

INTRODUCED: 03/30/2015

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councillors Osili and Pfisterer

DIGEST: amends the improvement location permit ordinance and zoning ordinance to impose a moratorium on the construction of any gasoline service station, or convenience market where gasoline or other motor fuels are stored and subsequently dispensed, on all C-3 zoned real property in the county until the 2016 Indy Rezone

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SOURCE:

Initiated by: Department of Metropolitan Development

Drafted by: Christopher Steinmetz, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_

Date: March 26, 2015

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CITY-COUNTY GENERAL ORDINANCE NO. , 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Marion County improvement location permit ordinance and zoning ordinance to impose a moratorium on the on the construction of any gasoline service station, or convenience market where gasoline or other motor fuels are stored and subsequently dispensed, on all real property within Marion County that is zoned C-3 until the date when amendments to the zoning ordinances (commonly known as Indy Rezone) of Marion County, Indiana are adopted or June 1, 2016, whichever is earlier in time.

WHEREAS, the planning staff of the Department of Metropolitan Development has worked with community groups, the development community and other stakeholder for over three years to develop a comprehensive rewrite of the zoning ordinances; and

WHEREAS, a steering committee has been established to consider the implementation of the recommended zoning ordinance amendments; and

WHEREAS, citizens of Marion County have been increasingly vocal about opposition to gasoline service stations and convenience markets in C-3 Districts; and

WHEREAS, the proposed draft of the zoning ordinance amendments does not allow automotive fueling stations in C-3 District;

WHEREAS, the Department of Metropolitan Development will soon be taking the amended zoning ordinances through the public hearing processes of the Metropolitan Development Commission and the City-County Council; and

WHEREAS, it is anticipated that at least six months will be required to complete the zoning amendment process; and

WHEREAS, between 2012-2014, 18 permits for gasoline service stations or convenience markets where gasoline or other motor fuels are dispensed in C-3 have been issued; and

WHEREAS, one of those permits has been appealed, and other appeals are likely; and

WHEREAS, it is typical and expected that gasoline service station and convenience market developers will obtain as many permits as possible before the adoption of amendments to the ordinance; now, therefore:

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct findings of the Metropolitan Development Commission and are hereby made a specific part of this ordinance.

SECTION 2. It is deemed to be in the best interest of the health, safety and welfare of the citizens of Marion County that a moratorium is imposed on the construction of any gasoline service station, or convenience market where gasoline or other motor fuels are stored and subsequently dispensed, in C-3 Districts throughout Marion County, Indiana, until the date when amendments to the commercial zoning ordinance of Marion County, Indiana are adopted or until June 1, 2016, whichever is earlier in time.

SECTION 3. Article III of Chapter 730 of the "Revised Code of the Consolidated City and County," regarding improvement location permits, hereby is amended by the addition of a NEW Section 730-310, to read as follows:

**Sec. 730-310. Establishment of a moratorium on the issuance of improvement location permits for Gasoline service stations and certain convenience markets in C-3 Districts.**

No improvement location permit shall be issued for a gasoline service station, or convenience market where gasoline or other motor fuels are stored and subsequently dispensed, in a C-3 District in Marion County from the date of adoption of this section until the date when further amendments to the text of the commercial zoning ordinance are adopted or until June 1, 2016, whichever is earlier in time.

SECTION 4. Section 732-200 of the "Revised Code of the Consolidated City and County," regarding general commercial district regulations, hereby is amended by the addition of a new Subsection 732-200(d), to read as follows:

(d) *Moratorium.* Notwithstanding any other provision of this chapter, a moratorium hereby is imposed in all C-3 zoning districts throughout Marion County, Indiana on the construction, erection, conversion, enlargement, extension, reconstruction or relocation of, or placement of any gasoline service station, or convenience market where gasoline or other motor fuels are stored and subsequently dispensed, subject to the provisions of this chapter, unless a valid improvement location permit for such work has been obtained prior to the effective date of the moratorium. Such moratorium shall be in effect until the date when additional amendments to the zoning ordinance of Marion County, Indiana are adopted or until June 1, 2016, whichever is earlier in time.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Maggie A. Lewis  
President, City-County Council

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NaTrina DeBow  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015, at 10:00 a.m.

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NaTrina DeBow  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Gregory A. Ballard, Mayor