Metropolitan Development Commission (December 2, 2026) Meeting Notice

Meeting Details

Notice is hereby given that the Metropolitan Development Commission of Indianapolis-Marion County, IN, will hold public hearings on:

Date: Wednesday, December 02, 2026 **Time:** 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes: November 18, 2026

Annual TIF Presentation

HEA 1001 Public Presentation and Public Forum

Provides for a public forum to discuss local zoning regulations and land development rules applicable to residential development, including topics identified in House Enrolled Act 1001 (2026), with the goal of increasing housing development.

Policy Resolutions:

REAL ESTATE:

1. **2026-R-043**

   Authorizes the Department of Metropolitan Development to acquire the property located at 220 East Maryland Street ("Property") and to facilitate transfer of the Property to 101 S. Alabama Development LLC.

2. **2026-R-044**

   Authorizes the Department of Metropolitan Development to execute an as-needed, as-assigned contract with Allied Logistical Services for an overall, not-to-exceed of $15,000, for snow and ice removal, on an as-needed basis.

ECONOMIC DEVELOPMENT / INCENTIVES:

3. **2026-A-052 (For Public Hearing)**

   Approves the Final Economic Revitalization Area Resolution for Indy Nova Apartments, LLC located at 2955 North Meridian Street, Council District #12, Center Township. (Recommend approval of ten (10) years real property tax abatement.)

4. **2026-E-007**

   Approves the allocation of revenues from the White River-North and State Ditch-Mars Hill FCID Funds to assist with carrying out FCID activities in 2026.

5. **2026-E-008**

Approves the use of unobligated funds from various TIF districts to reimburse the Consolidated City for expenses associated with various local improvement projects.

6. **2026-E-009**

Approves use of underspent funds originally appropriated on various resolutions to reimburse the Consolidated City for local public improvements associated with Market Street Reconstruction.

7. **2026-E-010**

Approves an amendment to resolution 2024-E-048 pledging tax increment revenues from the CSX Allocation Area to the payment of certain economic development tax increment revenue bonds for the Boxcar Development/CSX project.

8. **2026-E-011**

Authorizes the Department of Metropolitan Development to execute a loan agreement for the Ole Red redevelopment project.

PLANNING:

9. **2026-P-013 (For Public Hearing)**

Amends the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and Plat Committee to update filing, notice, hearing, virtual participation, and related administrative procedures.

HISTORIC PRESERVATION:

Zoning Petitions:

PETITIONS OF NO APPEAL (RECOMMENDED FOR APPROVAL):

10. **2026-ZON-077 | 2004 East 86th Street**
Washington Township, Council District #2
Justin Kingen

Rezoning of 3.02 acres from the D-A (FF) (FW) district to the C-1 (FF) (FW) district to provide commercial office uses.

11. **2026-ZON-092 | 6440 North College Avenue**
Washington Township, Council District #2
BR Rentals LLC (Beth Johson), by Dinsmore & Shohl LLP (Misha Rabinowitch)

Rezoning of 0.18-acre from D-4 (TOD) to C-3 (TOD) to allow for commercial development.

12. **2026-ZON-093 | 262 West Ray Street**
Center Township, Council District #18
Crossroads Ventures LLC, by Paul J. Lambie

Rezoning of 0.11-acre from the I-3 (RC) and PK-1 (RC) districts to the D-8 (RC) district to legally establish a residential dwelling.

13. **2026-CZN-849 (Amended) | 3808 North Kitley Avenue**
Lawrence Township, Council District #9
GIT Enterprises, LLC, by Justin Kingen

Rezoning of 0.69-acre from the D-3 (TOD) district to the D-4 (TOD) to provide for residential development, consisting of two detached single-family dwellings.

14. 2026-CZN-853 | 743 South State Avenue
Center Township, Council District #18
Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.09-acre from the C-3 district to the D-8 district to provide for residential uses.

PETITIONS OF NO APPEAL (RECOMMENDED FOR DENIAL):

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING:

15. REZONING PETITION RECOMMENDED FOR APPROVAL BY HEARING EXAMINER, APPEAL FILED BY REMONSTRATOR:

2026-ZON-039 (Amended) | 6501 Mann Road
Decatur Township, Council District #21
Kittle Property Group, by Joseph D. Calderon

Rezoning of 28.506 acres from the SU-1 (FF) (FW) and D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for a multi-family residential development.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

METROPOLITAN DEVELOPMENT COMMISSION (MDC)

MEMBER ROSTER

Commissioner	Appointing Authority	Term
John J. Dillon III (President)	Mayor	01/01/2026 – 12/31/2026
Vacant	Mayor	
Brian P. Murphy (Secretary)	Mayor	01/01/2026 – 12/31/2026
Bruce Schumacher (Acting Secretary)	Mayor	01/01/2026 – 12/31/2026
Brandon Herget	City-County Council	02/02/2026 – 02/02/2027
Vacant	City-County Council	
Cindy Kirchhofer	City-County Council	10/05/2026 – 10/19/2027
Brigid Robinson	Mayor	01/01/2026 – 12/31/2026
Gregg West	City-County Council	06/01/2026 – 05/07/2027

This meeting can be viewed live at indy.gov: Channel 16 Live Web Stream. The recording of this meeting will also be archived (along with recordings of other City/County entities) at indy.gov: Watch Previously Recorded Programs.

HOUSE ENROLLED ACT 1001 & INDIANAPOLIS HOUSING EFFORTS

CITY OF INDIANAPOLIS | DEPARTMENT OF METROPOLITAN DEVELOPMENT & BUSINESS AND NEIGHBORHOOD SERVICES

HEA 1001

- House Enrolled Act (HEA) 1001 is a statewide housing law that establishes new requirements related to housing reporting, local development processes, zoning review, and development fees.
- HEA 1001 directs local governments to review zoning and land-development regulations with the goal of increasing housing development.
- Requires local governments to begin reporting housing activity and processing data annually beginning in 2027.

HEA 1001 Public Hearing

HEA 1001

No later than January 1, 2027, a unit shall conduct a public hearing to review the UDO and any zoning regulations and land development rules, with the goal of increasing housing development by using the following factors:

Zoning:

- Allowing duplexes, triplexes & fourplexes in areas designated for single family homes
- Accessory dwelling units, manufactured and modular housing
- Adaptive reuse of commercial buildings
- Increasing the allowable floor area ratio for multifamily
- Reducing regulations for garage size and placement, roof pitch, lot size & setbacks, parking, building height.

General:

- Streamlining permitting processes
- Property tax abatements to enable higher density and mixed income communities
- Donating vacant land for affordable housing development

COMPLIANCE

City of Indianapolis Efforts Underway

HEA 1001

1. Streamline Indy

2. Housing Delivery System

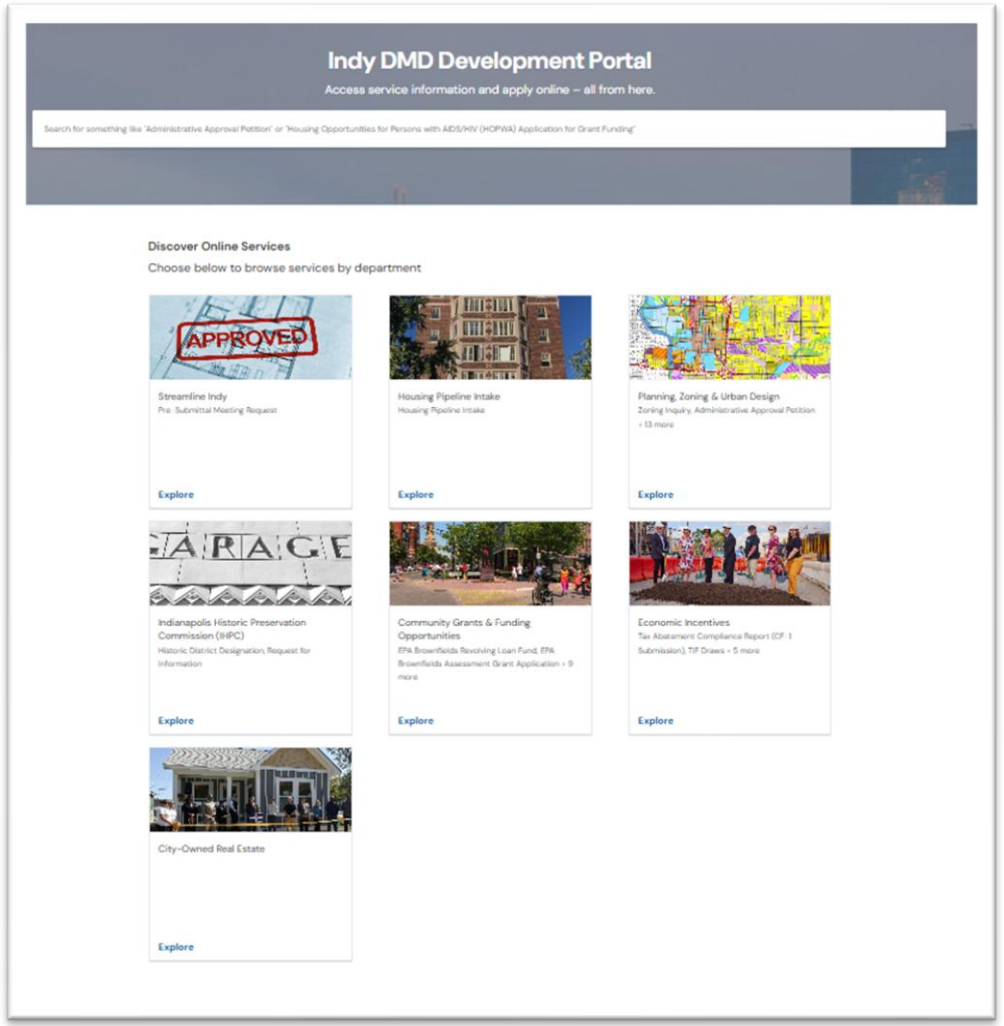
3. Zoning Code Amendment – Housing Focus

STREAMLINE INDY

STREAMLINE INDY

Process Improvements

- New Zoning Case Viewer tool
- Cross- Department Pre-Submittal Meetings
  - Improved coordination between DMD, DBNS, and DPW
- New Zoning Application Intake process (DMD)
  - Decreased number of days to docket from 10+ days to less than 3 days
- Modernizing the Metropolitan Development Commission Rules of Procedure (DMD)



DMD'S HOUSING PIPELINE

Intake Form and DMD Staff Committee

STREAMLINE INDY

The Housing Pipeline Committee (HPC) intake form is intended to foster holistic evaluation of housing projects for 10+ unit developments.

DMD staff provide a high-level evaluation of zoning needs, environmental considerations, design and historic considerations, land use plan alignment, or other programmatic considerations in addition to appropriateness for desired funding support.

Intake Form

HOUSING DELIVERY SYSTEM

CURRENT TOOLBOX

HOUSING DELIVERY SYSTEM

Tools to support affordable housing development

DMD Toolbox							
Payment in Lieu of Taxes (PILOT) *LIHTC Only	**Federal & State Grants**	**Tax Abatement**	**Tax Increment Financing (TIF)**	**Housing Trust Fund** *Permanent Supportive Housing	**Reduced Property Sale Price** *DMD-Owned Lots Only	**Pre-Development, Site Prep & Land Remediation**	**Public Space & Infrastructure Investments**

We Strive For Clear Policies & Excellent Customer Service and Support

- Improve Predictability
- Reduce Uncertainty

VACANT TO VIBRANT

The Indianapolis Land Bank

HOUSING DELIVERY SYSTEM

Vacant to Vibrant (V2V) aims to convert vacant and blighted properties into community assets. V2V acquires properties for redevelopment, focusing on creating affordable housing, eliminating blight, and improving neighborhood quality of life.

Lots are available at a reduced price for affordable housing development, defined as being made available for occupants at 80% or below Area Median Income.

View current inventory of available lots at www.indy.gov/VACANT-TO-VIBRANT



HOUSING DELIVERY SYSTEM

Efforts Underway

- Increased zoning capacity does not always equal more housing production.

- New initiative assessing how to effectively produce housing and identifying the types of housing needed throughout Marion County.

- 3 catalyst sites: Former Indiana Women's Prison, Black Mountain, Oaktree/Towne & Terrace
  - Identify what is preventing the demonstrated demand for housing from being produced.
  - Work with housing partners "Can your product work for this household, at this price point, on this site?"
  - This will help us identify the conditions preventing the private market from already producing the needed housing.







HOUSING DELIVERY SYSTEM

Efforts Underway

- Upcoming Presentions & Engagement Opportunities
  - Office of Minority and Women Business Development 2026 End of Year Forum
  - December 3, 2026 9am-2:30pm
  - Indianapolis Public Library – Central Library 40 E Saint Clair St, Indianapolis, IN 46204







ZONING CODE AMENDMENT

INDY REZONE

ZONING CODE AMENDMENT

What Indy Rezone already allows

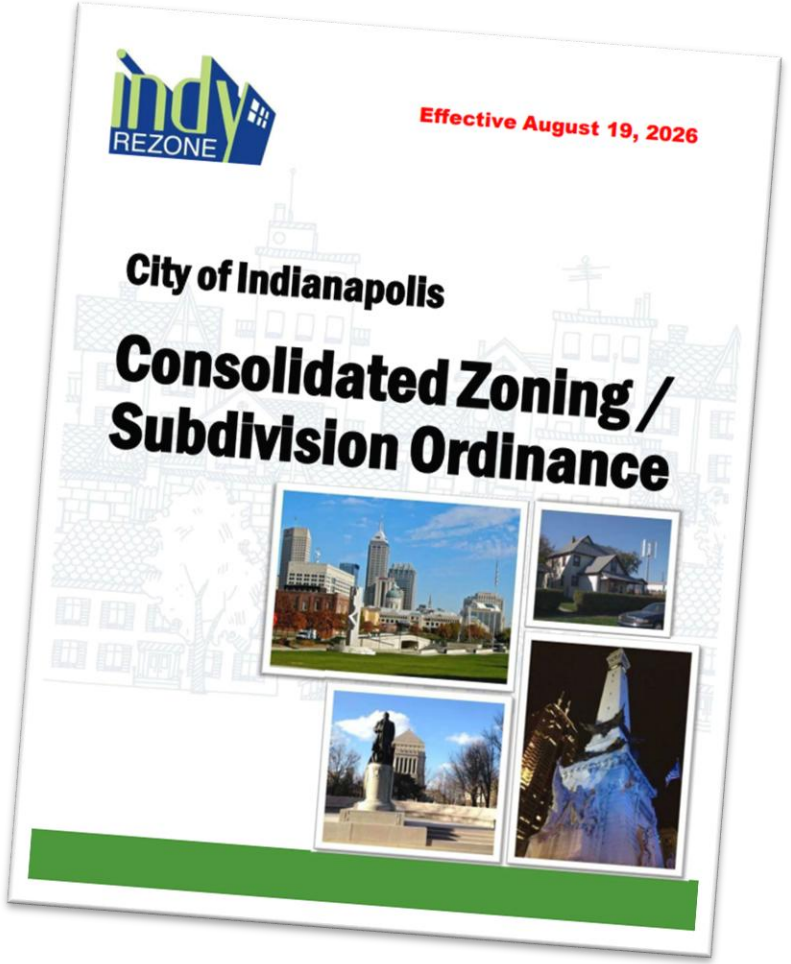
- A range of housing types, from detached houses to apartments
- Duplexes, triplexes, fourplexes, and row houses
- Secondary Dwelling Units (ADUs)
- Walkable Neighborhood districts that allow “missing middle” type housing
- Small-lot and compact housing options
- Adaptive reuse of certain vacant commercial buildings for residential use
- Existing dimensional standards for lot size, setbacks, height, and open space



INDY REZONE AMENDMENT

Methodology

- **Third-Party Zoning Audit** - Reviewed residential regulations for missing definitions, unclear provisions, internal inconsistencies, and development standards that may create barriers to housing development.
- **Five Year Variance Review** - Reviewed residential variances from the past five years to identify recurring requests and common zoning barriers.
- **Peer Community Review**
- **Interdepartmental Review**
- **HEA 1001 Alignment**



INDY REZONE AMENDMENT

Housing Types – Multi-Unit House

ZONING CODE AMENDMENT

	Areas of Change	Current Approach	Proposed Changes	Dwelling Districts Affected
1	**Housing Typologies**	Indy Rezone already allows triplexes and fourplexes, but the standards for how these buildings fit into the Walkable Neighborhood districts are not always clear.	Create a Multi-Unit House category for 3–4 unit buildings that look and function like a detached house, with clear standards for this building type.	Applies mainly in the D-5, D-5II, D-8, and D-9 Walkable Neighborhood districts. The definition would apply throughout the ordinance.



INDY REZONE AMENDMENT

ZONING CODE AMENDMENT

Duplex Lots

	Areas of Change	Current Approach	Proposed Changes	Dwelling Districts Affected
2	**Duplex Lot & Design Standards**	In D-2 and D-3, duplexes are only allowed on corner lots, and each unit must face a different street. Some duplex lot-size requirements are also larger than those for detached houses.	Allow duplexes on interior and corner lots in D-2 and D-3, remove the requirement for each unit to face a different street, and reduce selected minimum lot area and lot width standards.	Lot-standard changes apply in D-2, D-3, and D-4. Other duplex building standards also apply in the Walkable Neighborhood districts.



INDY REZONE AMENDMENT

Secondary Dwelling Units

ZONING CODE AMENDMENT

	Areas of Change	Current Approach	Proposed Changes	Dwelling Districts Affected
3	**Secondary Dwelling Units a/k/a Accessory Dwelling Units (ADUs)**	Generally, only one ADU is allowed with a detached house. It is limited to 720 sq. ft., requires owner occupancy, and requires one additional off-street parking space.	Allow up to two ADUs with a detached house, duplex, or Multi-Unit House. Require ADUs to be in detached accessory buildings, remove owner occupancy, revise the size limit, allow qualifying on-street parking to count, and provide added setback and height flexibility.	Applies in dwelling districts where the primary housing type and an ADU are allowed. The proposed rear-setback flexibility specifically applies in D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8.



INDY REZONE AMENDMENT

Small Lots & Infill Housing

ZONING CODE AMENDMENT

	Areas of Change	Current Approach	Proposed Changes	Dwelling Districts Affected
4	**Small-lot & Infill Housing**	Some housing types are already allowed but may still need a variance because the lot is too narrow, has too little street frontage, or does not meet a setback requirement.	Reduce selected lot width, street frontage, and setback requirements so permitted housing can fit more easily on smaller and infill lots.	Changes are focused mainly in D-5, D-5II, and D-8, with selected dimensional updates in other dwelling districts.



INDY REZONE AMENDMENT

Additional Changes

	Areas of Change	Current Approach	Proposed Changes	Dwelling Districts Affected
5	**FAR/Livability Space Ratio**	In several higher-density dwelling districts, development must meet Floor Area Ratio (FAR) and Livability Space Ratio (LSR) calculations in addition to other standards such as setbacks and height.	Remove the FAR and LSR calculations and continue using the remaining dimensional and building standards to regulate development.	D-6, D-6II, D-7, D-8, D-9 and D-10.
6	**Zoning District/ Use Permissions**	In a few places, the Use Table and the Residential Building Type table do not match, which can make it unclear whether a housing type is allowed in a district.	Align the two tables so the listed housing use and the corresponding building type show the same permissions.	Selected Walkable Neighborhood districts, depending on the housing type being coordinated.
7	**Code Coordination**	Related housing rules appear in several definitions, tables, and ordinance sections. In some places, the language overlaps or does not clearly point to the related standard.	Update definitions, cross-references, and related tables so housing types are described and regulated consistently throughout the ordinance.	Not limited to one district. These are ordinance-wide coordination changes, mainly within Chapters 740, 742, 743, and 744.

INDY REZONE AMENDMENT

ZONING CODE AMENDMENT

*Anticipated Legislative Timeline **Subject to Change***

Wednesday, January 6, 2027
MDC Pre-Meeting Presentation

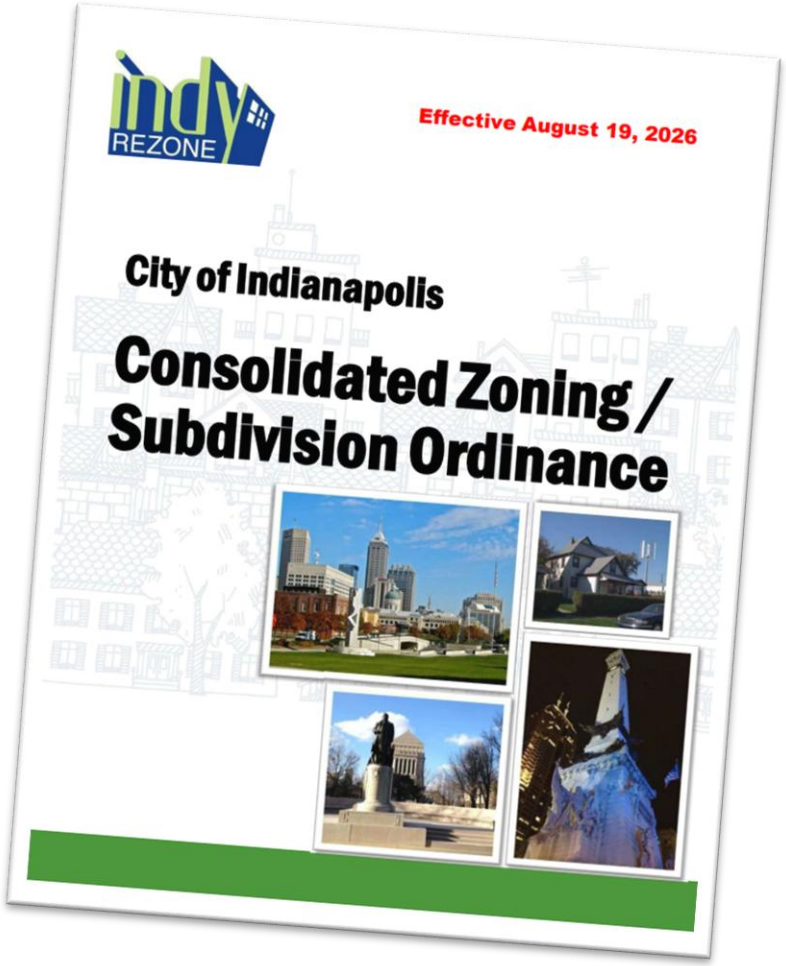
Wednesday, January 20, 2027
MDC Introduction & Public Hearing

Monday, February 1, 2027
City County Council Introduction

Monday, February 8, 2027
MEDC Public Hearing

Monday, March 1, 2027
City County Council Final Adoption

Amendment Effective **April 1, 2027**



COMMUNITY INPUT

How to provide feedback.

Community Information Meetings

- ~~**Thursday, November 12** at 5:00 p.m.~~
  Glendale Public Library, 3660 E 62nd Street
- ~~**Thursday, November 19** at 4:00 p.m. -~~ **Hybrid**
  Wayne Branch Library, 198 S. Girls School Road
- **Tuesday, December 8** at 5:00 p.m.
  Pike Public Library, 6525 Zionsville Road
- **Wednesday, December 9** at 5:00 p.m. - **Hybrid**
  West Perry Public Library, 6650 S. Harding Street

Visit
www.indy.gov/activity/hea1001
to register for meetings and provide feedback on amendment.

COMPLIANCE RECAP

City of Indianapolis Efforts Underway

HEA 1001

1. Streamline Indy

2. Housing Delivery System

3. Zoning Code Amendment – Housing Focus

HEA 1001 Public Hearing

HEA 1001

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General:

- Streamlining permitting processes
- Property tax abatements to enable higher density and mixed income communities
- Donating vacant land for affordable housing development

Real Estate Transfer
East side of Jail I site/220 E. Maryland St.

METROPOLITAN DEVELOPMENT COMMISSION
OF
MARION COUNTY, INDIANA
Resolution No. 2026-R-043

WHEREAS, The Metropolitan Development Commission ("MDC") is established within the City of Indianapolis, Department of Metropolitan Development ("DMD,") and, pursuant to I.C. 36-7-15.1, is authorized to engage in redevelopment activities within the Redevelopment District in Marion County, Indiana ("Redevelopment District;") and

WHEREAS, pursuant to I.C. 36-7-15.1-2,6, the MDC shall promote the use of land and shall cooperate with other governmental entities in the assessment, clearance, remediation, replanning, and redevelopment of areas in the manner that best serves the interests of the Consolidated City of Indianapolis and Marion County ("City") and the City's inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, certain real property located in the Redevelopment District, commonly known as the east side of the former Jail I site-**Parcel #1108228** located at **220 E. Maryland St** ("**Property**") is owned in the name of the Marion County Jail ("County"); and

WHEREAS, a private entity known as 101 S. Alabama Development LLC ("Purchaser") is an Indiana Corporation, currently in good standing, and seeking to acquire the Property for redevelopment as described and depicted on the attached **Exhibit A**; and

WHEREAS, I.C. 36-7-15.1-7(a)(1) and (2) allow the MDC to acquire and to grant interests in real property acquired for redevelopment purposes to a purchaser on the terms and conditions that the MDC/ Commission considers best for the City and its inhabitants; and

WHEREAS, the Mayor, as the executive of the Consolidated City of Indianapolis and Marion County has authority to sign deeds on behalf of the County and City, I.C. 36-1-2-5; 36-3-1-5, 36-3-3-2,9, wishes to cooperate with the MDC, DMD, and Purchaser to facilitate such transfer, and has signed a deed for the Property from the County to DMD, as requested by the MDC, to facilitate the MDC's desired redevelopment by DMD's transfer of the Property to Purchaser; and

WHEREAS, I.C. 36-7-15.1-7(a)(1) and (2) allow the MDC to acquire and to grant interests in real property acquired for redevelopment purposes to a purchaser on the terms and conditions that the MDC/ Commission considers best for the City and its inhabitants; and

WHEREAS, transferring this Property to DMD would further both MDC and DMD's purposes related to redevelopment in the City, and DMD seeks permission to both accept transfer of the Property from the County on behalf of the MDC and to convey title to the Property to Purchaser in conjunction with a fully-executed purchase and redevelopment agreement.

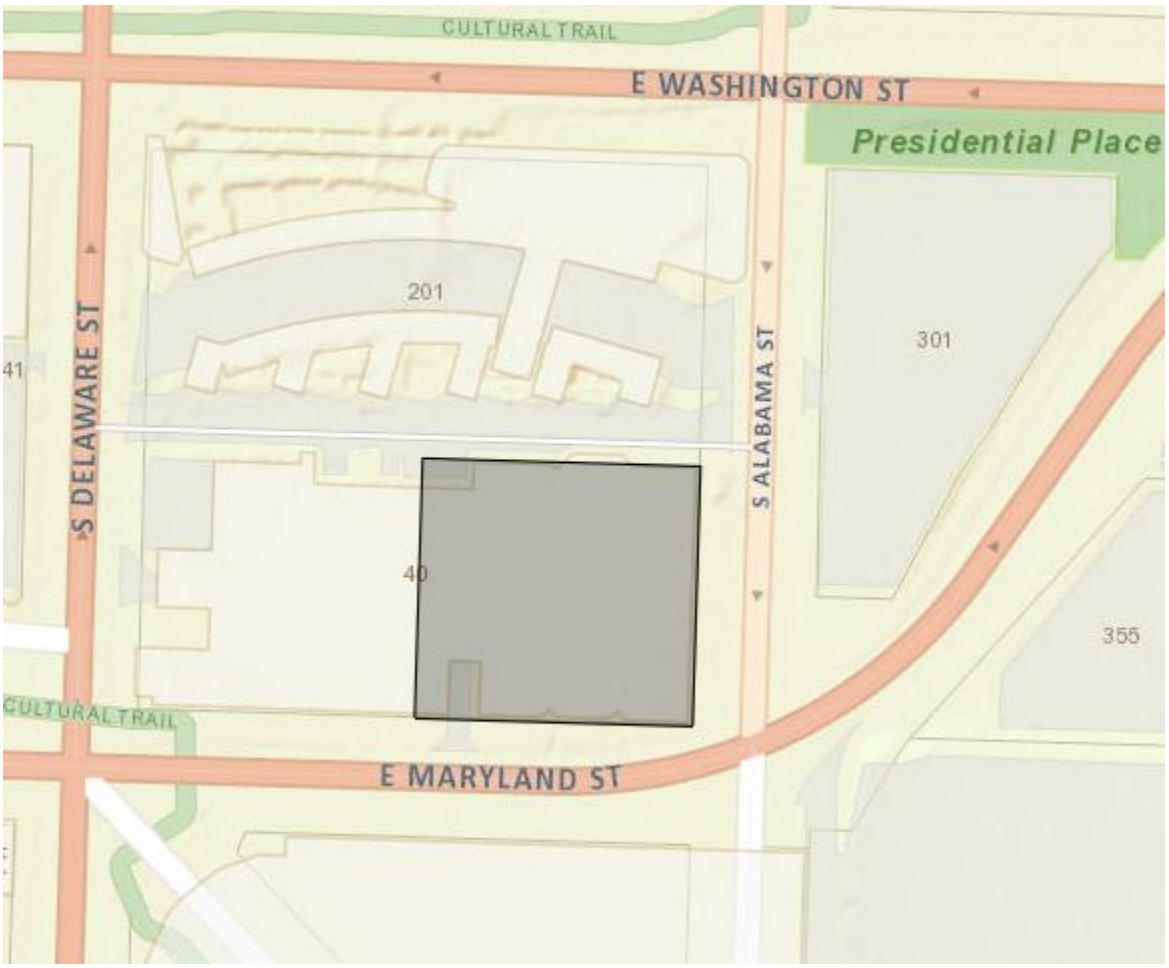
NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Metropolitan Development Commission does hereby authorize the DMD to both accept the deed for the Property from the County and to facilitate transfer of title to the Property from DMD to the Purchaser by quitclaim deed and in consideration of both the agreed price of one million four-hundred thirty thousand and 00/100 dollars ($1,430,000.00) and other good and valuable consideration including Purchaser's specified plans for redevelopment of the Property.
2. The Director is hereby authorized to execute the necessary documents, with such terms and provisions as may be deemed necessary or appropriate to best accomplish the objectives set forth herein and all actions heretofore taken by any such official toward the completion thereof are hereby ratified, confirmed, and approved, for the conveyance of said Property in accordance with this Resolution.

Approved as to Adequacy & Legal Form
Sheila Kinney
Sheila Kinney, Asst. Corp Counsel
Date: 11/23/2026

Metropolitan Development Commission
John J. Dillon III, President
Date: _____

EXHIBIT A
[highlighted area]



METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-R-044

WHEREAS, the Department of Metropolitan Development ("DMD"), by authority of and pursuant to I.C. 36-7-15.1, engages in redevelopment and land bank activities within the Marion County Redevelopment District Area, Marion County, Indiana; and

WHEREAS, Pursuant to I.C. 36-7-15.1, the Metropolitan Development Commission ("MDC") acts as the redevelopment commission of the Consolidated City of Indianapolis ("City); and, consistent with the policy and purpose of I.C. 36-7-15.1, has a duty to promote the use of land in the manner that best serves the interests of the City and its inhabitants and broad authority to take actions to foster redevelopment; and

WHEREAS, in furtherance of said redevelopment activities within Marion County, the DMD contracts for property preservation services--including snow and ice removal ("Services") for DMD-owned properties; and

WHEREAS, in order to carry out the duties described in I.C. 36-7-15.1, DMD requires access to professional property preservation services on an as-needed, as-assigned basis to perform snow and ice removal in relation to DMD-owned properties ("Services"); and

WHEREAS, to address both current and future needs for Services, DMD desires to enter into a contract with ALLIED LOGISTICAL SERVICES for Services, with individual supplements to specify services as needed. The number, nature, and volume of Services rendered will depend on actual needs as they arise, with matter-specific contract supplements to detail the scopes of Services and not-to-exceed amounts. The contract will have an initial budget of Fifteen Thousand dollars and 00/100 ($15,000.00) for one (1) year, and all contract Services may be paid from all sources of funding available for such Services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The MDC hereby authorizes DMD to enter into agreements for legal Services with ALLIED LOGISTICAL SERVICES, selected by DMD, and for terms not to exceed one (1) year in duration with an overall not to exceed budget of Fifteen Thousand dollars and 00/100 ($15,000.00) with particular matters specified in individual contract supplements for Services.

2. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents for the Agreement in accordance with this resolution and to do all acts and execute all other documents and instruments deemed necessary or appropriate by such official on behalf of the MDC to best accomplish the objectives set forth herein, and all actions heretofore taken by any such official toward the completion thereof are hereby ratified and approved.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on December 2, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

John J. Dillon III, President

Approved as to Adequacy of Legal Form:
Sheila Kinney
Sheila Kinney, Assistant Corporation Counsel
Date: 11/24/2026

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA

FINAL ECONOMIC REVITALIZATION AREA RESOLUTION

RESOLUTION NO. 2026-A-052

REAL PROPERTY TAX ABATEMENT

Indy Nova Apartments, LLC
2955 North Meridian Street

WHEREAS, I.C. 6-1.1-12.1 allows a partial abatement of property taxes attributable to "redevelopment or rehabilitation" activities (hereinafter "Project") in "Economic Revitalization Areas"; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Metropolitan Development Commission (hereinafter "Commission") to designate Economic Revitalization Areas and determine the length of the abatement period for such property by following a procedure involving adoption of a preliminary resolution, provision of public notice, conducting of a public hearing, and adoption of a resolution confirming the preliminary resolution or a modified version of the preliminary resolution; and

WHEREAS, the Commission has established in Resolution No. 01-A-041, 2001, certain standards and procedures for the designation of Economic Revitalization Areas for the partial abatement of property taxes attributable to redevelopment or rehabilitation activities; and

WHEREAS, I.C. 6-1.1-12.1 empowers the Commission, at the time an Economic Revitalization Area is designated, to limit the dollar amount of the deduction that will be allowed with respect to a project; and

WHEREAS, I.C. 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the Commission, before it makes a decision to designate such an area as an Economic Revitalization Area, to determine that the Project can be reasonably expected to yield the benefits identified in the statement of benefits and determine that the totality of benefits arising from the Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, a business (hereinafter "Applicant") named in the attachment to this Resolution, which is incorporated herein by reference, has an ownership interest in the geographical area (hereinafter "Subject Real Estate") described in such attachment; and

WHEREAS, the applicant shall replat Parcel Number 1088109, located at 2955 North Meridian Street, for the explicit purpose of subdividing the existing parcel to establish a separate lot for the proposed construction of a new four-story multifamily residential building distinct from the existing business office currently situated on the said parcel; and

WHEREAS, upon replating, the proposed apartment building shall constitute an independent parcel for all development and assessment purposes, and the granting of the requested tax abatement shall be expressly conditioned upon the successful completion and recording of the approved replat; and

WHEREAS, the Applicant has requested the Subject Real Estate be designated as an Economic Revitalization Area for the purpose of achieving property tax savings in connection with the Project set forth in the attachment to this Resolution and occurring on the Subject Real Estate; and

WHEREAS, during a preliminary hearing at 1:00 p.m. on Wednesday, **November 18, 2026,** the Commission received evidence about whether the Subject Real Estate should be designated as an Economic Revitalization Area and recommended the appropriate length of the abatement period for such Area, and the Commission adopted **Preliminary Resolution No. 2026-A-051 ("Preliminary Resolution")** preliminarily designating the Subject Real Estate as an Economic Revitalization Area for an abatement period of ten (10) years ("Preliminary Resolution"); and it fixed 1:00 p.m. on Wednesday, **December 2, 2026,** for a public hearing of remonstrances and objections from persons interested in whether the Subject Real Estate should be designated as an Economic Revitalization Area; and

WHEREAS, a copy of such Preliminary Resolution was properly filed with the Marion County Assessor and proper legal notices were published indicating the adoption and substance of such Preliminary Resolution and stating when and where such final hearing would be held; and

WHEREAS, pursuant to Commission Resolution No. 01-A-041, 2001, the Applicant and the City have entered into a Memorandum of Agreement which shall be utilized to measure compliance with the proposed Project described in the attachment to this Resolution; and

WHEREAS, proper legal notices were published indicating the adoption of such Preliminary Resolution and stating when and where such final public hearing would be held.

NOW, THEREFORE, IT IS RESOLVED:

1. The Commission now confirms, amends, adopts, and approves such Preliminary Resolution and thereby finds, and establishes the area as an Economic Revitalization Area subject to the conditions that designation as an Economic Revitalization Area allows the abatement of property taxes only relative to the Project and the effectiveness of the designation can be terminated by action of the Commission if:

    A. The Applicant is unable to secure approval of the necessary variance or rezoning petition to provide for the proposed development.

    B. Construction on the Subject Real Estate is not in substantial conformance with the Project description contained in the final resolutions as supplemented by information in the application, site plan and elevations; or

    C. Construction of the Project is not initiated within one (1) year of the date a final resolution designating the Subject Real Estate as an Economic Revitalization Area is adopted.

2. The Economic Revitalization Area designation terminates **December 31, 2029 (3)** years after the date a final resolution is adopted ; however, relative to redevelopment or rehabilitation completed before the end of the **three (3)** year period or **December 31, 2029,** this termination does not limit the period of time the Applicant or successor owner is entitled to receive a partial abatement of property taxes to a period of less than **ten (10)** years.

3. This Economic Revitalization Area designation is limited to allowing the partial abatement of property taxes attributable to redevelopment or rehabilitation activities: This **designation does**

not allow abatement of property taxes for installation of new manufacturing equipment under I.C. 6-1.1-12.1-4.5. Pursuant to IC 6-1.1-12.1-2 (i), the Commission hereby limits the dollar amount of the deduction that will be allowed, with respect to redevelopment and rehabilitation activities occurring in the ERA.

4. Pursuant to I.C. 6-1.1-12.1-17, the Commission desires to utilize an alternative abatement schedule. The alternative schedule shall allow for 90% deduction (abatement) of the increased property taxes for each of the ten years of the real property tax abatement.

5. The Commission has determined that the Project can be reasonably expected to yield the benefits identified in the attached "statement of benefits" and the "statement of benefits" is sufficient to justify the partial abatement of property taxes requested, based on the following findings:

   A. The estimate of the value of the proposed Project is reasonable for projects of that nature.

   B. The estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.

   C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed Project.

   D. Other benefits about which information was requested are benefits which can reasonably be expected to result from the proposed Project.

   E. The "Totality of Benefits" is sufficient to justify the deduction.

6. Under the authority of I.C. 6-1.1-12.1, the Commission directs the Department of Metropolitan Development to survey projects receiving Economic Revitalization Area designation for compliance with job creation/retention figures, salaries associated with these figures and investment figures contained in the applicant's approved Final Economic Revitalization Area Resolution, the Memorandum of Agreement executed by and between the applicant and the City, and/or the statement of benefits form. The Commission may reduce the dollar amount, or rescind the deduction in its entirety, and/or require repayment of all or a portion of the deductions received by the applicant for failure to achieve the benefits identified in the Memorandum of Agreement and/or "statement of benefits", or for failure to respond to the mandatory survey.

7. The Commission directs the Department of Metropolitan Development to survey the Project described in the attachment to this Resolution annually for **twelve (12) years**. The dates of the twelve (12) surveys shall be on or about the following dates: 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, and 2038 through the term of the abatement plus 2 years.

8. The Real Estate and Project area are approved for an abatement period of **ten (10) years**.

9. On the written request of the Applicant, the Director of the Department of Metropolitan Development is allowed to authorize in writing, substitutions, modifications and additions which are not substantial in nature.

10. A copy of this Resolution shall be filed with the Marion County Auditor.

PROPOSED ABATEMENT SCHEDULE
REAL PROPERTY TAX ABATEMENT

YEAR OF DEDUCTION	PERCENTAGE
1st	90%
2nd	90%
3rd	90%
4th	90%
5th	90%
6th	90%
7th	90%
8th	90%
9th	90%
10th	90%

METROPOLITAN DEVELOPMENT COMMISSION

_____
John J. Dillon III, President

_____
Date

Approved as to Legal Form
and Adequacy this 20th day
of November 2026.

Sheila Kinney
_____
Sheila Kinney,
Assistant Corporation Counsel

STAFF ANALYSIS
REAL PROPERTY TAX ABATEMENT

Area Surrounding Subject Real Estate: The site is in the heart of Center Township, just south of 30th Street, north of 29th Street and east of Meridian Street. The parcel will be replated to separate the multifamily residential building from the existing office building.

Current Zoning:.....CS

New Jobs Created: .....3 at $20.00/hr.

Jobs Retained: 0

Estimated Cost of proposed project: $25,607,287.00

STAFF ANALYSIS

Indy Nova Apartments, LLC has been a longstanding and valued partner in advancing neighborhood revitalization and mixed-use multifamily development throughout Indianapolis. The company has established a strong record of delivering transformative projects, including the Hobbs Station development and Polk Stables.

For the proposed redevelopment at 2955 North Meridian Street, Indy Nova intends to invest $25,607,287 in the construction of a four-story, walk-up multifamily residential building comprising 95 new apartment homes.

The developer has committed to setting aside 35% of the total housing units as affordable. Of the 33 affordable units, 7 units will be reserved for households earning between 61% and 80% of Area Median Income (AMI), 11 units for households earning at or below 60% of AMI, and 15 units for households earning at or below 30% of AMI. These dedicated affordable units will broaden access to stable housing and further the City's overarching housing affordability objectives. The project is expected to create three new jobs with an average hourly wage of $20.00. Collectively, these investments underscore Indy Nova's sustained commitment to equitable development, housing affordability, and long-term neighborhood advancement.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed project. The granting of property tax abatement will assist the petitioner in making this project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff's opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

The applicant is requesting tax abatement to assist in off-setting the high costs of investment associated with this proposed Project. The granting of property tax abatement will assist the petitioner in making this Project more economically feasible by phasing in the increased tax liability resulting from the investments. In staff's opinion, a project such as this would not be economically feasible without the tax abatement incentive. Staff believes that the use of tax abatement is an appropriate tool to assist with this Project and support continued development within Marion County. For these reasons, staff believes tax abatement to be an appropriate tool for development.

Staff believes this Project does comply with the requirements of Metropolitan Development Commission Resolution No. 01-A-041, 2001 concerning the granting of property tax abatement.

RECOMMENDATION: Staff recommends approval of **ten (10)** years real property tax abatement.

TOTALITY OF BENEFITS

PETITIONER: Indy Nova Apartments, LLC

INVESTMENT: Staff estimates that the proposed investment of **$25,607,287.00** should result in an increase to the tax base of approximately **$10,608,000.00** of assessed value. Staff estimates that over the ten (10) year real property tax abatement period the petitioner will realize savings of approximately **$2,027,949.82** (an 85% savings). During the abatement period, the petitioner is expected to pay an estimated **$351,262.46** in real property taxes relative to the new investment. This is in addition to the current taxes being paid on the properties in the amount of **$6,619.50** annually (pay 2026 taxes). After the tax abatement expires, the petitioner can be expected to pay an estimated **$237,921.23** in real property taxes annually on new improvements, in addition to the annual taxes attributable to the current value of the land.

AFFORDABALE HOUSING: 35% of the available 95 units will be affordable housing.

- 7 Units to households between 61-80% AMI
- 11 Units to households between 31-80% AMI
- 15 Units to households between 0-30% AMI *(reserved for persons experiencing homelessness)*

EMPLOYMENT: The petitioner will create a minimum of **three (3)** positions at an average wage of not less than $20.00/hr. Staff find these figures to be reasonable for a project of this nature.

OTHER BENEFITS: Staff believes this Project is significant for (Center Township) in terms of new taxes and potential job creation and retention. Furthermore, staff believes the petitioner's Project will lead to continued future investment and development in Marion County.

STAFF COMMENT: Staff believes the "Totality of Benefits" arising from the Project are sufficient to justify the granting of the tax abatement.

PROJECT SUMMARY

Factual Information

Applicant:	Indy Nova Apartments, LLC
Subject Real Estate:	2955 North Meridian Street
Lawrence Township Parcel Numbers:	1088109

PROJECT DESCRIPTION

New Jobs Created:	3 at $20.00/hr.
Jobs Retained:	0
Estimated Cost of Project:	$25,607,287.00

Indy Nova Apartment, LLC, a subsidiary of New City Development, has been a long-standing and valued partner in advancing neighborhood revitalization and mixed-use multifamily development throughout Indianapolis.

For the proposed redevelopment at 2955 North Meridian Street, Indy Nova Apartments intends to invest $25,607,287 in the construction of a four-story, walk-up multifamily residential building comprising 95 new apartment homes. The developer has committed to designating 35% of the total housing units as affordable. Of the 33 affordable units, 7 units will be set aside for households earning between 61% and 80% of Area Median Income (AMI), 11 units for households earning at or below 60% of AMI, and 15 units for households earning 30% of AMI or below, supporting one of our most vulnerable populations experiencing homelessness. These dedicated affordable units will broaden access to stable housing and further the City's overarching housing affordability objectives. The project is expected to create three new jobs with an average hourly wage of $20.00.

RECOMMENDATION: Staff recommends approval of **ten (10)** years real property tax abatement.

Project Site-Map

Nova Apartments
2955 N Meridian Street
Parcel #1088109



(GIS map created by staff)

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-E-007

RESOLUTION APPROPRIATING EXPENDITURE
OF FLOOD CONTROL IMPROVEMENT DISTRICT REVENUE FUNDS

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission") serves as the Redevelopment Commission of the Consolidated City of Indianapolis, Indiana (the "City") under IC 36-7-15.1 (the "Redevelopment Act") and IC 36-7-15.6 (the "FCID Act"); and

WHEREAS, the FCID Act authorizes the Commission to establish flood control improvement districts in the City to serve as allocation areas for purposes of capturing incremental property tax revenue within the district ("FCID Revenues") to be used for the planning, design, construction, operations and maintenance of local flood control works and activities that specifically benefit flood hazard properties in the district ("FCID Activities"); and

WHEREAS, the Commission serves as the administrator of the fund into which FCID Revenues are deposited for each flood control improvement district established; and

WHEREAS, the Department of Public Works (the "DPW") is responsible for drainage and flood control in the City and has the requisite authority to carry out, manage, and contract for FCID Activities; and

WHEREAS, on November 21, 2018, the Commission adopted Resolution No. 2018-R-079 establishing the White River -- Indianapolis North Flood Control Improvement District (the "WR-North FCID") pursuant to the FCID Act to support the DPW, in conjunction with the U.S. Army Corps of Engineers, in the planning, design, construction, operations, and maintenance of flood control works in the WR-North FCID; and

WHEREAS, on February 2, 2022, the Commission adopted Resolution No. 2022-R-007 establishing the State Ditch – Mars Hill Flood Control Improvement District (the "SD-Mars Hill FCID") pursuant to the FCID Act to support the DPW in the planning, design, construction, operations, and maintenance of flood control works in the SD-Mars Hill FCID; and

WHEREAS, the WR-North FCID and the SD-Mars Hill FCID shall be collectively referred to as the “FCIDs”; and

WHEREAS, as the City's fiscal officer, the City Controller, established the "WR-North FCID Fund" and the "SD-Mars Hill FCID Fund", (the “FCID Funds”), to hold FCID Revenues allocated from the FCIDs, as required by the FCID Act; and

WHEREAS, the DPW has requested an allocation of FCID Revenues from the FCID Funds to assist with carrying out FCID Activities in 2026; and

WHEREAS, the Commission is authorized by the FCID Act to transfer or expend FCID Revenues in the FCIDs for FCID Activities.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the Consolidated City of Indianapolis, Indiana, as follows:

1. That pursuant to IC 36-7-15.6-16, the Director of the DPW is hereby authorized to utilize FCID Revenues from the FCID Funds in an amount not to exceed two million, two hundred fifty thousand dollars ($2,250,000.00) in 2026 to carry out FCID Activities within the FCIDs.

2. The City Controller, as fiscal officer of the Consolidated City of Indianapolis, Treasurer of the Commission, and administrator of the FCID Funds, is hereby authorized to disburse moneys from the FCID Funds to the DPW in the aforesaid amounts.

3. This Resolution shall take effect immediately upon adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on December 2, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

Approved as to legal form and adequacy:

By:_____
Sheila Kinney, Asst. Corp. Counsel

Date:_____

Metropolitan Development Commission:

By: _____
John J. Dillon III, President

Date: _____

Approved as to the availability of funding:

By: _____
Abigail Hanson, City Controller

Date:_____

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-E-008

RESOLUTION APPROPRIATING EXPENDITURE
OF TAX INCREMENT FINANCE REVENUE FUNDS

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission") serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the "City") under IC 36-7-15.1 (the "Redevelopment Act"); and

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the "District"); and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues ("TIF Revenues"); and

WHEREAS, the Commission has previously established the Consolidated Redevelopment Project Area (the "Consolidated Redevelopment Area"), has designated the Consolidated Redevelopment Area as an allocation area (the "Consolidated Redevelopment Allocation Area") for the purposes of capturing TIF Revenues, has created an allocation fund (the "Consolidated Redevelopment Allocation Area Program Fund") for the Consolidated Redevelopment Allocation Area into which TIF Revenues are deposited, and has approved the Consolidated Redevelopment Project Area Plan, (the "Consolidated Redevelopment Plan"); and

WHEREAS, the Commission has previously established the Fall Creek/Citizens Consolidated Redevelopment Area ("FCC Consolidated RDA"), has designated the Fall Creek/Citizens Consolidated RDA as an allocation area ("FCC Consolidated HOTIF Allocation Area") for the purposes of capturing TIF Revenues, has created an allocation fund ("FCC Consolidated Allocation Fund") for the Fall Creek/Citizens Consolidated HOTIF Allocation Area into which TIF Revenues are deposited, and has approved the Fall Creek/Citizens Consolidated RDA Plan, ("Plan"); and

WHEREAS, the Commission has previously established the 86th Street/Zionsville Road Economic Development Project Area (the "86th Street/Zionsville Road Project Area"), has designated the 86th Street/Zionsville Road Project Area as an allocation area (the "86th Street/Zionsville Road Allocation Area") for the purposes of capturing TIF Revenues, has created an allocation fund (the "86th Street/Zionsville Road Allocation Fund") for the 86th Street/Zionsville Road Allocation Area into which TIF Revenues are deposited; and

WHEREAS, the Department of Public Works (hereinafter "DPW"), a division of the Consolidated City of Indianapolis – Marion County, has the power to contract for the construction or improvement of public ways, sidewalks, sewers, waterlines, or other local public improvements that are necessary for economic development within the Consolidated Redevelopment Allocation Area, FCC Consolidated HOTIF Allocation area, and 86th Street/Zionsville Road Allocation Area; and

WHEREAS, IC 36-7-15.1-26 authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. That the Commission hereby authorize the Director of DMD and the Director of DPW to utilize the expenditure of unobligated funds on deposit in the respective Allocation Funds in an aggregate amount not to exceed $7,094,910.00 as listed in Exhibit A by allocation Area to reimburse the Consolidated City for reasonable expenses associated with the local public improvements also listed in Exhibit A. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

2. The City Controller is hereby authorized to disburse moneys in an aggregate amount not to exceed $7,094,910.00 as listed in Exhibit A by Allocation Area for the listed local public improvements.

3. This Resolution shall take effect immediately upon adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on December 2, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

Approved as to legal form and adequacy:

By:_____
Sheila Kinney, Asst. Corp. Counsel

Date:_____

Metropolitan Development Commission:

By: _____
John J. Dillon III, President

Date: _____

Approved as to the availability of funding:

By: _____
Abigail Hanson, City Controller

Date:_____

Exhibit A

86th Street/Zionsville Road Allocation Area		**$ 1,240,000**
ST-24-114	Concrete Rehabilitation	
Fall Creek HoTIF		**$ 1,154,910**
ST-25-535	Downtown 2-way conversions (RAISE Grant for Delaware & College)	
Consolidated Redevelopment Allocation Area		**$ 4,700,000**
ST-25-535	Downtown 2-way conversions (RAISE Grant – Pennsylvania & Capitol)	
ST-25-541	Market Street Reconstruction (Penn to Del)	
	16th St. Bridge Inspection	

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-E-009

RESOLUTION APPROPRIATING EXPENDITURE
OF TAX INCREMENT FINANCE REVENUE FUNDS

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission") serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the "City") under IC 36-7-15.1 (the "Redevelopment Act"); and

WHEREAS, in that capacity the Commission serves as the governing body of the City of Indianapolis Redevelopment District (the "District"); and

WHEREAS, the Redevelopment Act permits the Commission to designate allocation areas in the District for the purposes of capturing and allocating property taxes commonly known as tax increment finance revenues ("TIF Revenues"); and

WHEREAS, the Commission has previously established the Consolidated Redevelopment Project Area (the "Consolidated Redevelopment Area"), has designated the Consolidated Redevelopment Area as an allocation area (the "Consolidated Redevelopment Allocation Area") for the purposes of capturing TIF Revenues, has created an allocation fund (the "Consolidated Redevelopment Allocation Area Program Fund") for the Consolidated Redevelopment Allocation Area into which TIF Revenues are deposited, and has approved the Consolidated Redevelopment Project Area Plan, (the "Consolidated Redevelopment Plan"); and

WHEREAS, the Department of Public Works (hereinafter "DPW"), a division of the Consolidated City of Indianapolis – Marion County, has the power to contract for the construction or improvement of public ways, sidewalks, sewers, waterlines, or other local public improvements that are necessary for economic development within the Consolidated Redevelopment Allocation Area; and

WHEREAS, the Commission has previously provided funding in Resolution Nos. 2020-E-020, 2022-E-032, 2023-E-042, and 2023-E-043 for identified local public improvement projects which included underspend of $2,125,822.00 on projects listed in Exhibit A; and

WHEREAS, IC 36-7-15.1-26 authorizes the Redevelopment Commission to reimburse the Consolidated City for reasonable expenditures associated with local public improvements; and

WHEREAS, the Commission wishes to utilize underspend to reimburse the Consolidated City for the local public improvement listed in Exhibit A, "the Project".

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana acting as the Redevelopment Commission of the City of Indianapolis, Indiana, as follows:

1. That the Commission hereby authorize the Director of DMD and the Director of DPW to utilize TIF Revenues from the Consolidated Redevelopment Allocation Area Program Fund in an amount not to exceed $2,125,822.00 to reimburse the Consolidated City for reasonable expenses associated with the Project. The Director of the Department of Metropolitan Development is hereby authorized to execute the necessary documents in accordance with this Resolution.

2. The City Controller is hereby authorized to disburse moneys from the Consolidated Redevelopment Allocation Fund for the Project.

3. This Resolution shall take effect immediately upon adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development Commission of Marion County, Indiana, held on December 2, 2026, at the City-County Building, 2nd floor, Public Assembly Room (Room 230), Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

Approved as to legal form and adequacy:

By:_____
Sheila Kinney, Asst. Corp. Counsel

Date:_____

Metropolitan Development Commission:

By: _____
John J. Dillon III, President

Date: _____

Approved as to the availability of funding:

By: _____
Abigail Hanson, City Controller

Date:_____

Exhibit A

Consolidated Redevelopment Allocation Area		
ST-25-161	Monument Circle Rehabilitation	$ (539,576.00)
PA-24-001	West 10th/WR Greenway	(1,051,045.00)
PA-24-008	Fall Creek Trail Phase II	(54,683.00)
BK-25-037	Monument Circle	(46,051.00)
ST-25-533	Elevator Hill Improvements	(434,467.00)
	Project Underspend	(2,125,822.00)
Consolidated Redevelopment Allocation Area		
ST-25-541	Market Street Reconstruction (Penn to Del)	2,125,822.00
	Project Budget Increase Subtotal	2,125,822.00
	Grand Total	$0.00

RESOLUTION NO. 2026-E-010

A RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AMENDING RESOLUTION NO. 2024-E-048 PLEDGING TAX INCREMENT REVENUES FROM THE CSX ALLOCATION AREA TO THE PAYMENT OF CERTAIN ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS (BOXCAR DEVELOPMENT/CSX PROJECT) OF THE CITY OF INDIANAPOLIS, INDIANA

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1, as amended (the "Act"), and certain other provisions of Indiana law; and

WHEREAS, the Commission did previously consider and adopt its Resolution No. 2024-E-048 (the "Prior Resolution") pledging TIF Revenues, as defined in the Prior Resolution, to the payment of the principal of, premium (if any), and interest on certain economic development revenue bonds of the City to be issued to finance certain projects, additions or improvements within the CSX Allocation Area, including all or any portion of the Project, as defined in the Prior Resolution, pursuant to Section 26(b)(3)(D) of the Act and Indiana Code 5-1-14-4; and

WHEREAS, the Prior Resolution defined the "Bonds" as being issued in an aggregate principal amount not to exceed Fifteen Million Six Hundred Thousand Dollars ($15,600,000); and

WHEREAS, the Commission now anticipates that the economic development revenue bonds to support the Project may be issued by the City in an aggregate principal amount not to exceed Twenty One Million Dollars ($21,000,000) due to an increase in both the projected costs and completed assessed value of the Project and desires to amend the definition of Bonds for purposes of this Resolution and the Prior Resolution, accordingly.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, ACTING AS THE REDEVELOPMENT COMMISSION OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

1. The definition of the term "Bonds" as used in the Commission's Prior Resolution (Resolution No. 2024-E-048) is hereby amended to include an aggregate principal amount not to exceed Twenty One Million Dollars ($21,000,000).

2. All aspects of the Prior Resolution beyond the aggregate principal not to exceed amount set forth in the definition of Bonds, as amended hereby, shall continue in full force and effect.

3. The Commission hereby reaffirms all prior resolutions and findings described in the Prior Resolution as if fully set forth herein.

4. This Resolution shall take effect immediately upon its adoption by the Commission.

Adopted at a regular meeting of the Metropolitan Development Commission of Marion County, Indiana, held on the 2nd day of December, 2026, at the City-County Building, Public Assembly Room, Indianapolis, Indiana.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

_____

John J. Dillon, III, Chairperson

This Resolution prepared by Cameron G. Starnes, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA

NO. 2026-E-011

A RESOLUTION OF THE METROPOLITAN DEVELOPMENT COMMISSION AUTHORIZING A FORGIVABLE LOAN FROM TAX INCREMENT REVENUE IN THE CONSOLIDATED ALLOCATION AREA TO SUPPORT THE OLE RED REDEVELOPMENT PROJECT

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), exists and operates pursuant to the provisions of Indiana Code 36-7-15.1 and Indiana Code 36-7-25, each as amended from time to time (collectively, the "Act");

WHEREAS, the Commission has previously adopted and confirmed resolutions (as amended from time to time) which declared an area of the City, known as the "Consolidated/Harding Street Redevelopment Area," to be a redevelopment project area within the meaning of the Act, and designated a portion of the Consolidated Redevelopment Area, known as the "Consolidated Allocation Area," as an allocation area for the purposes of Section 26 of the Act (the "Consolidated Allocation Area"), all in accordance with the Act;

WHEREAS, the Commission has broad authority to plan and undertake projects to redevelop areas in need of redevelopment including by entering obligations to fund improvements to real property-pursuant to the Act, IC 36-7-15.1-7(a)(12) and (b)(l)-(2);

WHEREAS, the Commission is authorized to enter obligations under the Act, IC 36-7- 15.1-26(b)(3)(A), for the purpose of financing redevelopment of an allocation area;

WHEREAS, OR Indianapolis Investments, LLC, or a subsidiary or affiliate thereof (“Developer”) desires to finance the redevelopment of 233 South Meridian to include a $28 million redevelopment of approximately 13,029 square feet of historic commercial space into a three-story dining and entertainment venue (collectively, the “Project”), which Project includes additions or improvements within, serving, or benefitting the Consolidated Allocation Area; and

WHEREAS, the Commission is willing to obligate solely from the Consolidated Allocation Area an amount not to exceed $700,000 (the “Ole Red Loan Principal”) in duly authorized and available funds to the Developer (the "Ole Red Loan"), which loan proceeds may then be used to provide funding for the improvement of real property in order to facilitate redevelopment of an area in need of redevelopment within, serving, or benefitting the Consolidated Allocation Area; and

WHEREAS, the Ole Red Loan will be issued pursuant to a loan agreement

providing for: 1) draws of the Ole Red Loan Principal to fund or reimburse certain eligible Project costs actually incurred; 2) forgiveness of up to the amount of the Ole Red Loan Principal actually drawn upon the fulfillment of certain conditions following completion of the Project; and 3) repayment of the Ole Red Loan Principal to the Commission in the event such conditions are not met.

ACCORDINGLY, be it resolved by the Metropolitan Development Commission as follows:

1. Approval. Pursuant to and in accordance with the Act, the Commission hereby: (a) approves the issuance of the Ole Red Loan in accordance with a loan agreement; (b) approves utilization of the Ole Red Loan Principal to fund improvement of real property in order to facilitate redevelopment within, serving, or benefitting the Consolidated Allocation Area; and (c) approves the forgiveness of the Ole Red Loan upon completion of the Project and fulfillment of all conditions in the loan agreement.

2. Document Authorization. The Commission authorizes the Department of Metropolitan Development, acting in consultation with legal counsel and on behalf of the Commission, to negotiate, finalize, and execute a loan agreement with the Developer concerning the Ole Red Loan and the repayment or forgiveness thereof.

3. Other Actions. The officers of the Commission hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the President or any such officer deems to be necessary or reasonably appropriate to effect the resolutions set forth herein. Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.

4. No Conflict. All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Resolution hereby are repealed to the extent of such conflict.

5. Severability. If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

6. Effectiveness. This Resolution shall be in full force and effect from and after its passage.

ADOPTED AND APPROVED at a meeting of the Metropolitan Development

Commission of Marion County, Indiana, held on the 2nd day of December, 2026.

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA, acting as the Redevelopment Commission of the City of Indianapolis, Indiana

_____

John J. Dillon III, President

METROPOLITAN DEVELOPMENT COMMISSION
MARION COUNTY, INDIANA
RESOLUTION NO. 2026-P-013

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission"), pursuant to Indiana Code 36-7-4, is established as the planning and zoning authority for Marion County, Indiana, and is empowered to adopt rules regarding the administration of its affairs; and

WHEREAS, the Commission has reviewed proposed amendments to the Rules of Procedure of the Metropolitan Development Commission and Hearing Examiner and the Plat Committee; and

WHEREAS, the proposed amendments update procedures related to petition filing and docketing, public notice, hearing-material deadlines, hearing and meeting procedures, virtual participation, and related administrative requirements; and

WHEREAS, notice of a public hearing regarding the proposed amendments has been published in accordance with applicable notice requirements, and the proposed amendments and redlined Rules of Procedure have been made available for public review; and

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Development Commission of Marion County, Indiana, that the Rules of Procedure of the Metropolitan Development Commission and Hearing Examiner and the Rules of Procedure of the Plat Committee are hereby amended as shown in the attached final drafts presented to and approved by the Commission, and as amended at the public hearing held on December 2, 2026, and are incorporated herein by reference.

BE IT FURTHER RESOLVED that the amendments adopted by this Resolution shall become effective on December 2, 2026, and shall apply as provided in the respective Rules of Procedure.

The foregoing Resolution No. 2026-P-013 is hereby adopted by the affirmative vote of the Metropolitan Development Commission of Marion County, Indiana, this2nd day of December, 2026.

_____
John J. Dillon III, President
Metropolitan Development Commission

Approved as to Legal Form this 23rd day of November, 2026.

_____
Christopher Steinmetz
Corporation Counsel

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — December 2, 2026

Resolution Number:	2026-P-013
Location:	Indianapolis-Marion County, Indiana
Petitioner:	Department of Metropolitan Development
Request:	Amends the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and Plat Committee to update filing, notice, hearing, virtual participation, and related administrative procedures
Staff Recommendations:	**Approve with Proposed Amendments**
Staff Reviewer(s):	Carmen Lethig, Deputy Director—Department of Metropolitan Development Bryce Patz, Administrator—Current Planning

STAFF RECOMMENDATION

The Department of Metropolitan Development (DMD) has conducted a review and proposed updates to the Rules of Procedure for the Metropolitan Development Commission and Hearing Examiner and the Plat Committee. The proposed amendments clarify and update procedures related to petition filing and docketing, public notice, hearing-material deadlines, hearing and meeting procedures, virtual participation, and related administrative requirements.

RULES AND PROCEDURES AMENDMENT OVERVIEW

Addendum – Clarificing Revisions Following Legal Review

Following preparation of the original staff report and proposed Rules of Procedure amendments, Staff conducted an additional review of the proposed redlines with legal counsel for the Metropolitan Development Commission. As a result of that review, several clarifying revisions were incorporated into the Metropolitan Development Commission and Hearing Examiner Rules of Procedure and the Plat Committee Rules of Procedure.

These additional revisions are identified by yellow highlighting in the updated summary exhibits and attached redlines. The yellow-highlighted revisions are intended primarily to clarify the administration, interpretation, and application of the proposed rules and to improve consistency between related provisions. They do not materially alter the overall purpose or policy direction of the proposed amendments described in the original staff report.

For the Metropolitan Development Commission and Hearing Examiner Rules of Procedure, the clarifying revisions include, among other items, refinement of the Administrator's authority regarding late Presentations; clarification that late Presentations may not be inconsistent with timely submitted materials; establishment of a five-day deadline for commitments and other hearing materials; clarification of the treatment of written public comments received after the hearing-packet deadline, including the forty-eight (48) hour period for distribution to the hearing body; clarification of the persons subject to the hearing-material submission requirements; clarification of amendment and supporting-document procedures; and related terminology and procedural consistency edits. The updated redline also retains the existing Improvement Location Permit fee schedule rather than removing it.

For the Plat Committee Rules of Procedure, the additional clarifying revisions generally align applicable filing, presentation, terminology, and procedural provisions with the corresponding Metropolitan Development Commission procedures, while preserving the Plat Committee's separate filing, hearing, notice, and decision-making framework.

November 18, 2026 Hearing Staff Report

The proposed updates to the Metropolitan Development Commission and Hearing Examiner Rules of Procedure and the Plat Committee Rules of Procedure are intended to clarify, modernize, and better align existing administrative and hearing processes. The amendments address petition filing and docketing, notice requirements, submission deadlines, hearing and presentation procedures, virtual participation, and related administrative provisions. The proposed changes also include technical and organizational updates intended to improve consistency, provide clearer expectations for applicants and interested parties, and support the efficient administration of public hearings.

Community Engagement

Staff provided multiple opportunities for public awareness and input regarding the proposed Rules and Procedures updates:

- October 7, 2026 – Staff presented an overview of the proposed updates at Pre-MDC.
- October 9, 2026 – Proposed redlines were posted to the City's Koveio community engagement platform for public comment.
- October 9, 2026 – Staff recorded a presentation summarizing the proposed Rules and Procedures updates and posted it to the City's website.
- October 15, 2026 – Staff held a virtual community session with Registered Neighborhood Organizations and encouraged public comment.
- October 27, 2026 – Staff held a second virtual community session with Registered Neighborhood Organizations and encouraged public comment.
- November 6, 2026 – The Koveio public-comment period closed.

Exhibits: Summaries of Propsoed Changes to Rules and Procedures

Attached to this staff report are summary exhibits identifying the proposed changes to the Metropolitan Development Commission and Hearing Examiner Rules of Procedure and the Plat Committee Rules of

Procedure. Each exhibit organizes the amendments by Article and Section and provides the corresponding proposed redline language to support the Commission's line-by-line review and consideration of individual changes.

Public Comment Summary

The public comment period on Konveio closed on November 6, 2026. Comments received focused on how the proposed procedural changes could affect the amount of time available for neighborhood organizations and other interested parties to review petitions, prepare comments, and participate in public hearings.

Key themes and suggested changes included:

- **Notice and Review Time:** Several commenters expressed concern that establishing a 10-day minimum notice requirement could result in less time for interested parties to review petitions and coordinate neighborhood responses. Some commenters requested retaining the existing 23-day language or providing additional safeguards when notice or supporting materials are received close to the hearing date. The proposed change establishes a minimum notice requirement; Staff will continue providing legal notice materials to petitioners after filing, completion of intake, and payment of applicable fees so that petitioners may provide notice in advance of the minimum deadline, consistent with current administrative practice as it is today.
- **Presentation and Speaking Time:** Comments addressed the proposed changes to presentation time, with some commenters requesting additional time for complex petitions or organized neighborhood presentations. Other comments supported shorter initial presentation periods or suggested allowing additional time at the discretion of the presiding officer.
- **Continuance Procedures:** Some commenters raised concerns regarding the relationship between notice timing and the deadline for requesting a continuance. Suggested changes included providing flexibility when an interested party receives notice or supporting materials close to the applicable deadline.
- **Written Public Comments:** Comments addressed the timing for inclusion of written comments in the advance hearing packet and requested that comments received later in the process remain available to the decision-making body and part of the petition record.
- **Other Hearing Procedures:** Individual comments addressed provisions related to testimony by City-County Council members or members-elect and requested additional flexibility in hearing procedures for petitions involving complex or significant issues.

Overall, the comments reflected a recurring concern regarding the amount of time available for public review and participation when the proposed notice, submission, continuance, and hearing procedures are considered together.

Exhibit A- Updated

Metropolitan Development Commission
Rules and Procedures
Proposed Changes List

Legend: Proposed additions are shown in red underline. ~~Proposed deletions are shown in red strikethrough.~~ Clarifying changes highlighted in the revised redline are shown with yellow highlighting.

1. Article I – General Rules; Section 1, Definitions – "Speedway Hearing Examiner"

Proposed Redline

~~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.~~

2. Article I – General Rules; Section 1, Definitions – "Presentation"

Proposed Redline

"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 be inconsistent with a petition site plan, plat, elevations, proposed commitments or conditions, supporting documents, exhibits, or any other materials or submissions by the submitting party, subject to a submission deadline under these Rules.

3. Article I – General Rules; Section 1, Definitions – "Staff"

Proposed Redline

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

4. Article II – Proposals to Amend or Partially Repeal the Text of the Zoning Ordinance; Section 1, Who May Initiate

Proposed Redline

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

5. Article III – Filing of Petitions; Section 2, Filing Required at Least Thirty-Five Days Prior to Hearing

Proposed Redline

~~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 associated 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 Administrator 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 Administrator 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 Administrator in their sole discretion. A Presentation accepted after the applicable deadline must not be inconsistent with any timely submitted materials or submissions by the submitting party; if an inconsistency exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

6. Article III – Filing of Petitions; Section 4, Commitments – Submission Deadline

Proposed Redline

Such commitments may be submitted at the time the petition is filed, but in no event shall such commitments be filed later than five (5) days before the scheduled hearing or meeting on the petition, consistent with the submission deadline established by these Rules. ~~the date of the hearing on the petition.~~

7. Article III – Filing of Petitions; Section 9, Fees – Subsection B, Improvement Location Permit Fees

Proposed Redline redacted:

Reverses proposed removal and maintains ILP Fee Chart as currently in place.

8. Article IV – Docketing of Petitions; Section 1, Docketing by Administrator

Proposed Redline

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 within ten (10) days after a petition has been filed for hearing either before the Hearing Examiner or the Commission~~Within 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. However, the Commission may, by resolution, adopt any method of assignment of cases it deems appropriate.

9. Article IV – Docketing of Petitions; Section 3, Docket Numbers

Proposed Redline

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.

10. Article V – Notice; Section 1.B(1), Additional Notice by Petitioners

Proposed Redline

Additional notice 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.

11. Article V – Notice; Section 1.B(3), Petitions to Vacate an Alley, Street, Easement, or Public Grounds

Proposed Redline

Additional notice of a petition to vacate an alley, street, easement, or public grounds shall be given by registered, certified or first-class mail at least ~~twenty-three (23)~~ten (10) days before the date of the hearing.

12. Article V – Notice; Section 1.C, Notice on Subject Property

Proposed Redline

Notice for applicable petitions shall be posted at least ~~twenty-three (23)~~ten (10) days before the date of hearing.

13. Article VI – Public Hearings; Section 1, Time and Place of Public Hearings

Proposed Redline

Regular meetings and public hearings of the Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 ~~pm~~o'clock P.M on the 1st and 3rd Wednesday of each month.

14. Article VI – Public Hearings; Section 3, All Meetings and Hearings Public

Proposed Redline

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.

15. Article VI – Public Hearings; Section 4, Quorum and Official Vote – Electronic Voting

Proposed Redline

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.

16. Article VI – Public Hearings; New Section 5, Virtual Attendance

Proposed Redline

Virtual attendance for meetings of the Commission or Committee 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 or Committee hearing virtually, then all votes shall be by roll call or voice vote.

17. Article VI – Public Hearings; Appearance Required Prior to Testimony and Evidence by Parties – Written Appearance

Proposed Redline

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.

18. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Presentation Time

Proposed Redline

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. Petitioners/supporters shall have ~~fifteen (15)~~ten (10) minutes for their initial presentation. Remonstrators/opponents shall have ~~fifteen (15)~~ten (10) minutes for their initial presentation.

19. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Order of Presentation

Proposed Redline

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

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

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

20. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Group Presentation

Proposed Redline

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.

21. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Public Comment Deadline

Proposed Redline

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.

Written communications received after the five (5) calendar day deadline, but not later than forty-eight (48) hours prior to the scheduled hearing, shall not be included in the hearing packet but shall be included in the case file and provided electronically or physically to the Commission, Committee, or Hearing Examiner, as applicable.

Written communications received less than forty-eight (48) hours prior to the scheduled hearing shall not be distributed to the Commission, Committee, or Hearing Examiner for consideration at that hearing. A person wishing to provide comments after the forty-eight (48) hour deadline may appear at the hearing and provide oral testimony in accordance with these Rules.

22. Article VI – Public Hearings; Time Allowed and Procedure for Hearing of Petitions – Applicant Hearing Materials

Proposed Redline

All supporting documents, exhibits, revised materials, other materials a petitioner, remonstrator, or other Interested Parties 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. 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 Administrator 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 be inconsistent with any timely submitted materials or submissions of the submitting party; if an inconsistency exists, the timely submitted materials or submissions control.

23. Article VI – Public Hearings; Orderly Conduct Required

Proposed Redline

~~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 breach of the~~

~~privileges extended by the Commission and shall be dealt with by the presiding officer as is deemed fair and proper.~~

Pursuant to Indiana Code (IC 5-14-1.5-3.5), 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.

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:

Issue three (3) verbal warnings to the disruptive attendee.

After issuing the third warning, if disruptive behavior from the attendee continues, the attendee will be directed to leave the meeting.

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.

24. Article VI – Public Hearings; Disqualification for Personal or Financial Interest – Disputed Conflict Procedure

Proposed Redline

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.

25. Article VI – Public Hearings; Amendments to Any Petition

Proposed Redline

~~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 as provided in Article III, Section 2 and before the Administrator 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.

26. Article VI – Public Hearings; Commitments, Amendments and Supplements to Supporting Documents

Proposed Redline

~~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 and considered by the Commission, Committee, or Hearing Examiner, as applicable, 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 Administrator in their 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 or considered at the scheduled hearing or meeting, except for a Presentation accepted by the Administrator in their discretion. The Administrator'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 be inconsistent with any timely submitted materials or submissionsby the submitting party; if an inconsistency 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 Administrator in their 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.

27. Article VIII – Final Disposition of Petitions; Section 6, Final Disposition of Vacation Petitions – New Commitments Subsection

Proposed Redline

COMMITMENTS.

If deemed advisable, the Commission or Hearing Examiner 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 Commission or Hearing Examiner 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 Commission or Hearing Examiner. 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 Commission or Hearing Examiner 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 by the Commission or Hearing Examiner, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Commission or Hearing Examiner, 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 Hearing Examiner, 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.

28. Article XIII – Waiver of Rules – Waiver from Subdivision Standards

Proposed Redline

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.

Exhibit B - Updated

Plat Committee
Rules and Procedures
Proposed Change List

Legend: Proposed additions are shown in red underline. ~~Proposed deletions are shown in red strikethrough.~~ Clarifying changes highlighted in the revised redline are shown with yellow highlighting.

1. Article I – Plat Committee, General; Section 1, Definitions – "Administrator"

Proposed Redline

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

Moves the Administrator definition from former Article IX to Article I and revises the wording to "Administrator of Division of Planning."

2. Article I – Plat Committee, General; Section 1, Definitions – "Commission"

Proposed Redline

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

Moves the Commission definition from former Article IX to Article I and adds "of Marion County, Indiana."

3. Article I – Plat Committee, General; Section 1, Definitions – "Committee"

Proposed Redline

"Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.

Moves the Committee definition from former Article IX to Article I.

4. Article I – Plat Committee, General; Section 1, Definitions – "Interested Parties"

Proposed Redline

"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.

Adds a definition of Interested Parties.

5. Article I – Plat Committee, General; Section 1, Definitions – "Presentation"

Proposed Redline

"Presentation" shall mean a slide deck, display boards, handouts, visual aids, or other demonstrative materials prepared by or on behalf of a petitioner 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 be inconsistent with a petition, plat, site plan, proposed conditions, supporting documents, exhibits, or any other materials or submissions by the submitting party subject to a submission deadline under these Rules.

Adds a definition distinguishing a Presentation from petition materials and other submissions subject to filing deadlines.

6. Article I – Plat Committee, General; Section 1, Definitions – "Staff"

Proposed Redline

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

Adds a definition of Staff and clarifies that Staff means staff of the Department of Metropolitan Development.

7. Throughout Rules – Defined-Term Consistency for "Committee"

Proposed Redline

After defining "Committee" as the five-member Plat Committee, delete the word ~~Plat~~ before "Committee" where the defined term is used throughout the Rules.

Technical terminology change applied throughout the document; no change to the identity or authority of the Plat Committee.

8. Article I – Plat Committee, General; Section 7 – Compliance With Intermediate Deadlines

Proposed Redline

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 Committee 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 Administrator 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.

Adds a five-day agenda-material deadline and limited Administrator discretion to accept a late Presentation.

9. Article I – Plat Committee, General; Section 7 – No Exceptions; Missed Deadlines; Late Presentations

Proposed Redline

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 Administrator may accept a late Presentation in its sole discretion. 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 Administrator in their sole discretion. A Presentation accepted after the applicable deadline must not be inconsistent with any timely submitted materials or submissions by the submitting party; if an inconsistency exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

Establishes the consequences of missed submission deadlines and clarifies the limited exception for late Presentations.

10. Article II – Public Hearings; Section 12, Quorum – Electronic Voting

Proposed Redline

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.

Adds a procedure for electronic voting.

11. Article II – Public Hearings; New Section, Virtual Attendance

Proposed Redline

VIRTUAL ATTENDANCE - Virtual attendance for meetings of the Committee 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 Committee hearing virtually, then all votes shall be by roll call or voice vote.

Adds virtual attendance and voting procedures.

12. Article II – Public Hearings; Section 16, Time Allowed and Procedure for Hearing of Petitions – Total Presentation Time

Proposed Redline

Petitioners and remonstrators, respectively, shall be permitted a total of ~~20~~fifteen (15) minutes for presentation of evidence, statements, and argument at the public hearing of every petition.

Reduces total presentation time for each side from 20 minutes to 15 minutes.

13. Article II – Public Hearings; Section 16.D – Staff Presentation

Proposed Redline

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

Clarifies that Staff presents its review and recommendation before petitioner and remonstrator presentations.

14. Article II – Public Hearings; Section 16.E – Petitioner Initial Presentation

Proposed Redline

Petitioners and persons appearing in support of the petition being heard shall first have ~~15~~ten (10) minutes for the presentation of evidence, statements and argument in support of the matter being considered.

Reduces the petitioner/support initial presentation from 15 minutes to 10 minutes.

15. Article II – Public Hearings; Section 16.F – Remonstrator Initial Presentation

Proposed Redline

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

Reduces the remonstrator/opposition initial presentation from 15 minutes to 10 minutes.

16. Article II – Public Hearings; Section 16.I and 16.J – Rebuttal Time

Proposed Redline

The petitioner shall then have five (5) minutes for rebuttal. Remonstrators and persons appearing in opposition to the petition shall then have five (5) minutes for rebuttal.

Technical clarification expressing the existing rebuttal time as “five (5)” minutes.

17. Article II – Public Hearings; Section 16.K – City-County Council Testimony

Proposed Redline

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

Extends the provision to a member-elect of the City-County Council.

18. Article III – Filing and Docketing of Petitions; Section 24, Docket Number

Proposed Redline

After determination by the Administrator that a petition has been presented in proper form with all required exhibits, materials, and information, and all applicable filing fees have been paid, such petition shall be filed and numbered consecutively in the order of its filing.

Clarifies that applicable filing fees must be paid before the petition is filed and numbered.

19. Article IV – Notice; Section 30.B(1), Plat Petitions and Petitions to Vacate a Plat or Portion of a Plat

Proposed Redline

Additional notice 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.

Revises the minimum petitioner mailing notice period from 23 days to 10 days.

20. Article IV – Notice; Section 30.B(2), Petitions to Vacate an Alley, Street, Easement, or Public Grounds

Proposed Redline

Petitioner shall give additional notice by registered, certified or first class mail at least ~~twenty-three (23)~~ten (10) days before the date of the hearing.

Revises the minimum petitioner mailing notice period from 23 days to 10 days.

21. Article IX – Definitions – Deletion and Relocation

Proposed Redline

~~ARTICLE IX - DEFINITIONS~~

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

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

~~"Commission" shall mean the Metropolitan Development Commission.~~

~~"Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.~~

Deletes the former standalone Definitions article because the definitions are relocated to Article I; new definitions of Interested Parties, Presentation, and Staff are also added in Article I.

22. Adoption and Effective Date

Proposed Redline

The foregoing Rules of Procedure ... are hereby adopted ... this ~~2nd day of November, 2022~~2nd day of December, 2026. The Effective Date ... shall be ~~November 2, 2022~~December 2, 2026.

Updates the adoption and effective date to December 2, 2026, and identifies Resolution 2026-P-013 in the revision history.

PLAT COMMITTEE

of the
Metropolitan Development Commission of
Marion County, Indiana

RULES OF PROCEDURE

ADOPTED:	March, 1979	
REVISED:	August 17, 1988	
	October 3,1990	
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	November 2, 2022	(2022-P-016)
	December 2, 2026	(2026-P-013)

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RULES OF PROCEDURE

ARTICLE I - PLAT COMMITTEE, GENERAL

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

C. "Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.

D. "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.

E. "Presentation" shall mean a slide deck, display boards, handouts, visual aids, or other demonstrative materials prepared by or on behalf of a petitioner 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 be inconsistent with a petition, plat, site plan, proposed conditions, supporting documents, exhibits, or any other materials or submissions by the submitting party subject to a submission deadline under these Rules.

~~**B.**~~**F.** "Staff" shall mean the staff of the Department of Metropolitan Development who administers the public hearing process and provides formal recommendations on land use matters.

2. **MEMBERS** - The ~~Plat~~ Committee shall consist of five (5)members.

3. **OFFICERS** - Annually at the first regular meeting of the ~~Plat~~ Committee, a chairman, Vice- Chairman, and Secretary shall be elected from its members. The Chairman shall preside at all meetings, and in his or her absence or disability the Vice-Chairman shall preside.

4. **CHAIRMAN TO DECIDE POINTS OF ORDER** - The Chairman, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Committee in session at that time.

5. **MINUTES, RECORDS** - The ~~Plat~~ Committee shall keep minutes of its meetings, proceedings and other official actions, and of all petitions heard by it, and shall record the vote on all actions taken.

6. **BALLOT VOTE** - In all petitions heard by the ~~Plat~~ Committee, the Committee's vote shall be by ballot. All such ballots shall remain on file in the office of the Metropolitan Development Commission and shall be public records.

7. **WHO MAY FILE** - A petition for a plat may be filed by the property owner(s).

   A petition for a vacation of land in a plat, or part of a plat may be filed by owners of all or part of the plat pertaining to the land owned by the petitioner.

   A petition for a vacation of a street, alley, easement, or public grounds may be filed by all of the owner(s) of the real estate adjacent to the property proposed for vacation.

   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 plat or vacation request shall be in writing, signed by the owner on a form provided by the City with the application, and 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 township assessor;

   B. A contract vendee;

   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.

8. **MINIMUM FILING TIME REQUIRED PRIOR TO HEARING** - All petitions shall be filed at least forty (40) days prior to the hearing at which they are to be considered, unless otherwise requested by petitioner and approved by the Administrator.

   A. 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 Committee 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 Administrator 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.

B. 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 Administrator may accept a late Presentation in its sole discretion as provided in Section A 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 Administrator in their sole discretion. A Presentation accepted after the applicable deadline must not be inconsistent with any timely submitted materials or submissions by the submitting party; if an inconsistency exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

9. 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 - PUBLIC HEARINGS

1. TIME AND PLACE OF PUBLIC HEARINGS - Regular meetings, designated as public hearings of the ~~Plat~~ Committee of the Metropolitan Development Commission shall be held in the City-County Building, Indianapolis, Indiana, at 1:00 p.m. on the second Wednesday of each month. If such regular meeting day falls on a legal holiday, such meeting shall then be held on the following day that is not a legal holiday, unless the Administrator determines that it would create a conflict with another scheduled hearing or meeting. The Administrator shall then select an alternate hearing date.

2. **SPECIAL MEETINGS -** Special meetings may be called by the Chairman or by three (3) members of the ~~Plat~~ Committee upon written request to the Secretary, who shall send to all members thereof, at least two (2) 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 time of the special meeting is fixed at a previous regular meeting.

3. **ALL MEETINGS AND HEARINGS PUBLIC** - All regular or special meetings and hearings of the ~~Plat~~ Committee shall be open to the public.

4. **QUORUM -** The ~~Plat~~ Committee consists of five (5) members. A majority of the five (5) members of the ~~Plat~~ Committee shall constitute a quorum. No action of the ~~Plat~~ Committee is official unless concurred by a majority of its members.

   A. 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 Committee 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 Committee hearing virtually, then all votes shall be by roll call or voice vote.

6. **INDECISIVE VOTE -** If in any case, the vote of the ~~Plat~~ Committee does not result in official action as set forth in Article II, 4 above, the petition shall be automatically re-docketed and heard at the next regularly scheduled meeting of the ~~Plat~~ Committee

7. **WRITTEN APPEARANCES -** 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 ~~Plat~~ Committee shall prepare and make available appropriate forms for such purpose, or the person interested may file such information in any form desired provided that the foregoing information is provided. 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.

8. **CONTINUANCE -** A continuance on any petition may be granted in one of three ways:

   A. **Plat Committee Continuance:** The ~~Plat~~ Committee may, at any time, at its own discretion, continue the hearing of any petition. The ~~Plat~~ 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 IV hereof.

B. **Automatic Continuance:** Each party (petitioner(s) and remonstrator(s)) shall be granted only one automatic continuance by the Administrator, to be used at the 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 and filed no less than by 5:00pm on the seventh (7) day prior to the day of the scheduled hearing.

(3) The continuance request shall include the new date of the hearing that would be the next regularly scheduled meeting of the ~~Plat~~ Committee.

(4) The party requesting the continuance shall give notice to all parties required to be served notice by Article IV hereof and to attorneys, agents or other individuals who have entered their appearance or are known by the party requesting the continuance to represent petitioner(s), remonstrator(s) or other parties. However, registered neighborhood organizations and City-County Councillors shall be required to give notice only to attorneys, agents, petitioners, and individuals who have signed a remonstrators of record form in the petition file.

Such notice shall be mailed at least seven (7) days prior to the hearing.

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

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

(7) An automatic continuance cannot be withdrawn after being file-stamped and accepted by the Division of Planning.

C. **Continuance for Cause**: All other continuances shall be considered a Continuance for Cause that may be granted by the ~~Plat~~ Committee at the hearing. If both the petitioner(s) and remonstrator(s) do not agree to a Continuance for Cause, the ~~Plat~~ Committee shall base its decision to grant or not to grant the request on testimony from both parties at the hearing. At the hearing, written requests for continuance shall be considered prior to verbal requests for continuance.

9. **TIME ALLOWED AND PROCEDURE FOR HEARING OF PETITIONS** - Petitioners and remonstrators, respectively, shall be permitted a total of ~~20~~ fifteen (15) minutes for presentation of evidence, statements, and argument at the public hearing of every petition. The procedure of presentation shall be as follows:

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

~~**A.**~~**B.** **Petitioners** and persons appearing in support of the petition being heard shall first have ~~15~~ ten (10) minutes for the presentation of evidence, statements and argument in support of the matter being considered. A reasonable additional time shall then be allowed for cross-examination and redirect examination of petitioner's witnesses.

~~**B.**~~**C.** **Remonstrators** and persons appearing in opposition to the petition shall then have ~~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 for cross-examination and redirect examination of remonstrators' witnesses.

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

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

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

~~**F.**~~**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 and a brief closing statement.

~~**G.**~~**H.** A reasonable additional time may be allowed for any member or member-elect of the City-County Council

~~**H.**~~**I.** to provide rebuttal testimony.

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

~~**J.**~~**K.** The presiding officer shall have authority to cut off repetitious and irrelevant testimony, and to extend the total 20 minute periods specified above, upon the request of any interested party, where appropriate in the interest of affording to all interested parties a fair hearing.

10. **ORDERLY CONDUCT REQUIRED -** Every person appearing before the ~~Plat~~ Committee shall abide by the order and directives of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Committee and shall be dealt with by the presiding officer as he or she deems fair and proper.

11. **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 he 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 other witnesses.

12. **CONTACTING ANY COMMITTEE MEMBER REGARDING PENDING PETITION PROHIBITED; ADMINISTRATOR'S WRITTEN STATEMENT OF FACTS OR OPINION -** No person, firm, corporation, public employee, or body politic shall contact any member of the ~~Plat~~ Committee orally, or in writing, in advance of public hearing in a petition then pending for decision in an effort to influence such member's votes, except that the Administrator, or a member of his or her staff, may submit prior to any proposed hearing, a written statement of planning facts or opinion regarding such petition. A copy of such statement shall be furnished simultaneously to the petitioner and persons who have filed written appearances as outlined in Article II, Section 6.

13. **DISQUALIFICATION IN CASE OF PERSONAL OR FINANCIAL INTEREST** - A member of the Committee who has any personal or direct or indirect financial interest in any petition presented shall disqualify himself or herself insofar as the particular petition is concerned, and shall not participate in the hearing and decision of such petition. The member disqualifying himself or herself shall do so before the petition is heard and shall not sit with the Committee while the testimony relating to the petition is in progress.

14. **ALL TESTIMONY UNDER OATH -** All testimony before the ~~Plat~~ Committee shall be given under oath or affirmation that shall be administered by some person, qualified to administer oaths.

15. **RECORD OF HEARING -** A verbatim recording, stenographic record, or stenotype record shall be made of all hearings of the ~~Plat~~ Committee and shall remain on file in the office of the Department of Metropolitan Development for a period of six (6) months following hearing and determination, subject to State records retention laws. A transcript of such 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. All exhibits, whether submitted by a petitioner or remonstrator, shall become the property of the ~~Plat~~ Committee and shall not be returned to the submitting party.

ARTICLE III - FILING AND DOCKETING OF PETITIONS

1. **FILING ON COMMITTEE'S FORMS REQUIRED -** All petitions shall be presented for filing on forms supplied by the ~~Plat~~ Committee and shall include the exhibits, material, and information required by and specified on said forms.

Any communication purporting to be a petition not filed on such forms or not containing the information called for on said forms, shall be regarded as a mere notice of intention to

file a petition and shall be of no force or effect until such filing is made on the required forms and contain all exhibits, materials and information 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.

2. **DOCKET NUMBER -** After determination by the Administrator that a petition has been presented in proper form with all required exhibits, materials, ~~and~~ information, and all applicable filing fees have been paid, such petition 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 all petitions shall be hyphenated with the numbers of the year, and initials 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. On the date set for hearing, petitions shall come before the ~~Plat~~ Committee in the regular order of their consecutive numbers, with plat petitions heard first, followed by vacation petitions, and vacation assessment hearings.

3. **DOCKETING PROCEDURES FOR EXPEDITED PETITIONS -** 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, if, and only if, the following criteria are met:

A. There is no known remonstrance to the petition;

B. Staff is recommending approval of the petition; and

C. The petitioner is in agreement with the conditions as proposed in the written staff report.

4. **FILING FEE -**

A. In order to compensate for the expense of advertising and processing, per IC-36-7-4- 704 the following fee shall be paid by the applicant at the time of filing:

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
(2) Petition Requesting Vacation Approval of:	
a. Vacating a Street or alley right-of-way	$4,299.00 plus $5 per 10
b. All other vacation requests	$linear foot of the street or alley $2,899.00
(3) Miscellaneous:	
a. Amendment to any other Petition requiring revised legal notice after legal notice has been published	$ 250.00
b. Subdivision Surety Reduction	$ 139.00 per surety per section
c. Sidewalk or Street Sign Inspection of a subdivision and Surety Release	$ 139.00 per section
(4) Address/Street name changes:	
a. Request for Change of Address assignment:	$ 300.00 per lot
b. Street name change (other than for public safety reasons)	$1,500.00 per block

B. 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.

C. MAINTENANCE OF FUNDS - As a Committee of the Commission, all monies from any filing fees for petitions and other activities to defray administrative costs shall be directed to the Commission's non-reverting fund to maintain said receipts.

5. ADDITIONAL PROCEDURAL REQUIREMENTS OF SUBDIVISION CONTROL ORDINANCE - Filing of applications for primary or secondary plat (or re-plat) approval (including major, and minor subdivisions), notification, filing of bonds for subdivision improvement and completion affidavits, recording of plats and all other platting (or re-platting) procedural requirements shall be in accordance with Chapter 741, the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. The Department of Metropolitan Development may require electronic filing of application materials.

6. ADDITIONAL FILING REQUIREMENTS FOR VACATION PETITIONS - Filing of applications for vacations petitions shall be in compliance with Chapter 741, the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. 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. Written proposed Findings of Fact must be submitted for petitions to vacate a plat or a portion of a plat, as well as petitions to vacate streets, alleys, or other public rights-of- way. Forms, outlining the specific types of Findings, are included with the vacation petition forms.

7. **ADDITIONAL FILING REQUIREMENTS FOR WAIVERS -** Filing of applications including a request for a waiver of the Rules of Procedure or the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended, shall be accompanied by a detailed description of the waiver(s) requested. Written proposed Findings of Fact shall be filed for any waiver of the standards and specification of the Subdivision Control Ordinance. Description of the requested waiver(s) of the standards and specification of the Subdivision Control Ordinance shall be included in the Notice as described in Article IV.

ARTICLE IV - NOTICE

1. **NOTICE REQUIREMENTS -** Notice of all petitions to be heard by the ~~Plat~~ Committee shall be given to all interested parties or property owners, in the following manner:

   A. NOTICE BY PUBLICATION - When the ~~Plat~~ Committee 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 Committee at least ten (10) days prior to the date set for the hearing, in accordance with IC- 5-3-1.

   B. ADDITIONAL NOTICE - Additional notice by petitioners to owners of adjoining land, neighborhood organizations and affected City-County Councilors.

   (1) 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.

   Additional notice of each 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 ~~twenty- three (23)~~ ten (10) days before the date of the hearing (on the form prescribed by the Committee) 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) each owner of land in the affected section of the plat.

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

(a) owners of all real estate, or interests therein.

(b) all abutting property owners along such street, alley, and/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.

(3) 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.

(4) In the case of property that is subject to I.C. 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.

(5) 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 Committee, such notice shall be deemed proper.

Commented [BP2]: With the notice down to 10 days, should this be adjusted?

(6) 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 plat or vacation (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 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 Committee;

(f) that written objections to the petition that are filed with the Secretary of the Committee 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 Committee and incorporated herein by reference). The

Neighborhood Organization map shall be maintained as provided for in the Metropolitan Development Commission's Rules of Procedure. For purposes of such notice, the names, addresses and boundaries of 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 of the Committee.

(8) Such notice shall also be sent in the same manner to each City-County Councillor whose District includes all or some part of the subject property. City-County Councillor notification shall be given for every petition. The list of those City-County Councillors entitled to notice shall be provided to the petitioner by the staff of the Committee.

C. NOTICE ON SUBJECT PROPERTY - Notice for all petitions, on a form prescribed by the Commission, shall be posted at least twenty-three (23) 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. For vacations of streets and alleys, said notice shall be posted upon private property abutting each terminus of the proposed vacation area. 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.

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

D. 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 or her attorney or agent shall furnish evidence of compliance with the notice requirements by filing a notarized statement in the offices of the Committee listing the name 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 Committee within three (3) days following the mailing and posting of notice.

3. **DEFECTIVE NOTICE** - If proper notice pursuant to Sections 1 (B) and (C) of this Article has not been given, the Plat Committee 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 Plat Committee is considering requests for continuances. If the failure to give proper notice is not discovered until after the hearing, the Plat Committee may order the petition to be reheard by the Committee, upon proper notice given by the petitioner.

ARTICLE V - APPEALS TO COMMISSION

1. **PLATS -** Any interested party, including the Administrator, may file a request for an appeal of the recommendation of the Plat Committee, including any conditions. Such request for appeal shall be filed in the offices of the Commission no later than by 5 p.m. of the 5th day following the action of the Plat Committee, per IC-36-7-4-708. Said request for appeal shall simply state that the party requests a hearing by the Commission. Prior to or 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 mailing, upon the opposing party as follows: a remonstrator shall serve petitioner's attorney or agent or, if none has appeared, the petitioner as named and at the address stated in the petition; a petitioner shall serve all remonstrators' attorneys or agents 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 shall serve both petitioner and remonstrators as above provided. Documentation evidencing such service shall be filed with the Commission. The Commission shall hear the appeal at its next regular meeting held at least 10 days after the notice of appeal is filed.

2. **VACATIONS -** Appeals of the decision of the Plat Committee regarding the vacation of plats or parts of plats, vacation of public ways, easements, or public places or parts thereof shall follow the same procedure noted in Section 1 of this Article V, in accordance with IC- 36-7-4-712.

3. **COMMISSION DECISION FINAL -** A final decision of the Commission, 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) may be reviewed in accordance with Indiana Code 36-7-4-1600 (Judicial Review).

   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.

ARTICLE VI - FINAL DISPOSITION OF PETITIONS

1. FINAL DISPOSITION OF PLAT PETITIONS

A. Written notice of the Committee's decision upon petitions for plat or re-plat approval shall be sent by regular mail to the petitioner.

B. Such notice shall state the conditions, if any, imposed upon the approval of plats (or re-plats).

C. Written findings of fact shall be prepared indicating the reasons for approval or disapproval of the petition, per IC-36-7-4-707.

2. FINAL DISPOSITION OF VACATION PETITIONS

A. **HEARING CONCLUSION -** Upon the conclusion of the hearing, the Plat Committee shall find and decide:

(1) For the vacation of an alley, easements, street or public grounds, whether the vacation is in the public interest in accordance with IC 36-7-4-712; whether any interests of the public, any utility or governmental unit shall be reserved; any other conditions to be imposed in the decision; and whether there shall be a hearing on assessment of benefits or award of damages. **OR**

(2) For the vacation of plat or portions of plats, whether (a) conditions in the platted area have changed so as to defeat the original purpose of the plat; (b) it is in the public interest to vacate all or part of the plat; and (c) the value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation, in accordance with IC-36-7-3-11.

B. **ASSESSMENT OF BENEFITS**

(1) **Vacation without Assessment of Benefits or Award of Damages**. In any vacation petition 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 the owner of 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.

(3) **Selection of Appraiser**. Petitioner shall select, from a panel of appraisers designated by the Metropolitan Development Commission (a list of which is on file in the office of the Department of Metropolitan Development, Division of Planning), an appraiser who, upon his selection by petitioner and notification thereof by the Secretary of the Committee, 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.

(4) **Determination of Assessment**. Upon the conclusion of the hearing, the Plat Committee may either sustain or modify the assessments of benefits.

(5) **Payment of Assessment**. Payment of assessments shall be by check payable to the City Controller that may be submitted at the hearing upon assessment of benefits, or within one year thereafter.

C. VACATIONS IN EXCLUDED CITY OR INCLUDED TOWN - If the Plat Committee finds that the Excluded City or Included Town acquired the subject property by condemnation or purchase, or that it has performed construction or maintenance on the subject property or any part thereof, the Plat Committee shall refer final action upon assessment of benefits or award of damages to such City or Town. Within thirty (30) days after final action upon assessment of benefits or award of damages, the petitioner shall file with the Plat Committee, a certified copy of the final action of the City or Town and proof of compliance with any conditions imposed in the Plat Committee's decision. Within ten (10) days after recording the vacation, Petitioner shall file proof thereof with the Plat Committee. If the Plat Committee finds that the City or Town did not acquire the subject property by condemnation or purchase and further finds that it has neither performed construction or maintenance on the subject property, then the Plat Committee shall proceed in accordance with Section 2, A of this Article.

D. 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. If any conditions are imposed on a vacation by the Plat Committee, petitioner shall, within one year of the vacation approval (unless time is extended by the Committee), indicate, in writing, compliance with all conditions of 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 file with the Marion County Auditor and record with the Marion County Recorder certified copies of the adopted Vacation Resolution, survey, and Committee's decision.

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

F. **DISMISSAL OF PETITIONS** -The Plat Committee may dismiss a petition for want of prosecution or for lack of jurisdiction.

G. **WITHDRAWAL OF PETITIONS -** No petition may be withdrawn by the petitioner after a vote has been ordered by the Chairman. No plat or vacation petition that has been withdrawn by the petitioner shall again be placed on the docket for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit re-docketing, adopted by the affirmative vote of a majority of the members of the Committee.

H. **REDOCKETING FOLLOWING ADVERSE DECISION -** No plat or vacation petition that has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Committee within a period of one year from the date of the decision, except upon motion to permit re- docketing, adopted by the affirmative vote of a majority of the members of the Committee.

ARTICLE VII - 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 VIII - WAIVERS

1. **WAIVER OF RULES -** The Plat Committee, upon the affirmative vote of a majority of the members present and entitled to vote, shall have the right to waive the Rules of Procedure upon its 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. **WAIVER OF STANDARDS AND SPECIFICATIONS -** After notice in accordance with these Rules and upon the affirmative vote of a majority of the members present and entitled to vote, the Plat Committee shall have the right to waive the standards and specifications of the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended. Said waiver shall be based upon Findings of Fact as prescribed by the Subdivision Control Ordinance for Marion County, Indiana, Ordinance G.O. 64, 2015, as amended.

~~ARTICLE IX - DEFINITIONS~~

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

~~1. "Administrator" shall mean the Administrator of the Division of Planning of the Department of Metropolitan Development, or his/her designated representative(s).~~
~~2. "Commission" shall mean the Metropolitan Development Commission.~~
~~3. "Committee" shall be the five-member Plat Committee of the Metropolitan Development Commission.~~

~~ARTICLE X~~ARTICLE IX – AMENDMENTS

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

The foregoing Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, are hereby adopted by the affirmative vote of the undersigned members of said Commission, this 2nd day of ~~November~~December, 2026~~2~~. The Effective Date of this Rules of Procedure of the Plat Committee of the Metropolitan Development Commission of Marion County, Indiana shall be ~~November 2~~December 2, 2026~~2~~.

Commented [BP3]: Adjust for scheduled hearing

John J. Dillon III, Commissioner and President	Brian P. Murphy, Commissioner and Secretary
Bruce Schumacher, Commissioner and Vice-Secretary	Gregg West, Commissioner
Brian Herget, Commissioner	Brigid Robinson, Commissioner
Cindy Kirchofer, Commissioner	_____, Commissioner
_____, Commissioner	

Commented [BP4]: Adjust for hearing

METROPOLITAN DEVELOPMENT COMMISSION OF MARION COUNTY, INDIANA

ATTEST: _____
Christopher Steimentz,
Counsel, Metropolitan
Development Commission
of Marion County, Indiana

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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 be inconsistent with a petition site plan, plat, elevations, proposed commitments or conditions, supporting documents, exhibits, or any other materials or submissions by the submitting party, subject to a submission deadline under these Rules.

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

Commented [CS2]: What is the objective here? What constitutes a "conflict" for the purposes of this provision? A Presentation offered by a remonstrator will, by definition, conflict with the petition. We may want to point out that these demonstrative materials will need to be retained by the Commission as public records.

Commented [PB3R2]: Conflict in this setting means different from what is in the formal petition. What is occurring is that petitioners are slipping in changes to commitments, site plans, etc. in the presentation as a way to circumvent "new information deadlines". Staff has stated this is new information, but decisions are made regardless.

I can include the retain language.

Commented [CS4]: Should they be defined as "staff of the Department of Metropolitan Development who administer…"

Commented [PB5R4]: Happy to insert

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.

Commented [CS6]: Shouldn't this be a redlined change of language?

Commented [PB7R6]: You are correct, not sure how that slipped through. Do you recommend at this point to keep the current language "The Metropolitan Development Commission may initiate a proposal to amend or partially repeal the text of the zoning ordinance."

Commented [PB8R6]: Make redline -

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 associated 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 Administrator 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 Administrator 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 Administrator in their sole discretion. A Presentation accepted after the applicable deadline must not be inconsistent with any timely submitted materials or submissions by the submitting party; if an inconsistency exists, the timely submitted materials or submissions control. Acceptance of a late Presentation shall not require or permit any change to the final agenda.

Commented [PB9]: @Steinmetz, Christopher Added the qualifier language here per your comment on Art. VI.12.L. Let me know if this works for you.

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 five (5) days before the scheduled hearing or meeting on the petition, consistent with the submission deadline established by these Rules. ~~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)

Commented [CS10]: Why are ILP fees being deleted?

Commented [PB11R10]: BNS asked for us to remove from our rules, as their board approved their fees. Otherwise, each time BNS adjusts, we will have to also amend each time. BNS has really been insistent on this change. DMD is indifferent, and would rather simplify the adoption process. Are there concerns on your end?

Commented [PB12R10]: In the world of zoning. - Chris to look into the statute more closing. "establishing fees."

Commented [PB13R10]: The authority to establish the fees are still MDC. Need to update not remove.

Commented [PB14R10]: 36-7-4. Chris to get OCC input before we decide

Commented [PB15R10]: Chris is most comfortable with leave in as is - will move forward.

(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. 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. 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. 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. 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. 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. 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. 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. 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~~ Wwithin 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 5-14-1.5-3.5, 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.

Notwithstanding the foregoing, the Commission may, in its discretion, amend the final agenda to add a walk-on resolution, provided that the amendment and consideration of the resolution is conducted in compliance with the Indiana Open Door Law.

Commented [CS16]: Do we want to allow for walk-on resolutions after Agenda finalized?

Commented [PB17R16]: I would say procedurally, this would fall under special request. Anyone could ask for a walk-on, including staff.

Commented [PB18R16]: The language would have to be "Modify the set agenda to allow for X item to be added to the hearing agenda." - A Request to amend the agenda can be made at during the Special Request portion of the docket.

Commented [PB19R16]: Bryce will update

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 or Committee 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 or Committee hearing virtually, then all votes shall be by roll call or voice vote.

Commented [PB20]: Removed HE

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 on a 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 make an oral appearance and provide comment at the public hearing and state his or her issues, without filing a written appearance.

Commented [CS21]: Would someone wishing to speak still be required to state their name and address for the record before speaking?

Commented [PB22R21]: This is covered in item A above, I believe.

Commented [PB23R21]: "Any person interested in a petition shall have the right to make an oral appearance and provide comment at the public hearing and state his or her issues, without…"

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.

Written communications received after the five (5) calendar day deadline, but not later than forty-eight (48) hours prior to the scheduled hearing, shall not be included in the hearing packet but shall be included in the case file and provided electronically or physically to the Commission, Committee, or Hearing Examiner, as applicable.

Written communications received less than forty-eight (48) hours prior to the scheduled hearing shall not be distributed to the Commission, Committee, or Hearing Examiner for consideration at that hearing. A person wishing to provide

Commented [CS24]: How is "a group" defined? One or more individuals? Does the opposing party also get the additional 5 minutes automatically?

Commented [PB25R24]: Could we add: ...the presentation time for a petitioner or remonstrator appearing on behalf of an organization, or more than one individual.." something along those lines? As for automatic, the language states at "the chairman, president, or hearing examiner may, at their discretion", so regardless of how we define group, its still at the discretion. This just gives a more solid foundation for those decisions to be made.

Commented [PB26R24]: Chris to think more due to subjectivity. Maybe more straight forward language.

Commented [SC27R24]: "Requests for additional time for the presentation of evidence, statements, and arguments in support or opposition to the matter under consideration shall be determined at the sole discretion of the Chairman, President or Hearing Examiner. Should a request for additional time be granted, the opposing party shall be allowed an equal amount of additional time for the presentation, statements, and arguments." Do we want to require that this request must be made during the Special Requests portion of the docket?

Commented [PB28R24]: @Steinmetz, Christopher I thought about it, but reality is, that request would be made during the hearing itself, and not already intended to be needed, until oral testimony.

My preference would not necessarily tie it to Special Request, and leave it as discretion of the chair/HE/President.

Commented [PB29]: Chris: The "City" means who? Maybe substitute "Administrator" for City? What constitutes a "conflict" for purposes of this prevision? Who determines if a conflict exists? Could be subject to varying interpretations. In what way will late submitted letters be "made available" to Commission members?
Bryce: I am good with Administrator, rather than City. Also for in what way: that detail is not in the current rules, unless I am missing something. Should we formalize this? We do a mixture of email/mailed packets
For start of section L: What if we add at Administrator's discretion to incorporate some flexibility for more complex cases? Based on public comment.

Commented [PB30R29]: Updates in yellow - based on our conversations.

Commented [SC31R29]: This doesn't seem to be something that should be discretionary. If they meet the deadline, their materials should be included packet sent in advance.

Commented [SC32R29]: We had discussed a clarifying statement regarding conflicting or inconsistent materials: A Presentation accepted after the deadline must not be inconsistent with any timely submitted materials or submissions of the submitting party; this same adjustment should be applied to the last sentence of this paragraph and to the end of paragraph 18. and Art. III.2.D

Commented [PB33R29]: @Steinmetz, Christopher added

comments after the forty-eight (48) hour deadline may appear at the hearing and provide oral testimony in accordance with these Rules.

All supporting documents, exhibits, revised materials, other materials a petitioner, remonstrator, or other Interested Parties 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. 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 Administrator 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 be inconsistent with any timely submitted materials or submissions of the submitting party; if an inconsistency 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 Code (IC 5-14-1.5-3.5), 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.

Commented [PB34]: Chris: If you have a cite to Indiana Code for this statement I would recommend inserting it here. Bryce: believe it is IC 5-14-1.5-3.3. This was a recent change in 2025. If you wouldn't mind confirming, I will add to the redlines

Commented [PB35R34]: Added citation

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.~~

Commented [CS36]: For clarification, I previously recommended that this revision be removed.

Commented [PB37R36]: Noted. I will confirm with my leadership for the ok to remove.

Commented [PB38R36]: Ok will remove

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 as provided in Article III, Section 2 and before the Administrator 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

Commented [CS39]: Suggested revision: "...deadline as provided in…"

Commented [PB40R39]: Noted and will insert

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 and considered by the Commission, Committee, or Hearing Examiner, as applicable, 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 Administrator in their 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 or considered at the scheduled hearing or meeting, except for a Presentation accepted by the Administrator in their discretion. The Administrator'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 be inconsistent with any timely submitted materials or submissions by the submitting party; if an inconsistency 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 Administrator in their 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.

Commented [PB41]: Chris: Does "reviewed" mean reviewed by staff? Or, reviewed and considered by the Commission, Committee, or Hearing Examiner?
Bryce: This is in reference of reviewed by the hearing body - Commission, Hearing Examiner, and Committee

Commented [PB42R41]: Updated

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 Commission or Hearing Examiner 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 Commission or Hearing Examiner 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 Commission or Hearing Examiner. 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 Commission or Hearing Examiner 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 by the Commission or Hearing Examiner, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Commission or Hearing Examiner, 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 Hearing Examiner, 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.

Commented [CS43]: This appears to be a remnant of when MDC and Plat rules were being combined. Or, change "Committee" to "Commission, Committee, or Hearing Examiner…" and retain the remainer of the language.

Commented [PB44R43]: Good catch! We want to keep this in for consistency, so it should read "Commission or Hearing Examiner may require…." I can insert this for committee here, if you do not see any issue

Commented [PB45R43]: Updated: This is so when plat petitions come through MDC rather than plat, language is the same.

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

Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — December 2, 2026

Case Number:	2026-ZON-039 (Amended)
Property Address:	6501 Mann Road
Location:	Decatur Township, Council District #21
Petitioner:	Kittle Property Group, by Joseph D. Calderon
Current Zoning:	SU-1 (FF) (FW) / D-1 (FF) (FW)
Request:	Rezoning of 28.506 acres from the SU-1 (FF) (FW) and the D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for a multi-family residential development.
Current Land Use:	Single-family dwelling / Agricultural uses
Staff Recommendations:	Approval of the rezoning request.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the June 11, 2026 hearing, to the July 9, 2026 hearing.

The Hearing Examiner continued this request from the July 9, 2026 hearing, to the August 13, 2026 hearing, at staff's request to provide time for continued discussions related to this request.

The Hearing Examiner continued this petition from the August 13, 2026 hearing to the September 24, 2026 hearing, at the petitioner's to provide additional time to address some issues.

The Hearing Examiner continued this petition, with notice due to increased acreage, from the September 24, 2026 hearing, to the October 29, 2026 hearing.

The Hearing Examiner continued this petition from the October 29, 2026 hearing, to the November 12, 2026 hearing, at the request of staff, to provide time for additional time for the Traffic Impact Study (TIS) to be updated and include review of the primary access drive along Mann Road at the intersection with Mills Road, along with infrastructure improvements recommendations.

December 2, 2026

This petition was heard by the Hearing Examiner on November 12, 2026. After an expedited hearing, the Hearing Examiner recommended approval of the rezoning. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

STAFF RECOMMENDATION

Staff recommends approval this request, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. A 59.5-foot half right-of-way shall be dedicated along the frontage of Mann Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
4. Infrastructure improvements related to the intersection of Mills Road and Mann Road per the Traffic Impact Study (November 2026) shall be coordinated with the Department Public Works and constructed prior to occupancy of any unit within the development.
5. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 28.506-acre site, zoned SU-1 (FF) (FW) and D-A (FF) (FW), is comprised of two parcels, developed with a single-family dwelling, accessory structures and agricultural uses. It is surrounded by religious uses to the north, zoned SU-1 (FF) (FW); a single-family dwelling and agricultural uses to the south, zoned D-A (FF) (FW); floodway / floodway fringe to the east, zoned SU-13 (Sanitary Landfill) (FF) (FW); and undeveloped land to the west, across Mann Road, zoned C-3 (FF).

Petition 2025-ZON-077 requested rezoning of the site to the D-7 (FF) (FW) to provide for multi-family residential development. This request was withdrawn.

REZONING

The request would rezone the site to the D-7 (FF) (FW) district to provide for multi-family development. "The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents."

The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."

The Comprehensive Plan recommends rural or estate neighborhood.

Recommended land uses in this typology include detached housing; working farms; group homes; bed and breakfast; and wind or solar farms.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The eastern portion of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands and is located within floodway / floodway fringe of White River.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located on the eastern portion of the site and along the northern and southern boundaries, as well as the central area of the site (adjacent to the floodplain. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Floodway / Floodway Fringe – White River

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-7 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

> "A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value."

Stream is defined as "a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water."

Stream Bank is defined as "the sloping land that contains the stream channel and the normal flows of the stream."

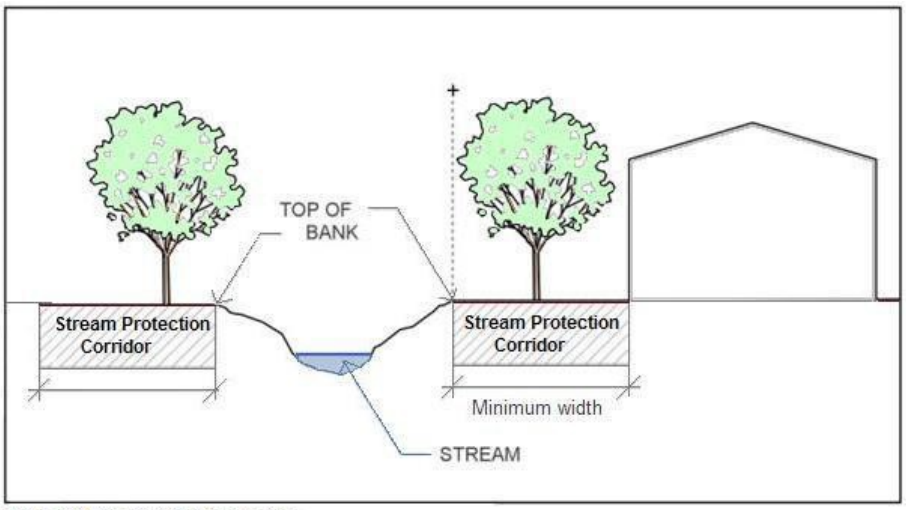
Stream Channel is defined as "part of a watercourse that contains an intermittent or perennial base flow of groundwater origin."

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: "A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams."

A Category Two Stream is defined as: "An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps."

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

White River lies within the Metro Context Area and is located along the eastern portion of the site. It is designated as a Category One stream requiring a 100-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Wetland Preservation

The aerial indicates two possible wetlands located along the southern boundary of the site.

The Environmental Protection Agency defines wetlands "as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils."

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would request a commitment that would require assessment and wetlands delineation to determine the impact of the development on the wetland area.

Department of Public Work

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Mann Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Traffic Impact Study – November 2026

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

Capacity analysis occurs for three different scenarios. Scenario One is based on the 2026 existing peak hour traffic volumes. Scenario Two is based on 2031 background traffic volumes by applying a 1.5% annual growth rate to existing traffic volumes. Scenario Three is based on 2031 proposed development traffic volumes added to the year 2031 background traffic .

Study Area Intersections

- Mann Road and Mills Road
- Mann Road and Southport Road

Conclusions and Recommendations

Mann Road and Mills Road / Proposed Access Drive

Capacity analyses for the existing and 2031 background traffic volume scenarios (Scenario 1 and Scenario 2) have shown that this intersection currently operates and will continue to operate at acceptable levels of service during the AM and PM peak hours with the existing intersection conditions. Capacity analyses for the 2031 background plus proposed development traffic volume scenario (Scenario 3) show that the intersection will continue to operate at acceptable levels of service during the AM and PM peak hours with following recommended future geometrics:

- Northbound: Exclusive left-turn lane and a shared through/right-turn lane.
- Southbound: Exclusive left-turn lane, through lane and an exclusive right-turn lane
- Eastbound: Exclusive left-turn lane and a shared through/right-turn lane
- Westbound: Exclusive left-turn lane and a shared through/right-turn lane.

Mann Road and Southport Road

Capacity analyses for all traffic volume scenarios have shown that this intersection currently operates and will continue to operate at acceptable levels of service during the AM and PM peak hours with existing intersection conditions. Therefore, no improvements are recommended at this intersection.

Site Plan – September 24, 2026

As proposed, the development would provide for five three-story buildings consisting of 252 dwelling units that would offer one-to-four-bedroom units. Two six-unit cottages (one story) would be located at the easternmost area of development that does not encroach into the boundary of the floodplain.

There would be a total of 441 parking spaces (1.75 parking ratio), with 394 surface parking spaces and 47 garage spaces. There would also be 45 bike parking spaces, including 27 covered spaces.

Amenities would include a clubhouse, pool, entertainment pavilion / grills, a playground, bark park, three pocket parks, and two open activity areas.

Access would be gained at the signalized intersection of Mann Road and Mills Road. An emergency road with a “fire apparatus crash gate” would be an extension of the southern access drive / parking lot at the southwest corner of the site along Mann Road.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec. 575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptables for proper disposal of trash and other waste.

Planning Analysis

As proposed, this request would not align with the Comprehensive Plan recommendation of rural or estate neighborhood or the environmentally sensitive area overlay of the 100-year floodplain and Forest alliance Woodlands.

The Pattern Book limits recommended land uses of this site to detached housing and working farms, with a typical density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

Approximately 12.89 acres of this site are located within the floodplain, leaving approximately 15.62 acres of land outside the floodplain that would result in an approximate density of 16.13. Otherwise, the density for the entire site would be 8.84 units per acre.

The Pattern Book notes that development in this recommended typology “work with the existing topography as much as possible.” Limiting development to the area of the site that lies out of the floodplain would preserve and minimize the impact on the environmentally sensitive eastern portion of the site that would potentially become a greenways, park and / or remain open space.

The Ordinance suggests that the D7 district would be applicable as a medium density community throughout the county and is present to the west, across Mann Road. This development would be an acceptable expansion of the recommended suburban neighborhood typology to the north and northwest.

The developer has offered to donate a portion of the site to the Department of Parks and Recreation (DPR) for future greenways development including an access easement from Mann Road. Staff understands that DPR would consider this land donation. If approved, details and further discussions between these two interested parties should occur to finalize the transfer the ownership.

For all these reasons, staff recommends approval this request, subject to requested commitments.

GENERAL INFORMATION

Existing Zoning	SU-1 (FF) (FW) / D-A (FF) (FW)	
Existing Land Use	Single-family dwelling / accessory structures / agricultural uses	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	**Zoning**	**Land Use**
North:	SU-1 (FW) (FF)	Religious uses
South:	D-A (FW) (FF)	Single-family dwelling / agricultural uses
East:	SU-13 (FW) (FF)	Floodway / floodway fringe
West:	C-3 (FF)	Undeveloped land
Thoroughfare Plan		
Mann Road	Primary Arterial	Existing 50-foot right-of-way and proposed 119-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – White River	
Overlay	Yes – Environmentally Sensitive Area - 100-year floodplain / woodlands	
Wellfield Protection Area	No	
Site Plan	April 13, 2026	
Site Plan (Amended)	September 24, 2026	
Elevations	April 13, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends rural or estate neighborhood typology. "The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space."

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Recommended Lane Uses Rural or Estate Neighborhood Typology

- Detached housing
- Working farms
- Group homes
- Bed and Breakfast
- Wind or solar farms

Modified Uses – Environmentally Sensitive Areas

Detached housing / group homes and bed and breakfast should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

Removed Uses / Environmentally Sensitive Areas

Working farms / wind or solar farms

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

The Greenways Master Plan (2014)

The White River is the largest river that begins and ends in Indiana and one of the largest watersheds in the State of Indiana. The White River's headwaters are in Randolph County in the eastern part of the state, and the river flows through the central portion of Indiana to the southwest. The White River bisects Marion County and flows south into Johnson County, eventually joining the Wabash River in Gibson County at the Indiana/Illinois border.

The White River is also the longest continuous waterway in Marion County running from north to south the entire length of the county. For purposes of this master plan, the river has been broken into three sections:

- The north White River between 96th Street (county line) and Interstate 65/38th Street
- The central White River between Interstate 65/38th Street and Raymond Street
- The south White River between Raymond Street and Southwestway Park.

South White River

The Raymond Street overpass is the point where the South White River corridor begins. The corridor ends at the Marion County/Johnson County line. The southern segment of White River (from Raymond Street to the county line) is over 9 miles long. The northern part of this corridor contains primarily industrial development, and the southern portion of this corridor is characterized by open space with a wide floodplain. There has not been much residential or commercial development in this part of the county. Along this course, the White River Greenway will make connections with the Pleasant Run Greenway, the proposed Lick Creek Greenway and the proposed Little Buck Creek Greenway, before terminating at Southwestway Park.

In the 1994 greenways plan, paved shared-use paths were planned on both sides of the river from Raymond Street south to Interstate 465. At that point, the paved shared-use path was recommended to be on the east side of the river with non-paved pedestrian and equestrian trails recommended on the western side of the river. Since that plan, the route evolved and in the 2002 update, the route was designated solely on the west bank of the river. The route was evaluated again as part of this master planning process and remains on the west side of the river in order to maintain continuity. Connectivity to the other greenways that intersect with this section is critical so three new pedestrian bridges are proposed along the river to connect to Pleasant Run Greenway, the proposed Lick Creek Greenway, and the proposed extension of the Little Buck Creek Greenway on the southern end of the route.

This stretch of the White River also affords several places where trail users will have access to the river. All of this makes the completion of the White River Greenway a critical piece in the overall greenways system.

ZONING HISTORY

2025-ZON-077; 6501 Mann Road, requested rezoning of 26.83 acres from the D-A (FF) (FW) district to the D-7 (FF) (FW) district to provide for multi-family residential development, **withdrawn.**

2014-UV2-008; 6501 Mann Road, requested a variance of use of the Wireless Communication Zoning Ordinance to provide for a wireless communications facility, with a 145-foot-tall monopole tower, topped by a five-foot tall lightening rod, with accessory equipment cabinets (not permitted), **withdrawn.**

VICINITY

2026-CZN-850 / 2026-CPL-850; 6300 Mann Road (north of site), requested rezoning of 24.7 acres from the D-A (FF) (FW) district to the D-3 (FF) (FW) district to provide for residential development and approval of a Subdivision Plat to be known as Elrod Estates, dividing 24.7 acres into two lots, with a waiver of sidewalks, per Chapter 741.30, **pending.**

2018-ZON-082; 5500 Mills Road (north of site), requested rezoning of 9.363 acres from the D-7 and D-6 II districts to the C-3 classification, **approved.**

2013-ZON-016; 5500 Mills Road (north of site), requested rezoning of 15.52 acres, from the D-7, D-11 and C-4 Districts to the **D-7** classification to provide for multifamily uses, **approved.**

2006-ZON131; 6505 Tanner Drive (north of site), requested rezoning of 2.49 acres, from the D-11 District to the D-7 classification to provide for multi-family residential uses, **withdrawn**

2001-SE3-012; 6341 Mann Road (north of site); Special exception of the Wireless Communications Zoning Ordinance to provide for the construction of a 105-foot-tall wireless communication tower, **granted.**

2000-ZON-098; 5500 Mills Road (north of site), requested rezoning of 96 acres from D-7, D-11, D-611, D-4 and C-4 to DP to provide for a maximum of 405 single-family dwellings and condominiums, yielding a density of 4.19 dwelling units per acre, withdrawn.

95-Z-72; 5880 Mann Road (north of site), requested rezoning of 231.30 acres from D-2 (FF), D-3 (FF), D-6 and D-6II (FF) to the D-4 (FF) classification.

90-Z-39; 5393 West Mills Road (north of site), requested rezoning of 34.63 acres, being in the D-7 District, to the D-11 classification to provide for the development of a mobile home park, **denied.**

78-Z-95; 5155 West Epler Avenue (north of site), requested rezoning of 29.88 acres, being in the D-6 and PK-1 Districts, to the SU-2 classification to permit school uses**, approved.**

73-Z-319; 5701 Furnas Road (north of site), requested rezoning of 228.10 acres, being in the A-2 District, to the D-3 classification to provide for residential use, **approved.**

71-Z-178; 5510 Mann Road (north of site), requested rezoning of 4.81 acres, being in the A-2 District, to the C-3 classification to provide for a convenience shopping center, **approved.**

71-Z-177; 6950 Mann Road (south of site), requested rezoning of 42 acres from the A-2 to the C-4, **approved.**

71-Z-176; 5349 West Epler Avenue (north of site), requested rezoning of 15.0 acres, being in the A-2 District, to the SU-2 classification to provide for a school**, approved.**

71-Z-175; 5560 Mann Road (north of site, requested rezoning of 2 acres, being in the A-2 District, to the SU-9 classification to provide for a fire station**, approved.**

71-Z-174; 5155 West Epler Avenue (north of site), requested rezoning of 5 acres, being in the A-2 District, to the PK-1 classification to provide for a park**, approved**

71-Z-173; 5401 West Mills Road (north of site), requested rezoning of 49.6 acres from A-2 to D-11, **approved.**

71-Z-172; 6100 Mann Road (north of site), requested rezoning of 101.29 acres, being in the A--2 District, to the D-6II classification to provide for multi-family dwellings, **approved.**

71-Z-171; 6560 Mann Road (south of site), requested rezoning of 60.06 acres, being in the A-2 District, to the D-7 classification to provide for multi-family dwellings**, approved.**

71-Z-170; 5470 West Mills Road (north of site), requested rezoning of 69.62 acres, being in the A-2 District, to the D-3 classification to provide for residential development, **approved.**

71-Z-169; 5745 West Mills Road (north of site), requested rezoning of 61.38 acres, being in the A-2 District, to the D-4 classification to provide for residential development, **approved.**

71-Z-168; 5491 West Epler Road (north of site), requested rezoning of 56.84 acres, being in the A-2 District, to the D-2 classification to provide for residential development, **approved.**

71-Z-167; 5700 Mann Road (north of site), requested rezoning of 53.77 acres, being in the A-2 District, to the D-6 classification to provide for multi-family dwellings, **approved.**

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MEMORANDUM OF EXAMINER'S DECISION

2026-ZON-039 (Amended) **6501 Mann Road**

The petition requests the rezoning of 28.506 acres from the SU-1 (FF) (FW) and the D-A (FF) (FW) districts to the D-7 (FF) (FW) district to provide for multi-family residential development.

Your Hearing Examiner visited the site prior to the hearing and noted the residence and the agricultural use on it. A religious use is north of it, a residence and agricultural use are south of it, and floodway/floodway fringe is east of it. The commercially zoned property on the west side of Mann Road is undeveloped.

Because no remonstrators appeared at the hearing and there was no written opposition, the petitioner's representative gave a brief presentation about developing this site in a manner that respects and preserves the natural features. Besides the five commitments requested by staff, petitioner agreed to additional commitments requested by the neighborhood organization.

The staff explained that while the multi-family development does not conform with the Comp Plan recommendation, it allows for development that is sensitive to potential wetlands, woodlands, and the many natural amenities on the eastern portion of the site, and it would result in a land donation to Indy Parks.

In your Hearing Examiner's opinion, the proposed development on the western portion of the site would allow for the preservation of the environmentally sensitive eastern portion of the site, resulting in an asset for the community. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on December 2, 2026

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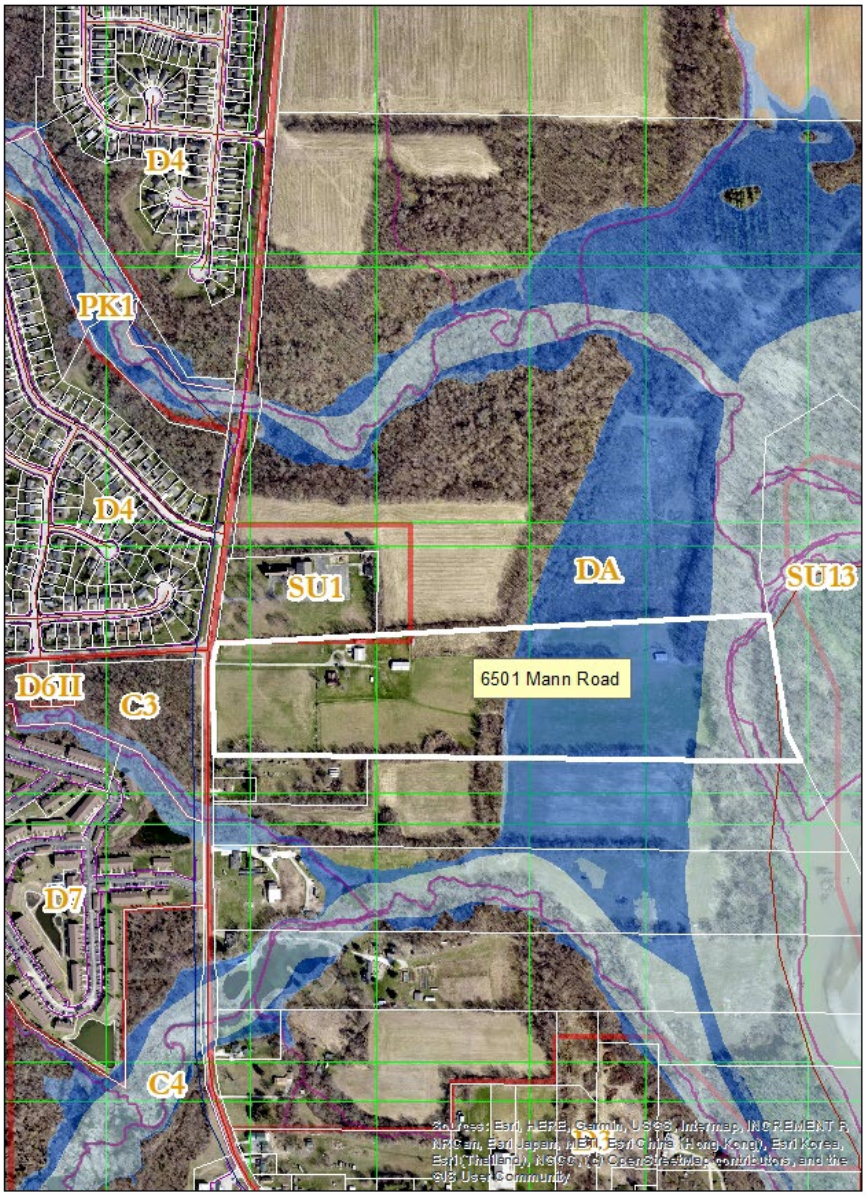
EXHIBITS



6501 Mann Road

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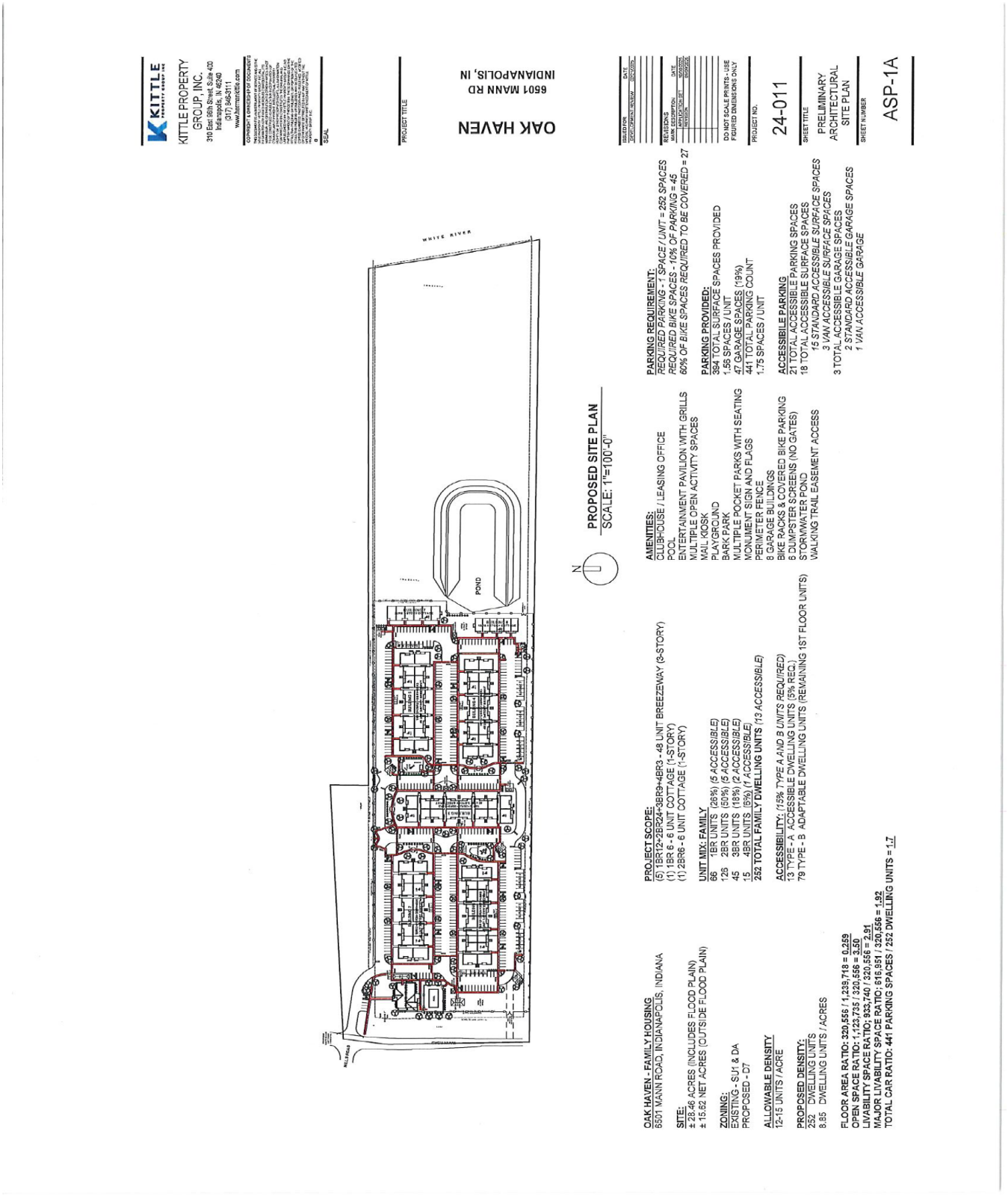

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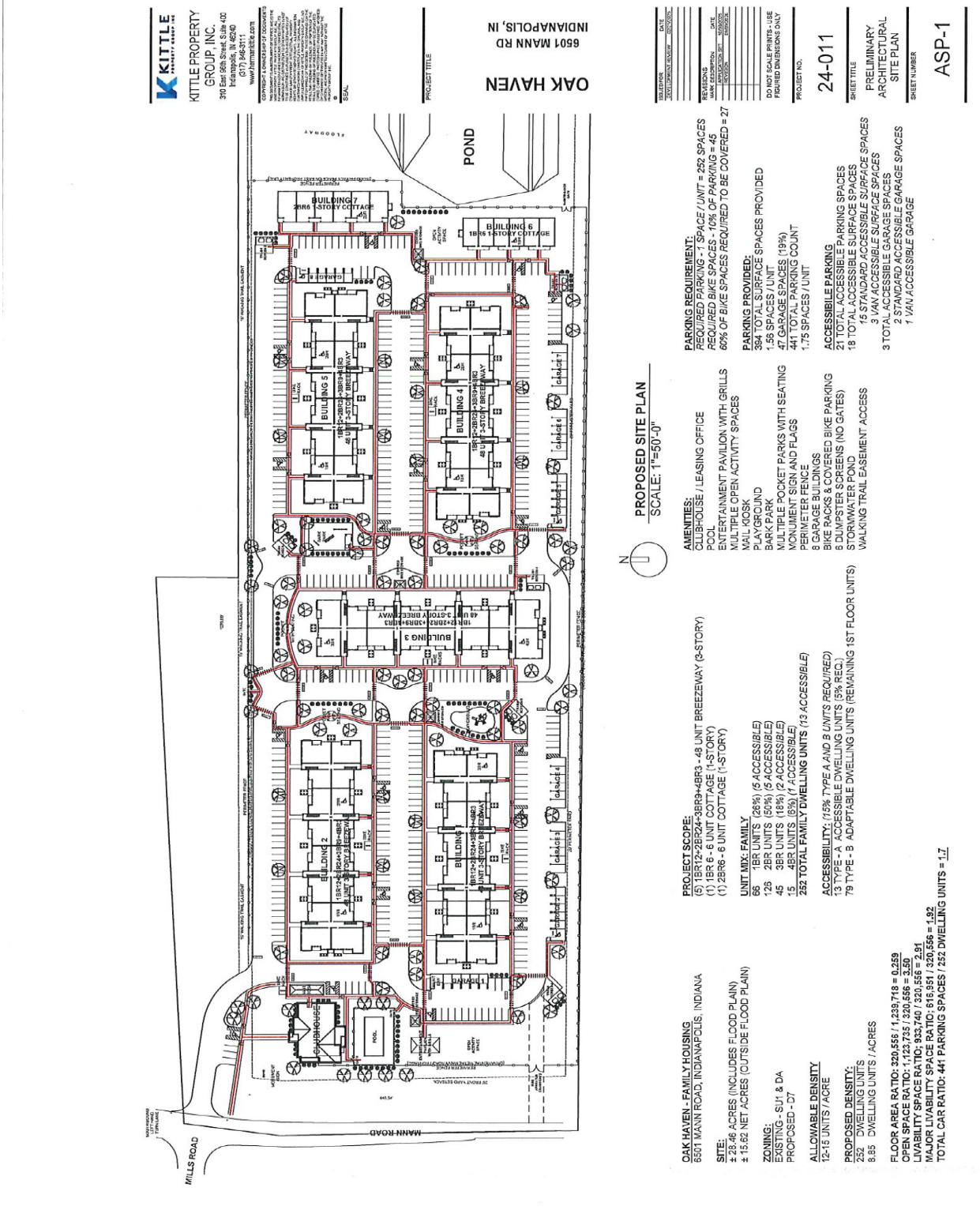

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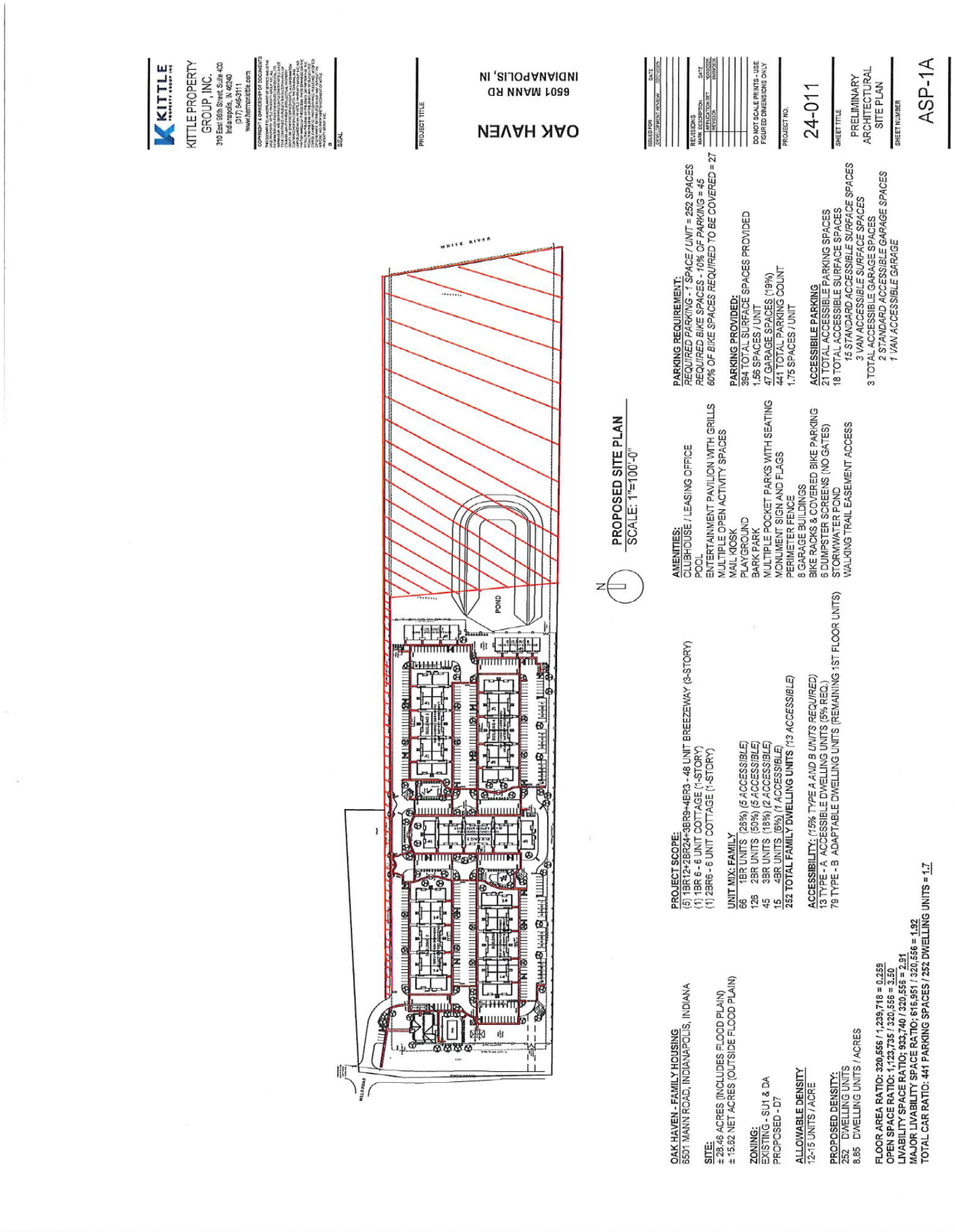
Site Plan – Proposed Land Donation (Red Hatched Areas)



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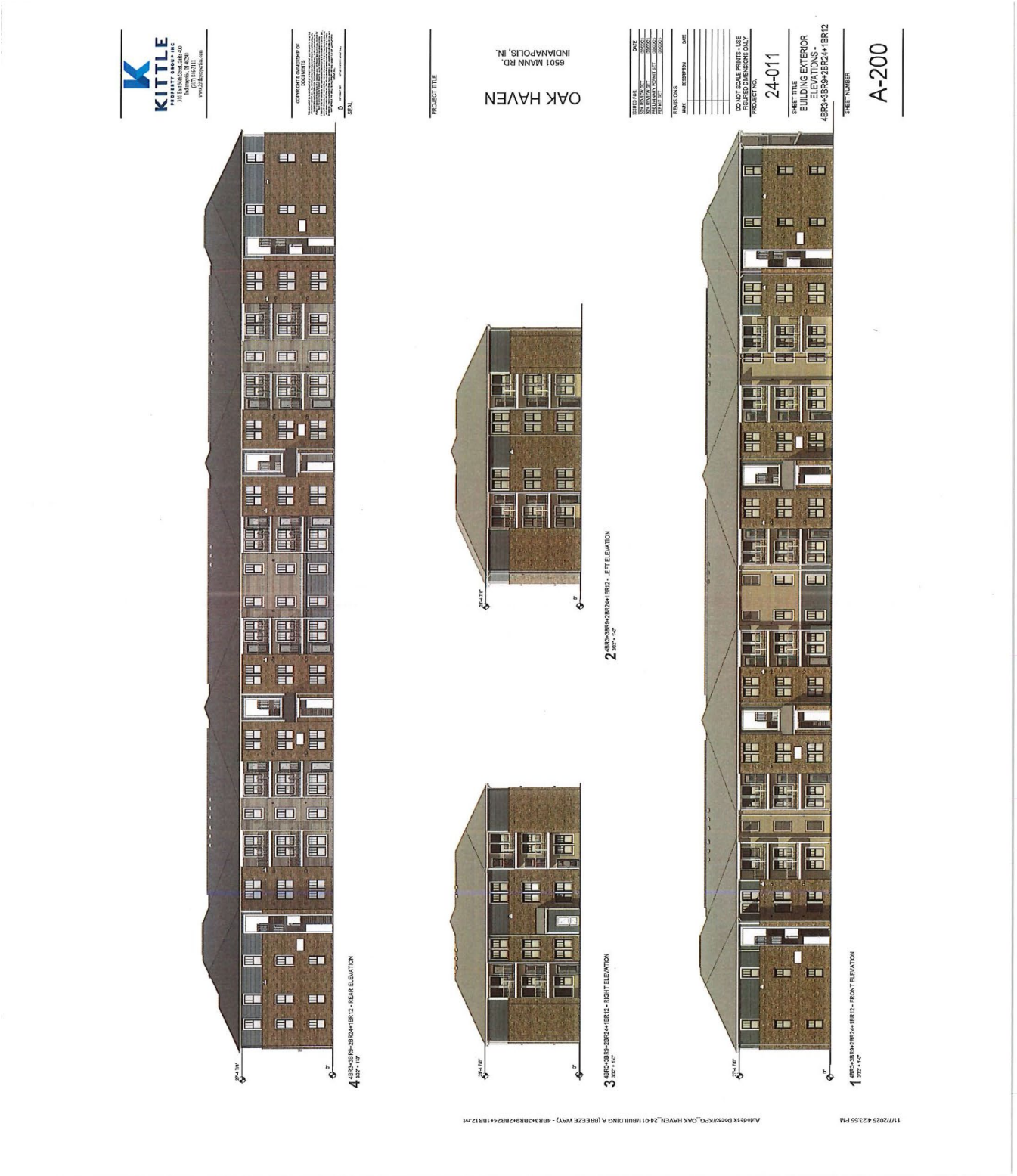

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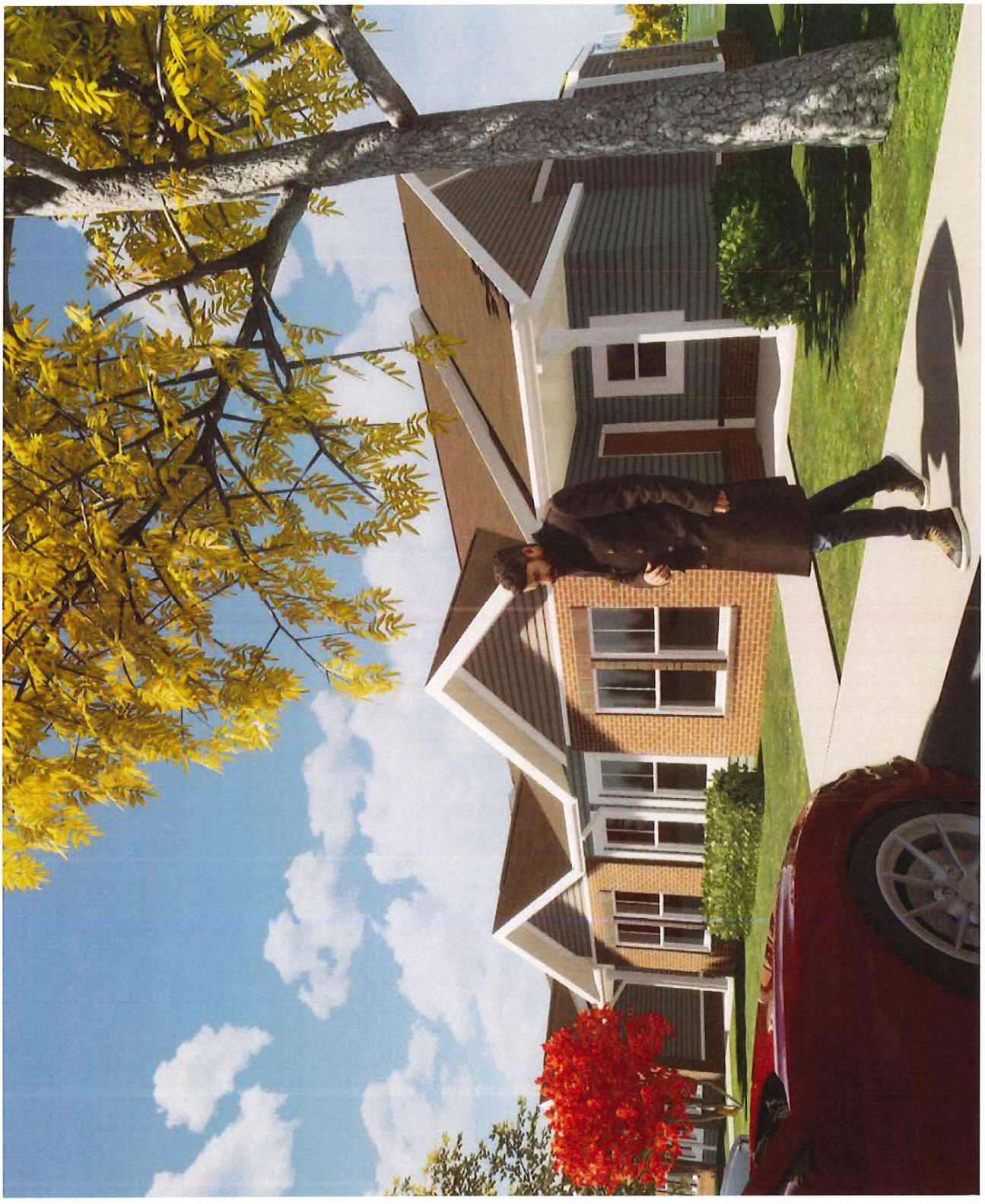

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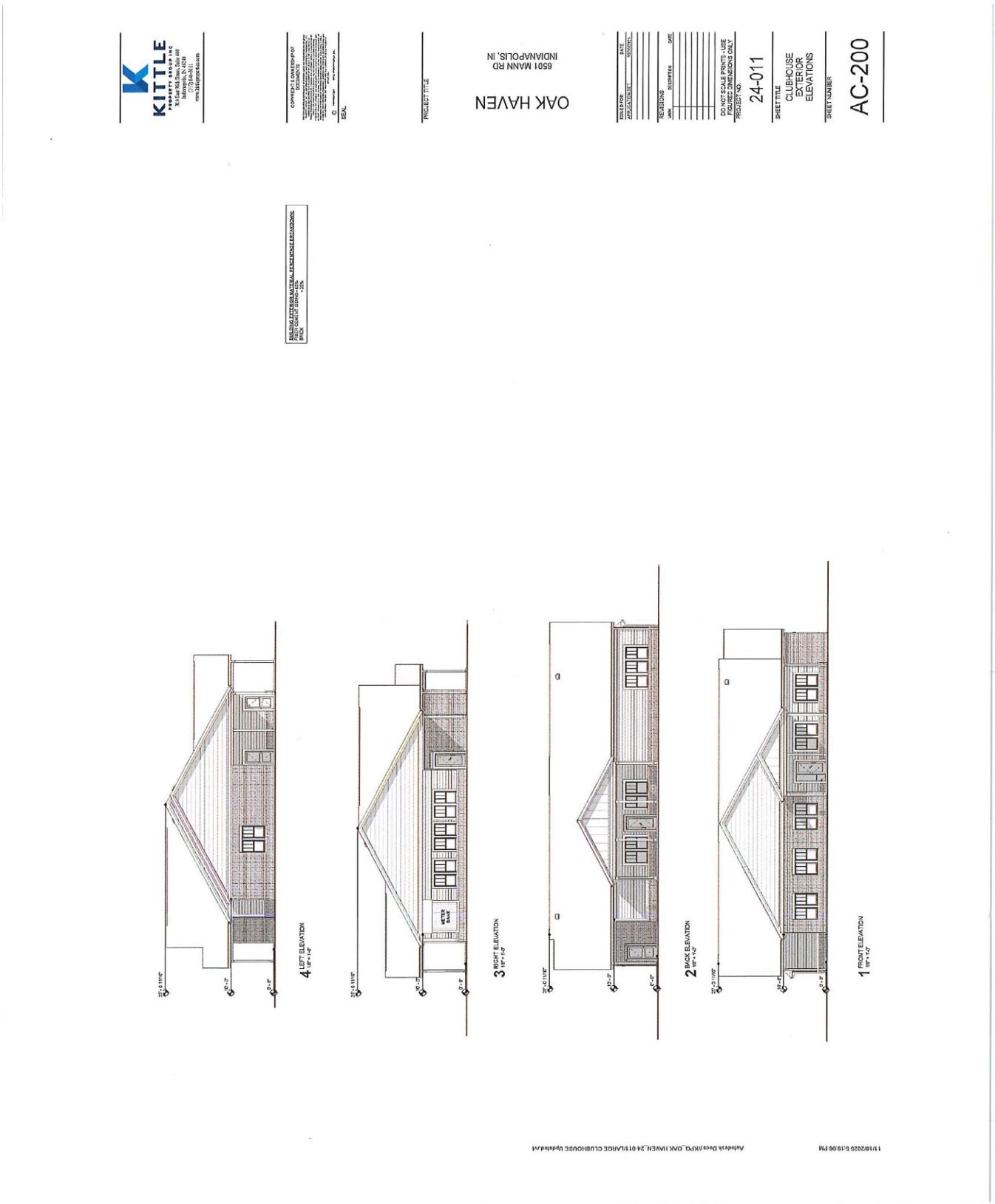

EXHIBIT A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	**Number of Trees to be planted to replace a Heritage Tree**	**Number of Trees to be planted to replace an existing tree**
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking north along Mann Road



View looking south along Mann Road



View of site looking southeast



View of site looking southeast

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View of site looking northeast



View of site looking east along access drive

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View from site looking northwest across intersection of Mann Road and Mills Road



View from site looking northwest across intersection of Mann Road and Mills Road



View looking west across Mann Road from site