, a second freestanding identification sign may be utilized (see #6 NUMBER OF SIGNS for additional provisions). If two (2) freestanding identification signs are utilized, however, the combined area (in square feet) of both signs shall not exceed that allowed based upon the linear street frontage to which the sign is oriented or three hundred ninety (390) square feet, whichever is the lesser (Refer to Diagram 15).

b. Freestanding Identification Signs for Integrated Centers.

- (1) The sign surface area of a freestanding identification sign for an Integrated Center shall not exceed that specified in the following table:

TABLE 3.00-C	
FREESTANDING IDENTIFICATION SIGN - INTEGRATED CENTERS	
FRONTAGE (to which the sign is oriented)	MAXIMUM SIGN AREA
a. Up to fifty (50) linear feet	Two hundred (200) square feet.
b. between fifty (50) and three hundred fifty (350) linear feet	one (1) additional square foot of sign area per each additional linear foot of frontage over fifty (50) feet to which the sign is oriented.
c. between three hundred fifty (350) and five hundred (500) linear feet	No additional square feet of sign area than that allowed by b. above.
d. between five hundred (500) and one thousand one hundred (1100) linear feet	0.75 additional square foot of sign area per each additional linear foot of frontage over five hundred (500) feet to which the sign is oriented. In no case shall the sign area exceed nine hundred (900) square feet.
e. over one thousand one hundred (1100) linear feet	nine hundred (900) square feet.

- (2) On lots with a linear frontage oriented to the same street in excess of five hundred (500) linear feet, a second freestanding identification sign for an integrated center may be utilized (see #6 NUMBER OF SIGNS for additional provisions). If two (2) freestanding identification signs are utilized, however, the combined area (in square feet) of both signs shall not exceed that allowed based upon the linear street frontage to which the sign is oriented or nine hundred (900) square feet, whichever is the lesser.

Provided, however, the sign surface area of a freestanding identification sign for an Integrated Center shall not exceed a maximum of five hundred (500) square feet for a sign oriented to a secondary arterial, collector, local, marginal access or private streets.

6. Number of signs. One (1) freestanding identification sign shall be allowed on a lot for each frontage on a separate street.

Exceptions:

- a. Extensive Frontage. Where a lot has in excess of three hundred (300) linear feet of street frontage on the same street, one additional freestanding identification sign shall be allowed for each additional three hundred (300) linear feet of street frontage on that street. Such additional signs shall be subject to all other provisions of this ordinance. In no event shall an additional freestanding identification sign as permitted in this section be located any closer than three hundred (300) feet to any other freestanding identification sign on the same lot (Refer to Diagram 15).
- b. Corner Lots. On corner lots the maximum number and square footage of freestanding identification signs shall be permitted for each street frontage. Said maximum allowances, however, shall not be transferable either in whole or in part from one street frontage to another.

B. Building identification signs.

1. Maximum surface area for building identification signs.
 - a. The maximum sign surface area for building identification signs shall not exceed twenty (20) percent of the area of the front facade, fifteen (15) percent of the area of the side facades (each side facade shall be calculated separately) and ten (10) percent of the rear facade (Refer to Diagram 16).
 - b. Any combination of building identification signs may be utilized, so long as the total surface area of signs on a particular building facade does not exceed the percentage noted in a. above, and subject to any additional provisions of subsection B, "Building Identification Signs".
2. Wall signs.
 - a. Maximum size for wall signs. In addition to Section 3.30, B, 1 above, the linear measurement of the sign shall not exceed eighty (80) percent of the linear frontage of the facade of the structure or tenant space. (See Diagram 16.)
 - b. Number of wall signs. There shall be no limit on the number of wall signs allowed, provided the provisions of Section 3.30, B, 1 above are not exceeded on the facade on which the signs are located.
 - c. Wall signs on corner lots. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage or occupancy. Said maximum allowance, however, is not transferable either in whole or in part from one building frontage to another nor from one occupancy to another occupancy.
 - d. Distance from side or rear lot line when abutting a dwelling district. An illuminated wall sign shall not be permitted within fifty (50) feet of a side or rear lot line of an abutting lot line zoned as a Dwelling District when such sign faces said side or rear lot line.

Exceptions: This provision shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as Dwelling District; or,
- (2) the illuminated wall sign is visibly obstructed from the Dwelling District.

3. Roof signs. Roof signs shall not be permitted.

4. Roof-integral signs.

- a. Where permitted. Roof-integral signs shall be permitted in any Commercial or Industrial Districts.
- b. Maximum sign area. Same as Section 3.30, B, 1.
- c. Number of signs. One (1) roof-integral sign shall be permitted per each building facade (if a single use) or tenant space (if an integrated center), subject to the provisions of Section 3.30, B, 1, b.
- d. Distance from side or rear lot line when abutting a dwelling district. An illuminated roof-integral sign shall not be permitted within fifty (50) feet of a side or rear lot line of an abutting lot line zoned as a Dwelling District when such sign faces said side or rear lot line.

Exceptions: This provision shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as Dwelling District; or,
- (2) the illuminated roof-integral sign is visibly obstructed from the Dwelling District.

5. Projecting signs.

- a. Where permitted. Projecting signs shall be permitted in any Commercial or Industrial Districts.
- b. Maximum sign area. Same as Section 3.30, B, 1.
- c. Number of signs. One projecting sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section 3.30, B, 1, b.
- d. Maximum projection from a building. No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building.
- e. Clearance from grade. All portions of any projecting sign or sign structure shall be not less than eight (8) feet above the finished grade (see Diagram 11).
- f. Minimum setback, front. The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement line, curb or outside edge of the sidewalk.

6. Suspended signs.

- a. Where permitted. Suspended signs shall be permitted in any Commercial or Industrial Districts.
- b. Maximum sign area. The maximum sign surface area for a suspended sign shall not exceed five (5) square feet. In addition, the provisions of Section 3.30, B, 1, shall apply.
- c. Number of signs. One suspended sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center).
- d. Clearance from grade. All portions of any suspended sign or sign structure shall be not less than eight (8) feet above the finished grade.

Refer to Diagram 13 for illustrative guides to these provisions.

7. Window signs. The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed.

The sign surface area of window signs shall be calculated separately from the calculation of other building identification signs and shall not be included in the total area of other building identification signs permitted.

8. Awning and canopy signs. See Chapter 4.00, Section 4.10, "Awning and Canopy Sign Regulations".
9. Marquee signs. See Chapter 4.00, Section 4.20, "Marquee Sign Regulations".

- C. *Incidental signs.* On-premise incidental signs shall be permitted in those districts identified in Chapter 5.00, Table A, in accordance with the following development standards:

1. Directional incidental signs.

- a. The maximum height of the sign shall not exceed two and one half (2.5) feet.
- b. The maximum sign surface area of the sign shall not exceed six (6) square feet.
- c. The sign shall be setback a minimum of two feet from the existing street right-of-way.
- d. Two such signs shall be permitted at each ingress or egress point on a lot.

2. Parking and loading incidental signs.

- a. The maximum height of the sign shall not exceed four (4) feet.
- b. The maximum sign surface area of the sign shall not exceed sixteen (16) square feet and may contain the name of the lot owner/operator.
- c. The sign shall be setback a minimum of ten (10) feet from the existing street right-of-way.
- d. One such sign shall be permitted per each frontage that contains an ingress/egress point.

3. Internal directory signs. Internal directory signs indicating only the names or addresses of the occupants of the premises on which the sign is to be located but containing no advertising material of any kind shall be subject to the following:

- a. The internal directory signs may be either wall, ground or pylon signs.
- b. There shall not be more than one (1) internal directory sign for each office, industrial, and institutional building or complex under unified control consisting of two (2) or more occupants. Internal directory signs shall not be permitted for single occupant offices, industrial and institutional buildings or complexes.
- c. The aggregate gross surface area of an internal directory sign shall not exceed five (5) square feet for each occupant located in the building or complex.
- d. The internal directory sign may be located within two (2) feet of any right-of-way, provided the requirements of Section 2.40, J (Clear Sight Triangular Area) are maintained.
- e. An internal directory sign shall not project higher than ten (10) feet, as measure from the base of the building or the ground to which the sign is to be affixed.

4. Other incidental signs. See Chapter 2.00, Exempt Signs.

Section 3.40 On-premise signs: Special zoning districts.

The following regulations shall pertain to on-premise business signs in all Special Zoning Districts where permitted by Chapter 5.00, Table C and this Section. Off-premise (outdoor advertising) signs shall not be permitted in any Special Zoning District.

A. *Regulations for freestanding identification signs.*

1. Where permitted.

- a. *Pole or pylon signs* shall be permitted in any Special Use (SU) District, the HD-1 and HD-2 Districts (Hospital District One and Two), the PK-2 District (Park District Two), and UQ-1 District (University Quarter One).

Provided, however, pole or pylon signs shall not be permitted within six hundred (600) feet of a Dwelling District, as defined in Chapter 6.00. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the Dwelling District (Refer to Diagram 7).

Exceptions: The provision prohibiting pole or pylon signs within six hundred (600) feet of a Dwelling District shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District; or,

- (2) the sign is visibly obstructed from the Protected District.

- b. *Ground signs* shall be permitted in any Special Use (SU) District, the HD-1 and HD-2 Districts (Hospital District One and Two), the PK-1 and PK-2 Districts (Park District One and Two) and the UQ-1 and UQ-2 Districts (University Quarter District One and Two).

2. Maximum sign height.

- a. *Pole or pylon signs.* The maximum height of a freestanding identification pole or pylon sign and its supporting structure shall not exceed twenty-five (25) feet above grade level at the base of the structure.

- b. *Ground signs.* No part of the sign face or the sign support structure of a ground sign shall be more than four (4) feet above grade level, subject to the provisions of Section 2.40, G, "Grade Mounding". (Refer to Diagram 14).

3. Minimum setbacks, front. Subject to the provisions of Section 2.40, J (Clear Sight Triangular Area), the minimum setback for all freestanding identification signs shall be fifteen (15) feet from the existing street right-of-way line unless subject to the provisions of Section 2.60 (Front Sign Setback Exception), provided, however, the following provisions shall also be met for the location of the minimum front setbacks:

No freestanding identification sign shall be erected within any area designated by the Thoroughfare Plan for Marion County as required for right-of-way for a public street unless the owner of said sign provides a written commitment to the Department of Metropolitan Development to relocate said sign out of the right- of-way at his/her expense upon the acquisition of said property by the applicable governmental agency for transportation purposes and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.

4. Minimum setbacks, side and rear.

- a. If illuminated, no freestanding identification sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exceptions: This provision shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District.
 - (2) the illuminated freestanding identification sign is visibly obstructed from the Dwelling District.
- b. No freestanding identification sign shall be located closer than five (5) feet to a side or rear property line.
5. Maximum sign area. The maximum sign area of a freestanding identification sign shall not exceed an amount equal to three (3) percent of the building facade or other architectural elevation to which the sign is oriented, or two hundred and forty (240) square feet, whichever is the lesser.
6. Number of signs. One (1) freestanding identification sign shall be allowed for each frontage on a separate street.

Exceptions:

- a. *Extensive frontage.* Where a lot has in excess of three hundred (300) feet of street frontage on the same street, one (1) additional freestanding identification sign shall be allowed for each additional three hundred (300) feet of street frontage on that street. Such additional signs shall be subject to all other provisions of this ordinance. In no event shall an additional freestanding identification sign, as permitted in this section, be located any closer than three hundred (300) feet to any other freestanding identification sign on the same lot (Refer to Diagram 15).
- b. *Corner lots.* On corner lots, the maximum number and square footage of freestanding identification signs shall be permitted for each street frontage. Said maximum allowances, however, shall not be transferable either in whole or in part from one street to another.

B. *Regulations for building identification signs.*

1. Maximum surface area for building identification signs.
 - a. The maximum sign surface area for building identification signs shall not exceed an amount equal to three (3) percent of the building facade or other architectural elevation to which the sign is oriented. The linear measurement of the sign shall not exceed eighty (80) percent of the linear frontage of the facade of the structure or tenant space (Refer to Diagram 12).
 - b. Any combination of building identification signs permitted in this Section may be utilized, so long as the total surface area of signs on a particular building facade does not exceed the percentage noted in a. above, and subject to any additional provision of subsection B, "Building Identification Signs".
2. Wall signs.
 - a. *Number of wall signs.* There shall be no limit on the number of wall signs allowed, provided the provisions of B, 1, a, above are not exceeded on the facade on which the signs are located.
 - b. *Wall signs on corner lots.* On buildings having more than one street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage or occupancy. Said maximum allowance, however, is not transferable either in whole or in part from one building frontage to another nor from one occupancy to another occupancy.
 - c. *Distance from side or rear lot line when abutting a dwelling district.* If illuminated, no wall sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exceptions: This provision shall not apply if it can be determined that:

- (1) a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District; or,
 - (2) the illuminated wall sign is visibly obstructed from the Dwelling District.
3. Roof signs. Roof signs shall not be permitted in any Special Zoning District, as noted in Chapter 5.00, Table C, "Permitted Sign Types - On-Premise Signs, Special Zoning Districts".
 4. Roof-integral signs.
 - a. *Where permitted.* Roof-integral signs shall be permitted in the HD-2 District, and in the PK-2 District for all but residential uses.
 - b. *Maximum sign area.* Same as Section 3.40, B, 1.
 - c. *Number of signs.* One (1) roof-integral sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section 3.40, B, 1, b.
 5. Projecting signs.
 - a. *Where permitted.* Projecting signs shall be permitted in any Special Use (SU) District.
 - b. *Maximum sign area.* Same as Section 3.40, B, 1.
 - c. *Number of signs.* One (1) projecting sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section 3.40, B, 1, b.
 - d. *Maximum projection from a building.* No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building.
 - e. *Clearance from grade.* All portions of any projecting sign or sign structure shall be not less than eight (8) feet above the finished grade.
 - f. *Minimum setbacks, front.* The horizontal projection of any projecting sign may extend to a point no closer than two (2) feet to an imaginary perpendicular vertical plane at the street pavement line, curb or outside edge of the sidewalk.

Refer to Diagram 11 for illustrative guides to these provisions.

6. Awning or canopy signs. Awning or canopy signs shall be permitted in any Special Use (SU) District, the HD-1 and HD-2 Districts (Hospital District One and Two), and the PK-2 District (Park District Two), and shall:
 - a. be non-illuminated; and,
 - b. comply with the provisions of Section 4.10, A, 1, 4, 5, 6, and 7 ("Awning and Canopy Sign Regulations") and the provisions of Section 3.40, B, 1, b.
7. Marquee signs. Marquee signs shall be permitted in any Special Use (SU) District, the HD-1 and HD-2 Districts (Hospital District One and Two), and the PK-2 District (Park District Two), and shall:
 - a. be non-illuminated; and,
 - b. comply with the provisions of Section 4.10, A, 1, 4, 5, 6, and 7 ("Awning and Canopy Sign Regulations") and the provisions of Section 3.40, B, 1, b.
8. Suspended signs.

- a. *Where permitted.* Suspended signs shall be permitted in any Special Zoning District as noted in Chapter 5.00, Table C - "Permitted Sign Types - On-Premise Signs, Special Zoning Districts.
- b. *Maximum sign area.* The maximum sign surface area for a suspended sign shall not exceed five (5) square feet.
- c. *Number of signs.* One suspended sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center).
- d. *Clearance from grade.* All portions of any suspended sign or sign structure shall be not less than eight (8) feet above the finished grade.

Refer to Diagram 13 for illustrative guides to these provisions.

9. Window signs.

- a. *Where permitted.* Window signs shall be permitted in any Special Zoning District as noted in Chapter 5.00, Table C, - "Permitted Sign Types - On -Premise Signs, Special Zoning Districts".
 - b. *Maximum sign area.* The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed.
- C. *Regulations for incidental signs.* Incidental signs shall be permitted in any Special Zoning District subject to the regulations of Section 3.30, C, "Incidental Signs".

Section 3.50 On-premise signs: Central business district signs (CBD-1, CBD-2, CBD-3 and CBD-S).

The following regulations shall pertain to on-premise business signs in all CBD Districts where permitted by Chapter 5.00, Table D. and this Section. Off-premise (outdoor advertising) signs in the CBD Districts also shall follow the regulations of Section 3.60.

Any on-premise business sign erected on a building or lot located within a locally-designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC) shall be exempt from the provisions of this Section (3.50) of this ordinance. The type, number, area, height, illumination and location of such signs located within such historic preservation areas shall be as determined by the IHPC. The specific standards and requirements for on-premise business signs shall be as set forth in and specified by the grant of a Certificated of Appropriateness following all procedures set forth by the IHPC.

A. *Regulations for freestanding identification signs.*

1. Where permitted.

a. *Pole or pylon signs:*

- (1) shall be permitted only for surface parking lots in the CBD-1 and CBD-2 Districts.
- (2) shall be permitted in the CBD-3 District only for surface parking lots. In no case, however, shall pole or pylon signs be permitted on the street frontage of any lot abutting American Legion Mall, Veterans Memorial Plaza, the Indiana War Memorial or University Park.
- (3) shall be permitted in the CBD-S District.

b. *Ground signs* shall be permitted in all CBD Districts.

2. Maximum sign height.

- a. *Pole or pylon signs.* The maximum height of a pole or pylon sign and its supporting structure shall not exceed twenty (20) feet above grade level at the base of such structure, subject to the provisions of Section 2.40, G, "Grade Mounding".

b. *Ground signs.* No part of the sign face or the sign support structure of a ground sign shall be more than four (4) feet above grade level, subject to the provisions of Section 2.40, G, "Grade Mounding".

3. Minimum setbacks, front.

a. The minimum setback for freestanding identification pole pylon signs shall be ten (10) feet from the existing street right-of-way line, provided, however, the provisions of Section 3.50, A, 3, c. below shall also be met.

b. The maximum setback for freestanding identification ground signs shall be zero (0) feet from the existing street right-of-way line, provided, however, the provisions of Section 3.50, A, 3, c. below shall also be met.

c. No freestanding identification sign shall be erected within any area designated by the Thoroughfare Plan for Marion County as required for right-of-way for a public street unless the owner of said sign provides a written commitment to the Department of Metropolitan Development to relocate said sign out of the right-of-way at his/her expense upon the acquisition of said property by the applicable governmental agency for transportation purposes and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.

4. Minimum setbacks, side and rear. If illuminated, no freestanding identification sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

a. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District.

b. the illuminated sign is visibly obstructed from the Dwelling District.

5. Maximum sign area. The sign surface area of a freestanding identification sign shall not exceed one (1) square foot in sign surface area for each lineal foot of that lot's street frontage (to which the sign is oriented). In no case, however, shall the maximum sign surface area exceed one hundred (100) square feet.

6. Number of signs. One (1) freestanding identification sign shall be allowed for each frontage on a separate street.

Exceptions:

a. *Extensive frontage.* Where a lot has in excess of three hundred (300) feet of street frontage on the same street, one (1) additional freestanding identification sign shall be allowed for each additional three hundred (300) feet of street frontage on that street. Such additional signs shall be subject to all other provisions of this ordinance. In no event shall an additional freestanding identification sign, as permitted in this section, be located any closer than three (300) feet to any other freestanding identification sign on the same lot (Refer to Diagram 15).

b. *Corner lots.* On corner lots, the maximum number and square footage of freestanding identification signs shall be permitted for each street frontage. Said maximum allowances, however, shall not be transferable either in whole or in part from one street to another.

B. *Regulations for building identification signs.*

1. Lower level building identification signs. Signs located on:

- the first twenty-six (26) feet of building height; or
- the actual building height, whichever is lesser (measured from grade), shall be considered lower level building identification signs and shall conform to the following regulations.

- a. *Maximum size for lower level building identification signs.* The maximum sign surface area for lower level building identification signs shall not exceed twenty (20) percent of the facade as noted in the formula below:

Maximum permitted sign surface area = 20% (A X B)

A = twenty-six (26) feet or the height of the building, whichever is lesser.

B = width of the facade (measured in feet) on which the sign is to be placed.

(The application of this provision is illustrated in Diagram 17).

- b. *Number of lower level building identification signs.* One (1) sign for each basement, grade level or second story occupant of the building shall be permitted.

Exception: Buildings in which a single tenant occupies the entire basement, grade level or second story leasable space, or a leasable space with two hundred (200) or more linear feet of street frontage, may have an additional lower level building identification sign on that street frontage only.

Provided, the maximum sign surface area permitted for that facade, as noted in Section 3.50, B, 1, a, (1) above shall not be exceeded for the total number of lower level building identification signs.

- c. *Location of lower level building identification signs.* Lower level wall signs shall be located only on facades which front on a street.
- d. *Lower level building identification signs on corner lots or lots which have multiple street frontages.* On buildings having more than one street frontage, the maximum allowable square footage of lower level building identification signs shall be permitted for each building frontage. Said maximum allowance, however, is not transferable either in whole or in part from one building to another nor from one occupancy to another occupancy.
- e. *Distance from side or rear lot line when abutting a Dwelling District.* If illuminated, no building identification sign facing the side or rear lot line of an abutting lot zoned as a Dwelling District shall be located within fifty (50) feet of such side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

1. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Dwelling District; or,
 2. the illuminated sign is visibly obstructed from the Dwelling District.
2. *Upper level building identification signs.* Signs located on a building facade above twenty-six (26) feet in height, measured from grade, shall be considered upper level building identification signs and shall conform to the following regulations.

- a. *Placement.* Upper level building identification signs shall be located on a facade above a height of twenty-six (26) feet, measured from the grade level.
- b. *Maximum size for upper level building identification signs.* The maximum sign surface area for upper level building identification signs shall not exceed ten (10) percent of the facade as noted in the formula below:

Maximum permitted sign surface area = 10% (A X B)

A = height of building (measured from grade, in feet). This figure shall be reduced by subtracting the first twenty-six (26) feet in height of the building, measured from grade level.

B = width of the facade (measured in feet) on which the sign is to be placed

(The application of this provision is illustrated in Diagram 17).

- c. *Number of upper level building identification signs.* One (1) sign for each facade of the building shall be permitted, provided the maximum sign surface area permitted for that facade, as noted in Section 3.50, B, 1, a, (1) above is not exceeded. These signs may identify either the name of the building or a tenant of that building.
- d. *Location of upper level building identification signs.* Upper level building identification signs shall be located on any facade or architectural elevation of the building.

Provided, however, that on buildings having upper level building identification signs on more than one facade, the maximum allowance for a facade is not transferable either in whole or in part from one building to another nor from one occupancy to another occupancy.

- 3. *Wall signs.* Wall signs shall be of individual letter construction in the CBD-1 and CBD-3 Districts. Where construction materials/methods of buildings would pose practical difficulties for the erection of individual letter wall signs, raceways can be used on which the individual letters can be mounted.
- 4. *Roof signs.* Roof signs shall not be permitted in any CBD District.

Exception: Signs that are painted on, or otherwise attached flat and directly to, the roof structure, and which do not extend vertically from the roof structure, shall be permitted on public buildings (those buildings owned, operated, controlled or under some jurisdiction of a unit of Federal, State or Local Government). Signs permitted under this exception shall be regulated as upper level business signs for purposes of sign surface area and number.

- 5. *Roof-integral signs.*
 - a. *Where permitted.* Roof integral signs shall be permitted in the CBD-2, CBD-3 and CBD-S Districts.
 - b. *Maximum sign area.* Same as Section 3.30, B, 1.
 - c. *Number of signs.* One (1) roof-integral sign shall be permitted per each building facade (if a single use) or tenant space (if an integrated center), subject to the provisions of Section 3.30, B, 1, b.
 - d. *Distance from side or rear lot line when abutting a dwelling district.* An illuminated roof-integral sign shall not be permitted within fifty (50) feet of a side or rear lot line of an abutting lot line zoned as a Dwelling District when such sign faces said side or rear lot line.

Exception: This provision shall not apply if it can be determined that:

- 1. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as Dwelling District.
- 2. the illuminated roof-integral sign is visibly obstructed from the Dwelling District.

- 6. *Projecting signs.*
 - a. *Where permitted.* Projecting signs shall be permitted in any CBD District, except in the CBD-1 District on lots which front Monument Circle. Projecting signs shall be permitted as lower level signs only for basement, grade level or second story occupants of the building.
 - b. *Maximum sign area.* The sign surface area of a projecting sign shall not exceed twenty four (24) square feet.
 - c. *Number of signs and placement.* One (1) projecting sign shall be permitted per tenant space, to be placed on the building facade from which the tenant gains direct access into their business.
 - d. *Maximum projection from a building and minimum front setback.*

- (1) No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building.

Exception: A Projecting sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.

- (2) The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement line, curb or outside edge of the sidewalk.

Refer to Diagram 11 for illustrative guides to these provisions.

- e. *Clearance from grade.* All portions of a projecting sign or sign structure shall be not less than eight (8) feet above the finished grade.

7. *Awning or canopy signs.* Awning or canopy signs shall be permitted in any CBD District subject to the regulations of Section 4.10, "Awning and Canopy Sign Regulations".

Exception: An awning or canopy sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.

8. *Marquee signs.* Marquee signs shall be permitted in any CBD District subject to the regulations of Section 4.20, "Marquee Sign Regulations".

Exception: A marquee sign or sign structure shall not extend more than three (3) feet from or beyond its supporting building when such sign or structure is located on and oriented toward East or West Market Street between Capitol Avenue and Alabama Street.

9. *Suspended signs.*

- a. *Where permitted.* Suspended signs shall be permitted in any CBD District.

- b. *Maximum sign area.* The maximum sign surface area for a suspended sign shall not exceed five (5) square feet.

- c. *Number of signs.* One suspended sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center).

- d. *Clearance from grade.* All portions of any suspended sign or sign structure shall be not less than eight (8) feet above the finished grade.

Refer to Diagram 13 for illustrative guides to these provisions.

10. *Window signs.*

- a. *Where permitted.* Window signs shall be permitted in any CBD District.

- b. *Maximum sign area.* The sign copy area of window signs shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed.

The Administrator, upon request by the applicant, shall have the power to modify the requirements of this provision and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surrounding and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative plan, stamped approved by the Administrator and become a part of the requirements for the Improvement Location Permit.

- C. *Regulations for incidental signs.* Incidental signs shall be permitted in any CBD District subject to the regulations of Section 3.30, C, "Incidental Signs".

D. *Special regulations for promotional banners.* Temporary promotional banners, located on permanent banner poles or on street light standards structurally modified to accommodate banners, erected by or sanctioned by the City of Indianapolis, shall be permitted in the CBD-1, CBD-2, CBD-3 and CBD-S Districts.

Only such banners promoting community activities, cultural or sports programs important to the city's image or economy; or not-for-profit organizations serving the community shall be permitted under this provision.

Individual promotional banners may be displayed for a maximum of thirty (30) days.

Banners shall not exceed thirty inches (30") wide and eighty-five inches (85") long.

A banner program, indicating location of permanent banner poles or street light standards and size of promotional banners to be displayed, shall be submitted for Regional Center review and approval. The banner program shall also be submitted to the Department of Capital Asset Management for its review and approval, if banner poles are proposed to be located within the public right-of-way.

Once a banner program has been approved, individual temporary banners shall not require additional approval. Any changes to the banner program, however, shall require the appropriate agency review and approval.

An ILP shall not be required if the provisions noted above are satisfied.

Section 3.60 Off-premise (outdoor advertising) signs.

A. *General regulations.* The following regulations shall pertain to off-premise signs (also known as outdoor advertising signs) in all districts where permitted by Chapter 5.00, Table D.:

Also, refer to Section 4.40, C. (Signs on Freeways and Expressways) for additional requirements.

1. Proportional regulations: The size of an outdoor advertising sign on a lot shall not exceed the size specified in the following table:

TABLE 3.60 - A	
Lot Size (in square feet)	Maximum Sign Dimensions (vertical by horizontal)
Up to 10,000	6 ft. by 12 ft.
10,000+ - 20,000	12 ft. by 12 ft.
20,000+ - 43,560	12 ft. by 25 ft.
43,560+	10.5 ft. by 36 ft.* or 12 ft. by 50 ft. or 14 ft. by 48 ft.*
	* - plus extensions as defined in Chapter 6.00.

2. Outdoor advertising sign size: The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by Section 4.40 and shall not contain more than two (2) advertising signs per facing.

3. Distance between outdoor advertising signs: Except as otherwise provided for signs in the protected areas along highways, freeways and expressways (see Section 4.40), the minimum distance between outdoor advertising signs shall be as specified below. The application of these provisions are illustrated in Diagrams 18 and 19:

- a. *Linear spacing between outdoor advertising signs.* The minimum distance between outdoor advertising signs located along and oriented toward the same public street shall be one-thousand (1,000) feet, (Refer to Diagram 18), subject to the following:
 - (1) The spacing requirement shall be applied regardless of whether the signs are on the same side of the street.
 - (2) The spacing requirement shall be applied continuously along a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
 - (3) For purposes of applying the spacing requirement to outdoor advertising signs, pole, roof, wall, ground and projecting signs shall be treated the same, whether double- faced or single-faced.
 - (4) Outdoor advertising signs located at the same intersection are not in violation of the minimum spacing requirement specified in this section because of their nearness to one another if they are located so that their messages are directed toward traffic flowing in different directions.
 - b. *Radial spacing between outdoor advertising signs.* In no event shall any point of an outdoor advertising sign or sign structure be closer than five hundred (500) feet from any point of any other outdoor advertising sign or sign structure regardless of location or orientation. (The application of this provision is illustrated in Diagram 19):
 - c. *Method of measurement.* The method of measurement of the spacing between outdoor advertising signs oriented toward the same street shall be along the centerline of the street to which the sign is oriented from the point in the streets' centerline closest to the leading edge of the sign. (The application of this provision is illustrated in Diagram 18)
4. *Outdoor advertising signs adjacent to protected districts.* No outdoor advertising sign shall be located within two-hundred and fifty (250) feet of any protected district fronting on the same street to which the sign is oriented measured along the centerline of the street to which the sign is oriented from the point in the streets' centerline that is closest to the leading edge of the sign. In no case, however, shall any outdoor advertising sign be located within one-hundred (100) feet of any protected district measured in any direction. For the purposes of this section, a protected district shall include any Dwelling District, Parks District, University Quarter District, SU-1 (Church) District or SU-2 (School) District. (The application of these provisions are illustrated in Diagram 20).
 5. *Outdoor advertising signs inside I-465.* No outdoor advertising sign shall be erected or otherwise located within six hundred (600) feet of the right- of-way of a Freeway or Expressway, as herein defined, located within the entire area circumscribed by the interior right-of-way line of the Outer Belt Freeway commonly identified as I-465 so as to be oriented to traffic on said Freeway or Expressway. (The application of these provisions are illustrated in Diagram 21).
 6. *Signs on freeways and expressways.* In addition to the requirements of this section, outdoor advertising signs shall further comply with Section 4.40 when located on freeways and expressways.
 7. *Roof top outdoor advertising signs.* Roof top outdoor advertising signs shall not be permitted in any zoning district.
 8. *Outdoor advertising sign setback.* Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district.
 9. *Maximum and minimum height of outdoor advertising signs and sign structures.*
 - a. The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign or sign structure, subject to the height exception of Section 2.50, Sign Height Exception.

- b. No outdoor advertising sign or sign structure (except for the supports, building, structure or column) shall be at its lowest point less than nine (9) feet above grade level. Ground signs, where permitted, shall not exceed four (4) feet in height above grade level.
10. *Construction of outdoor advertising signs.* The supports, uprights, bracing and framework of an outdoor advertising sign shall be of steel construction.
- B. *Additional regulations for outdoor advertising signs located in the d-a (dwelling-agriculture) district.* In addition to the regulations of Section 3.60, A, the following regulations shall pertain to outdoor advertising signs in the D-A (Dwelling- Agriculture) District.
1. *Proportional regulations.* Outdoor advertising signs are permitted on a lot provided that the size of an advertising sign shall not exceed: five percent (5%) of the ground floor area of the principle one story building located on the same lot; three percent (3%) of the floor area of the principle two story building located on the same lot; two and one-half percent (2.5%) of the floor area of the principle three or more story building located on the same lot; or, the size specified in Table 3.60 - A, whichever allows the greater size sign.
 2. *Number of sign structures permitted and standards.* One outdoor advertising sign structure shall be permitted on a lot having a minimum frontage of five hundred (500) feet; provided, however, that:
 - a. No dwelling unit other than the principal homestead is within one thousand (1,000) feet of the sign structure, and provided further, that if a dwelling structure is subsequently erected within one thousand (1,000) feet of said sign structure such sign structure shall be removed within thirty (30) days after the start of construction of the dwelling.
 - b. The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least five hundred (500) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline; provided, however;
 - c. In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least eight hundred (800) feet;
 - (1) In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least eight hundred (800) feet;
 - (2) In the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least five hundred (500) feet in each direction; (in the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street).
 - d. If a sign is erected in conformance with this Article and subsequently the view of the full face of the sign at any point described in Section 3.60, B, 2, b. above is materially obstructed, said sign shall be removed in accordance with Section 2.40, F (An obstruction shall be deemed to be of material character when it renders the essential elements of the sign unreadable.)
- C. *Additional regulations for outdoor advertising signs located in commercial or industrial districts.* In addition to the regulations of Section 3.60, A., the following regulations shall pertain to outdoor advertising signs in Commercial or Industrial Districts.
1. *Proportional regulations.* Outdoor advertising signs are permitted on a lot having a frontage of less than four hundred (400) feet provided said lot complies with the minimum frontage requirements of that district. One additional advertising sign structure shall be permitted for each four hundred (400) feet of frontage in excess of four hundred (400) feet provided that there is compliance with all other applicable requirements contained herein. The size of an advertising sign shall not exceed: five percent (5%) of the ground floor area of the principle one story building located on the same lot; three percent (3%) of the floor area of the principle two story building located on the same lot; two and one-half percent (2.5%) of the floor area of the principle three or more story building located on the same lot; or, the size specified in Table 3.60 - A, whichever allows the greater size sign.

D. *Additional regulations for outdoor advertising signs located in the Central Business Districts - CBD-1, CBD-2, and CBD-3.* In addition to the regulations of Section 3.60, A, the following regulations shall pertain to outdoor advertising signs in the Central Business Districts (CBD-1, CBD-2, CBD-3).

1. *Permitted areas within districts.*

a. *CBD-1 District* permitted in Central Business District One (CBD-1) provided the lot on which said advertising sign is located abuts one of the following streets:

- (1) Washington Street, except between Illinois and Pennsylvania Streets.
- (2) Ohio Street, except between Illinois and Pennsylvania Streets.
- (3) Pennsylvania Street, except between Washington and Ohio Streets.
- (4) Illinois Street, except between Washington and Ohio Streets.
- (5) New York Street, except between Meridian and Pennsylvania Streets.
- (6) Delaware Street.
- (7) Maryland Street.
- (8) Capitol Avenue.
- (9) Indiana Avenue.
- (10) Massachusetts Avenue.
- (11) Kentucky Avenue.
- (12) Virginia Avenue.

b. *CBD-2 District* permitted in Central Business District Two (CBD-2).

c. *CBD-3 District* permitted in Central Business District Three (CBD-3), provided said advertising sign is not located within two hundred fifty (250) feet of the right-of-way of the following streets:

- (1) North Meridian Street.
- (2) North Pennsylvania Street.

2. *Proportional regulations.* Outdoor advertising signs are permitted on a lot provided that the size of an outdoor advertising sign shall not exceed: five percent (5%) of the ground floor area of the principle one story building located on the same lot; three percent (3%) of the floor area of the principle two story building located on the same lot; two and one-half percent (2.5%) of the floor area of the principle three or more story building located on the same lot; or, the size specified in Table 3.60-A, whichever allow the greater size sign.

3. *Outdoor advertising sign size.* The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by Section 4.40 and shall not contain more than two (2) advertising signs per facing (see exception noted in Section 3.60, D, 5).

4. *Number of sign structures permitted and standards.* One outdoor advertising sign structure may be erected on each street frontage on a lot. Provided, however, that:

a. The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least two hundred fifty (250) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline. Provided, however:

- (1) In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least four hundred (400) feet.
 - (2) In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least four hundred (400) feet.
 - (3) In the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least two hundred fifty (250) feet in each direction.
 - (4) In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.
- b. If a sign is erected in conformance with this Article and subsequently the view of the full face of the sign at any point described in Section 3.60, D, 4, a. is materially obstructed, said sign shall be removed in accordance with Section 2.40, F (An obstruction shall be deemed to be of a material character when it renders the essential elements of the sign unreadable.)
5. *Increased dimension of sign face.* The vertical dimension of the sign face may be increased to eighteen (18) feet provided the required viewing distance in Section 3.60, D, 4 is increased to five hundred (500) feet and said facing contains only one sign, and the sign is perpendicular or within fifteen (15) degrees of being perpendicular to the frontage street.
 6. *Viewing distance for wall signs.* Outdoor advertising signs or sign structures attached to the wall of a building shall be regulated in accordance with Section 3.60, D, 3, 4, and 5 above, except that the required viewing distance shall be increased by a distance equal to the amount by which the height of said sign or sign structure exceeds forty (40) feet (measured from the grade level of the building to which the sign is attached to the highest part of said sign or sign structure).

CHAPTER 4.00 SPECIAL PROVISIONS

Section 4.10 Awning and canopy sign regulations.

- A. Awnings and canopies on which signs are placed, both non-illuminated and illuminated, shall comply with the requirements of this Section (4.10) in addition to all other provisions of this Ordinance.
1. Awning or canopy signs shall be permitted as specified in the Permitted Sign Types Lists, Chapter 5.00, Tables A-D.
 2. Illuminated awning or canopy signs shall be located at least six hundred (600) feet from a Protected District, as defined in Chapter 6.00. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7).
- Exceptions: This provision shall not apply if it can be determined that:
- a. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District; or,
 - b. the illuminated awning or canopy is visibly obstructed from the Protected District.
3. The total area of an awning or canopy on which sign content or copy is placed shall not exceed the maximum surface area limits as set forth for wall signs as noted in Section 3.30, B, 1, a. of this Ordinance.
 4. The total sign content or copy area of awning or canopy signs shall not exceed forty-five percent (45%) of the area of the awning or canopy on which it is placed (Refer to Diagram 22).
 5. The computation of the sign copy area of the awning or canopy sign shall be limited only to the area of the awning or canopy which contains the graphics or sign (Refer to Diagram 22).
 6. Awnings and canopies on which signs have been placed shall further comply with the following:

a. Awnings:

- (1) When the width of all awnings along the direction of a particular building facade is ten (10) feet or less, the horizontal projection of such awnings shall not exceed six (6) feet from the facade of any supporting building (Refer to Diagram 22). The vertical distance from the top to the bottom of such awnings shall not exceed six (6) feet, including any valance (Refer to Diagram 22).
- (2) When the width of all awnings along the direction of a particular building facade exceeds ten (10) feet, the horizontal projection of such awnings shall not exceed four (4) feet from the facade of any supporting building (Refer to Diagram 22). The vertical distance from the top to the bottom of such awnings shall not exceed four (4) feet, including any valance (Refer to Diagram 22).
- (3) The horizontal projection of any awning may extend to a point not closer than two (2) feet from any street curb, pavement edge, or edge of an interior access drive.

b. Canopies:

- (1) The maximum width of any canopy shall be ten (10) feet (Refer to Diagram 23).
 - (2) The horizontal projection of any canopy may extend to a point not closer than two (2) feet from any street curb, pavement edge, or edge of an interior access drive (Refer to Diagram 23).
 - (3) The outer column support shall be located in the outer one third (1/3) of the walk area (Refer to Diagram 23).
 - (4) In no case shall the minimum distance between the entry and the column support be less than four (4) feet.
 - (5) The vertical distance from the top to the bottom of the canopy shall not exceed an average of four (4) feet, including any valance. The highest point of the canopy shall not be higher than four (4) feet above the door opening or sixteen (16) feet above grade, whichever is less (Refer to Diagram 23).
 - (6) Canopies shall not be spaced closer than twenty (20) feet from each other, measured from center line to center line (Refer to Diagram 23)
7. All portions of any awning or canopy, excluding the column supports for a canopy, shall be not less than nine (9) feet above the finished grade (Refer to Diagram 22 and 23).

Exception: An awning or canopy valance shall be not less than eight (8) feet above the finished grade

Section 4.20 Marquee sign regulations.

A. Marquees on which signs are placed, both non-illuminated and illuminated, shall comply with the following regulations.

1. Marquee signs shall be permitted as specified in the Permitted Sign Types Lists, Chapter 5.00, Tables A-D.
2. Illuminated marquee signs shall be located at least six hundred (600) feet from a Protected District, as defined in Chapter 6.00. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7).

Exceptions: This provision shall not apply if it can be determined that:

- a. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District; or,

- b. the illuminated awning or canopy is visibly obstructed from the Protected District.
3. The total combined area of signs on a marquee shall not exceed the square footage limits as set forth for wall signs.
4. The total sign area of marquee signs shall not exceed seventy-five percent (75%) of the area of the marquee on which it is placed.
5. The computation of the sign copy area of the marquee sign shall be limited to the area of the marquee which contains the graphics or sign.
6. Marquees on which signs have been placed shall further comply with the following:
 - a. When the width of a marquee along the direction of a particular building facade is ten (10) feet or less, the horizontal projection of such marquees shall not exceed six (6) feet from the facade of any supporting building (Refer to Diagram 24).
 - b. When the width of a marquee along the direction of a particular building facade exceeds ten (10) feet, the horizontal projection of such marquees shall not exceed four (4) feet from the facade of any supporting building (Refer to Diagram 24).
 - c. The vertical distance from the top to the bottom of such marquees shall not exceed six (6) feet, including any valance (Refer to Diagram 24).
 - d. The horizontal projection of any marquee may extend to a point not closer than two (2) feet from any street curb, pavement edge, or edge of an interior access drive (Refer to Diagram 24).

Section 4.30 Gasoline service station/convenience market signs.

The following additional standards shall apply to gasoline service stations and those convenience markets selling gasoline.

A. *Identification signs.* Identification Signs shall comply with the following standards:

1. Pole or pylon sign. One (1) pole or pylon sign, which may contain pricing information, shall be permitted per street frontage. The maximum height and area of such signs is regulated by Section 3.30, Table 3.00-A and B. However, no pole or pylon sign shall be permitted where a ground sign exists on a particular frontage.
2. Ground sign. One (1) ground sign, not to exceed twenty (20) square feet per each street frontage, shall be permitted in the required landscape area of the property. The ground sign shall be permitted to indicate the services, prices, products, and the announcement of incentives. Such signs are to be installed as stationary, fixed structures, not subject to being dislodged by high winds, and not as portable or temporary structures. However, no ground sign shall be permitted where a pole or pylon sign exists on a particular frontage. Ground identification signs shall not be prohibited from containing pricing information.
3. Wall signs. Wall signs shall be permitted on a lot as specified in Chapter 3.00, Section 3.30, B.
4. Service area canopy signs. Signs shall not exceed twenty-five (25) percent of the particular facade area of the canopy on which it is located. This calculation shall not include the open area beneath the face of the service area canopy. (Refer to Diagram 25).
5. Pump island signs. Signs on pump islands shall not to exceed sixteen (16) square feet. Four-sided pump island signs shall be permitted only if two sides, or more, contain government/federal warning signs (or are left blank). The calculation of the sign area for pump island signs shall be the calculation of the area of a single face of the sign. Any sign required by law on pump islands shall not be calculated in computing the pump island sign area (Refer to Diagram 25).

Pump island signs shall be permitted only if spandrel signs are not used on site.

6. Window signs. Signs shall be permitted provided they do not exceed twenty-five (25) percent of the window area.

7. Spandrel signs. Signs shall be permitted on spandrels if there are no pump island signs on site. The spandrel sign area shall not exceed twenty-five percent of the spandrel's structural area (Refer to Diagram 25).
- B. *Incidental signs.* Each incidental sign is to be located at the point to which the sign is directed. Only one sign for each subject shall be permitted (See Section 3.30, C for additional provisions).
- C. *Other signs:*
1. No pennants or other similar attracting or advertising devices shall be permitted except: as noted in chapter 2.00, Section 2.10, R.
 2. Operator identification sign. One (1) operator identification sign shall be permitted. Such sign shall be located on the building only with a maximum dimension of six (6) square feet.
 3. Signs on fences. Where a fence is required to be installed to screen the use from a Protected District, no signs shall be permitted to be attached to or form an integral part of such fence.
 4. Perimeter pole signs. Signs placed on perimeter light poles or other structures or that are not expressly permitted in this section shall be strictly prohibited.

Section 4.40 Signs on freeways and expressways.

All signs within six hundred and sixty (660) feet of the right-of-way of freeways and expressways, as shown on the Official Thoroughfare Plan for Marion County, as adopted by the Metropolitan Development Commission, shall comply with the requirements of this section (4.40) in addition to all other provisions of this Ordinance.

- A. *Permitted signs.* Unless prohibited by Local, State or Federal Law, erection or maintenance of the following signs shall be permitted in protected areas, as defined in Chapter 6:
1. Official signs. Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in Local, State, or Federal law, for the purpose of carrying out an official duty or responsibility.
 2. On-premise (business) signs. However, not more than one freestanding identification sign shall be permitted to be located on each premises.
 3. Off-premise (advertising) signs.
- B. *General provisions.* No off-premise signs shall be permitted to be erected or maintained in any manner inconsistent with the following:
1. Flashing, intermittent or moving lights. No sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.
 2. Animation. No sign shall be permitted which moves or has any animated or moving parts.
 3. Measurement of distance.
 - a. The distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the freeway or expressway.
 - b. All dimensions parallel to the alignment of the freeway or expressway shall be measured along the centerline of the freeway or expressway between two vertical planes which are normal or perpendicular to and intersect the centerline of the freeway or expressway, and which pass through the termini of the measured distance.
- C. *Regulations for off-premise (advertising) signs.*
1. Off-premise signs within informational sites. If the Indiana Department of Transportation (IDOT) constructs an Informational Site (as defined in Chapter 6.00), on the Freeway System in Marion

County, control over off-premise signs within such site shall be the responsibility of that Department.

2. Off-premise signs outside of informational sites.

- a. The erection or maintenance of the following signs shall be permitted within protected areas outside of informational sites: Off-premise signs which are oriented to a freeway or expressway, as herein defined.
- b. The erection or maintenance of off-premise signs permitted under paragraph a. of this subsection shall not be permitted in any manner inconsistent with the following:

(1) Sign Number: In protected areas in advance of an intersection of the main-travelled way of a Freeway or Expressway and an exit roadway, such signs visible to traffic on the main-travelled way approaching such intersection shall not be permitted to exceed:

<u>Distance from Intersection</u>	<u>Maximum Number</u>
0 - 1,500 feet	0
over 1,500 feet	2 per mile

The specified distances shall be measured to the nearest point of the intersection of the travelled way of the exit roadway and the main-travelled way of the Freeway or Expressway (Refer to Diagram 26).

- (2) Sign Spacing: Subject to the other provisions of this subsection (4.40, C), not more than two such signs shall be permitted within any one-mile distance measured from any point, and no such signs shall be permitted to be less than 1,000 feet apart.
- (3) Maximum Sign Dimensions: The maximum size of any sign shall not exceed twelve (12) feet in vertical dimension and twenty-five (25) feet in horizontal dimension.
- (4) Sign Setback: Signs shall not be located closer than sixty (60) feet to the right-of-way of the freeway or expressway.
- (5) Sign Clearance: Signs shall not be less than nine (9) feet above grade level at the lowest point, except for the supporting structure.
- (6) Maximum Sign Height: The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign structure.
- (7) Entrance or Exit Roadway Limitation: Signs shall not be permitted in protected areas adjacent to any freeway or expressway right-of-way upon any part of the width of which is constructed an entrance or exit roadway.
- (8) Entrance Roadway Limitation: Signs visible to freeway or expressway traffic which is approaching or has passed an entrance roadway shall not be permitted in protected areas for 1,000 feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-travelled way of the freeway or expressway (Refer to Diagram 27).

Section 4.50 Rotating signs.

Rotating signs, as defined in Chapter 6.00, shall comply with the requirements of this Section (4.50) in addition to all other provisions of this Ordinance.

- A. *Districts permitted.* Rotating signs shall be permitted as a freestanding identification pole or pylon sign in the C-4, C-5, C-6, C-7, C-ID and C-S Commercial Districts, as well as any Industrial District.
- B. *Additional development standards for rotating signs in permitted commercial and industrial districts.*

1. A rotating sign shall be permitted on corner lots only and shall be the only freestanding identification sign permitted on the lot.
2. A rotating sign shall be located at least six hundred (600) feet from a Protected District, as defined in Chapter 6.00. This method of measurement shall be taken from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7).

Exceptions: This provision shall not apply if it can be determined that:

- a. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District; or,
 - b. the rotating sign is visibly obstructed from the Protected District.
3. A rotating sign shall not rotate at a rate of more than six (6) revolutions per minute.

Section 4.60 Electronic variable message signs (EVMS).

Electronic Variable Message Signs (EVMS), as defined in Chapter 6, shall comply with the requirements of this Section (4.60) in addition to all other provisions of this Ordinance.

A. *Districts permitted.* Electronic Variable Message Signs shall be permitted as a component of a sign in the C-4, C-5, C-6, C-7, C-ID and C-S Commercial Districts, as well as in any Industrial District.

B. *Additional development standards for EVMS in permitted commercial and industrial districts.*

1. Where permitted. EVMS shall be permitted as a component of a sign for any freestanding use or integrated center.
2. Permitted sign types. EVMS shall be permitted as a component of any pole, ground or pylon sign for freestanding uses or integrated centers. In addition, freestanding uses shall also be permitted EVMS as a component of wall signs.
3. Amount of a sign that can contain an EVMS. The portion of a sign dedicated for an EVMS shall not exceed forty percent (40%) of the sign size.
4. Distance separation from a protected district. No sign containing an EVMS as a component shall be located within six hundred (600) feet of any Protected District, measured from the leading edge of the sign to the zoning line of the Protected District (Refer to Diagram 7).

Exceptions: This provision shall not apply if it can be determined that:

- a. a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a Protected District; or,
 - b. the EVMS is visibly obstructed from the Protected District.
5. Distance separation from a signalized intersection of a street designated as a thoroughfare in the thoroughfare plan for Marion County. No sign containing an EVMS as a component shall be located within one hundred twenty-five (125) feet of any signalized intersection of two (2) or more streets if any of these streets is designated as a thoroughfare in the Thoroughfare Plan for Marion County, Indiana. The distance shall be measured from the point where the existing right-of-way lines of the intersecting streets meet. In a case where a round or cut property corner exists, this measurement shall be taken from the point of the intersection of the existing rights-of-way lines, as extended. The distance shall be measured along the right-of-way line from the point of intersection (Refer to Diagram 29).

Section 4.70 Time and temperature displays.

Time and Temperature Displays, as defined in Chapter 6, shall comply with the requirements of this Section (4.70) in addition to all other provisions of this ordinance.

- A. *Districts permitted.* Time and temperature displays shall be permitted in any Commercial, Industrial, Central Business, and Hospital Districts.
- B. *Where permitted.* Time and Temperature Displays shall be permitted as either a component of a sign or as an independent sign for any freestanding use or integrated center.
- C. *Permitted sign types.* A Time and Temperature display shall be permitted as a pole, pylon, ground, wall, projecting, roof-integral or window sign. If a time or temperature display is utilized as an independent sign (not a component of an identification sign), then such sign shall be regulated based upon its sign type relative to number, area, height, setback, clearance and projection permitted for identification signs.

The area of a time and temperature display, if utilized as a component of an identification sign, shall count in the maximum sign area for that identification sign.

CHAPTER 6.00 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. *Construction of language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

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

B. *Definitions.* The words in the text or illustrations of this ordinance shall be interpreted in accordance with the definitions set forth below. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

- 1. *A-sign.* A portable sign containing two sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees (Refer to Diagram 30).
- 2. *Abandoned sign.* Any sign or its supporting sign structure which remains without a message or whose display surface remains blank for a period of:

- a. one (1) year or more (for a sign or its supporting sign structure which conforms to this ordinance at the time of adoption); or
 - b. sixty (60) days (for a sign or its supporting sign structure which does not conform to the provisions of this ordinance at the time of adoption); or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.
3. *Administrator.* Administrator of the Neighborhood and Development Services Division, or such Division having jurisdiction, or their appointed representative.
 4. *Advertising sign.* Any off-premise sign which directs attention to any business, profession, product, activity, commodity, or service, that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. Also known as an outdoor advertising sign.
 5. *Alley.* Any 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.
 6. *Animated sign.* Any sign which includes movement or change of lighting to depict action or create motion, a special effect or a scene. For purposes of this ordinance, any changeable copy sign on which the message changes more than eight (8) times per day shall be considered an animated sign.
 7. *Awning.* A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.
 8. *Awning sign.* A building sign or graphic printed on or in some fashion attached directly to the awning material.
 9. *Balloon sign.* A temporary sign consisting of a bag made of light weight material which is filled with a gas lighter than air and designed to rise or float in the atmosphere (Refer to Diagram 30.)
 10. *Banner.* Any temporary sign of lightweight fabric or similar material mounted to a pole or a building at one or more edges by a permanent frame. Flags of any government or political subdivision shall not be considered banners (Refer to Diagram 30)
 11. *Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source. Also, any light with one (1) or more beams that rotate or move.
 12. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
 13. *Building marker.* Any building identification sign indicating the name of a building, the date of erection and incidental information about its construction and which is cut into a masonry surface or made of bronze or other permanent material.
 14. *Building identification sign.* Any identification sign attached to any part of a building.
 15. *Business sign.* See Identification Sign.
 16. *Canopy.* A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part, from the ground providing shelter over, for example, a doorway, outside walk or parking area.
 17. *Canopy sign.* Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy sign is not a marquee and is different from service area canopy signs.
 18. *Centerline of the highway.* A line equidistant from the edges of the existing right-of-way separating the main-traveled ways of a divided Interstate highway, freeway, expressway, or the centerline of the main-traveled way of a non-divided Interstate highway, freeway or expressway.

19. *Changeable copy sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged non-electrically or non-electronically without altering the face or the surface of the sign.

The message copy of a changeable copy sign can be changed manually in the field, through the use of changeable letters, numbers, symbols and similar characters, changeable pictorial panels or through the use of rotating panels and other similar devices which are not controlled through remote electronic or electric techniques.

A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

20. *Clearance.* The distance measured from the bottom of a sign face which is elevated above grade and the grade below (Refer to Diagram 33).
21. *Collector street.* See Street, Collector.
22. *Commercial message.* Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
23. *Construction sign.* Any temporary sign which identifies and announces the construction activity on the property by the owner or construction company.
24. *Convenience market.* A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, lottery tickets, household items, and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.
25. *Corner lot.* See Lot, Corner.
26. *Directional sign.* Any incidental sign which serves solely to designate the location or direction of any place or area and, as such, shall be located on the same lot as said place or area.
27. *Directory signs.* Any incidental sign which identifies the businesses in an Integrated Center, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants in the Center, and is located in the interior of said Center.
28. *Double-faced sign.* A sign consisting of two parallel faces supported by a single structure.
29. *Driveway.* Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (Refer to Diagram 34).
30. *Electronic variable message sign (EVMS).* A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.
31. *Entrance roadway.* Any public street or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an Interstate highway, freeway or expressway from the general street system within Marion County, irrespective of whether traffic may also leave the main-traveled way by such street or turning roadway.
32. *Erect.* Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
33. *Exit roadway.* Any public street or turning roadway, including deceleration lanes, by which traffic may leave the main-traveled way of an Interstate highway, freeway or expressway to reach the general street system within Marion County, irrespective of whether traffic may also enter the main-traveled way by such street or turning roadway.

34. *Extension.* Any vertical or horizontal embellishments to an advertising sign designed as a part of, and integrally incorporated into, the announcement, declaration, device, demonstration or insignia used as a part of such sign. (Refer to Diagram 35).
35. *Flag.* Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government or political subdivision.
36. *Flashing sign.* A directly or indirectly illuminated sign which exhibits changing light, color or effect by any means, so as to provide intermittent illumination, or which includes the illusion of intermittent or flashing light by means of animation.
37. *Freestanding sign.* Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.
38. *Freeway.* See Street, Freeway.
39. *Frontage.* The line of contact of a property with the street right-of-way along a lot line. In the case of a corner lot having a rounded or cut property corner, from the intersection of the street right-of-way lines, as extended.
40. *Garage sale sign.* Any temporary sign which identifies and announces a garage, yard or similar sale.
41. *Gasoline service station.* Any building, land area or other premises or portion thereof, use or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.
42. *Governmental sign.* Signs designed for control of, or to provide information to, traffic and other regulatory functions and signs of public service companies indicating danger and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty. (See also Public Signs.)
43. *Grade.* Grade shall be construed to be the lower of (1) existing grade prior to construction or (2) existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign (Refer to Diagram 4).
44. *Grade level use.* Each use or occupant of what is typically known as the street, ground or first floor of a building.
45. *Ground sign.* Any freestanding sign constructed in or on the ground surface with its sign face extending downward to or near the ground surface and which is supported on a frame by one (1) or more uprights or braces. (Refer to Diagram 31).
46. *Height, sign.* The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
47. *Home improvement sign.* Any temporary sign which identifies and announces the construction company responsible for the home improvement of the property.
48. *House number and name plates.* Any sign which designates the name or the street address, using numbers or plates, of the person(s) occupying the premises.
49. *Identification sign.* Any sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

50. *Illuminated sign.* Any sign which contains an auxiliary design element designed to emanate artificial light internally or externally from the sign, including signs illuminated from the exterior by spotlights or other lighting apparatus directed upon the sign structure either from the ground or from a lighting fixture attached to the exterior of the sign structure.
51. *Incidental sign.* A sign, generally informational, that has a purpose secondary to the use of the lot on which is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message legible from any position of the lot on which the sign is located shall be considered incidental.
52. *Information site.* An area or site established and maintained within or adjacent to the right-of-way of a highway on the Interstate System by or under the supervision or control of a State Highway Department, wherein panels for the display of advertising and information signs may be erected and maintained.
53. *Interior sign.* Any sign not visible from the exterior of the building or structure and located within the interior of any building or structure, or within an enclosed lobby or court of any building.
54. *Integrated center.* An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:
 - a. Two (2) or more individual, unrelated and separately operated uses in one building sharing common site facilities; or,
 - b. One (1) or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or,
 - c. One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.
55. *Interstate highway.* See Street, Freeway.
56. *Legally established nonconforming sign.* Any sign and its support structure lawfully erected prior to the effective date of the adoption of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
57. *Legible.* Capable of being read with certainty without visual aid by a person of normal visual acuity.
58. *Logo.* See Trade Name.
59. *Lot.* A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control.

A lot may or may not coincide with a lot of record and may consist of:

 - a. A single lot of record;
 - b. A portion of a lot of record; or
 - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purpose of this definition, ownership includes:

 - a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;

- b. A contract vendee;
 - c. A long-term lessee (but only if the lease has been recorded at the Office of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (Refer to Diagram 36).
60. *Lot area.* The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley or easement for surface access (ingress or egress) into the subject lot or adjoining lots.
 61. *Lot, corner.* A lot abutting upon two (2) or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (Refer to Diagram 36).
 62. *Lot, through.* A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot.
 63. *Lot line.* The legal boundary of a lot as recorded in the office of the Marion County Recorder.
 64. *Lot line, front.* The lot line(s) coinciding with the street rights-of-way in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator.
 65. *Lot line, rear.* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.
 66. *Lot line, side.* Any lot line not designated as a front or rear lot line.
 67. *Lot of record.* A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana.
 68. *Maintain.* To repair, service or refurbish a sign or structure or any part thereof, in an identical manner or change any identical component of the sign.
 69. *Main-traveled way.* The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term "main-traveled way" does not include such facilities as frontage roads, turning roadways or parking areas.
 70. *Marginal access street.* See Street, Marginal Access.
 71. *Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
 72. *Marquee sign.* Any building sign painted, mounted, constructed or attached in any manner on a marquee (Refer to Diagram 24).
 73. *Message center.* A sign, component of a sign, which contains a changing message within the copy area which turns on and off or changes electrically or electronically for a specific period of time.
 74. *Model home sign.* Any temporary sign which identifies and announces a model home.
 75. *Mural.* A design or representation painted, drawn or similarly applied on the exterior surface of a structure and which does not advertise a business, product, service or activity.

76. *Off-premise sign.* A sign which directs attention to a business, profession, commodity, or service offered on the property other than that on which the sign is located.
77. *On-premise sign.* A sign which directs attention to a business, profession, commodity, or service offered on the property on which the sign is located.
78. *Outdoor advertising sign.* Same as Advertising Sign.
79. *Owner.* Legal owner of property as officially recorded in the office of the Marion County Recorder.
80. *Parapet(wall).* That portion of a building wall that rises above the roof level.
81. *Pennant.* Any sign of lightweight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire, or string, usually in a series, and which is designed to move in the wind. Flags of any government or political subdivision shall not be considered pennants (Refer to Diagram 30).
82. *Permanent sign.* A non-temporary sign designed and intended for long-term use.
83. *Plaque, historic.* See Building Marker.
84. *Pole sign.* Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level (Refer to Diagram 31).
85. *Political sign.* Any temporary sign designed to announce or identify a person, party, issue of an election or any other subject usually associated with a political election.
86. *Portable sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported from place to place, including, but not limited to, signs transported by means of wheels; signs attached to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.
87. *Principal building.* The building in which is conducted the principal primary use of the lot. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other uses clearly accessory to the primary use shall not be considered principal buildings.
88. *Projecting sign.* Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall face (Refer to Diagram 31).
89. *Project sign (residential).* A type of identification sign designed to identify a residential development permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 or D-P Dwelling Districts.
90. *Protected areas.* All areas inside the boundaries of Marion County which are adjacent to and within six hundred and sixty (660) feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary which is not perpendicular or normal to the centerline of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within six hundred and sixty (660) feet of the edge of the right-of-way of the highway in the adjoining county.
91. *Protected district.* Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. A protected district shall include any Dwelling District, Hospital District, Park District, University Quarter District, SU-1 (Church) District or SU-2 (School) District.
92. *Public notice.* Official notice posted by public officers or their representative in the performance of their duties.
93. *Public signs.* Any sign required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination

or animation, required by the law, statute or ordinance under which the signs are erected. (See also Governmental Sign.)

94. *Public way.* Any public street, alley, sidewalk or other public thoroughfare.
95. *Pump island sign.* Any sign either affixed directly to a gasoline pump or otherwise attached to the pump or pump island. (Refer to Diagram 25).
96. *Pylon sign.* Any freestanding sign anchored in the ground with its sign face extending upward from the ground surface and which has a height exceeding four (4) feet (Refer to Diagram 31).
97. *Real estate sign.* Any temporary sign which announces the sale, rental, or lease of property by the owner or real estate company.
98. *Residential sign.* Any sign located in a district zoned for residential uses that contains no commercial messages except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.
99. *Right-of-way.* Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities as officially recorded by the office of the Marion County Recorder.
100. *Right-of-way, proposed.* Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.
101. *Right-of-way, public.* Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
102. *Right-of-way, private.* Specific and particularly described strip of privately-held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
103. *Roof.* The water-carrying surface of a building or structure, the structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.
104. *Roof integral sign.* Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the roof (Refer to Diagrams 10 and 31).
105. *Roof line.* The uppermost edge of the water-carrying surface of a building or structure.
106. *Roof sign.* Any building sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof (Refer to Diagram 31).
107. *Rotating sign.* Any sign or portion of a sign designed to revolve or move in a similar manner by means of electrical power.
108. *Scenic area.* An area of particular scenic interest or historical significance which is designated by or pursuant to local or state law as a scenic area.
109. *Seasonal or holiday sign.* Any temporary sign, such as Christmas decorations, used for an historic holiday and installed for a short, limited period of time.

110. *Service area canopy.* Any structural protective cover that is not enclosed on any of its four sides and is provided for the service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to said dispensing or installation.
111. *Service area canopy sign.* Any sign that is part of or attached to the service area canopy.
112. *Service station, gasoline.* See Gasoline Service Station.
113. *Setback.* The minimum horizontal distance established by ordinance between a street right-of-way line or a lot line and the setback line (Refer to Diagram 37).
114. *Setback line.* A line that establishes the minimum distance that a building, structure, sign, or portion thereof, can be located from a lot line or proposed right-of-way line. (Refer to Diagram 37).
115. *Sign.* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
116. *Sign area.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. (Refer to Diagrams 1 and 2).
117. *Sign encroachment.* The placement of any sign or sign support structure or the extension of any part of a sign or sign structure into a required yard, street right-of-way or alley right-of-way.
118. *Sign face.* The surface of the sign upon, against, or through which the message of the sign is exhibited.
119. *Sign structure.* Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
120. *Sign type.* A functional description of the use of an individual sign. Includes but is not limited to identification, incidental, residential and advertising.
121. *Spandrel.* A roof-like structure that covers the gasoline pump dispenser, serves as a second-tier canopy, is a lighting source for the dispensing area, serves to identify the gasoline pumps by numerical designation, and may display signage.
122. *Spandrel sign.* Any sign that is a part of or attached to the spandrel structure.
123. *Street collector.* A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets and arterials with direct access to abutting property(ies).
124. *Street, cul-de-sac.* A street having only one open end which is permanently terminated by a vehicle turnaround.
125. *Street, expressway.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
126. *Street facade.* Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public or private street. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
127. *Street, freeway.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

128. *Street, local.* A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies).
129. *Street, marginal access.* A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies).
130. *Street, parkway.* A street serving through vehicular traffic and equal to or more than 5280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and Thoroughfare Plan.
131. *Street, primary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
132. *Street, private.* A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.
133. *Street, public.* A publicly dedicated, accepted and maintained right-of way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
134. *Street, secondary arterial.* A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
135. *Structure.* A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
136. *Subdivision.* The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, or transfer of ownership or building development.
137. *Subdivision sign.* A type of identification sign designed to identify a residential subdivision.
138. *Suspended sign.* Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface (Refer to Diagrams 13 and 32).
139. *Symbols or insignias.* Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems or religious orders or historical agencies.
140. *T-sign.* A portable sign utilizing an inverted "T" style of framing structure to support the sign. (Refer to Diagram 30).
141. *Temporary sign.* Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only. Examples of such signs include, but are not limited to the following: real estate, construction, special event, political, garage sale, home improvement/remodeling, model home and seasonal (holiday) signs.
142. *Thoroughfare.* A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.
143. *Thoroughfare plan.* The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4, that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

144. *Time and temperature displays.* A limited function display which, through analogical or digital methods, electronically presents the time of day or the current temperature or one (1) other piece of information such as the Dow Jones average (either accrued total or change) in a non-traveling mode of operation. Displays which, through their configuration, are capable of presenting other electronic messages shall be considered Electronic Variable Message Signs.
145. *Tombstone.* Any cemetery marker or grave indicator.
146. *Trade name.* Any brand name, trademark, logo, distinctive symbol, or other similar device or thing used to identify particular business, institution, activity, place, person, product or service.
147. *Traveled way.* The portion of a roadway for the movement of vehicles, exclusive of shoulders.
148. *Turning.* A connecting roadway for traffic turning between two intersection legs of an interchange, between two interstate highways.
149. *Valance.* A vertically hanging or suspended fringe on an awning or canopy, often used as a decorative element.
150. *Visible.* Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.
151. *Visibly obstructed.* The view of a sign which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.
152. *Wall.* Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.
154. *Wall sign.* Any building sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface (Refer to Diagram 32).
155. *Wind sign.* A sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind (Refer to Diagram 30).
156. *Window sign.* Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service. that is placed: 1) inside of, and within two (2) feet of, a window; or, 2) upon the window panes or glass, and is visible from the exterior of the window (Refer to Diagram 32).

GRAPHIC ILLUSTRATIONS

ITEM	DIAGRAM
Diagram 1	Computation of Area of Individual Signs
Diagram 2	Computation of Area of Multifaced Signs
Diagram 3	Computation of Height
Diagram 4	Grade Mounding
Diagram 5	Clear Sight Triangular Area
Diagram 6	Sign Height Exception
Diagram 7	Sign Separation From a Protected District
Diagram 8	Pole Sign Clearance
Diagram 9	Wall Sign Extension

Diagram 33	Clearance	
Diagram 34	Driveway	
Diagram 35	Extension	
Diagram 36	a. Lot	b. Lot, Corner
Diagram 37	a. Setback	b. Setback Line

CHAPTER 7.00 VIOLATIONS/ENFORCEMENT AND REMEDIES

The Enforcement and Remedies Zoning Ordinance of Marion County (88-AO-5/G.O. 122, 1988, as amended) shall govern the enforcement of violations of any provision of this ordinance.

CHAPTER 8.00 SEVERABILITY CLAUSE

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

[The diagrams referred to in this ordinance are not attached, but are on file with the original version of the ordinance in the office of the Clerk of the city-County Council.]

PROPOSAL NO. 42, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 42, 1995 on January 17, 1995. The proposal approves a change in ownership of the cable television franchise now owned by Time Warner Entertainment Company, L.P. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Jimison, for adoption. Proposal No. 42, 1995 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

1 NAY: McClamroch

3 NOT VOTING: Brents, Coughenour, Williams

1 NOT PRESENT: Gray

Proposal No. 42, 1995 was retitled SPECIAL RESOLUTION NO. 7, 1995 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 1995

A SPECIAL RESOLUTION approving a change in ownership of the cable television franchise now owned by Time Warner Entertainment Company, L.P.

WHEREAS, Time Warner Entertainment Company, L.P. (TWE) is the holder of a (Franchise) to provide cable television service within its franchise territory for the City of Indianapolis, Indiana (City); and

WHEREAS, TWE together with Advance Publications and Newhouse Broadcasting Corporation desire to create a new joint venture cable operation to be called Time Warner Entertainment-Advance/Newhouse Partnership; and

WHEREAS, TWE will manage the joint venture which will be two-thirds owned by TWE and one-third owned by Advance/Newhouse, a partnership of the Newhouse Broadcasting and Advance Publications, Inc.; and

WHEREAS, the Cable Franchise Board of the City of Indianapolis, Indiana, has approved the transfer of ownership of the Franchise and the cable television system operating pursuant to the Franchise from the Time Warner Entertainment Company, L.P. to Time Warner Entertainment Advance/Newhouse Partnership by subject to certain terms and conditions set forth in its Resolution No. 1, 1994; now, therefore:

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

SECTION 1. The transfer of ownership of the Franchise from TWE to Time Warner Entertainment-Advance/Newhouse Partnership is hereby approved, subject to the transferee agreeing in writing to all terms and conditions of the Franchise, as amended, and agreeing to the further terms set forth in Resolution No. 1, 1994 of the Cable Franchise Board.

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

PROPOSAL NO. 698, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 698, 1994 on January 18, 1995. The proposal, sponsored by Councillor Moriarty Adams, amends the Code by authorizing multi-way stop at Dequincy Street and Walnut Street (District 15). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 698, 1994 was adopted on the following roll call vote; viz:

21 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith, West*

0 NAYS:

7 NOT VOTING: *Dowden, Giffin, Gilmer, Golc, Schneider, Short, Williams*

1 NOT PRESENT: *Gray*

Proposal No. 698, 1994 was retitled GENERAL ORDINANCE NO. 5, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
26, Pg. 14	Dequincy St & Walnut St	Dequincy St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 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>
26, Pg. 14	Dequincy St & Walnut St	None	All Stop

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

PROPOSAL NOS. 2-12, 1995. Councillor Gilmer asked for consent to vote on these transportation proposals together. Consent was given.

PROPOSAL NO. 2, 1995. The proposal, sponsored by Councillor Dowden, amends the Code by authorizing a traffic signal at Shadeland Avenue and Lake Castleton Arms (District 4). PROPOSAL NO. 3, 1995. The proposal, sponsored by Councillor Gray, amends the Code by authorizing a multi-way stop at 33rd Street and Kenwood Avenue (District 9). PROPOSAL NO. 4, 1995. The proposal, sponsored by Councillor Jimison, amends the Code by authorizing a multi-way stop at Ritter Avenue and 41st Street (District 14). PROPOSAL NO. 5, 1995. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing a multi-way stop at Manning Road and Catalpa Street (District 1). PROPOSAL NO. 6, 1995. The proposal, sponsored by Councillor Ruhmkorff, amends the Code by authorizing a multi-way stop at Edmondson Avenue and Springer Avenue (District 12). PROPOSAL NO. 7, 1995. The proposal, sponsored by Councillor Golc, amends the Code by authorizing a stop sign at Moreland Avenue and Southern Avenue (District 17). PROPOSAL NO. 8, 1995. The proposal, sponsored by Councillor Brents, amends the Code by authorizing a stop sign at Muskingham Street and Arch Street (District 16). PROPOSAL NO. 9, 1995. The proposal, sponsored by Councillor Rhodes, amends the Code by authorizing a multi-way stop at 60th Street and Rossllyn Avenue (District 7). PROPOSAL NO. 10, 1995. The proposal, sponsored by Councillor Mullin, amends the Code by authorizing a stop sign at Benton Drive and Cynthia Drive (District 20). PROPOSAL NO. 11, 1995. The proposal, sponsored by Councillor Gilmer, amends the Code by authorizing a multi-way stop at Old Barn Circle and Old Barn Drive (District 1). PROPOSAL NO. 12, 1995. The proposal, sponsored by Councillor Schneider, amends the Code by authorizing a yield sign at Kenwood Avenue and Kenwood Court (District 3). Councillor Gilmer reported that Proposal Nos. 2-12, 1995 were heard by the Capital Asset Management Committee on January 18, 1995. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 2-12, 1995 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Brents, Schneider, West

1 NOT PRESENT: Gray

Proposal No. 2, 1995 was retitled GENERAL ORDINANCE NO. 6, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
6, Pg. 11	Shadeland Av (7600 N), Lake Castleton Arms	None	Signal

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

Proposal No. 3, 1995 was retitled GENERAL ORDINANCE NO. 7, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
18, Pg. 19	33rd St, Kenwood Av	Kenwood Av	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 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>
18, Pg. 19	33rd St, Kenwood Av	None	All Way Stop

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

Proposal No. 4, 1995 was retitled GENERAL ORDINANCE NO. 8, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
19, Pg. 22	Ritter Av, 41st St	Ritter Av	Stop

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

January 23, 1995

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19, Pg. 22	Ritter Av, 41st St	None	All Way Stop

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

Proposal No. 5, 1995 was retitled GENERAL ORDINANCE NO. 9, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
8, Pg. I	Catalpa St, Manning Rd	None	All Way Stop

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

Proposal No. 6, 1995 was retitled GENERAL ORDINANCE NO. 10, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
27, Pg. 6	Edmondson Av, Springer Av	Edmondson Av,	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 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>
27, Pg. 6	Edmondson Av, Springer Av	None	All Way Stop

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

Proposal No. 7, 1995 was retitled GENERAL ORDINANCE NO. 11, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
31, Pg. 11	Moreland Av, Southern Av	Southern Av	Stop

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

Proposal No. 8, 1995 was retitled GENERAL ORDINANCE NO. 12, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
25, Pg. 3	Arch St, Muskingham St	Muskingham St	Stop

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

Proposal No. 9, 1995 was retitled GENERAL ORDINANCE NO. 13, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
11, Pg. 24	60th St, Rosslyn Av	Rosslyn Av	Stop

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

January 23, 1995

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
II, Pg. 24	60th St, Rosslyn Av	None	All Way Stop

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

Proposal No. 10, 1995 was retitled GENERAL ORDINANCE NO. 14, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
46, Pg. 2	Benton Dr, Cynthia Dr	Benton Dr	Yield

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 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>
46, Pg. 2	Benton Dr, Cynthia Dr	Benton Dr	Stop

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

Proposal No. 11, 1995 was retitled GENERAL ORDINANCE NO. 15, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
9, Pg. 9	Old Barn Ci, Old Barn Dr	Old Barn Dr	Yield

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 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>
9, Pg. 9	Old Barn Ci, Old Barn Dr	None	All Way Stop

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

Proposal No. 12, 1995 was retitled GENERAL ORDINANCE NO. 16, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 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, Sec. 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>
4, Pg. 8	Kenwood Av, Kenwood Ct	Kenwood Dr	Yield

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

PROPOSAL NO. 13, 1995. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 13, 1995 on January 18, 1995. The proposal, sponsored by Councillor Williams, amends the Code by authorizing one-way traffic flow on 21st Street between Pennsylvania Street and Talbott Street (eastbound); on 21st Street Annex between Talbott Street and Pennsylvania Street (westbound); and on 17th Street between Talbott Street and Delaware Street (eastbound) (District 22). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 13, 1995 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: Gray

Proposal No. 13, 1995 was retitled GENERAL ORDINANCE NO. 17, 1995 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 1995

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-166, One-way streets and alleys designated.

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

January 23, 1995

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-166, One-way streets and alleys designated, be, and the same is hereby, amended by the addition of the following, to wit:

ONE-WAY
EASTBOUND

Twenty-first Street, from
Pennsylvania Street to Talbott Street

Seventeenth Street, from
Talbott Street to Delaware Street

ONE-WAY
WESTBOUND

Twenty-first Street Annex, from
Talbott Street to Pennsylvania Street

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

OLD BUSINESS

Councillor Short stated last week in one of the committee hearings, in his opinion, a dangerous precedent was set as how the Council does its business. Proposals were struck and major changes were substituted without consulting with the sponsor.

Councillor Rhodes said that Proposal Nos. 389, 390, 391 and 392, 1994 will be heard by the Administration and Finance Committee on February 7, 1995. Mr. Rhodes said that the only amendment made to a proposal at the Administration and Finance Committee meeting on January 17, 1995 was to a proposal that he had sponsored.

NEW BUSINESS

Councillor Borst announced that there would be two Circle Centre Mall tours--January 25 at noon and January 26 at 4:00 p.m. Councillors who wish to attend should contact Kelly Kautsky in the Council office.

As a point of personal privilege, Councillor Smith stated that one of his constituents has asked for an opportunity to address the Council. The President said that Councillor Smith's constituent could have two minutes to address the Council.

Mr. Stephen Kappes stated that on Wednesday afternoon walking out of the Capital Center Building at Illinois and Ohio Streets he was confronted by a full-scale statute completely unclothed. He does not believe this kind of statute is acceptable in the City of Indianapolis. He hopes that the Council will see to it that Browning Investments is encouraged to do something about it without legal action.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Hinkle announced that the Council members received a token of appreciation from Fred Tucker, III, in appreciation for the honor which the Council bestowed upon his father at the January 9th Council meeting. Mr. Hinkle suggested that the Councillors send a contribution to the MIBOR (Metropolitan Indianapolis Board of Realtors) Foundation, which

moneys are used in conjunction with the Indianapolis Department of Parks and Recreation to fix up neighborhood parks.

The President said that the docketed agenda for this meeting of the Council had been completed, the Chair will now entertain motions for adjournment.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Leon "Skip" Levy, Jr. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to his family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:35 p.m.

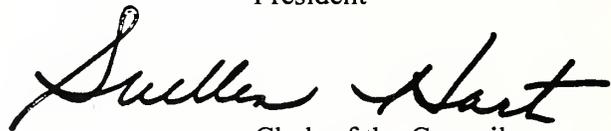
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of January, 1995.

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)