METROPOLITAN DEVELOPMENT COMMISSION

of Marion County, Indiana

RULES OF PROCEDURE

ADOPTED: November 5, 1986
LAST REVISED: _____, 2026

Metropolitan Development Commission Rules of Procedure Amendment History		
Date	**Resolution No.**	**Subject**
November 5, 1986		*Adopted*
August 17, 1988	88-R-68	*Administrator's Approval fees & procedure*
September 5, 1990	90-R-38	*Traffic Impact Study procedure*
October 3, 1990	90-R-46	*Fees*
August 7, 1991	91-R-21	*Supplemental Review Process & Refiling rule waiver*
September 2, 1992	92-R-40	*Notice to City-County Councillors*
November 15, 1995		*Regional Center sign fees*
May 15, 1996	96-N-004	*Floodplain development fees & procedure*
December 4, 1996	96-N-006	*Nonconforming Use Certification*
December 7, 2005	2005-P-006	*Fees, Notice changes, etc.*
October 1, 2008	2008-P-12	*Regional Center & Speedway Hearing Examiners*
December 2, 2009	2009-P-4	*Modification Petitions, Numbering, etc.*
December 2, 2009	2009-P-5	*Petition Filing Fees*
June 16, 2010	2010-DCE-01	*ILP Fees — effective August 1, 2010*
June 16, 2010	2010-DCE-01, Sec. 2	*ILP Fees — effective January 1, 2011*
March 1, 2012	2012-P-007	*Residency & Make-up of the Commission* *Publication of Zoning Ordinance* *Appeal of the Hearing Examiner or Committee* *Judicial Review Procedure, Variance Appeal*
June 4, 2014	2014-P-005	*Council review of rezoning petitions and other legislative changes*
March 1, 2017	2017-P-009	*Tree Fund*
November 2, 2022	2022-P-016	*Computation of Time and various changes*
_____, 2026	[_____]	

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Rules of Procedure

ARTICLE I - GENERAL RULES

1. DEFINITIONS.

As used in these Rules of Procedure, the following terms shall have the following meanings:

A. "Administrator" shall mean the Administrator of Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).

B. "Board" shall mean the Metropolitan Board of Zoning Appeals of the City of Indianapolis, Marion County, Indiana.

C. "Clerk" shall mean the clerk of the City-County Council of the City of Indianapolis /Marion County, Indiana.

D. "City-County Council" or "Council" shall mean the City-County Council of the City of Indianapolis /Marion County, Indiana.

E. "Commission" shall mean the Metropolitan Development Commission of Marion County, Indiana.

F. "Commitment" shall be as prescribed in IC 36-7-4.

G. "Committee" shall be a committee composed of at least three members of the Metropolitan Development Commission to conduct any public hearing required to be held by the Commission. Any such committee shall be appointed by the President of the Metropolitan Development Commission and shall conduct any public hearing designated by the Commission or by the President of the Commission.

H. "Companion Petition" shall mean any combination of petitions authorized by IC 36-7-4-403.5. Petitions involving lands within any excluded city may not be included in any companion petitions.

I. "Condition" shall be as prescribed in IC36-7-4.

J. "Covenant" shall be as prescribed in IC36-7-4.

K. "Division" shall mean the Division of Planning of the Department of Metropolitan Development.

L. "Hearing Examiner" shall mean a person designated by the Commission to conduct any hearing required to be held by the Commission and shall include the Indianapolis Historic Preservation Commission (IHPC) when the IHPC is conducting hearings for the Commission regarding property located in historic preservation areas established pursuant to IC 36-7-11.1. Only one person may be designated as a Hearing Examiner to conduct a particular hearing; however, the Commission may designate more than one Hearing Examiner to conduct

different hearings. The Commission (or the President of the Commission in an emergency) shall designate the cases to be heard by the Hearing Examiner. If the Hearing Examiner is unable to hear an assigned case because of sickness, absence, disqualification or any other cause, the President of the Commission, or in his or her absence the vice-president of the Commission, may designate any other person to act as a Hearing Examiner.

A specific Hearing Examiner includes the `Regional Center Hearing Examiner'. Regional Center Hearing Examiner shall be an employee or contracted employee of the City of Indianapolis appointed by the Commission with specific knowledge and experience in urban design.

~~A specific Hearing Examiner includes the "Speedway Hearing Examiner". The Commission shall appoint a resident of the Town of Speedway to act as the Speedway Hearing Examiner.~~

M. "High Impact Project" shall mean a project that is: new construction valued at a construction cost value exceeding one million dollars; remodeling or modification of existing development valued at a construction cost value exceeding $500,000.00; proposing the construction of floor area exceeding 10,000 gross square feet; proposing an area of surface parking exceeding 20,000 gross square feet; or demolition of historic structure as determined by the Administrator.

N. "Interested Parties" shall mean the following people and/or organizations: owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property; owners of property within the area included in the petition who are not petitioners; owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition; neighborhood organizations whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development; the City-County Councilor whose District includes all or some part of the subject property.

O. "Presentation" shall mean a slide deck, display boards, handouts, visual aids, or other demonstrative materials prepared by or on behalf of an applicant solely to summarize or explain materials timely submitted in connection with a petition. A Presentation does not include, and may not modify, amend, supplement, or conflict with, a petition, site plan, plat, elevations, proposed commitments or conditions, supporting documents, exhibits, or any other materials or submissions subject to a submission deadline under these Rules.

P. "Staff" shall mean the staff of the Commission who administers the public hearing process and provides formal recommendations on land use matters.

2. MAKE-UP OF THE COMMISSION

The Commission is made up of nine appointed members, as follows:

- Five members, of whom no more than three (3) may be of the same political party, appointed by the Mayor of the City of Indianapolis.
- Four members, of whom no more than two (2) may be of the same political party, appointed by the City-County Council of Indianapolis and Marion County.

Each Member shall comply with the residency requirements of IC 36-7-4-216 and if necessary the Commission may conduct a hearing to determine such residency compliance.

3. OFFICERS OF THE COMMISSION

The Commission shall select annually a President, Vice President, Secretary and Acting Secretary from its membership.

The President shall preside at all meetings and, in his or her absence or disability, the Vice President shall preside. In the absence or disability of both the President and Vice President, the Secretary shall preside.

4. POWERS OF THE COMMISSION

The Commission has the power to:

A. Assign and reassign addresses and, prior to final approval by the Mayor, make recommendations to name and rename streets so that their names are easy to understand and to avoid duplication or conflict with other names;

B. Exercise the thoroughfare planning powers conferred by IC 36-7-4-506;

C. Adopt amendments to, or additional segments of, the comprehensive plan;

D. Adopt resolutions governing land use policy for Marion County;

E. Approve and recommend to the City-County Council additional ordinances for the zoning or districting of all lands within Marion County;

F. Approve and recommend to the City-County Council proposed ordinances for the amendment or repeal of the zoning ordinances;

G. Approve a proposed use and site and development plan, or revised plans, required by a zoning ordinance as a condition of development;

H. Approve the modification or termination of covenants and commitments;

I. Concurrently exercise the powers of the Board for the purpose of granting or denying,

(1) a variance from the development standards (such as height, bulk or area) of the zoning ordinance; or

(2) a special exception from the terms of the zoning ordinance;

J. Hear appeals by the Staff of any decision of the Board granting an administrative appeal, special exception or variance petition that raises a question of substantial zoning policy;

K. Hear appeals by a City-County Councilor to the Commission of any decision of the Board regarding a variance of use petition that raises a question of substantial zoning policy and that affects only real property located outside the boundaries of an excluded city;

L. Hear appeals of any decision of the Plat Committee;

M. Concurrently exercise the powers of the Plat Committee for the purpose of granting or denying a plat petition or vacation petition in connection with its consideration of a rezoning petition, an approval petition, a variance petition, or a special exception petition; and

N. Exercise all powers conferred on it by statute in the manner prescribed by statute. This section shall not be construed as a limitation on such powers.

5. PRESIDENT TO DECIDE POINTS OF ORDER

The President, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the members of the Commission present.

6. REQUESTS FOR CONTINUANCE AND SPECIAL REQUESTS

All requests for continuances and special requests normally shall be considered at the beginning of each public hearing.

7. COMPUTATION OF TIME

In computing any period of time under these Rules of Procedure, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period required or allowed is less than seven (7) days, intermediate

Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

ARTICLE II - PROPOSALS TO AMEND OR PARTIALLY REPEAL THE TEXT OF THE ZONING ORDINANCE

1. WHO MAY INITIATE

Proposals to amend or partially repeal the text of the zoning ordinance may only be initiated by the Commission.

2. FILING OF PROPOSAL AND HEARING

After the proposal is prepared it shall be filed with the Administrator who shall docket the proposal for consideration by the Commission at a public hearing to be held within sixty (60) days of the filing of the proposal.

3. NOTICE

The Commission shall give notice of the public hearing by publication in accordance with IC 5-3-1 at least ten (10) days before the date set for the hearing. The notice shall contain:

A. The time and place of the hearing;

B. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies:

C. A summary of the subject matter contained in the new proposal (not the entire text)that describes any new or changes provisions;

D. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

E. That the proposal is on file and may be examined before the hearing in the offices of the Administrator;

F. That written objections to the proposal that are filed with the Secretary of the Commission before the hearing will be considered;

G. That oral comments will be heard; and

H. That the hearing may be continued from time to time as may be found necessary.

4. NO ADDITIONAL NOTICE REQUIRED

The Commission need not give any additional notice of a public hearing on a proposal to amend or partially repeal the text of the zoning ordinance.

5. CONDUCT OF HEARINGS

Public hearings on proposals to amend or partially repeal the text of the zoning ordinance shall be conducted in accordance with Article VI of these Rules of Procedure.

6. CERTIFICATION OF PROPOSAL

If a proposal to amend or partially repeal the text of the zoning ordinance receives a favorable recommendation from the Commission, the Administrator, or the Administrator's agent, shall, within ten (10) business days of the Commission's decision, certify a copy of the proposal to the Clerk.

7. ACTION BY CITY-COUNTY COUNCIL

At the first regular meeting of the City-County Council after the proposal is certified (or at any subsequent meeting within ninety (90) days after certification) the Council may adopt, reject or amend the proposal by a three-fifths (3/5) vote of its full membership. The Council shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

If the Council adopts the proposal, it takes effect as other Ordinances of the Council.

If the Council fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

If the Council rejects or amends the proposal, it shall be returned to the Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission shall have forty-five (45) days in which to consider the rejection or amendment and report to the Council as follows:

A. If the Commission approves the amendment or fails to act within the forty-five (45) days period, the ordinance stands as passed by the Council as of the date of the filing of the Commission's report of approval with the Council or the end of the forty-five (45) days period.

B. If the Commission disapproves the rejection or amendment, the action of the Council on the original rejection or amendment stands only if confirmed by another vote of the Council within forty-five (45) days after the Commission certifies its disapproval. If the Council fails to confirm its action under this subsection, the ordinance takes effect as if it had been adopted forty-five (45) days after the Commission certifies its disapproval.

8. PUBLICATION OF ZONING ORDINANCES

The Administrator shall print the text of the zoning ordinance, a part of the Revised Code of the Consolidated City of Indianapolis, in book form. Upon the adoption of a proposal to amend or partially repeal the text of the zoning ordinance, the Administrator shall have such ordinance as amended reprinted in book form. Two (2) copies of the zoning ordinance as printed in book form shall be filed in the office of the Administrator and shall be kept on file in that office for public inspection.

ARTICLE III - FILING OF PETITIONS FOR ZONE MAP CHANGES, APPROVALS, VARIANCES, PLATS OR VACATIONS

1. WHO MAY FILE

Amendments to the zoning ordinance proposing to change the zone maps may be initiated by the Commission or by a petition signed by property owners who own at least fifty per cent (50%) of the land involved in the petition.

A petition for approval, modification, a variance, a special exception, a plat or a vacation petition for a particular parcel or parcels of property may be filed by the property owner(s) or the owner's authorized agent. Variances of development standards, or special exceptions from the terms of the Zoning Ordinance may be filed with a petition for rezoning, or as part of a companion petition. Variances of use, plats, and vacations may only be filed as part of a companion petition.

A duly appointed agent or representative may sign a petition on behalf of the owner of the subject parcel. Any authorization to sign the petition or otherwise act on the owner's behalf with respect to the rezoning, approval, variance, special exception, plat or vacation request shall be in writing, signed by the owner on a form provided by the City with the application submitted at the time of filing the petition.

For purposes of this section, owner is defined to include:

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

B. A contract vendee; or

C. A long-term lessee (but only if the lease is recorded among the records of the County recorder and has at least twenty-five (25) years remaining before its expiration date at the time of filing the petition.

2. FILING REQUIRED AT LEAST THIRTY-FIVE DAYS PRIOR TO HEARING

~~All petitions, except for Regional Center, shall be filed at least thirty-five (35) days prior to the initial hearing at which they are to be considered, unless otherwise approved by the Administrator~~.

A. Hearing and Filing Schedule. The Hearing and Filing Schedule, as published on the Commission's website, establishes all applicable deadlines, including filing deadlines, staff report preparation deadlines, notice issuance dates, and target hearing dates.

B. Minimum Filing Requirement. Except for Regional Center petitions, all petitions shall be filed no fewer than thirty-five (35) days prior to the initial hearing at which the petition is to be considered.

C. Compliance With Intermediate Deadlines. All interim dates and procedural requirements identified in the Hearing and Filing Schedule must be met before

any petition may be placed on an agenda or heard. All supporting documents, exhibits, revised materials, and any other materials that an applicant wants the Commission, Committee, or Hearing Examiner to review, including any Presentation, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the applicable hearing or meeting. Notwithstanding the foregoing, the City retains sole discretion to accept a Presentation submitted after this deadline; that discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to this deadline.

D. No Exceptions; Missed Deadlines; Late Presentations. No exceptions or deviations from the filing deadline, related schedule requirements, or agenda-materials deadline are permitted, except that the City may accept a late Presentation in its sole discretion as provided in Section C above. If an applicant misses any applicable submission deadline, the applicant must request a continuance; the missed deadline shall not be automatically accommodated and late-submitted materials shall not be added to the agenda or considered at the scheduled hearing or meeting, other than a late Presentation accepted by the City in its sole discretion. A Presentation accepted after the applicable deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

3. FILING ON COMMISSION'S FORMS REQUIRED

All petitions to the Commission shall be made on forms to be supplied by the Commission and shall include one copy of the applicable petition, one copy of the legal description of the subject property, and three copies of the exhibits, material, and other information required by and specified on said forms. The Commission may require electronic filing of applications, supporting exhibits and materials. Any communication purporting to be a petition not on forms furnished by the Commission or not containing the information called for on said forms, shall be regarded as a mere notice of intention to petition and shall be of no force or effect until it is filed in the form required.

For vacations of streets and alleys, an as-built right-of-way improvement survey, shall be prepared by a registered land surveyor and submitted, detailing adjoining property owners, all physical improvements and easement restrictions, including but not limited, to pavement and right-of-way widths, structural encroachments, sidewalks, easements, above-ground and underground utilities and curb cuts.

4. COMMITMENTS

Each petitioner who is seeking to amend the zoning ordinance to change the zone maps pursuant to IC 36-7-4-608 or who is requesting the approval of a development plan required by the zoning ordinance as a condition of development shall submit to the Commission properly executed commitments in substantially the form set forth by the

Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

Such commitments may be submitted at the time the petition is filed, but in no event shall such commitments be filed later than the date of the hearing on the petition.

5. REQUIRED FINDINGS OF FACT

In every variance petition, special exception petition, vacation petition to vacate a plat or a portion of a plat, waiver of plat standards and specifications, modifications related to a variance or special exception petition, or approval petition for a special district, petitioner shall, at the time of filing the petition, file proposed detailed written findings of fact. Any other interested party may file proposed findings of fact at any time prior to the Friday preceding the date set for the hearing.

6. SPECIFYING OF REQUEST REQUIRED

All variance, special exception and approval petitions must specify the ordinance(s) and development, performance or other standard(s) and regulation(s), condition(s) or approval(s) sought by the petitioner to be modified or approved. A mere recitation in the petition that development is, or will be, "per plans filed" is insufficient to modify any standard(s) or regulation(s) of the applicable ordinance(s).

7. TRAFFIC IMPACT STUDIES

Each petition for zone map change, petition for commission approval, petition for variance, plat petition or vacation petition shall be subject to the provisions of the "Applicant's Guide, Transportation Impact Studies for Proposed Development" dated June 29, 1990, which is incorporated herein by reference and made a part of these Rules of Procedure.

8. CONTIGUOUS LOTS

For rezoning, variance, approval and modification petitions, the subject lots must be contiguous to be considered as one petition filing.

9. FEES

In order to compensate for the expense of advertising and/or processing, the following fee shall be paid by the applicant at the time of filing a petition or requesting a service or upon issuance of the permit:

A. FILING FEES:

(1) Petition Requesting a Zoning Base Map Change (Rezoning) to a:	
(a) Commercial or Industrial District	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(b) Special District (to include all Special Use, University Quarter, Hospital, Historic Preservation, Speedway, and Park Districts)	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.

(c) D-P District (Planned Unit Development) or C-S District (Special Commercial District)	$3 499.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(d) Dwelling District over three acres	$2,789.00 plus $19.00 for each acre or any portion thereof over 1 acre.
(e) Dwelling District three acres or less	$ 479.00
(f) Gravel-Sand-Borrow District (GSB District) or Special Use District XIII (SU-13 District) or Special Use District XXIII (SU-23 District) or Special Use District XXVIII (SU-28 District) or Special Use District XLI (SU-41 District)	$5,499.00 plus $69.00 for each acre or any portion thereof over 1 acre.
(g) Any other District	$3,299.00 plus $19.00 for each acre or any portion thereof over 1 acre.

(2) Petition Requesting Commission Approval	
(a) Approvals in the Regional Center (RC) for:	
1. RC New Construction, Addition to, or Exterior Renovation of a Building or Parking Garage (excluding single-and two-family residential):	
i. Less than 5,000 square feet and less than 2 stories and not a High Impact Project	$479.00
ii. High Impact Project-5,000 to 30,000 square feet or between 3-6 stories	$1,299.00
iii High Impact Project—over 30,00 square feet or 7 stories or more	$1,999.00
2. RC Surface Parking Lot	$2,299.00
3. RC Wireless Facility	$450.00
4. RC Sidewalk café	$450.00
5. RC Non-building structures only, such as art, appurtenances, etc.	$450.00
6. RC Building Identification Signs (petitions for multiple Bldg. Identification Signs are levied the largest applicable base fee and then the per sign fee):	
i. Window signs/sign face changes	NO COST
ii. Wall, Awning, Canopy, Projecting, Marquee, or Suspended sign (64 sf or less)	$450.00 plus $29.00 per sign
Wall, Awning, Canopy, Projecting, Marquee, or Suspended sign (greater than 64 sf)	$1,250.00 plus $29.00 per sign
iv. Roof sign	$2,270.00 plus $29.00 per sign
v. All other Bldg. Identification signs	$450.00 plus $29.00 per sign
6. RC Freestanding sign	$1,870.00 per sign
7. RC Off-Premises sign	$3,299.00 per sign face
8. RC construction, addition to, or renovation of an Individual Single- or Two-Family dwelling, Addition, outbuilding, or associated accessory Structure	No cost

9. RC paint color	No cost
11. RC demolition NOT considered a High Impact Project	$479.00
12. RC demolition considered a High Impact Project	$1,999.00
(b) Approvals in a Special District (e.g., Hospital, University Quarter, Park) for:	
1. New Construction, Addition to, or Exterior Renovation of a Building or Parking Garage (excluding single-and two-family residential):	$2,789.00
2. Surface Parking lot	$2,789.00
3. On-premise Signs	$2,760.00 plus $29.00 per sign
4. Off-Premises Sign	$3,299.00 per sign
5. Construction, addition to, or renovation of an individual Single or Two-family dwelling, addition, outbuilding, or associated accessory structure	$479.00
6. Single or Two-family residential Subdivision	$2,789.00
7. Master Plan or Use Approval (excluding signs)	$2,789.00

(3) Petition Requesting Approval to Modify a previously-approved petition	
(a) Approval to modify or terminate covenants, commitments, conditions, or development statement in:	
1. D-P or C-S or Special district	$1,999.00
2. all other districts	$1,899.00
(b) Approval to modify or terminate a site plan, elevation or other plan in:	
1. D-P or C-S or Special district	$2,199.00
2. all other districts	$2,099.00
Note: If a petition pertaining to the same property requests approval as described in both subsection a. and subsection b. above, then the fee would be only the higher of the two.	
(c) Approval for one single- or two-family dwelling, regardless of the district, to modify or terminate:	
1. covenants, commitments, conditions, or development statement	$ 479.00
2. site plan, elevation or other plan	$ 529.00
Note: If a petition pertaining to the same property requests approval as described in both subsection 1. and subsection 2. above, then the fee would be only the higher of the two.	
(d) Additional fee for any petition involving a petition over 20 years ago or a petition that has been modified more than twice	$ 159.00

(4) Petition Requesting a Variance or Special Exception	
(a) Variance of Development Standards of the:	
1. Dwelling Districts Zoning Ordinance	$550.00 plus $29.00 for each Variance of Development Standards requested

2. Sign regulations for on-premises sign(s)	$1,970.00 plus $29.00 for each Variance of Development Standards requested
3. Sign regulations for off-premises sign(s)	$3,270.00 plus $29.00 for each Variance of Development Standards requested
4. Commercial, Industrial and all other Zoning Ordinance	$1,970.00 plus $29.00 for each Variance of Development Standards requested
(b) Variance of Use for a:	
1. Single or Two-family Dwelling use	$579.00 plus $29.00 for each variance of development standards requested
2. All other uses	$1,999.00 plus $ 29.00 for each variance of development standards requested
(c) Special Exceptions pertaining to:	
1. Commercial or Industrial Use	$1,650.00 plus $29.00 for each variance of development standards requested
2. Dwelling Use for a Manufactured Home	$ 479.00 plus $29.00 for each variance of development standards requested
3. Religious Use	$1,650.00 plus $29.00 for each variance of development standards requested
4. Wireless Facility	$1,650.00 plus $29.00 for each variance of development standards requested

(5) Petition regarding Plat approval	
(a) Preliminary Plat for a Major Subdivision	$2,999.00 plus $19 per lot
(b) Preliminary Plat for a Minor Subdivision	$2,299.00 plus $19 per lot
(c) Preliminary Plat for a Cluster subdivision	$3,899.00 plus $19 per lot
(d) Additional fee for a Waiver of Subdivision Control Ordinance	$479.00
(e) Secondary Plat for a Major or Cluster subdivision	$1,699.00
(f) Secondary Plat for a Minor subdivision	$499.00

(6) Petition Requesting Vacation or vacation approval	
(a) Vacating a Street or alley right-of-way	$4,299.00 plus $5 per 10 linear foot of the street or alley
(b) All other vacation requests	$2,899.00

(7) Administrative Appeal:

(a) Appeal of the Administrator's interpretation of the ordinance (must be filed concurrently with another petition)	$1,970.00
(b) Administrative Appeal of an Administrative action, such as issuance of an ILP, approval or denial of a development plan submittal, action upon an Administrator's Approval	$2,379.00

(8) Miscellaneous:	
(a) Amendment to a Petition that changes the requested use requiring revised legal notice after legal notice has been published	$799.00
(b) Amendment to a Petition pertaining to the C-S or D-P District requiring revised legal notice after legal notice has been published	$849.00
(c) Amendment to any other Petition requiring revised legal notice after legal notice has been published	$250.00
(d) Subdivision Surety Reduction	$139.00 per surety per section
(e) Sidewalk or Street Sign Inspection of a subdivision and Surety Release	$139.00 per section
(f) Address/Street Name changes:	
1. Request for Change of Address	$300.00 per lot
2. Street Name Change (other than public safety reasons)	$1 500.00 per block
(g) Appeal of Address Guidelines and Standards	$300.00
(h) Certified copy of records, ordinances or other information	$10.00 plus any photocopying charges
(i) Zoning affidavits for licensure (such as auto dealers)	$293.00 ($85.00 minimum)
(j) Research, production or similar work	$85.00 per hour of review (over 1st hour)
(k) Zoning Confirmation (see notes below):	
1. Classification and Enforcement Status	$85.00 minimum
2. History and Non-Conforming Use Research	$85.00 per hour of review (over 1st hour)

(Notes: A Zoning Classification and Enforcement Status consists of a letter stating the zoning district of the property as shown on the most current zoning base maps and states any active code enforcement activity. A zoning classification letter does not include any information on possible variances or commitments also on the site.

History Research of a site, in addition to a statement of current zoning district status, also includes research of zoning and variance petitions, as well as permit history, pertaining to the property.

Nonconforming Use Research involves detailed study of zoning regulations and classifications for a site to assess the legal status of a use or structure on that site, based on historic zoning ordinances and base maps, as well as petition and permit files of the Department of Metropolitan Development.)

(9) Administrator's Approval: (see notes below)	
(a) Specific Review	$99.00
(b) General Review	$279.00

(Notes: In those petitions where the Commission, Hearing Examiner or Committee has granted a rezoning, variance, special exception or approval subject to a variance condition or written commitment that stipulates the review and approval of a final plan by the Administrator, a "specific review" relates to a specified item or items requiring approval, such as signs, landscaping or parking lot layout. A "general review" relates to an overall review of the entire plan and any specific requirements placed on the plan by the Commission, Hearing Examiner, or Committee.

The fee for "Administrator's Approval" shall be assessed, and payment due, at the time of submittal.)

(10) Certificate of Legally Established Nonconforming Use: *	
(a) Single- or Two-family residential use and associated development standards	$299.00
(b) All other uses and development standards	$479.00
* Note: Any research conducted shall be billed at a rate of $85 per hour with an $85 minimum fee.	

~~**B. IMPROVEMENT LOCATION PERMIT FEES:**~~

~~(1) Non-Refundable Application Fee~~	~~$32.00~~

~~(2) New Single-family Construction:~~	
~~(a) Metes and bounds~~	~~$199.00~~
~~(b) Platted Master Permit~~	~~$156.00~~
~~(c) Platted~~	~~$156.00~~

~~(3) Single-family Accessory Buildings and Additions:~~	~~$108.00~~

~~(4) Two-family/Cluster/Attached:~~	~~$199.00~~

~~(5) Other Improvements associated with single- and two-family (including, but not limited to; ponds, satellite dishes, radio towers):~~	~~$108.00~~

~~(6) Multi-Family:~~	
~~(a) New Construction~~	~~$682.00 (plus $29.00 per unit)~~
~~(b) Additions~~	~~$682.00 (plus $29.00 per unit)~~
~~(c) Additions (excluding Dwelling Unit):~~	~~$380.00 for improvements up to and including 1,000 square~~

	~~feet of area (plus $122.00 per additional 1,000 square feet)~~
~~(d) Other Improvements: (including, but not limited to; awnings, ponds, roof line changes, satellite dishes, radio towers)~~	~~$170.00~~

~~(7) Signs~~	
~~(a) Off-Premises sign:~~	
~~i. Sign area up to and including 100 square feet:~~	~~$417.00~~
~~ii. Sign area greater than 100 square feet:~~	~~$838.00~~
~~(b) On-Premises Freestanding Pole, Pylon, Roof, Ground Sign:~~	~~$422.00~~
~~(c) On-premises Building, Wall, Incidental signs others~~	~~$142.00~~
~~(d) Business - awnings or canopies with signs:~~	~~$170.00~~

~~(8) Commercial, Industrial or Special Use:~~	
~~(a) New Construction:~~	~~$380.00 for improvements up to and including 1,000 square feet of area (plus $122.00 per additional 1,000 square feet)~~
~~(b) Awnings, Canopies without a sign:~~	~~$170.00~~
~~(c) Surface Parking:~~	~~$152.00 per every 1,000 square feet of new area~~
~~(d) Other Improvements (including, but not limited to; ponds, satellite dishes, radio towers):~~	~~$170.00~~

~~(9) Floodplain Development Plan Review Fees:~~	
~~(a) Plan Review for New Single-family Construction:~~	~~$183.00~~
~~(b) Plan Review for Single-family accessory buildings, additions, and craft permits~~	~~$117.00~~
~~(c) Plan Review Fees for Commercial and Subdivision Development:~~	
~~i Initial fee for plat and/or plan submittal with up to3 hours of technical review~~	~~$514.00~~
~~ii Hourly rate (over 3 hours)~~	~~$242.00~~
~~(d) Alternative Accelerated Plan Review for Commercial and Subdivision Development~~	
~~i. Accelerated initial fee for plat and/or plan submittal with 1 hour of technical review~~	~~$301.00~~
~~ii. Accelerated hourly rate (over 1st hour)~~	~~$301.00~~
~~(e) Review and approval of community acknowledgement for FEMA removal from floodplain for single family residential structures.~~	~~$93.00~~

~~C.~~B. WAIVER OR MODIFICATION OF FEES

(1) The Commission may at any time for good cause shown, or upon its own motion, waive or modify the applicable filing fee to not less than one hundred ($100.00) dollars, transfer a filing fee and waive or modify the

fee for an Improvement Location Permit required as a part of the decision of the Commission, said permit fee schedule being established by these Rules of Procedure. Modification of the permit fee for an Improvement Location Permit shall not be less than the minimum fee specified by these Rules of Procedure.

(2) To encourage the development of green building projects, the Director of the Department of Code Enforcement is authorized to create and implement a policy discounting or offering rebates for permits issued by the Department of Code Enforcement under these rules for green building projects. Such discount or rebate shall not exceed fifty percent (50%) of the total cost of each permit issued.

(3) The Director of the Department of Code Enforcement is also authorized to create and implement a policy discounting permit issued by the Department of Code Enforcement under these rules for charitable corporations organized under Section 501(c)(3) of the Internal Revenue Code. Such discount or rebate shall not exceed fifty percent (50%) of the total cost of each permit issued.

~~D.~~C. REDUCTION OF FEES

Where three or more petitions are being heard together as companion petitions, the fee shall be 75% of the total fee of all petitions added together.

~~E.~~D. FEES FOR PERMITS OBTAINED AFTER COMMENCEMENT OF WORK

If work for which a permit is required has commenced in violation of the provisions of 2015-P-010 (G.O. 24, 2015) as amended, the permit fee shall be five (5) times the applicable amount stated in Article II, 7; provided, however, that the maximum fee incurred under this section shall be five thousand dollars ($5,000.00) plus the amount of the normal fee for the permit.

~~F.~~E. REFUND OF FEES OF WITHDRAWN OR TRANSFERRED PETITIONS

The Administrator may, upon request and for good cause shown, refund the applicable filing fee if the petition is withdrawn prior to the publishing or mailing of any public notice. The Administrator may, upon request and for good cause shown, refund all except one hundred ($100.00) dollars of the applicable filing fee if the petition is withdrawn before any public hearing. The request shall be in writing and received within 90 days of withdrawal.

The Administrator may, upon request and for good cause shown, transfer the applicable filing fee to another petition pertaining to the same property if the transfer of the petition occurs before any public hearing. The request shall be in writing and received within 90 days of the transfer.

~~G.~~F. DEPARTMENTAL FEE WAIVER

For all departments of the City of Indianapolis, all fees outlined above shall be waived for projects in which 1) a department is the applicant or petitioner and the project is located on property owned by the department or the City of Indianapolis; or 2) the Department of Metropolitan Development or the Commission is the applicant or petitioner.

~~H.~~G. STATE FEE WAIVER

For all departments of the State of Indiana, all fees outlined above shall be waived for projects in which a department is the applicant or petitioner and the project is located on property owned by the department or the State of Indiana.

~~I.~~H. MAINTENANCE OF FUNDS

The Commission shall establish a non-reverting fund to maintain the receipts from any filing fees for petitions and other activities in accordance with IC 36-7-4-411 to defray administrative costs.

~~J.~~I. TREE FUND

The Commission establishes the non-reverting Tree Fund for the purpose of administering the Landscaping and Screening provisions of the Consolidated Zoning/Subdivision Ordinance, such as the Green Factor.

The Tree Fund shall be used by the City of Indianapolis to purchase and plant trees and to maintain the trees for an initial establishment period. The establishment period is typically two growing seasons. The trees shall be installed in and along public rights-of-way and on public lands such as parks.

A contribution of $1000.00 to the Tree Fund provides the contributor one tree credit that may be used for the calculation of the Green Factor requirement.

The Tree Fund may accept other monies not related to the Green Factor.

ARTICLE IV - DOCKETING OF PETITIONS

1. DOCKETING BY ADMINISTRATOR

Each complete petition filed in proper form shall be considered complete when all required application materials, supporting documents, studies or reports, plans, certifications, and other required information have been submitted and all applicable filing fees have been paid. ~~numbered and docketed by the Administrator.~~ W~~w~~ithin ten (10) days after a complete petition has been filed and all applicable filing fees have been received, the Administrator shall number and docket the petition for hearing before the Hearing Examiner, Committee, or Commission, as applicable. ~~for hearing either before the Hearing Examiner or the Commission~~. However, the Commission may, by resolution, adopt any method of assignment of cases it deems appropriate.

A. The Administrator may limit the number of new petitions docketed for the Hearing Examiner.

B. Petitions rezoning to the D-P District shall be scheduled for initial hearing before the Metropolitan Development Commission (not before the Hearing Examiner).

C. Regional Center Approval Petitions that include a High Impact Project shall be docketed directly before the Regional Center Hearing Examiner.

~~**D.**~~ Petitions that affect only property within the corporate boundaries of an excluded city, the legislative body of the excluded city may decide that the legislative body act as the Hearing Examiner and hold the public hearing.

2. TRANSFER TO COMMISSION

The Hearing Examiner may transfer, in his or her discretion, any petition on his or her docket to the full Commission and, in the event of transfer, may require the petitioner to give additional notice to adjoining property owners as is prescribed by these Rules. The Commission may transfer any petition from the docket of the Hearing Examiner to the docket of the full Commission.

3. DOCKET NUMBERS

After determination by the Administrator that a petition, ordinance or resolution is complete and has been presented in proper form with all required exhibits, ~~and~~ supporting documents, and applicable filing fee has been assessed, such petition, ordinance or resolution shall be filed and numbered consecutively in the order of its filing. The docket numbers shall begin anew on January 1, of each year and for all petitions to be heard within that year shall be hyphenated with the numbers of the year, and initial(s) indicating the type of petition, followed by the number of the petition. The system of initials indicating the type of petition shall be established and maintained by the Administrator.

4. ORDER OF HEARING PETITIONS

On the date set for hearing, petitions shall come before the Hearing Examiner, Committee or Commission, as docketed by the Administrator, in the regular order of their consecutive numbers, except that companion variance petitions, companion special exception petitions, companion plat petitions, and/or companion vacation petitions shall be heard concurrently with the related rezoning petition. However, petitions that are appealed, transferred from the Hearing Examiner or continued from a previous hearing shall be heard at the beginning of the public hearing, in the order enumerated above, before the regularly docketed petitions. The Commission may alter the order to assure that all petitioners and interested parties may be heard.

5. DOCKETING PROCEDURES FOR EXPEDITED PETITIONS (HEARING EXAMINER DOCKET ONLY)

Petitions may be scheduled out of their regular consecutive number order, if they are placed on the expedited portion of the docket. Petitions may be expedited and placed on the beginning of the docket by the Administrator only if the following criteria are met:

A. There shall be no known remonstrance to the petition;

B. Staff shall be recommending approval of the petition; and

C. The petitioner shall be in agreement with the commitments and/or conditions as proposed in the written Staff report.

Prior to placing a petition on the expedited docket, Staff shall verbally discuss the commitments and/or conditions with the petitioner or the petitioner's representative.

ARTICLE V - NOTICE

1. NOTICE REQUIREMENTS

Notice of all petitions or other zoning-related matters to be heard by the Hearing Examiner, Committee or Commission, other than proposals to amend or partially repeal the text of the zoning ordinance, shall be given to all interested parties or property owners, in the following manner:

A. NOTICE BY PUBLICATION

When the Commission is required by law to publish a notice of a public hearing on a petition or other matter, such notice shall be published by the Commission at least ten (10) days prior to the date set for the hearing.

B. ADDITIONAL NOTICE - ADDITIONAL NOTICE BY PETITIONERS TO OWNERS OF ADJOINING LAND, NEIGHBORHOOD ORGANIZATIONS AND AFFECTED CITY-COUNTY COUNCILORS

(1) Additional notice of each petition, except Regional Center, Park District One, Hospital District One, University Quarter District One, and Central Business District-Special Approval Petitions, shall be given by the petitioner by registered, certified or first-class mail at least ~~twenty-three (23)~~ ten (10) days before the date of the hearing (on the form prescribed by the Commission) to all of the following parties:

a. owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property.

b. owners of property within the area included in the petition who are not petitioners.

c. owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six-hundred and sixty (660) feet of the perimeter of the subject property described in the petition.

In no event shall notice be required to be given to owners of land located more than six-hundred and sixty (660) feet from the subject property. However, the Indianapolis Department of Public Works (DPW) and the Indiana Department of Transportation (INDOT) shall not constitute a property owner requiring notice if the property is right-of-way used for

street or highway purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT.

(2) Additional notice for Plat petitions and petitions to vacate a plat or a portion of a plat, including but not limited to the vacation of a platted building line or covenant, shall be given by the petitioner by registered, certified or first-class mail at least ten (10) days before the date of the hearing (on the form prescribed by the Commission) to all of the following parties:

a. owners of all adjoining parcels of land in Marion County to a depth of two (2) ownerships within six-hundred and sixty (660) feet of the perimeter of the subject property;

b. owners of property outside of Marion County, regardless of jurisdiction, if their property is within a depth of two (2) ownerships or within six hundred and sixty (660) feet of the perimeter of the subject property described in the petition; and

c. each owner of land in the affected section of the plat.

In no event shall notice be required to be given to owners of land located more than six-hundred and sixty (660) feet from the subject property. However, the Indianapolis Department of Public Works and the Indiana Department of Transportation (INDOT) shall not constitute a property owner requiring notice if the property is right-of-way used for street or highway purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT.

(3) **Petitions to vacate an Alley, Street, Easement, or Public Grounds.** Additional notice of a petition to vacate an alley, street, easement, or public grounds shall give by registered, certified or first-class mail at least ten (10)~~twenty-three (23)~~ days before the date of the hearing (on a form prescribed by the Commission) to all of the following parties:

a. owners of all real estate, or interests therein;

b. all abutting property owners along such street, alley, or public ground to be vacated. If the proposed vacation terminates at mid-block (i.e., at a location other than a right-of-way with an intersecting street), such notice shall include all owners from the termination of the vacation to the next intersecting street, in the same direction, beyond such termination;

c. owners of all adjoining parcels of ground to a depth of two (2) ownerships, within six hundred sixty (660) feet of the perimeter of the subject right-of-way. However, the Indianapolis Department of Public Works or its successor and the Indiana Department of Transportation (INDOT) or its successor shall not constitute a property owner requiring notice if the property is right-of-way used for street purposes, except for interstate right-of-way, in which case notice shall be sent to the INDOT;

d. all public utilities, the Department of Public Works of Indianapolis-Marion County, and the Department of Public Safety of Indianapolis-Marion County;

e. office or board entitled to receive legal notices for any city or town affected by the proposed vacation; and

f. any excluded city, if the proposed vacation is within the boundaries of an excluded City.

(4) For purposes of the notice requirement of this Section, where any of such adjacent parcels of land are owned by petitioner, the subject property shall be deemed to include any land owned by petitioner adjacent to the land described in the petition.

(5) In the case of property that is subject to IC 32-25, each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice to the co-owners of such common area may be given to the association of co-owners.

(6) For the purpose of determining names and addresses of legal title owners, the records in the office of the Assessors of Marion County and the similar office designated for ownership records by each County adjoining Marion County that list the current owner(s) of record at a point in time within fourteen (14) days of the date on which the notice shall be sent, shall be deemed to be true names and addresses of persons entitled to notice and if notice is sent to such persons for the purposes of the hearing before the Hearing Examiner, Committee or Commission, such notice shall be deemed proper.

Such notice shall state:

a. the time and place of the hearing;

b. the geographic area (by address or other identifiable locational or geographic characteristic) that is the subject of the zone map change (this does not require the identification of any real property by metes and bounds);

c. the name of the petitioner;

d. the docket number and a description of the proposed zone map change, approval, variance, special exception, plat or vacation requested in the petition;

e. the petition and file, including the legal description of the subject property, may be examined in the offices of the Commission;

f. that written objections to the petition that are filed with the Secretary of the Commission before the hearing will be considered;

g. that oral comments concerning the petition will be heard; and

h. that the hearing may be continued from time to time as may be found necessary.

(7) Such notice shall also be sent in the same manner to each neighborhood organization whose boundaries include all or some part of the subject property as delineated upon the Neighborhood Organization Map of the Department of Metropolitan Development (a copy of which is on file in the offices of the Commission and incorporated herein by reference). Neighborhood organization notification shall be given for every petition, except Regional Center (non-High Impact Projects), University Quarter District One, and Central Business District-Special Approval Petitions.

Each quarter, a new Neighborhood Organization Map shall be adopted by the Staff. Any neighborhood organization that meets the minimum criteria of organizational status established by the Commission and desires to be included upon the Neighborhood Organization Map of the Department of Metropolitan Development shall file in the office of the Administrator of the Planning Division, on a form prescribed by the Commission, a statement of its name, current address, boundaries, membership, and such other data as may be required by the Commission. No notice shall be required to be sent to any neighborhood organization not appearing on the Neighborhood Organization Map. For purposes of such notice, the names, addresses and boundaries of neighborhood organizations as they appear upon the Neighborhood Organization Map shall be deemed the true names, addresses and boundaries thereof.

The list of those neighborhood organizations entitled to notice shall be provided to the petitioner by the Staff.

(8) Such notice shall also be sent in the same manner to each City-County Councilor whose District includes all or some part of the subject property. City-County Councilor notification shall be given for every petition, except Regional Center (non-High Impact Projects), University Quarter District One, and Central Business District-Special Approval Petitions. The list of those City-County Councilors entitled to notice shall be provided to the petitioner by the Staff.

C. NOTICE ON SUBJECT PROPERTY

Notice for all rezoning, variance, special exception, plat, vacation, PK-2 approval, Regional Center for High Impact Projects, and HD-2 approval petitions, and all companion petitions allowed under the provisions of IC 36-7-4-403.5, on a form prescribed by the Commission, shall be posted at least ~~twenty-three (23)~~ ten (10) days before the date of hearing. Said notice shall be located in a conspicuous place on the subject property along each public street frontage, except Interstate highways. Such notice shall not be located within any public right-of-way, unless authorized by the Administrator. Said notice shall remain posted until resolution of the petition. The

Administrator may require a nominal, refundable deposit for said notice. Deposit shall be refunded upon return of said notice within 60 days of petition resolution.

D. COMMISSION-SPONSORED PETITIONS

The requirements of Sections 1(B) and (C) of Article V shall not be applicable to petitions initiated by the Commission. The Commission shall determine the requirements, if any, for notice on such petitions.

E. ADDITIONAL NOTICE FOR TALL STRUCTURES AND DEVELOPMENT IN NOISE SENSITIVE AREAS

The petitioner applying for a petition involving a structure regulated under IC 8-21-10 shall provide evidence to the Commission that notice was delivered to any public use airport located within the distance described in IC 8-21-10-3 of the structure regulated under IC 8-21-10 not less than sixty (60) days before the initial hearing of the petition. Said notice shall include the direction to send comments to the attention of the Commission.

2. AFFIDAVIT OF NOTICE

Petitioner, his attorney or agent shall furnish evidence of compliance with the notice requirements by filing a notarized statement in the offices of the Commission or the Committee listing the names and addresses of property owners and neighborhood organizations to whom notice was sent by certified, registered or first class mail and certifying that notice was posted on the subject property. Said notarized statement shall be postmarked or filed in the offices of the Commission or the Committee within three (3) days following the mailing of notice.

3. DEFECTIVE NOTICE

If proper notice pursuant to Sections 1 (B) and (C) of Article V has not been given, the Hearing Examiner, Committee or Commission, as the case may be, may continue the petition until a later date to allow time for un-notified persons to prepare for hearing. Personal appearances shall waive any defect in notice unless the defect in the notice is timely raised at the beginning of the hearing when the Hearing Examiner, Committee or Commission is considering requests for continuances.

If the Failure to give proper notice is not discovered until after the hearing, the Commission or the Committee may take the following action:

A. If the petition has been approved by the Committee, Hearing Examiner or the Commission but is not required to be or has not been certified to the City-County Council for its approval, the Commission may order the petition to be reheard by the Committee, Hearing Examiner or the Commission upon proper notice given by the Petitioner.

B. If the petition has been certified to the City-County Council for its approval but not yet approved by the City-County Council, the Commission may rescind its recommendation approving such petition and may direct the Administrator to amend his certification to exclude such petition and shall set the petition for

rehearing by the Committee, Hearing Examiner or Commission upon proper notice given by the Petitioner.

ARTICLE VI - PUBLIC HEARINGS

1. TIME AND PLACE OF PUBLIC HEARINGS

Regular meetings and public hearings of the Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M ~~pm~~ on the 1st and 3rd Wednesday of each month. If the regular meeting day falls on a Legal Holiday, such meeting shall be held on the following day that is not a legal holiday.

Public hearings of the Hearing Examiner normally shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M. on the Thursday of the week following the regular meeting of the Commission. Additional public hearings of the Hearing Examiner may be scheduled at the discretion of the Administrator. If scheduled, said hearing shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 o'clock P.M. on the remaining Thursdays. Public Hearings of the Regional Center Hearing Examiner are scheduled at the discretion of the Administrator. If scheduled, said hearing normally shall be held in the City-County Building, Indianapolis, Indiana, at 10:00 o'clock A.M. on the Thursday of the week following the regular meeting of the Commission.

Hearing dates, times and locations may be scheduled or rescheduled in a timely manner by the Administrator, if the Administrator determines that a scheduled hearing would create a conflict with another scheduled hearing or public meeting.

2. SPECIAL MEETINGS

Special meetings may be called by the President or by two (2) members of the Commission, upon written request to the Secretary, who shall send to all members thereof, at least three (3) days in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the date, time and place of the special meetings are fixed in a regular meeting and all members of the Commission are present at that regular meeting.

3. ALL MEETINGS AND HEARINGS PUBLIC

All meetings and hearings of the Commission, Committee or Hearing Examiner, except such meetings that are legally constituted executive sessions, shall be open to the public and petitioner(s), remonstrator(s) and other persons desiring to be heard shall have the right to give testimony, in accordance with these rules. All meetings and hearings of the Commission, Committee or Hearing Examiner shall be conducted in accordance with the Indiana Open Door Law (IC 5-12-1.5-3.5, as amended from time to time). Staff shall ensure that an accurate record of all meetings is prepared and kept, prepare the agenda for the meeting, notify the members of the meetings and maintain records of the Commission. The final agenda for each meeting or hearing shall be made available not fewer than five (5) days before the meeting or hearing. Once the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable, the agenda is final and no agenda changes are permitted.

4. QUORUM AND OFFICIAL VOTE

A majority of the members of the Commission constitutes a quorum. A quorum must be present for official action at a regular or properly called special meeting. Unless indicated otherwise within these Rules, action of the Commission is not official, unless it is authorized, at a regular or properly called special meeting by:

A. At least five (5) members, when eight (8) or nine (9) members are present at the meeting; or

B. At least four (4) members, when fewer than eight (8) members are present at the meeting.

A simple majority of the total membership shall constitute a quorum of a Committee and action of the Committee is official if concurred in by a simple majority of the total membership of the Committee.

When an electronic voting system is used, the voting period shall remain open for a fixed duration of one (1) minute. During this time, members may cast or change their votes. Once the voting period has expired, no changes to votes shall be permitted. The presiding officer shall then close the vote and announce the result.

5. VIRTUAL ATTENDANCE.

Virtual attendance for meetings of the Commission, Committee or Hearing Examiner is permitted so long as it is done in accordance with IC 5-14-1.5-3.5 (as amended from time to time). If any member(s) participates in a meeting of the Commission, Committee or Hearing Examiner hearing virtually, then all votes shall be by roll call or voice vote.

6. INDECISIVE VOTE

When a vote of the Commission or Committee does not result in an official action of the Commission or Committee as set forth in section 4 above, the petition or resolution shall be automatically re-docketed and heard at the next regularly scheduled meeting of the Commission, unless otherwise rescheduled by the Commission or the Committee at the same meeting at which the indecisive vote occurred.

7. ANY PARTY MAY APPEAR IN PERSON, BY AGENT OR BY ATTORNEY

At all hearings, any party may appear in person, by agent or by attorney.

An attorney or other representative of any party, petitioner or remonstrator may testify as to facts of which said agent has particular knowledge relating to the issues of the petition, but in so testifying the attorney or representative shall be sworn and subject to cross-examination as are the petitioner's or remonstrator's other witnesses.

The Administrator shall appear in person, by agent or by attorney and present evidence, statements and arguments in support of or in opposition to any petition or other matter being considered.

8. APPEARANCE REQUIRED PRIOR TO TESTIMONY AND EVIDENCE BY PARTIES

A. Adverse parties or remonstrators to any petition pending determination and decision by the Commission shall be required to enter a written or oral appearance specifying their names and addresses prior to the presentation of testimony and evidence.

B. Where such appearance is entered at least five (5) days prior to such public hearing, the petitioner shall supply such adverse party or parties with a copy of the petition and plot plan of the property involved, upon written request to the petitioner.

Any person interested in any petition shall have the right to enter a written appearance in the petition. Such written appearance shall indicate the name of the person appearing, or the name of any attorney or agent appearing on behalf of the interested party, and the address and telephone number of the party, attorney, or agent. The filing of the petition shall be deemed as an appearance therein by the petitioner and his attorney or agent. Any person interested in a petition shall also have the right to appear at the public hearing and state his or her issues, without filing a written appearance.

9. CONTINUANCE

A continuance on any non-petition matter shall be at the discretion of the Commission and shall not be eligible for an automatic continuance by the Administrator. A continuance on any petition (all companion petitions shall be considered as one petition) may be granted in one of three ways:

A. Commission/Hearing Examiner/Committee Continuance

The Commission, Hearing Examiner, or Committee may, at any time, on its own discretion, continue the hearing of any petition. The Commission, Hearing Examiner, or Committee may decide if re-notification of interested property owners shall be required if a petition is continued at a hearing for which proper notice was given by petitioner in compliance with the notice requirements of Article V hereof.

B. Automatic Continuance

Each interested party, as defined, petitioner(s) and/or remonstrator(s), shall be granted only one automatic continuance by the Administrator, to be used at either the Hearing Examiner or Commission hearing, provided the continuance request meets the following:

(1) The continuance request must be the first request for continuance by that party.

(2) The continuance request must be made in writing by the party and filed by 5:00 p.m. on the seventh (7th) day prior to the day of the scheduled hearing.

(3) The continuance request shall be for the same body (Commission, Committee, or Hearing Examiner) as originally scheduled.

(4) For the Commission and the Hearing Examiner, the continuance request shall include the new date of the hearing in accordance with the scheduling requirements set forth in these Rules.

(5) The party requesting the continuance shall give notice to all parties required to be served notice by Article V hereof, and to attorneys, agents, or other individuals who have entered their appearance or are known to represent petitioner(s), remonstrator(s), or other parties. Such notice shall be mailed at.

(6) If the continuance is granted to a date other than requested in the written request, the party shall notify all parties entitled to receive notice of the date to which the hearing has been continued and shall file a copy of such notice with the Administrator.

(7) An affidavit of notice shall be submitted to the Administrator at the time the continuance request is filed.

(8) An automatic continuance request cannot be withdrawn after being file-stamped and accepted by the office of the Administrator.

C. Continuance for Cause

All other continuances shall be considered a continuance for cause, which may be granted by the Commission, Hearing Examiner, or Committee at the hearing. The Commission or Hearing Examiner shall base its decision to grant or not to grant the request on testimony from parties at the hearing. At the hearing, written requests for continuance shall be considered prior to verbal requests for continuance. The Commission shall give strong consideration to the first continuance made by a City-County Councilor for a petition where a City-County Councilor has appealed a decision of a BZA regarding a variance of use.

10. MOTION TO DISMISS

In order for a remonstrator's "motion to dismiss" to be considered by the Hearing Examiner, Committee or Commission, said motion must be filed with the Administrator, and a copy served upon petitioner or designated agent, no later than the Friday before the date of the scheduled hearing. Failure to comply with this provision shall result in summary dismissal of the "motion to dismiss" by the Hearing Examiner, Committee or Commission.

11. TIME ALLOWED AND PROCEDURE FOR HEARING OF RESOLUTIONS

Interested parties for and against a resolution, respectively, shall be permitted a total of ten (10) minutes each for the presentation of evidence, statements and argument at the public hearing for resolutions that require a public hearing before the Committee or Commission, as follows:

A. Persons appearing in opposition of the resolution being heard shall first have ten (10) minutes for the presentation of evidence, statements and arguments in opposition of the matter being considered.

B. Persons appearing in support of the resolution shall then have ten (10) minutes for the presentation of evidence, statements and argument in support to the matter being considered.

C. A reasonable additional time shall be allowed for any member of the City-County Council to provide testimony regarding a resolution.

D. The Director of the Department of Metropolitan Development in person, by agent or by attorney shall be given a reasonable time for the presentation of evidence, statements and arguments in support of, or in opposition to, the matter being considered.

12. TIME ALLOWED AND PROCEDURE FOR HEARING OF PETITIONS

Petitioners and remonstrators, respectively, shall be permitted a total of ~~twenty (20)~~ fifteen (15) minutes each for the presentation of evidence, statements and argument at the public hearing of every petition that requires a public hearing before the Hearing Examiner, Committee or Commission, as follows:

A. **Staff** shall present its review of the request, recommendation, and evidence, if any. Then;

B. **Petitioners** and persons appearing in support of the petition being heard shall first have ten~~fifteen~~ (10~~5~~) minutes for the presentation of evidence, statements and arguments in support of the matter being considered.

A reasonable additional time shall then be allowed by the Hearing Examiner, Committee or Commission for cross-examination and redirect examination of petitioner's witnesses.

C. **Remonstrators** and persons appearing in opposition to the petition shall then have ~~fifteen (15)~~ ten (10)~~-~~minutes for the presentation of evidence, statements and argument in opposition to the matter being considered.

A reasonable additional time shall then be allowed by the Hearing Examiner, Committee or Commission for cross-examination and redirect examination of remonstrator's witnesses.

D. A reasonable additional time shall be allowed for any **member or member-elect of the City-County Council** to provide testimony regarding a petition.

E. The **Administrator** in person, by agent or by attorney shall be given a reasonable time by the Hearing Examiner, Committee or Commission for the presentation of evidence, statements and arguments in support of, or in opposition to, the matter being considered.

F. The **petitioner** shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of remonstrators' or the Administrator's evidence, and a brief closing statement.

G. **Remonstrators** and persons appearing in opposition to the petition shall then have five (5) minutes for rebuttal that shall include only evidence, statements and argument in rebuttal of petitioner's rebuttal evidence or the Administrator's evidence and a brief closing statement.

H. A reasonable additional time may be allowed for any **member or member-elect of the City-County Council** to provide rebuttal testimony.

I. Neither petitioners nor remonstrators shall be permitted to reserve for rebuttal any time not used during their initial presentations.

J. The Chairman, President or Hearing Examiner may, at their discretion, extend the presentation time for a petitioner or remonstrator appearing on behalf of a group to up to fifteen (15) minutes for the presentation of evidence, statements, and arguments in support of or in opposition to the matter under consideration.

K. The presiding President, Chairman or Hearing Examiner, as the case may be, shall have authority to cut off repetitious and irrelevant testimony, and also shall have authority, unless, in the case of the President being otherwise directed by a majority of the Commission in session at that time, to extend specified periods of time, when it is appropriate in the interest of affording to all interested parties a fair hearing.

L. Letters and written communication mailed, hand delivered, emailed to the Staff or submitted through the Commission website no later than 4:00 PM on the day, five (5) calendar days prior to the hearing date will be included in the hearing packet sent in advance to the Commission, Committee or Hearing Examiner as the case may be.

All supporting documents, exhibits, revised materials, other materials an applicant wants reviewed or included in the hearing packet, and any Presentation must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the hearing or meeting. Applicant materials submitted after that deadline will not be included in the hearing packet, added to the agenda, or reviewed at the scheduled hearing or meeting; the applicant must request a continuance and shall not receive automatic accommodation for the missed deadline, except that the City retains sole discretion to accept a Presentation submitted after that deadline. That discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. Letters and website submissions received after the public-comment deadline will be included in the case file and made available to the Commission, Committee or Hearing Examiner at the hearing.

13. ORDERLY CONDUCT REQUIRED

~~Every person appearing at the hearings shall abide by the order and directives of the presiding officer. Discourteous, disorderly or contemptuous conduct shall be regarded as a breath of the privileges extended by the Commission and shall be dealt with by the presiding officer as is deemed fair and proper.~~

A. Pursuant to Indiana law, every person attending a hearing of the Commission or Committee shall abide by the order and direction of the Commission or the Committees' presiding officer. Every person appearing before the Hearing Examiner shall abide by the order and direction of the Hearing Examiner. Attendees shall not engage in behavior that disrupts a meeting. Attendees shall not engage in audible conversations that are disruptive and shall exhibit respect to the Committee, Commission, the Hearing Examiner, the Administrator, Staff and other individuals attending the public meetings. All cell phones and other electronic devices should be silenced or turned off during public meetings. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of these rules and shall be dealt with as the presiding officer directs, which may include directing the attendee to leave the meeting and, if the attendee refuses, directing a law enforcement officer to remove the attendee from the meeting. Attendees shall not address the Commission, the Committee or the Hearing Examiner except as provided herein.

B. If an attendee engages in disruptive behavior, then the presiding officer of the Commission or Committee, or the Hearing Examiner may respond in the following manner:

1. Issue three (3) verbal warnings to the disruptive attendee.
2. After issuing the third warning, if disruptive behavior from the attendee continues, the attendee will be directed to leave the meeting.
3. If an attendee refuses to leave the meeting when directed by the presiding officer for a violation of these rules, then the presiding officer may direct a law enforcement officer to remove the attendee from the meeting.
4. Nothing in this section shall be interpreted to prohibit a law enforcement officer from immediately removing an attendee from a meeting if: (i) removal of the attendee is necessary to maintain order or ensure the safety of another person; (ii) the attendee commits a criminal offense; or (iii) the attendee violates these rules and procedures.

14. CONTACTING ANY COMMISSION MEMBER, COMMITTEE MEMBER OR HEARING EXAMINER REGARDING PENDING PETITION PROHIBITED; ADMINISTRATOR'S WRITTEN STATEMENT OF FACTS OR OPINION TO BE FILED NOT LESS THAN SIX (6) DAYS PRIOR TO THE HEARING

No person shall contact any member of the Commission, Committee or Hearing Examiner, as the case may be, in advance of a public hearing, on a petition then pending for decision with intent to influence such person's action on such petition, except that the staff of the Division may submit, not less than six (6) days prior to any proposed

hearing, a statement in writing, stating any facts concerning the physical characteristics of the area involved in the petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts.

The staff of the Division may include in any such statement an opinion of the proposed amendment or other pending petition. A copy of such statement shall be furnished simultaneously to all persons shown of record.

In all petitions to be heard by a Hearing Examiner, any person disagreeing with the written statement of the staff of the Division shall be afforded the opportunity to file a written response thereto not less than two (2) days prior to hearing which shall be considered by the Hearing Examiner in evaluating such staff comments.

However, nothing herein shall prohibit any interested party from requesting a continuance, in writing, as provided for by these rules.

15. NO DECISION OR FINDING CONCERNING A VARIANCE, SPECIAL EXCEPTION, OR VACATION UNLESS BASED UPON FACTS IN PERMANENT RECORDS AND/OR WRITTEN STATEMENT FILED BY ADMINISTRATOR

No decision or finding of the Hearing Examiner, Committee or Commission shall be made concerning a variance, special exception, or petition to vacate all or part of a plat unless it is based upon facts submitted at a hearing and made a part of the permanent record and/or such written statement filed by the Administrator, the Administrator's agent or the Administrator's attorney.

Provided, however, nothing herein contained shall deny the right of the Hearing Examiner, Committee or Commission members to inspect land involved in any petition to be heard by the Commission.

16. DISQUALIFICATION OF COMMISSION OR COMMITTEE MEMBER OR HEARING EXAMINER IN CASE OF PERSONAL OR FINANCIAL INTEREST

1. A member of the Commission, Committee or a Hearing Examiner who has some personal or direct or indirect financial interest in any petition or resolution presented, or is biased or prejudiced or otherwise unable to be impartial, shall disqualify himself or herself insofar as the particular petition or resolution is concerned and shall not participate as a member in the Committee's or Commission's hearing, findings of fact for a variance, special exception, or vacation, or decision. The member disqualifying himself or herself shall do so before the hearing of that particular petition or resolution. The record of the particular petition or resolution concerned shall note any such disqualification.

   If the Hearing Examiner must disqualify himself or herself in accordance with this section, the petition(s) shall be forwarded directly to the Commission for initial hearing.

2. If the existence of a personal or financial interest under this Section is disputed, the presiding President or Chairman, as the case may be, shall make a summary

determination on the record after allowing brief statements from the member of the Commission or Committee, as the case may be, and any party who raises the conflict. The Chairman/President's determination shall be final and binding for purposes of the relevant proceedings. If the Chairman/President determines that a conflict exists, the member shall be disqualified under this Section and shall not participate in the hearing, deliberation, findings of fact, or vote on the matter and shall leave the hearing room during testimony and deliberations on the petition. The minutes shall reflect the objection, the Chairman/President's ruling, and the member's disqualification, if ordered.

17. AMENDMENTS TO ANY PETITION

~~Requests to amend any petition may be filed in writing prior to or at the beginning of any hearing, or made orally at the hearing. Any remonstrators present shall have the right To be heard on any objections they may have to such proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and readvertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Further, in any petition needing re-docketing and re-advertising, the petitioner shall pay an additional filing fee.~~

Requests to amend any petition must be filed in writing before the agenda-materials deadline in Article III, Section 2 and before the City sends the agenda to the Commissioners, Committee members, or Hearing Examiner, as applicable. No oral request to amend a petition may be made at the hearing if it would require an agenda change or consideration of materials not timely submitted. Any remonstrators present shall have the right to be heard on objections to a timely proposed amendment. It shall be within the discretion of the Commission, Committee or Hearing Examiner to grant or deny timely requests for amendments and to require re-notification in compliance with Article V. Provided, however, any proposed amendment to change the zoning classification shall be re-docketed and re-advertised unless the proposed change is for a use allowed in the zoning classification originally petitioned for. Any amendment requiring re-docketing, re-advertising, revised notice, or a change to the final agenda shall require the applicant to request a continuance and shall not receive automatic accommodation; the petitioner shall pay any additional filing fee required.

18. COMMITMENTS, AMENDMENTS AND SUPPLEMENTS TO SUPPORTING DOCUMENTS

~~Requests to amend or supplement supporting documents to any petition, including revised site plan, revised elevations, proposed commitments and conditions, must be filed no later than the Monday of the week prior to the week of the scheduled hearing.~~

~~If supporting documents (including information which may be used to support staff's position) are amended or supplemented between the Monday of the week prior to the week of the scheduled hearing and the beginning of the hearing, or at the hearing, it shall be within the discretion of the Commission, Committee or Hearing Examiner to continue the petition. In making this determination, consideration shall be given to whether or not the staff, petitioners, and any remonstrators have had sufficient time to adequately review these new supporting documents.~~

All requests to amend or supplement supporting documents to any petition, including revised site plans, revised elevations, exhibits, proposed commitments and conditions, any Presentation, and any other materials an applicant wants reviewed, must be submitted in final form for inclusion with the agenda not fewer than five (5) days before the scheduled hearing or meeting. Except for a late Presentation accepted by the City in its sole discretion under this Section, no exceptions to this deadline are permitted.

Materials submitted after the deadline in this Section shall not be added to the agenda, included in the hearing packet, or reviewed at the scheduled hearing or meeting, except for a Presentation accepted by the City in its sole discretion. The City's discretion applies only to the late Presentation and does not extend to any other materials or submissions subject to the deadline. A Presentation accepted after the deadline must not conflict with any timely submitted materials or submissions; if a conflict exists, the timely submitted materials or submissions control. If an applicant misses the deadline for any materials or submissions other than a late Presentation accepted by the City in its sole discretion, the applicant must request a continuance; the missed deadline shall not be automatically accommodated, and the Commission, Committee or Hearing Examiner shall not be required to continue the petition solely to accommodate late-submitted materials.

19. ALL TESTIMONY UNDER OATH

All testimony before the Commission, Committee or Hearing Examiner shall be given under oath or affirmation that shall be administered by some person qualified to administer oaths.

20. MINUTES AND RECORD OF HEARING

The Hearing Examiner, Committee and Commission shall keep minutes of his/her or its proceedings, investigations and other official action and in all petitions heard by him/her or the Committee or Commission; and shall record the vote on all action taken. A shorthand, stenotype or electronic record shall be made of all hearings of the Commission, Committee or Hearing Examiner and shall remain on file in the offices of the Metropolitan Development Commission for a period of six months following the hearing and determination. All minutes and records filed in the offices of the Commission shall be public records.

A transcription of such verbatim record of any hearing may be ordered by any party, and the cost thereof shall be paid by the party ordering such copy or copies.

21. RECORD OF VOTING

In all petitions heard by the Commission or Committee, the Commission's vote shall be by ballot or recorded by roll call vote. All such ballots shall remain on file in the offices of the Commission and shall be public records. Rezonings, approval, variances, special exceptions, plats and vacation petitions shall be voted on as separate cases.

22. SEPARATION / WITHDRAWAL OF COMPANION PETITIONS

When petitions are filed and docketed as companion petitions, those petitions may not be separated for continuance or hearing purposes, until the required hearing process

causes the petitions to be separated. Individual petitions, however, may be withdrawn, as allowed by Article VIII, Section 2.

ARTICLE VII - RECOMMENDATION

1. RECOMMENDATION OF THE HEARING EXAMINER

Upon the conclusion of the hearing before all Hearing Examiners, the Hearing Examiner shall announce whether his or her recommendation to the Commission shall be that the petition(s) be approved, disapproved, or approved subject to conditions, amendments or commitments by the petitioner, and at such time the Hearing Examiner shall announce the date of final action by the Commission on the Hearing Examiner's recommendation.

2. HEARING EXAMINER'S COMMENT

The Hearing Examiner shall report his or her findings of fact and his or her recommendation to the Commission.

3. COVENANTS AND COMMITMENTS

A. COVENANTS

Any parole covenants made to the Hearing Examiner or the Commission, such parole covenants, being defined as any representation of fact or intention made verbally in a public hearing and identified by the person making the same as a covenant, or any plans, drawings or exhibits submitted pursuant to said ordinance, shall be reduced to the form of a recordable written covenant(s) and signed by the owner(s) of the real estate. The written covenants shall authorize their recording by the Division in the office of the Recorder of Marion County, Indiana, upon the final adoption of the Zoning Ordinance by the City-County Council. Following the recording of the covenants, the Division shall return the original recorded covenants to petitioner and shall retain a copy of the recorded covenants in its file. The covenants shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Covenants may be modified by a decision of the Metropolitan Development Commission, or its successor, made at a public hearing after proper notice has been given. Any modification of the covenants approved by the Commission shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission, and recorded in the office of the Recorder of Marion County, Indiana. The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. of these Rules of Procedure.

B. COMMITMENTS

If deemed advisable, the party hearing the petition, (the Hearing Examiner, the Commission, or the City-County Council), may require or permit the petitioner to make written commitments concerning the use or development of the subject property. The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for as long as the real estate to

which they apply remains zoned to the classification to which the real estate was zoned when the commitments were made or for such other length of time as the Commission may require and the commitment(s) shall authorize their recording by the Division in the Office of the Recorder of Marion County, Indiana upon the final adoption of the Zoning Ordinance by the City-County Council or upon adoption of an approval, variance, special exception, vacation or plat petition by the Commission. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.

The commitments shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development. of these Rules of Procedure.

The party hearing the petition, (the Hearing Examiner, the Commission, or the City-County Council), may require in such commitment the designation of any specially affected persons, who (in addition to persons entitled to receive notice of the rezoning under Article V, Section 1(B) shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015.

The commitments may be modified or terminated by a decision of the Metropolitan Development Commission, or its successor, made at a public hearing after proper notice has been given, or by a decision of the City-County Council, as it is considering a rezoning petition, in accordance with Article VIII, 5, of these Rules. Any modification or termination of the commitments approved by the Commission or City-County Council shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission or City-County Council, and recorded in the office of the Recorder of Marion County, Indiana.

If the effect of a modification of commitment made by the City-County Council is to make the commitment less stringent than the commitment approved by the Metropolitan Development Commission, the modified commitment shall be referred to the Commission for further review. The Commission shall, not later than forty-five (45) days after referral of the modified commitment:

A. ratify the modified commitment; or

B. certify a recommendation to the City-County Council that the commitment be further modified.

After considering the recommendations of the Commission, the City-County Council shall make the final decision on the terms of the modified commitments.

The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

4. ADMINISTRATOR'S APPROVAL AUTHORIZED

The Administrator is authorized to grant or deny final plan approval in the following instances:

A. In those petitions where the Commission, Hearing Examiner, or Committee grants a rezoning to the D-P District or in other petitions for rezoning, variance, special exception, approval, plat or vacation (as noted in Article III) that are subject to a condition or written commitment that stipulates the review and approval of a final plan by the Administrator;

B. In Regional Center petitions; and

C. In applications and petitions authorized by the applicable zoning ordinance.

5. AUTHORITY AND REVIEW PROCESS OF ADMINISTRATOR'S APPROVAL

The Administrator shall have the following authority and shall follow the following procedures in the review process:

A. Administrator's approval of final plans shall be obtained prior to applying for an Improvement Location Permit. It is suggested that the Administrator be consulted early in the design stage of the project in order that any needed changes can easily be incorporated in to final plans. (This suggestion is not to be interpreted as a requirement for approval.)

B. The scope of review of a final plan by the Administrator may include, but not be limited to, one or more of the following development aspects:

(1) site layout;

(2) building location, configuration and appearance (i.e. elevations);

(3) parking location, count, and configuration;

(4) interior traffic flow;

(5) ingress and egress to the development

(6) sign location, size and design;

(7) extent, placement, and specifications for landscaping, and landscape screening;

(8) fencing, fence location, height, materials, and elevations;

(9) pedestrian connectivity and public transit accessibility; and

(10) an illumination or lighting plan;

(11) requirements of the D-P or C-S District; or

(12) requirements of the ordinance of the specific district in which it is located.

C. In exercising discretion to approve or disapprove a final plan, the Administrator shall use the following standard:

1. If the condition or written commitment indicates that the applicable development aspects will comply with certain written standards (e.g. Architectural Graphics Standards) or a development example (e.g., a development project in existence in Marion County), the Administrator will be guided by the standard expressed by the written document or example.

2. If a standard is not provided under a., the Administrator will be guided by the comments prepared and presented in the staff report, statements made at the hearing by the petitioner, remonstrators and other interested parties and comments made by decision makers during the course of the hearing.

3. If a standard is not provided under a., and if comments and statements mentioned in b. do not provide an adequate standard, the Administrator shall consider what is "good professional practice under the circumstances". In determining what is good professional practice under the circumstances, the Administrator will be guided by the characteristics of similar development of superior quality in Marion County.

The standard applied by the Administrator is not confined to the standard that can be inferred from the development standard of the applicable zoning district and may include standards described in plans and/or testimony presented at the public hearing and agreed to in principle by the petitioner.

D. If the Administrator does not approve a plan submitted by the petitioner, and no alternative plan acceptable to both parties can be agreed upon, the petitioner shall have the right to appeal such action of the Administrator. Such an appeal shall be filed as an approval petition for an Administrative Appeal. This appeal must be filed within 23 days from the date of the denial or the approval, unless otherwise indicated by ordinance.

E. Any interested party shall have the right to appeal such action of the Administrator. Such appeal shall be filed as an approval petition for an Administrative Appeal. This appeal must be filed within 23 days from the date of the decision by the Administrator, unless otherwise indicated by ordinance.

6. FILING OF REQUEST FOR APPEAL OF THE HEARING EXAMINER OR COMMITTEE

Any interested party, including the Administrator, may file a request for an appeal of a decision or the recommendation as certified to the Commission by the Hearing Examiner or Committee. Said request for appeal shall simply state that the party requests a hearing by the Commission. Appeals shall be filed in the offices of the Commission as follows:

Rezoning, companion variance (only associated with a rezoning petition allowed by IC 36-7-4-918.8) or modification petition:	By five (5) p.m., five (5) days following the Hearing Examiner or Committee decision.
Approval petition for special districts allowed by IC 36-7-4-1400 series:	By five (5) p.m., five (5) days following the Hearing Examiner or Committee decision.
Plat or vacation petition as a companion petition in a combined hearing allowed by IC 36-7-4-403.5:	By five (5) p.m., five (5) days following Hearing Examiner or Committee decision.
Variance or modification of a variance or special exception petition as a companion petition in a combined hearing allowed by IC 36-7-4-403.5:	By five (5) p.m., five (5) days following Hearing Examiner or Committee decision.

7. SERVICE OF REQUEST FOR APPEAL UPON OTHER PARTIES

Upon the same day as a request for appeal is filed in the offices of the Commission, a copy thereof shall be served, personally or by first class, registered or certified mailing, upon the opposing party as follows: a remonstrator shall serve petitioner's attorney or, if none has appeared, the petitioner as named and at the address stated in the petition; a petitioner shall serve all remonstrators' attorneys who appeared at the hearing and, if none appeared, shall serve the first two persons who spoke on behalf of remonstrators, at their addresses as stated at the hearing; the Administrator, upon filing a request for appeal, shall serve both petitioner and remonstrators as above provided. A certificate evidencing such service shall be filed with the Commission.

8. DOCKETING FOR COMMISSION ACTION

Every petition subject to the Commission's review shall automatically be placed on the docket of the next regular meeting of the Metropolitan Development Commission held not sooner than five (5) days after the expiration of the time for filing a request for an appeal in such petition, provided, however, no petition shall be so docketed until all the covenants and/or commitments required or allowed by the Hearing Examiner or Committee, and which comply with the requirements of Article VII, shall have been filed with the Administrator. At each hearing before the Hearing Examiner or Committee, notice of such hearing dates before the Commission shall either be posted or announced by the Hearing Examiner with respect to petitions heard on such day. Each such hearing before the Commission shall be deemed a continuation of the hearing before the Hearing Examiner and no further advertisement or notice of such Commission hearing shall be required.

9. ACTION BY THE COMMISSION WITHOUT HEARING IF NO REQUESTS FOR APPEAL FILED

As to any petition in which no requests for appeal are filed, as and within the time permitted, and in which the stipulated commitments have been executed and submitted, the Commission shall, without allowing further evidence or argument by the parties, act upon the recommendation for decision certified by the Hearing Examiner, at the first meeting of the Commission at which the petition(s) appears on the Commission docket or at any subsequent meeting to which said petition may be continued.

At said time the Commission may either (1) approve the recommendation of the Hearing Examiner, or (2) set the petition(s) for hearing at the next regularly scheduled meeting of the Commission. If said petition(s) is scheduled for hearing as set forth above, the Administrator shall notify in writing those persons designated in Section 7, and in said notice set forth the time and place that said petition(s) will be heard by the Commission.

10. HEARING BY COMMISSION IF REQUEST FOR APPEAL FILED OR INITIAL HEARING BY COMMISSION

If a request for an appeal is filed, as and within the time permitted in Section 6, or in an initial hearing by the Commission, the Commission shall proceed to hear the petition at its first meeting at which the petition appears on its docket or at any subsequent meeting to which the same may be continued.

At such hearing, all parties, including the Administrator, shall be allowed to present evidence and argument relevant to the petition, as provided for in Article VI, Section 6.

Any commitment required or allowed by the Commission and any parole or written covenant submitted by the petitioner at such hearing shall comply with all requirements of form and recording set forth in Article VII, Section 3. In such commitment, the Commission may require the designation of any specially affected persons or categories of specially affected persons, who (in addition to persons entitled to receive notice of the rezoning under Article V, Section 1(b)) shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. At the conclusion of such hearing, the Commission shall make its decision on said petition(s).

11. WITHDRAWAL OF REQUEST FOR APPEAL

Any person filing a request for appeal of the recommendation certified by the Hearing Examiner or Committee shall have the right to withdraw the same prior to the hearing of the petition before the Metropolitan Development Commission. If all such requests in a petition are withdrawn, the Metropolitan Development Commission shall proceed to act upon the petition(s) in the same manner as it would have had the request(s) not been filed.

ARTICLE VIII - FINAL DISPOSITION OF PETITIONS

1. DISMISSAL OF PETITIONS

The Commission, Committee or Hearing Examiner may dismiss a petition for want of prosecution or for lack of jurisdiction.

No parcel of ground that has been included in any petition that has been dismissed by the Hearing Examiner, Committee or Commission for want of prosecution shall again be included in any petition filed for consideration within a period of three (3) months from the date of the dismissal, except upon motion to permit refiling by a majority vote of all members present at a regular or special meeting, for good cause shown.

2. WITHDRAWAL OF PETITIONS

No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No parcel of ground that has been included in a petition that has been withdrawn by the petitioner shall again be included in any petition filed for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit refiling, adopted by a majority vote of all members of the Commission who are entitled to vote, for good cause shown. A petition, docketed for the Commission, may be withdrawn after hearing and recommendation by the Hearing Examiner or Committee.

3. REFILING/RE-DOCKETING FOLLOWING ADVERSE DECISION

A. No parcel of ground, or part of a parcel that has been the subject of an adverse decision of **a rezoning or variance of use** petition shall be included in a rezoning or variance of use petition filed within a period of twelve (12) months from the date of either the adverse decision by the Commission, or an adverse decision of the City-County Council, or an adverse decision of any Division of the Metropolitan Board of Zoning Appeals, unless the body which previously denied the petition decides, by a majority vote of all members present, or in the case of an adverse rezoning decision, the Commission decides by an official vote, to allow a refiling within the twelve (12) month period.

B. No parcel of ground, or part of a parcel that has been the subject of an adverse decision of a **variance of development standards, special exception, plat or vacation petition** shall be included in a variance of development standards, special exception, plat or vacation petition filed within a period of twelve (12) months from the date of either the adverse decision by the Commission, or an adverse decision of any Division of the Metropolitan Board of Zoning Appeals, unless the body which previously denied the petition decides, by a majority vote of all members present to allow a refiling within the twelve (12) month period.

C. No parcel of ground that has been the subject of an adverse decision of an **approval or modification petition** by the Commission shall again be included in an approval or modification petition filed for consideration by the Commission, Committee or Hearing Examiner within a period of three (3) months from the date of an adverse decision by the Commission, except upon motion to permit refiling adopted by the determination of the Hearing Examiner, Committee or an official vote of the Commission, whichever the case may be.

D. Notice shall be given to all interested parties or property owners of any request to secure a waiver of this rule, in accordance with the notice requirements of Article V of these Rules of Procedure.

4. NOTICE OF COMMISSION'S DECISION

Within five (5) days after granting a zone map change, approval, special exception, variance from the terms of the zoning ordinance, plat or vacation, the Commission shall file with the Division a copy of its decision.

However, if a representative of the Division appears at the hearing granting a zone map change, approval, special exception, variance from the terms of the zoning ordinance, plat or vacation then this appearance shall be considered notice to the Division of the Commission's decision, and a copy of the decision need not be filed.

The Commission, when it has a hearing, or the Hearing Examiner, when he/she makes a decision on a petition which is not appealed, shall condition the grant of variance, special exception, or plat in such a manner that it takes effect if and when the recommended ordinance amendment is approved by the City-County Council.

5. ZONE MAP CHANGES: ADOPTION BY CITY-COUNTY COUNCIL AFTER APPROVAL BY METROPOLITAN DEVELOPMENT COMMISSION

A. CERTIFICATION

If a zoning ordinance changing the zone maps is approved, denied, or no recommendation is made by the Commission, the Administrator, or the Administrator's agent, shall, within ten (10) days following the decision, certify a copy of the ordinance, if the petition is approved, or a copy of the Commission's decision, if the petition is not approved, to the clerk of the City-County Council, provided, however, no petition shall be considered finally approved by the Commission or be so certified until all the covenants and/or commitments required or allowed by the Commission, and which comply with the requirements of Article VII, shall have been filed with the Administrator.

B. ADOPTION OF ZONE MAP CHANGES

At the first regular meeting of the City-County Council after a proposal to change the zone maps is certified, the Council may, by a majority of those voting, schedule the proposal for a hearing on a date not later than its next regular meeting.

(1) If the Council:

a. Fails to schedule the proposal for a hearing; or

b. Schedules it for a hearing but fails to act on it within thirty (30) days after certification; the ordinance takes effect as if it had been adopted (as certified) thirty (30) days after certification.

(2) If the Council schedules the proposal for a hearing, it shall announce the hearing during a meeting and enter the announcement in its memoranda and minutes. The announcement must state:

a. The date, time and place of the hearing;

b. A description of the proposed changes in the zone maps;

c. That written objections to the proposal filed with the Clerk of the Council will be heard; and

d. That the hearing may be continued from time to time as may be found necessary.

(3) If the Council rejects the proposal at a hearing scheduled, it is defeated. Rejection of the proposal does not preclude it from being proposed again under IC 36-7-4-608, subject to Section 3 above.

C. CITY-COUNTY COUNCIL APPROVAL OR REJECTION OF ZONE MAP CHANGES

If the City-County Council holds a public hearing as above provided, it may take action with respect to said proposal by a three-fifths (3/5) vote of its full membership. If said ordinance is approved, the Commission shall then make the necessary modifications of the zone maps and shall keep them available in the offices of the Division.

D. WITHDRAWAL OF PETITIONS PENDING BEFORE THE CITY-COUNTY COUNCIL

Petitions may be withdrawn by the petitioner after the Commission approves the petition and before the City-County Council votes.

6. FINAL DISPOSITION OF VACATION PETITIONS

A. HEARING CONCLUSION

Upon the conclusion of the hearing, the Hearing Examiner, Committee or Commission shall find and decide whether the vacation is in the public interest; whether any interests of the public, any utility or governmental unit shall be reserved, and any other conditions to be imposed in the decision; and whether there shall be a hearing on assessment of benefits or award of damages.

(1) Vacation without assessment of benefits or award of damages.

In any vacation case in which there has been no acquisition by governmental condemnation or purchase, no construction or maintenance by a governmental agency and no public use of the subject property, or any part thereof, there shall be no assessment of benefits. No benefits shall be assessed against any land in governmental or public ownership, or to be vacated for governmental or public use or for use by a semi-public institution or agency engaged in a public, non-proprietary function, such as education or welfare.

(2) Vacation petitions with assessment of benefits.

All other vacation petitions are with assessment of benefits. The assessment of benefits may occur at the same hearing as the vacation petition, or at the next regularly scheduled hearing after the vacation petition is approved.

Petitioner shall select, from a panel of appraisers designated by the Commission (a list of which is on file in the office of the Division), an

appraiser who, upon his selection by petitioner and notification thereof by the Secretary of the Commission, shall appraise any benefits to property or interests beneficially affected by the vacation. One copy of the appraisal report shall be filed at least 10 days prior to the hearing on the assessment. The appraisal fee shall be paid by Petitioner at the hearing upon assessment of benefits or within 10 days thereafter.

Upon the conclusion of the hearing, the Hearing Examiner, Committee or Commission may either sustain or modify the assessments of benefits.

Payment of assessments shall be by check payable to the City Controller at the hearing upon assessment of benefits or within one year thereafter.

B. RECORDING VACATIONS

The Administrator shall not record the adopted Vacation Resolution until after all appeal periods have passed, or after final disposition of an appealed vacation petition. Within one year of the vacation approval (unless time extended by the Hearing Examiner, Committee or Commission), the petitioner shall indicate, in writing, compliance with all conditions required by the vacation that were required to be completed prior to recording said vacation. After the compliance letter is received and after all assessment and appraisal fees have been paid by the petitioner, the Administrator shall be authorized to record with the Marion County Auditor and the Marion County Recorder certified copies of the adopted Vacation Resolution, survey, and Hearing Examiner, Committee or Commission's decision.

C. COMMITMENTS.

If deemed advisable, the Committee may require or permit the petitioner to make written commitments concerning the use or development of the subject property.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Committee may require and the commitment(s) shall authorize their recording by the Division of Planning in the Office of the Recorder of Marion County, Indiana upon adoption of a vacation or plat petition by the Committee. Following the recording of the commitments, the Division shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file. The commitments shall be in substantially the form set forth by the Commission.

Copies of the Exhibit forms are available from the Department of Metropolitan Development. The Committee may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015. The commitments may be modified or terminated by a decision of the Committee, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Committee shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by

the Committee, and recorded in the office of the Recorder of Marion County, Indiana. The modification or termination shall be in substantially the form set forth by the Commission. Copies of the Exhibit forms are available from the Department of Metropolitan Development.

7. LETTER OF GRANT OR DENIAL

Following final action on a zone map change, approval, special exception, variance, plat or vacation petition, the Administrator shall notify the petitioner of the final decision by sending the petitioner a letter of grant or denial that shall include, if a letter of grant, all conditions imposed.

8. VARIANCE CONDITIONS IMPOSED BY COMMISSION -AFFIDAVIT OF COMPLIANCE

Whenever the decision of the Commission is conditioned upon petitioner's compliance with a requirement imposed by the Commission concerning construction or site development (e.g. installation of landscaping, fencing, paving, curb stops or any comparable requirement) and such condition is recited in the notice to petitioner of the Commission's decision. Petitioner shall be required to notify the Commission of the timely fulfillment of such requirement by filing an affidavit of compliance in the offices of the Commission. If the time for fulfillment of the condition is stated in the Commission's decision, such affidavit shall be filed within thirty (30) days after the time allowed for fulfillment. If the time for fulfillment is not stated in the Commission's decision, the affidavit shall be filed within thirty (30) days after the completion of construction authorized by the Commission's decision, whichever is earlier.

Failure to comply with any conditions imposed by the Metropolitan Development Commission shall constitute a violation enforceable by governmental authority pursuant to the provisions of IC 36-7-4-1014.

9. APPEAL PROCEDURE

A. JUDICIAL REVIEW

The following are final decisions of the Commission that may be reviewed in accordance with Indiana Code 36-7-4-1600 Series:

(1) A final decision under the 700 series of this chapter (subdivision control) including: primary approval or disapproval of a plat; imposition of a condition on primary approval of a plat; approval or disapproval of the vacation of all or part of a plat; approval or disapproval of the vacation of any recorded covenants filed with the plat; or imposition of a condition on approval of the vacation of all or part of a plat (which may include the vacation of any recorded covenants filed with the plat).

(2) Approval or disapproval of a variance from the zoning ordinance.

(3) A final decision under IC 36-7-4-1015 (appeal of a commitment modification or termination), unless the modification was made by the City-County Council.

(4) A final decision under IC 36-7-4-1400 Series (development plans).

(5) A final decision under IC 36-7-4-1500 Series of this chapter (planned unit development), when authority to make a final decision is delegated to the plan commission by the legislative body under IC 36-7-4-1511.

Such petitions for judicial review shall be presented to the court within thirty (30) days after the decision of the Metropolitan Development Commission. The petitioner for judicial review shall pay the costs of preparation of transcripts of any hearing before the Commission needed for the judicial review.

B. ADMINISTRATOR'S APPEAL OF ANY DECISION OF THE METROPOLITAN BOARD OF ZONING APPEALS OR THE BOARD OF ZONING APPEALS OF AN EXCLUDED CITY TO THE COMMISSION

The Administrator may appeal to the Commission any decision of a Board of Zoning Appeals granting an administrative appeal, or a special exception or variance from the terms of the zoning ordinance. A City-County Councilor, in whose district the parcel of real property is located, may appeal to the Commission a decision of a Board of Zoning Appeals approving, denying, or otherwise concerning a variance of use from the terms of the zoning ordinance that affects only real property located outside the corporate boundaries of an excluded city. The Administrator or City-County Councilor shall file the notice of appeal within five (5) days after the Board has rendered its decision. The notice must certify that the decision raises a substantial question of zoning policy appropriate for consideration by the Commission. The Commission shall hear the appeal at its next regular meeting held not less than five (5) days after the notice of appeal is filed. In hearing appeals, the Metropolitan Development Commission sits as a Board of Zoning Appeals and shall be treated as if it is a Board. The Commission may accept into evidence the written record of the hearing before the Board of Zoning Appeals, if any, along with other evidence introduced by the Division or interested parties. The Commission shall consider the matter de novo, but the decision of the Board is considered affirmed unless two-thirds (2/3) of the Commission members voting vote to deny the administrative appeal, special exception, or variance.

Appeals by the Administrator of a variance or special exception heard by the Hearing Examiner as part of a companion petition requires a majority vote as outlined in Article VI, Section 4, Quorum and Official Vote.

10. EXHIBITS

All exhibits submitted for consideration by the Commission, whether submitted by the petitioner or a remonstrator, shall become property of the Commission and will not be returned to the submitting party.

ARTICLE IX - SUPPLEMENTAL REVIEW PROCESS

1. ESTABLISHMENT OF SUPPLEMENTAL REVIEW PROCESS

The Commission establishes a flexible procedure for more intense review and more complete presentation of major approval, rezoning, and variance petitions, and companion petitions permitted by IC 36-7-4-403.5. This procedure, called the Supplemental Review Process, generally applies to petitions that, because of development size or intensity, will have a significant effect on drainage ways, parks, roadways, or sewer systems. Under the Supplemental Review Process, not all petitions will follow exactly the same procedure but common elements of the Process include:

A. Additional information about the effect of the development on infrastructure is requested from the petitioner.

B. Review of the supplemental information is made by the Department of Metropolitan Development, Department of Parks and Recreation, and Department of Public Works.

C. Interested persons and organizations in the community are notified about the petition.

D. A coordination meeting led by Department of Metropolitan Development staff is conducted to discuss the petition with the petitioner, representatives of affected City Departments, interested persons and organizations in the community.

E. The petition is scheduled for hearing before the Commission (not before the Hearing Examiner).

F. The Staff provides information that is more substantial to the Commission at the time of presentation of the petition, including information about the effect of the proposed development on infrastructure adequacy.

2. GOAL OF SUPPLEMENTAL REVIEW PROCESS

The goal of the Supplemental Review Process is to allow the Commission to make more informed decisions on the major petitions that affect adequacy of drainage systems, parks, roadways, and sewer systems. This goal is accomplished by establishing a structured means for provision of more accurate and complete information about the impact of the proposed development on infrastructure and establishing meetings among interested parties so that this information can be shared and conflicts among competing interests can be identified and, if possible, resolved. The Supplemental Review Process shall not unreasonably burden the resources of petitioners or needlessly protract the petition process. City staff shall be reasonable in applying Supplemental Review Process requirements and attentive to meeting City response time deadlines established under the Process.

3. APPLICATION OF SUPPLEMENTAL REVIEW PROCESS

Petitions that meet the thresholds for the Supplemental Review Process will be the subject of a request by Staff to be included in the Process. The petitioner is not required to participate in the Supplemental Review Process. However, petitions that meet Supplemental Review Process thresholds but do not participate in the Process, Staff shall assume reasonable infrastructure impacts based on the most intense development allowed by the petition in analyzing the petition and shall point out in the Staff comment that the petitioner has declined to participate in the Supplemental Review Process.

"Automatic" continuances, provided for under Article VI, 8, B, are not allowed, for either petitioner(s) or remonstrator(s), if the petition is being considered under the Supplemental Review Process.

A petitioner who agrees to participate in the Supplemental Review Process may, at any time, withdraw from the Process.

4. RULES FOR SUPPLEMENTAL REVIEW PROCESS

Procedural rules applying specifically to the Supplemental Review Process are hereby adopted by the Commission and are found in a booklet entitled "Supplemental Review Process User Manual". This booklet provides detailed information about Supplemental Review Process requirements and operation. The Supplemental Review Process is governed by these Rules of Procedure and the Supplemental Review Process User Manual. In case of a conflict, these Rules of Procedure control.

5. AMENDMENT OF SUPPLEMENTAL REVIEW PROCESS PROCEDURES

The Supplemental Review Process User Manual may be amended by action of the Commission in the same manner that these Rules of Procedure are amended.

ARTICLE X - ADDRESS GUIDELINES AND STANDARDS

1. ESTABLISHMENT OF THE ADDRESS GUIDELINES AND STANDARDS

To carry out its responsibilities regarding the assignment and reassignment of addresses and, the naming and renaming of streets, the Commission establishes the "Address Guidelines and Standards for Indianapolis/Marion County."

2. OBJECTIVES OF THE ADDRESS GUIDELINES AND STANDARDS

A. To improve the process in the assignment of new addresses.

B. To establish a review committee to correct existing addresses that would potentially delay emergency responses or the delivery of mail, goods and services.

C. To establish uniform address standards within Indianapolis/ Marion County for the use of street names and the location and display of address numbers.

D. To incorporate elements in the assignment and approval process that allows various interdependent agencies to share information through electronic integration.

3. RULES OF THE ADDRESS GUIDELINES AND STANDARDS

Procedural rules applying specifically to the assignment and reassignment of addresses or the naming and renaming of street names are hereby adopted by the Commission and are found in a document entitled "Address Guidelines and Standards for Indianapolis/Marion County." The Address Guidelines and Standards for Indianapolis/Marion County provides detailed information about addressing requirements and the naming and renaming of streets. The assignment and reassignment of addresses, as well as the naming and renaming of streets, are governed by these Rules of Procedure and the "Address Guidelines and Standards for Indianapolis/Marion County." In case of conflict, these Rules of Procedure control.

4. AMENDMENT OF ADDRESS GUIDELINES AND STANDARDS

The "Address Guidelines and Standards for Indianapolis/Marion County" document may be amended by the action of the Commission in the same manner that these Rules of Procedure are amended.

ARTICLE XI - CERTIFICATE OF LEGALLY ESTABLISHED NONCONFORMING USE

1. APPLICATION FOR CERTIFICATE

A property owner may petition for a certificate stating that the owner's property, though nonconforming to the uses and development standards set forth in the zoning ordinances of Indianapolis and Marion County, Indiana, shall nevertheless be deemed to be legally established as of the date of such certificate. To petition for such a certificate, the owner/petitioner shall submit the following:

A. An application for such certificate on a form prescribed by the Department of Metropolitan Development, which form shall require the submission of materials such as affidavits, city directory entries, assessment records, real estate records, or any other applicable proof, establishing that the use or development standards applicable to the property occurred prior to:

(1) the applicable zoning ordinances in place at the time the nonconformity(ies)was established; or,

(2) April 8, 1969 (in order to claim the specific exemption noted in 2. below).

B. A site survey, drawn to scale, noting all buildings and improvements on the property by type, use and construction.

C. Legal description of the subject property.

D. Application fee, as adopted by the Commission and noted in Article III, 9, A (Filing Fees) of its Rules of Procedure.

2. REVIEW OF SUBMISSION

A. The Administrator shall review the submission against the ordinances in place for the property, specifically in relation to the date of establishment claimed in the submission.

B. In cases where the owner/petitioner is claiming the exception noted as "legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969," found in the applicable zoning ordinances, the Administrator shall review the submission to ensure that the provisions of the ordinance relative to the exceptions have been satisfied.

3. CERTIFICATION

If the provisions of the exceptions noted above are satisfied, or, alternatively, if the documentation substantiates that the use or development standards associated with the property pre-date the applicable zoning ordinance in place as of the date claimed by the owner/petitioner, the Administrator shall issue a certificate of legally established nonconforming use.

Said certificate shall include the following:

A. the legal description of the property;

B. the street address;

C. a statement describing the nonconforming uses which are permitted or nonconforming development standards which are specifically involved;

D. a statement that, as of the date of issuance of the certificate, the nonconformities of the use or improvements of the property noted are deemed to be legally established;

E. the date of issuance;

F. Signature of the Administrator.

The certificate shall be notarized and shall be in a form that is acceptable for recording by the Recorder of Marion County, Indiana.

4. DISTRIBUTION OF CERTIFICATE; MAINTENANCE OF RECORDS

A copy of the certificate shall:

A. be recorded by the owner/petitioner with the Office of the Recorder of Marion County, Indiana.

B. be mailed by Department of Metropolitan Development staff to the Registered Neighborhood Association(s) within which the property is located.

C. be delivered by Department of Metropolitan Development staff to the applicable Assessor having jurisdiction over the property.

The Department of Metropolitan Development shall maintain a permanent record of all such certificates issued, which record shall be available to the public and shall be organized by common address of the property.

5. DENIAL OF CERTIFICATE

If after review of the submission, the Administrator determines it does not meet the requirements of this Article and the applicable ordinances referenced, the Administrator shall deny the application for certification.

6. ENGINEERS' CERTIFICATION OF CORRECTION

Engineers' "Certificates of Error" or "Certificates of Correction" reciting and correcting subsequently discovered engineering or surveying errors of measurements or typographical error in recording plats, re-plats or vacations shall require approval by the Administrator prior to recording.

ARTICLE XII - WAIVER OF RULES

1. The Commission, Committee or Hearing Examiner shall have the right to waive the Rules of Procedure upon their own motion, or upon request of an interested party, for good cause shown. However, a waiver request cannot be granted that would be inconsistent with Indiana Code.

2. The Commission, Committee or Hearing Examiner may grant a waiver from subdivision standards upon written findings of fact that: (1) the waiver is the minimum necessary; (2) strict application would result in practical difficulties; and (3) the waiver will not adversely affect public health, safety, or adjacent property. The Commission, Committee or Hearing Examiner may accept or require commitments to ensure the waiver's continued compatibility. All waiver approvals and commitments must be memorialized in writing and included in the record.

ARTICLE XIII - AMENDMENTS TO RULES OF PROCEDURE

Amendments to these Rules of Procedure shall be made by the Commission upon the affirmative vote of a majority of the members of the Commission who are entitled to vote.

ARTICLE XIV - ADOPTION

The foregoing Rules of Procedure of the Metropolitan Development Commission of Marion County, Indiana, are hereby adopted by the affirmative vote of the undersigned members of said Commission, this ____ day of _____, 2026

John J. Dillon III, Commissioner and President	_____, Commissioner and Vice- President
_____, Commissioner and Vice-Secretary	_____, Commissioner
_____, Commissioner	_____, Commissioner
_____, Commissioner	_____, Commissioner
_____, Commissioner	

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA

ATTEST:

_____, Counsel
Metropolitan Development Commission
of Marion County, Indiana