City of Carmel

Common Council

May 1, 2006
6:00 P.M.

COMMON COUNCIL
MEETING AGENDA

MONDAY, MAY 1, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

1. INVOCATION

2. PLEDGE OF ALLEGIANCE

3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS

4. APPROVAL OF MINUTES

   a. April 17, 2006 Regular Meeting

5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL

6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS

7. ACTION ON MAYORAL VETOES

8. CLAIMS
   - Payroll
   - General Claims
   - Retirement

9. COMMITTEE REPORTS
   a. Finance, Administration and Rules Committee
   b. Land Use, Annexation and Economic Development Committee
   c. Parks, Recreation and Arts Committee
   d. Utilities, Transportation and Public Safety Committee

10. OLD BUSINESS

a. **Third Reading of Ordinance D-1799-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects); Sponsor(s): Councilor(s) Glaser and Sharp. (Finance Committee 5/15/06)

b. **Second Reading of Ordinance D-1802-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code (Procedure For Use of City Credit Cards); Sponsor: Councilor Mayo. (Finance Committee 5/15/06)

c. **Second Reading of Ordinance Z-488-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Schedule of Uses of the Carmel Zoning Ordinance (Appendix A); Sponsor: Councilor Glaser.

d. **Second Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian); Sponsor: Councilor Glaser.

11. PUBLIC HEARINGS

a. **First Reading of Ordinance D-1805-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Providing for an Additional Appropriation of Funds from the Operating Balance of the City of Carmel General Fund, MVH Fund, Police Pension Fund and Fire Pension Funds ($325,000 General Fund; $450,000 MVH Fund; $15,308 Police Pension Fund; $74,677 Fire Pension Fund); Sponsor: Councilor Mayo.

b. **First Reading of Ordinance Z-490-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Michigan Road Overlay Zone in the Carmel Zoning Ordinance (ZO Chapter 23C); Sponsor: Councilor Sharp.

12. NEW BUSINESS

a. **First Reading of Ordinance D-1803-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adopting a Property Maintenance Code; Sponsor(s): Councilor(s) Carter, Sharp and Glaser.

b. **First Reading of Ordinance D-1806-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease for Certain Public Improvements Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, Pledging County Option Income Tax Revenues of City to Pay Certain Lease Rental Obligations Thereunder, and Taking Other Actions Related Thereto ($61,000,000); Sponsor(s): Councilor(s) Carter, Sharp, Griffiths and Mayo.

13. **OTHER BUSINESS**

a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

COMMON COUNCIL
MEETING MINUTES

MONDAY, APRIL 17, 2006 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members, Kevin Kirby, Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Councilor Rattermann was absent.

Mayor Brainard called the meeting to order at 6:00 a.m.

Pastor Steve Poe, Northview Christian Life Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Mayo made a motion to approve the Minutes of the March 6, 2006 Regular Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 5-1 (Councilor Carter abstained).

Councilor Mayo made a motion to approve the Minutes of the March 7, 2006 Special Meeting of the Carmel City Council and The Carmel-Clay School Board. Councilor Griffiths seconded. There was brief Council discussion. Councilor Mayo wanted to add to the record what he understood was said by Mr. Roger McMichael. Mr. McMichael said that TIF did not have a negative impact on the school system. Councilor Mayo also stated that Mr. McMichael is very receptive to the TIF areas within the city, and he thinks it is a very viable economic tool. Council President Sharp called for the question. The Minutes were approved 4-2 (Councilors Carter and Kirby abstained).

Councilor Mayo made a motion to approve the Minutes of the March 20, 2006 Regular Meeting. Councilor Sharp seconded. Council President Sharp called for the question. The Minutes were approved 4-2 (Council President Sharp and Councilor Kirby abstained).

Councilor Mayo made a motion to approve the Minutes of the March 24, 2006 Special Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 5-1 (Councilor Kirby abstained).

Councilor Mayo made a motion to approve the Minutes of the March 27, 2006 Special Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 4-2 (Councilors Kirby and Carter abstained).

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

Adrienne Keeling, Department of Community Services, presented an update on the Comprehensive Plan. There will be a public Open House (for discussion of the draft) at City Hall on Saturday, May 6, 2006 from 8:00 a.m. to 2:00 p.m.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

There were none.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Mayo made a motion to approve the claims in the amount of $1,495,604.26. Councilor Griffiths seconded. Council President Sharp called for the question. Claims were approved 6-0.

COMMITTEE REPORTS:

Councilor Kirby reported that the Finance, Administration and Rules Committee met this evening and discussed Ordinance D-1798-06 which was forwarded to the full Council with a 2-0 favorable recommendation. They also discussed Ordinance D-1799-06 which will remain in committee , and Ordinance D-1801-06 which was forwarded to the full Council with a 2-0 favorable recommendation.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee had not met.

Councilor Carter reported that the Parks, Recreation and Arts Committee met on Tuesday, April 11, 2006 and discussed the Central Park progress and a review of the covenants and implementation of the speed limit on the Monon.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met.

OLD BUSINESS

Third Reading of Ordinance D-1798-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Issuance of the City of Carmel, Indiana Taxable Economic Development Revenue Bonds, Series 2006 A (Indiana Design Center, LLC Project), and the Lending of the Proceeds Thereof to Indiana Design Center, LLC, and Authorizing and Approving Other Actions in Respect Thereto ($4,000,000). There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1798-06** was adopted 6-0.

Third Reading of Ordinance D-1799-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Pertaining to Bidding on Certain Public Works Projects (Section 2-183, Immediate Family Bidding Restriction On Public Works Projects). This Ordinance will remain in the Finance Committee.

Second Reading of Ordinance D-1801-06; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Acceptance of Utility Payments Made by Credit Card (Water and Sewer Payments by Credit Card). There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1801-06** was adopted 6-0.

PUBLIC HEARINGS

Council President Sharp announced the **First Reading of Ordinance Z-489-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Rezoning District Classification, Rezoning the Property Located Southwest of the Intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian Mixed Use (OM/MU) Classification (Centex Homes-Old Meridian). Councilor Kirby made a motion to move this item into business. Councilor Glaser seconded. Councilor Glaser referred to Jim Shinaver, Attorney, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, Indiana 46280, for a presentation to Council. Also in attendance was Sean Sullivan, Centex Homes. There was no Council discussion. Council President Sharp opened the Public Hearing at 6:24 p.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 6:24:30 p.m. Councilor Kirby made a motion to suspend the rules and not sent this item to committee and vote this evening. Councilor Carter seconded. Council President Sharp called for the question. The motion failed 5-1 (Councilor Griffiths opposed). Council President Sharp referred Ordinance Z-489-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance Z-488-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending the Schedule of Uses of the Carmel Zoning Ordinance (Appendix A). Councilor Kirby made a motion to move this item into business. Councilor Mayo seconded. Councilor Glaser referred to Adrienne Keeling, Department of Community Services, for a presentation to Council. There was no Council discussion. Council President Sharp opened the Public Hearing at 6:30 p.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 6:30:15 p.m. Council President Sharp referred Ordinance Z-488-06 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

NEW BUSINESS

Council President Sharp announced the **First Reading of Ordinance D-1802-06;** An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code (Procedure For Use of City Credit Cards). Councilor Kirby made a motion to move this item into business. Councilor Mayo seconded. Councilor Mayo referred to Doug Haney, City Attorney, for a presentation to Council. There was brief Council discussion. Council President Sharp referred Ordinance D-1802-06 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Sharp announced the **First Reading of Ordinance D-1804-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-66 of the Carmel City Code (Use of Skateboards and Similar Wheeled Toy Vehicles). Councilor Kirby made a motion to move this item into business. Councilor Glaser seconded. Councilor Carter presented this item

to Council. There was brief Council discussion. Councilor Kirby made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Carter seconded. Council President Sharp called for the question. The motion was approved 6-0. Council President Sharp called for the question. **Ordinance D-1804-06** was adopted 6-0.

OTHER BUSINESS

Second Reading of Ordinance D-1782-05; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. This ordinance remains tabled.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENTS

Mayor Brainard adjourned the meeting at 6:40 p.m.

ADJOURNMENT

Respectfully submitted,

_____

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

_____

Mayor James Brainard

ATTEST:

_____

Clerk-Treasurer Diana L. Cordray, IAMC

04/17/06 CC Minutes

ORDINANCE D-1799-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, PERTAINING TO BIDDING ON CERTAIN PUBLIC WORKS PROJECTS

WHEREAS, the City is authorized to enter into contracts for the construction, alteration and renovation of public buildings and structures that are paid for out of public funds; and

WHEREAS, Indiana Code 36-1-12 does not regulate City public works projects of less than Fifty Thousand Dollars ($50,000.00) in value; and

WHEREAS, several recent public works projects with values of less than Fifty Thousand Dollars ($50,000.00) have been awarded to persons who are City employees, which has been viewed by some members of the public as suggesting that City employees have an unfair advantage in seeking such projects; and

WHEREAS, although the Common Council has no knowledge nor belief that any City employee has actually obtained any advantage in seeking any City public works project, it is very important that the public's trust not be diminished by even the suggestion of impropriety regarding the awarding of such projects; and

WHEREAS, to ensure that the public appearance, as well as the actuality, of impartiality is present in the awarding of all City public works projects, it is proper to now prohibit any full-time City employee, as well as any member of such employee's immediate family, from being eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars ($50,000.00) and paid primarily or wholly out of public funds.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 5, Section 2-183 should be and the same is hereby adopted and added to the Carmel City Code and shall read as follows:

"Sec. 2-183 Immediate Family Bidding Restriction On Public Works Projects.

a. No full-time employee of the City, nor such person's spouse, nor anyone within the first degree of consanguinity of such person or of such person's spouse (e.g., within one degree of relationship by blood or marriage) shall be eligible to seek and/or to be awarded any contract for any City public works project having a value of less than Fifty Thousand Dollars ($50,000.00), eighty percent (80%) or more of which is paid out of public funds.

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney on February 22, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

b. Any quote or other proposal received by the City in violation of this Section shall be deemed null and void and shall not be considered when awarding the public works project contract to which it relates."

Section 3. The remaining provisions of Carmel City Code Chapter 2, Article 5, are not affected by this Ordinance and remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor pursuant to Indiana law.

PASSED by the Common Council of the City of Carmel, Indiana, this _____ day of _____ 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk-Treasurer

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Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ O'clock, ____. M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____ 2006, at _____ O'clock, ____. M.

_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

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ORDINANCE D-1802-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AMENDING CHAPTER 2, ARTICLE 3, DIVISION II, SECTION 2-62 OF THE CARMEL CITY CODE

WHEREAS, the City and its employees are authorized to use credit cards in the performance of official City business; and

WHEREAS, it is appropriate and in the best interests of the City to now amend and restate the procedures to be followed when using City credit cards so as to better ensure the proper, efficient and verifiable use thereof.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 3, Division II, Section 2-62 of the Carmel City Code should be and the same is hereby amended to read as follows:

"Sec. 2-62. Procedure For Use of City Credit Cards.

(a) The City is empowered to hold and maintain credit cards for the use of its employees and Common Council members.

(b) All credit cards shall be applied for, held, maintained and monitored by the Mayor or his designee.

(c) The Mayor shall be responsible for maintaining written guidelines regarding the use of credit cards that are not inconsistent with this Section.

(d) Whenever it is no longer necessary or prudent for a City employee to use a credit card in the performance of official City business, or immediately upon demand by the Mayor or his designee, such employee shall return the credit card to the Mayor or his designee.

(e) After each credit card use, the City employee who uses the credit card shall submit to the Mayor, or his designee, proper detailed documentation evidencing such use.

(f) All claims for payment to the State Board of Accounts must be properly itemized and documented. Improperly itemized or documented charges, as well as all interest, carrying charges and/or penalties, shall be the personal responsibility of the credit card user.

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney, on March 15, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

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(g) The Mayor, or his designee, shall ensure that a proper accounting system or log is maintained on all City credit card usage. This system or log shall include, at a minimum, the dates of credit card use, the identity of the users, the amounts and account numbers charged, and the dates of credit card issuance and return. City credit cards shall not be used to bypass the City's accounting system.

(h) The City is authorized to pay the annual fees, if any, associated with credit cards it issues to its employees and Common Council members pursuant to this Section.

(i) City credit cards shall be used for City business only."

Section 3. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining portions of same.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk-Treasurer

The initial draft of this document was prepared by Douglas C. Haney, Carmel City Attorney, on March 15, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

Presented by me to the Mayor of the City of Carmel, Indiana, this _____ day of _____ _____, 2006, at _____ O'clock, _____. M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this _____ day of _____ _____, 2006, at _____ O'clock, _____. M.

_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

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Sponsor: Councilor Glaser

ORDINANCE Z-488-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA

An Ordinance Amending the Schedule of Uses of the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the "Comprehensive Plan") Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 06030009 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, March 21, 2006, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), as amended, to read as follows:

Section I:

ZO APPENDIX A: SCHEDULE OF USES

(see attached *Exhibit A*)

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

APPENDIX A: SCHEDULE OF USES

P = Permitted
A = Accessory
"Blank" = Prohibited
SU = Special Use
SE = Special Exception
E = Excluded Use

	Primary Zoning Districts																					Old Meridian Zones									Overlay Zones					
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Residential Uses																																				
Single Family Dwelling	P	P	P	P	P	P	P				P	P					P	P	P		P											E	E			
Two Family Dwelling					P	P					P	P					P	P	P													E	E			
Multiple Family Dwelling						SU	P			P	SU		P				P	P	P				P		P							E				
Accessory Dwelling																P	P	P	P			P			P											
Mobile Home Court						SU																									E	E	E	E	E	
Attached Dwelling																		P	P			P			P											
Home Occupation	A	A	A	A	A	A	A			A	A	A	A				A	A	A		A	A	A	A	A											
Residential Kennel	A	A	A	A	A	A	A			A	A	A	A				A	A	A		P	A	A	A	A											
Bed & Breakfast Inn																								P	P			P				E				
Model Home	P	P	P	P	P	P	P											P	P													E	E			
Guest House	A	A	A	A	A	A												A	A																	
Bona Fide Servants Quarters	A	A	A	A	A	A												A	A																	
Boarding or Lodging House					SU	SU		SU	SU	SU	SU																					E	E			
Nursing/Retirement/Convalescent Facility					SU	SU		P	P	P	SU	P	P	P										P	P		P	P	P							
Private Swimming Pool, etc.	A	A	A	A	A	A	A				A	A						A	A																	
Office Uses																																				
Clinic or Medical Health Center	SU	SU	SU	SU	SU	SU		P	P	P	P	P	P	SU	P									P	P	P		P	P							
Research Laboratory / Facility								P	P	P	P	P			P		P								P	P	P		P							
General Offices							SU	P	P	P	P	P	P	P	P	A	P	P	P					P	P	P		P								
Professional Office							SU	P	P	P	P	P	P	P	P	SU	P	P	P					P	P	P		P	P							
Hospice																													P							
Training Facility																									P				P							

APPENDIX A: SCHEDULE OF USES

P = Permitted
A = Accessory
"Blank" = Prohibited
SU = Special Use
SE = Special Exception
E = Excluded Use

	Primary Zoning Districts																					Old Meridian Zones									Overlay Zones					
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Institutional Uses																																				
Church/Temple/Place of Worship	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	P	SU						SU	SU			P	P		P	P				E				
Hospital								P	P	P	SU	P													P	P			P							
~~Surgery Center~~																													~~P~~							
~~Urgent Care~~																													~~P~~							
~~Rehabilitation Facility~~																													~~P~~							
~~Physical/Occupational Therapy~~																													~~P~~							
Library	SU	SU	SU	SU	SU	SU		SU	SU	SU				SU													P									
Penal or Correctional Institution									SU						SU	SU						E	E	E	E	E	E	E	E	E	E	E	E	E	E	
Post Office								P	P	P	P	P		P										P	P			P								
Power Generating Plant																SU															E	E	E	E	E	
Public Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P							
Commercial Sewage or Garbage Disposal Plant															SU	SU															E	E	E	E	E	
Water Management & Use Facility	SU	SU	SU	SU	SU	SU	SU				SU		P	SU							SU															
Educational Uses																																				
School, Trade or Business								P	P	SU	SU	P	P	SU	P		P							P	P	P	P	P								
College or University	SU	SU						SU	SU	SU	SU	P												P	P		P	P								
Day Nursery/Day Care									P	P		SU	P	SU							SU			P	P			P	P							
Kindergarten/Preschool	SU	SU	SU	SU	SU	SU		SU	P	P	SU		P											P	P			P								
School of General Elementary or Secondary Education	SU	SU	SU	SU	SU	SU					SU									SU							P					E				

APPENDIX A: SCHEDULE OF USES

P = Permitted
A = Accessory
"Blank" = Prohibited
SU = Special Use
SE = Special Exception
E = Excluded Use

Type of Use	Primary Zoning Districts																					Old Meridian Zones									Overlay Zones					
	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Retail & Service Uses																																				
General Retail Sales							SU	P	P	P	**P**	SU	P	P	P	A	P	P	P					P	P			P	P							
Lumber/Building Materials Sales (enclosed)								P	P	P		P			P																E	E		E	E	
General Service								P	P	P	**P**		P	P	P			P	P					P	P			P	**P**							
Automobile Service Station								P	P	P		P		P	P																	E				
Automobile/Boat Sales								P	P	P		P			P							E	E	E	E	E	E	E	E	E		E			E	E
Automobile/Truck Repair (indoor)								P	P	P		SU			P													E			E	E				
Manufactured Housing Sales															P							E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
~~Café~~																													~~P~~							
~~Delicatessen~~																													~~P~~							
~~Coffee Shop~~																													~~P~~							
Car Wash								P	P	P				P	P																	E				
Commercial Kennel								P	P	P					P						SU										E	E			E	
Dry Cleaning Establishment (with on-site plant)								P	P	P				P	P																E	E				
Dry Cleaning Establishment (without on-site plant)								SU	P	P			P	P	P									P	P			P				E				
Equipment Sales/Repair (indoor)								P	P	P		P			P	SU															E	E				
Financial Institution								P	P	P	P	P	P	P	P			P	P					P	P			P	P							
Automated Teller Machine (ATM)							A	A	A	A	A	A	A	A	P			A	A					P	P			P								
Food Stand																								P	P			P			E	E				
Funeral Home/Mortuary/Crematory								P	P	P	SU	P		SU	P												P				E	E				
Recreational Vehicle/Mobile Home Sales								P	P	P					P							E	E	E	E	E	E	E	E	E	E	E	E		E	E
Roadside Sales Stand								P	P	P		SU									SU										E	E	E		E	
Self-Service Laundry								P	P	P				P	P																E	E				
Sexually Oriented Business																SU						E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Veterinary Hospital with commercial kennel								P	P	P		SU			P						SU								P		E				E	
Veterinary Hospital without commercial kennel								P	P	P	P	P			P						SU				P	P					E	E				
Wholesale Sales								SU	P	P			P	P	P	SU	P	P														E				

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Type of Use	Primary Zoning Districts																					Old Meridian Zones									Overlay Zones					
	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Cultural / Entertainment Uses																																				
Art Gallery								P	P	P			P	P	P									P	P			P								
Art & Music Center								P	P	P			P	P	P			P						P	P			P								
Carnivals, Fairs, Circuses, etc.								P	P	P				SU	P																	E	E			
Hotel								SU	SU	SU		P			P			P							P				P			E				
Hotel (Full Service)								SU	SU	SU		P			P			P							P											
Indoor Theater								P	P	P		P		P	P			P						P	P			P				E				
Outdoor Theater									SU						P			P														E	E			
Catering Establishment								P	P	P				P	P																					
Restaurant, without drive-thru food sales								P	P	P		P	P	P	P		P	P	P					P	P			P								
Restaurant, with walk-up/drive-thru food sales								P	P	P		SU		P	P							E	E	E	E	E	E	E	E	E		E			E	
Meeting or Party Hall								P	P	P		P		P	P									P	P			P								
Museum															P			P		SU							P									
Stadium or Coliseum												P			P																					
Tavern/Night Club								P	P	P		P		P	P									P	P			P				E				
Industrial Uses																																				
Borrow Pit/Top Soil Removal & Storage	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU																					E	E
Heavy Industrial															P	SU						E	E	E	E	E	E	E	E	E	E		E	E	E	E
Sanitary Landfill, Junk Yard, Slavage Yard									~~SU~~						SU	SU															E	E	E	E	E	E
Light Industrial								SU	P						P																E	E			E	E
Storage and/or Warehousing, Indoor								SU	P						P	P	P														E	E			E	E
Storage and/or Warehousing, Outdoor								SU							P	SU						E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Storage or Sale of Petroleum Products								SU	P	P					P	E	E															E	E			E
Coke Ovens/Brick Yards/Kilns/Open Hearth/Blast Furnace															P	SU						E	E	E	E	E	E	E	E	E						E
Light Manufacturing															P	P	P															E				E
Mineral/Sand/Gravel Extraction Operations	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU		SU																E	E		E	E
Printing/Publishing Establishment								SU	P	P		SU			P	P	P																			E
Storage/Distribution Facility								SU	P						P	SU	SU															E				E
Wholesaling Facility															P	SU	P														E	E				E
Heavy Manufacturing																E	E					E	E	E	E	E	E	E	E	E	E	E	E	E	E	E

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	Primary Zoning Districts																					Old Meridian Zones									Overlay Zones					
Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Agricultural Uses																																				
Commercial Greenhouse	SU	SU										SU			P	P	SU				SU										E	E		E		
Raising/Breeding of Non-Farm or Exotic Animals	SU																				SU										E	E	E	E	E	
Feed Store								SU	P																						E	E	E	E		
Plant Nursery	SU	SU						SU	P	P		SU									SU										E	E		E		
Grain Elevator								SU	P													E	E	E	E	E	E	E	E	E	E	E	E	E	E	
General Agriculture (Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P															
Horse Farm																					P															
Recreational																																				
Commercial Recreational Facility, Indoor								P	P	P		P		P	P			P						P	P	P	P	P				E	E			
Commercial Recreational Facility, Outdoor								SU	SU	SU				SU				P													E	E	E	E		
Community Center																		P									P									
Country Club	SU	SU	SU	SU	SU	SU				P										P	SU											E				
Golf Course	SU	SU	SU	SU	SU	SU				P	SU									P	SU											E				
Health/Fitness Facility																													P							
Private Club or Lodge								P	P	P				SU										P	P		P	P				E				
Private Recreational Facility	SU	SU	SU	SU	SU	SU	P	SU	SU	SU	SU			SU							SU		P									E				
Riding Stable	SU	SU																														E				
Park, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P								
Shooting Gallery								P	P	P				P								E	E	E	E	E	E	E	E	E						
Miscellaneous																																				
Artificial Lake or Pond (non-platted)	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU	SU			SU	SU	SU	SU			SU	SU															
Cemetery	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU									SU	SU											E				
~~Commercial Parking Lot~~								~~P~~	~~P~~	~~P~~	~~SU~~	~~P~~		~~P~~	~~P~~																					
Historic Site																				P																

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Type of Use	S-1	S-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-5	B-6	B-7	B-8	I-1	M-1	M-3	C-1	C-2	P-1	AG-1	OM/SFA	OM/MF	OM/V	OM/MU	OM/O	OM/SU	OM/M	OM/MM	OM/PUD	SR 431/Keystone	US 31/Meridian	US 421/Michigan	Old Town	Home Place	Carmel Dr - Range Line
Temporary Uses																																				
Construction Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Display, Outdoor								A	A	A	A				A	A								A	A			A				E	E			
Model Home	P	P	P	P	P	P	P											P	P												E	E	E			
Sales, Outdoor								A	A	A	A				A	A								A	A			A				E	E			
Sales, Seasonal Outdoor								P	P	P				P	P									P	P			P			E	E	E			
Special Event, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Transportation & Communication Uses																																				
Antenna[4]	SU	SU	SU	SU	SU	SU	SU													P	SU															
Collocated Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P						
Radio and/or Television Studio								P	P	P	SU	P		P																						
Radio/Television Transmission Antenna[3]									SU	SU	SU	SU	SU	SU	SU	SU	SU			SE																
Radio/Television Transmission Tower	SU	SU						SU	P	P										SE	SE											E				
Tower								SU	SU	SU	SU	SU	SU	SU	SU	SU	SU															E				
Wireless Telecommunications Antenna[1]											P	P	P		P		P					P	P	P	P	P	P	P	P	P						
Wireless Telecommunications Service Tower[2]	SE	SE	SE	SE	SE	SE	SE													SE	SE											E				
Motor Bus or Railroad Passenger Station								P	P	P	SU	P		P																						
Private Airplane Landing/Service Facility																SU	SU				SU										E	E	E	E	E	
Private Helicopter Landing/Service Facility																SU	SU				SU								P						E	
Commercial Parking Lot								**P**	**P**	**P**	**SU**	**P**		**P**	**P**																					
Private Parking Area					**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**						
Truck Stop																															E	E	E			

[1] if visually integrated with or camouflaged on or within another structure (such as achimney stack, church spire, light standard, monument, penthouse, power line support device, or water tower), or if collocated on an existing or previously approved tower; [2] monopole-type construction only; [3] if mounted on another structure; [4] if visually integrated with or camouflaged on or within a structure other than a tower (such as a chimney stack, church spire, light standard, monument, power line support, or water tower)

Appendix A, as adopted per Ordinance No. *Z-415-03* ; as amended per *Z-461-04; Z-470-05* .

Ordinance Z-488-06 PASSED by the Common Council of the City of Carmel, Indiana this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-488-06 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____, 2006, at _____ __.M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-488-06 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ __.M.

_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

SPONSOR: Councilor Glaser

ORDINANCE Z-489-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, REZONING DISTRICT CLASSIFICATION

Rezoning the property located southwest of the intersection of Main Street and Old Meridian Street from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to the Old Meridian/Mixed Use (OM/MU) Classification.

WHEREAS, pursuant to Indiana Code 36-7-4, the Common Council has lawfully adopted a zoning ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the City of Carmel, Indiana, and the unincorporated area of Clay Township, Hamilton County, Indiana, which zoning ordinance has been modified in Chapter 10 of the Carmel City Code; and

WHEREAS, pursuant to Indiana Code 36-7-5-602 the Common Council is authorized to amend the map that is part of the zoning ordinance; and

WHEREAS, the Carmel/Clay Plan Commission has favorably recommended the rezoning of the Real Estate, the legal description of which is attached hereto and incorporated herein by reference as Exhibit A (hereafter, the "Real Estate");

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. That the Official Zoning Map accompanying and made part of the Zoning Ordinance is hereby changed to designate the Real Estate from Old Meridian/Special Use (OM/SU) and Old Meridian/Single Family Attached (OM/SFA) to Old Meridian/Mixed Use (OM/MU).

Section 2. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from the and after its passage and signing by the Mayor.

Ordinance No. Z-489-06 **PASSED** by the Common Council of the City of Carmel, Indiana this _____day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana the _____ day of _____, 2006, at _____ o'clock ___.M.

_____

Diana L. Cordray, IAMC, Clerk Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ o'clock ____.M.

_____

James Brainard, Mayor

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk Treasurer

This Instrument prepared by: Lawrence J. Kemper
NELSON & FRANKENBERGER
3105 East 98th Street, Suite 170
Indianapolis, IN 46280

EXHIBIT "A"

A part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 1036.75 feet to the Northwest corner of the real estate described in Instrument No. 1997-32968 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 18 minutes 29 seconds East along the West line of said real estate 279.88 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 08 minutes 21 seconds East parallel with the aforesaid North line 816.39 feet to the centerline of Old Meridian (formerly U.S. Highway 31); thence South 35 degrees 39 minutes 16 seconds West along said centerline 165.27 feet to a point South 35 degrees 39 minutes 16 seconds West 513.50 feet from the intersection of the centerline of Old Meridian and the North line of said Quarter Section; thence South 88 degrees 50 minutes 36 seconds West 374.71 feet; thence South 35 degrees 39 minutes 16 seconds West parallel with the centerline of Old Meridian Street 586.85 feet; thence North 00 degrees 18 minutes 29 seconds West 606.44 feet to the place of beginning, containing 4.231 acres, more or less.

AND

A part of the North Half of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, Clay Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 879.25 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet the Northeast corner of real estate described in Instrument Number 1996-26849 (Parcel I) in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 157.50 feet; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 157.50 feet to the place of beginning, containing 1.012 acres, more or less.

AND

Part of the Southeast Quarter of Section 26, Township 18 North, Range 3 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 89 degrees 08 minutes 21 seconds West along the North line of said Quarter Section a distance of 675.75 feet and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 29 seconds East 279.88 feet to the North line of real estate described in Instrument Number 1996-26854 in the Office of the Recorder, Hamilton County, Indiana; thence South 89 degrees 08 minutes 21 seconds West along said North line 203.50 feet to the Northwest corner of said real estate; thence North 00 degrees 18 minutes 29 seconds West 279.88 feet to a point on the North line of said Quarter Section; thence North 89 degrees 08 minutes 21 seconds East along said North line 203.50 feet to the place of beginning, containing 1.307 acres, more or less.

OLD MERIDIAN PLACE

CENTEX HOMES
CHANGE IN ZONING
CLASSIFICATION

Ordinance No. Z-489-06

City of Carmel
Common Council – April 17, 2006

Petitioner: Centex Homes
c/o Sean Sullivan – 806-2924
Jonathan Isaacs – 806-1766

Attorneys: Lawrence J. Kemper and James E. Shinaver
NELSON & FRANKENBERGER
3105 East 98th Street, Suite 170
Indianapolis, IN 46280
Telephone: (317) 844-0106

Engineer: Stoeppelwerth & Associates
c/o Dennis Olmstead and
Ed Fleming - 849-5935

TABLE OF CONTENTS

1. Explanation
2. Aerial photograph
3. Old Meridian Master Plan Map
4. Illustrative Plan Map for Old Meridian Place
5. Current Zoning map and Proposed Zoning map
6. Conceptual Site Plan
7. Conceptual site plan illustrating rezone
8. Conceptual site plan and numbered building elevations for mixed-use area
9. Townhome Elevations
10. Ordinance

Tab 1

EXPLANATION

Centex Homes ("Centex") is the contract purchaser of approximately 25.5 acres located near the southwest corner of the intersection of 131st Street and Old Meridian Street. The 25.5 acres are outlined on the aerial photograph enclosed under Tab 2. The real estate is currently zoned Old Meridian/Mixed Use (OM/MU), Old Meridian/Single Family Attached (OM/SFA), and Old Meridian/Special Use (OM/SU).

Centex is desirous of developing the real estate for a mix of uses, including townhomes, condominiums, apartments over retail, and two-story buildings with offices over retail. Centex has pending before the Plan Commission its development plan and architectural design, landscaping, lighting and signage in connection with the real estate. In order to develop the real estate as proposed, Centex must rezone a 6.5 acre portion of the real estate from Old Meridian/Single Family Attached (OM/SFA), and Old Meridian/Special Use (OM/SU) to Old Meridian/Mixed Use (OM/MU). This rezone is necessary in order to permit some of the condominium and mixed use buildings proposed.

Included under Tab 5 of the informational brochure is a map showing the current zoning of the real estate, and a second map showing the proposed rezoning of a portion of the real estate to OM/MU. Tab 6 of the brochure illustrates the conceptual site plan for the real estate, while Tab 7 shows the conceptual site plan in relation to the rezone request. The conceptual site plan shown under the first page of Tab 8 contains numbered buildings which correspond with numbered elevations also shown under Tab 8. Also included under Tab 9 of the brochure is a representative sample of elevations for the townhome portion of the site. Centex's overall development plan would permit (i) 143 townhome units, (ii) 100 condominium units over parking and (iii) additional residential units over retail or office space.

Centex's proposal for the site provides a mixture of office/retail and residential which furthers the objectives of Carmel's urban design initiative for the Old Meridian corridor. In addition, Centex's plan provides a seamless transition between the commercial areas planned for the Old Meridian corridor and residential uses further to the west.

We look forward to presenting this request to the Common Council at its meeting on April 17, 2006.

Respectfully submitted,

Lawrence J. Kemper

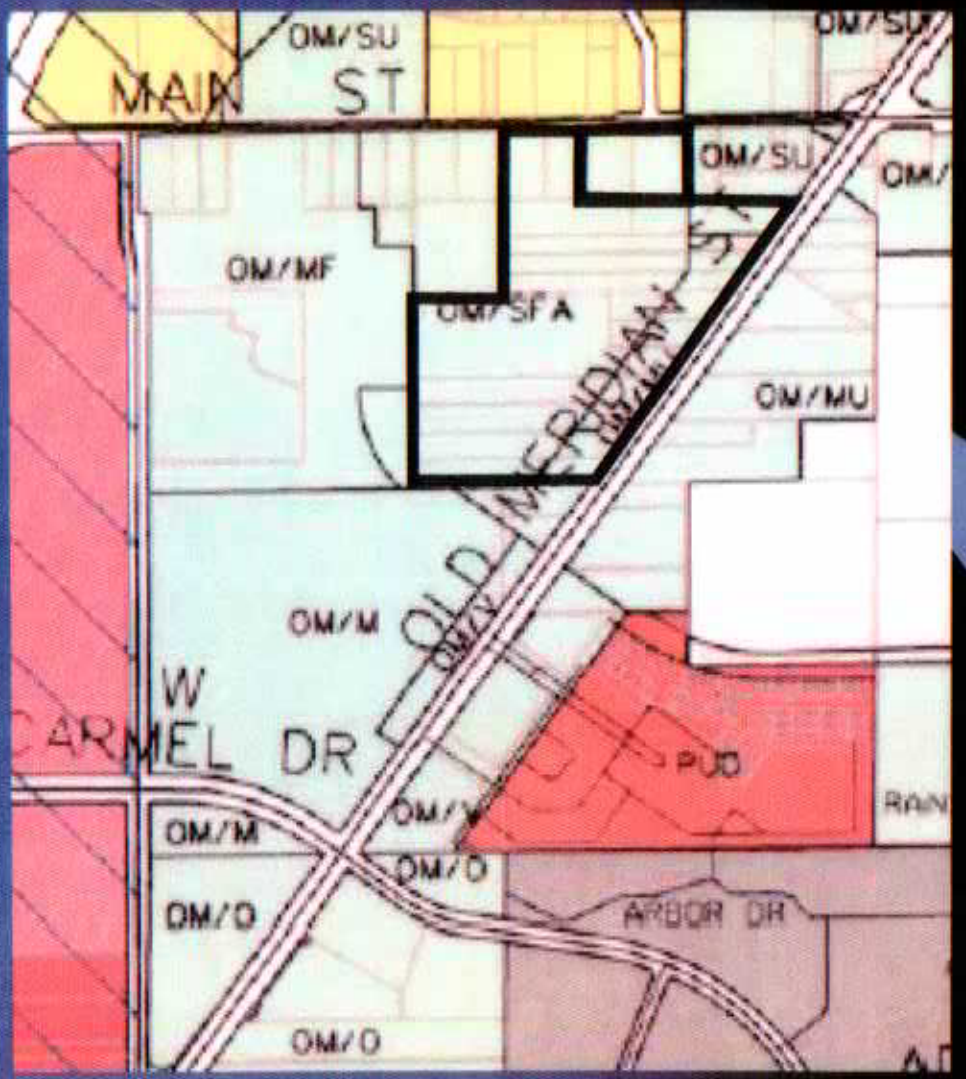
H:\brad\Centex\Old Meridian\EXPLANATION CC 040606.doc

Tab 2

Old Meridian

Tab 3

Old Meridian Place, Carmel Indiana:



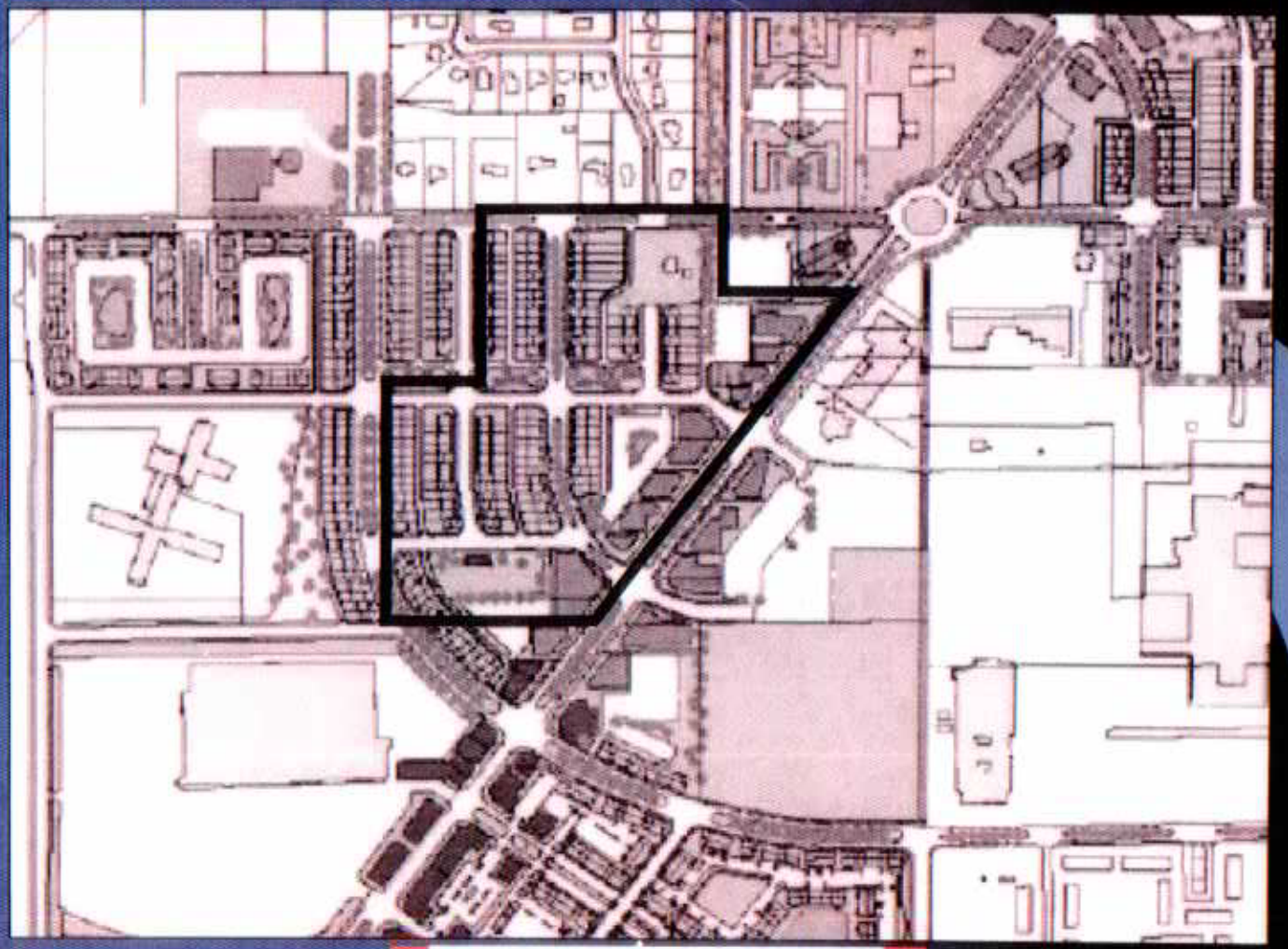
Old Meridian Master Plan Map

CENTEX HOMES

Tab 4

Old Meridian Place, Carmel Indiana:

Illustrative Plan Map
Old Meridian District

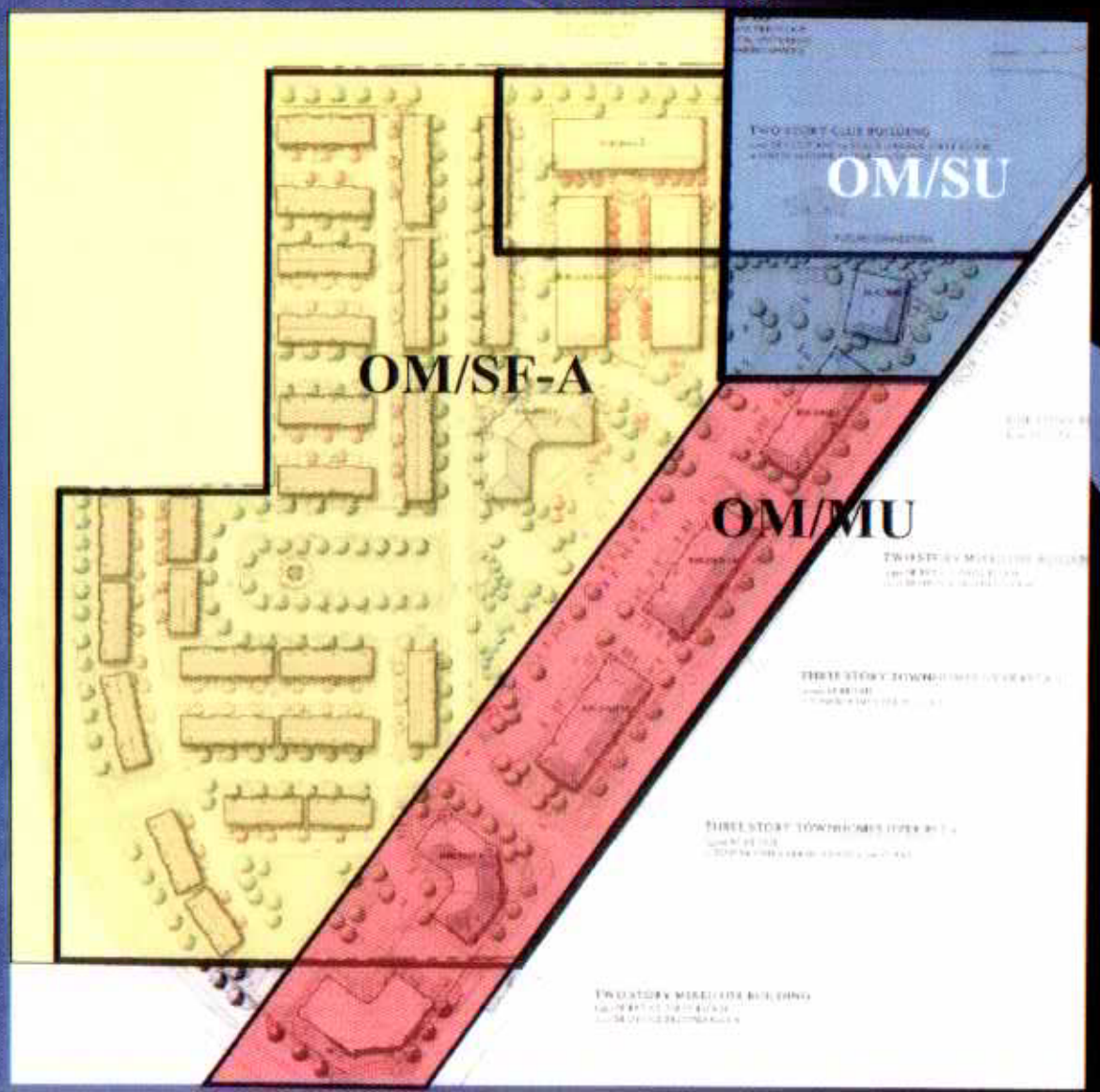


CENTEX HOMES

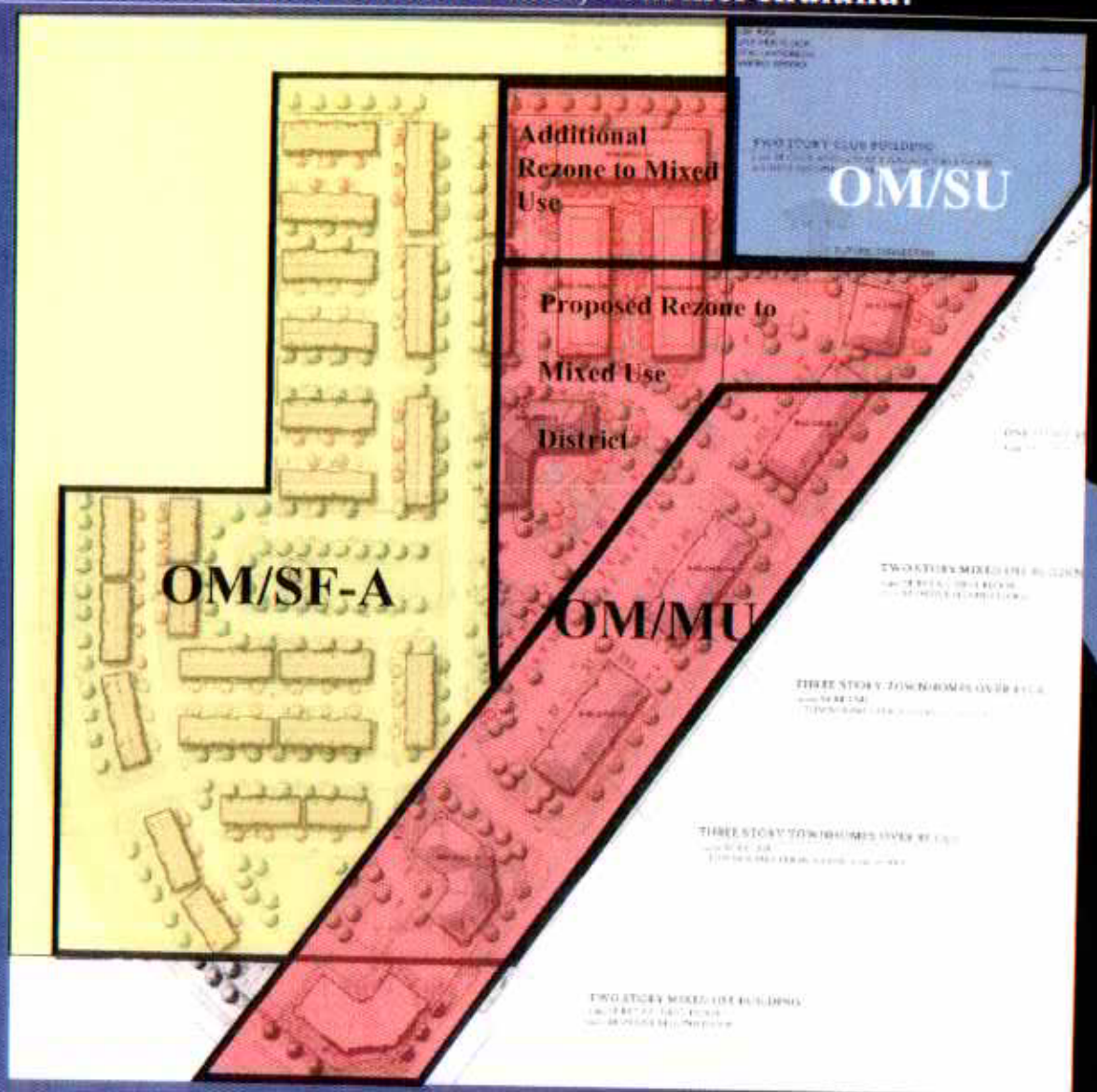
Tab 5

Old Meridian Place, Carmel Indiana:

Existing Zoning



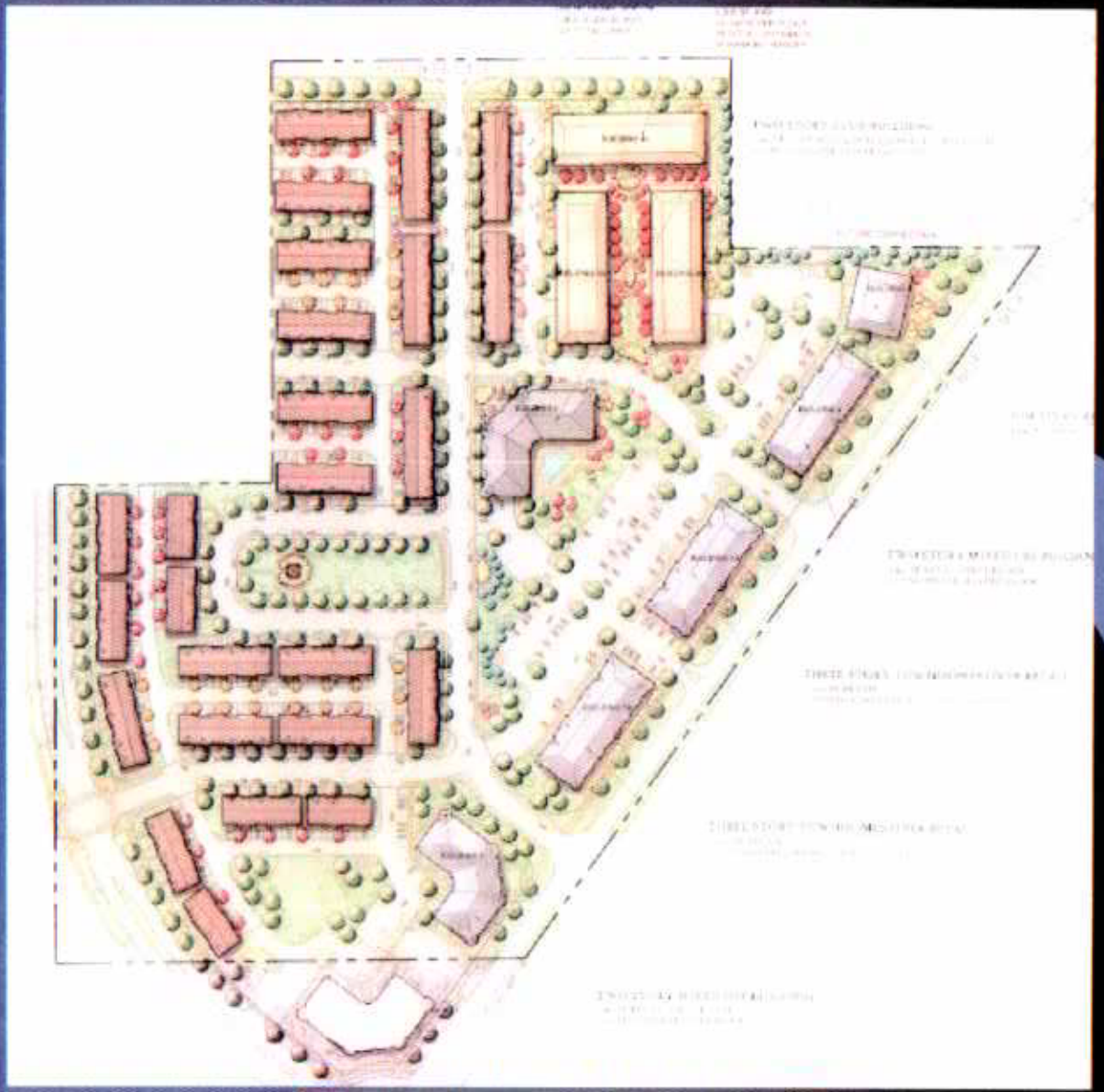
Old Meridian Place, Carmel Indiana:



CENTEX HOMES

Tab 6

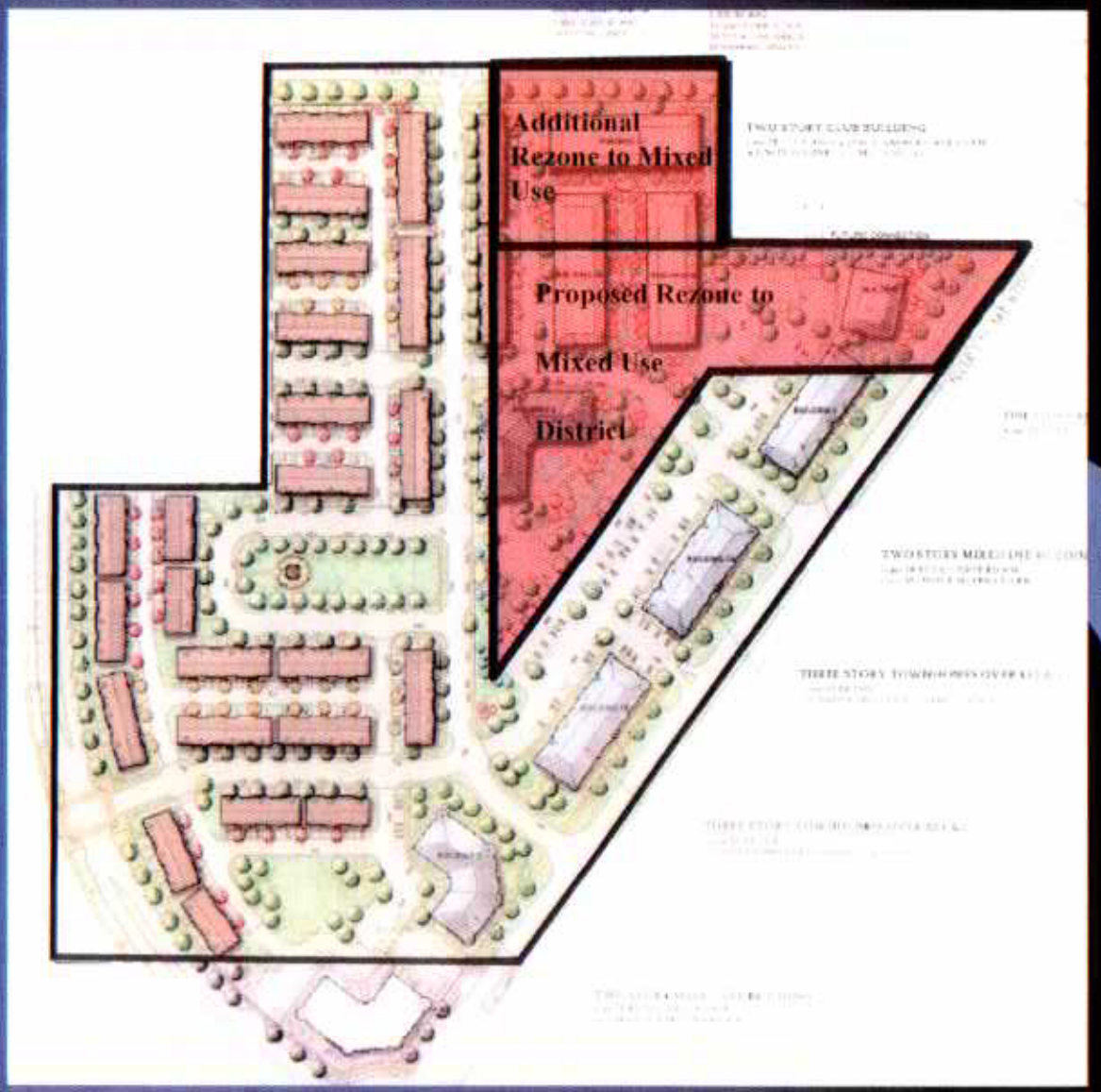
Old Meridian Place, Carmel Indiana:



CENTEX HOMES

Tab 7

Old Meridian Place, Carmel Indiana:



CENTEX HOMES

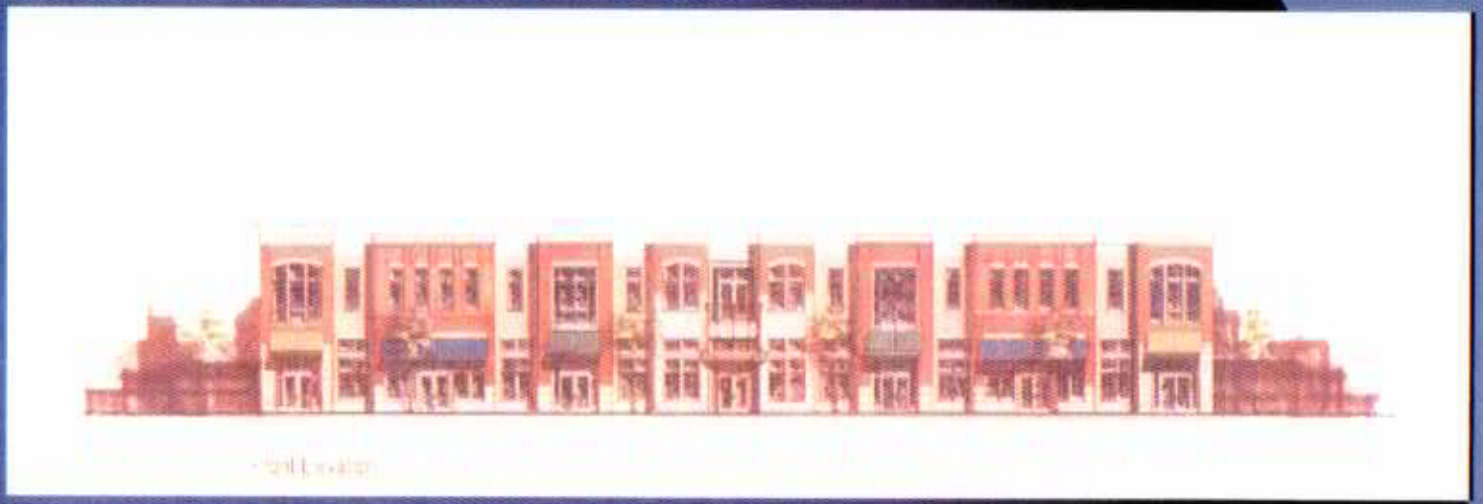
Tab 8

Old Meridian Place, Carmel Indiana:

CENTEX HOMES

Old Meridian Place, Carmel Indiana:

Building #1



Building #2

CENTEX HOMES

Old Meridian Place, Carmel Indiana:

Building #3

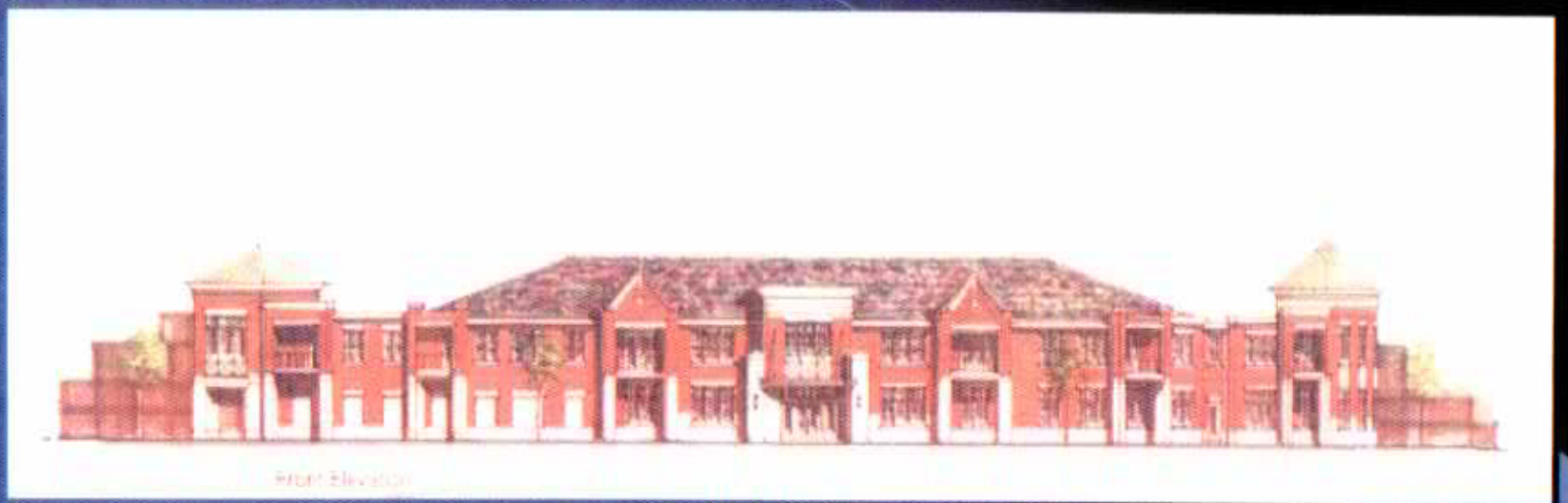
CENTEX HOMES

Old Meridian Place, Carmel Indiana:

Building #4

CENTEX HOMES

Old Meridian Place, Carmel Indiana:



Building #5

CENTEX HOMES

Tab 9

Old Meridian Place, Carmel Indiana:

Georgetown Series Townhomes by Centex

CENTEX HOMES

SPONSOR: Councilor Mayo

ORDINANCE D-1805-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA PROVIDING FOR AN ADDITIONAL APPROPRIATION OF FUNDS FROM OPERATING BALANCE OF THE CITY OF CARMEL GENERAL FUND, MVH FUND, POLICE PENSION FUND AND FIRE PENSION FUNDS

WHEREAS, an amount of $325,000 is needed to cover unanticipated expenses in the 2006 City of Carmel General Fund,

WHEREAS, an amount of $450,000 is needed to cover unanticipated expenses in the City of Carmel Motor Vehicle Highway Fund,

WHEREAS, an amount of $15,308 is needed to cover unanticipated expenses in the City of Carmel Police Pension Fund,

WHEREAS, an amount of $74,677 is needed to cover unanticipated expenses in the City of Carmel Fire Pension Fund,

WHEREAS, the City of Carmel has excess funds in the amount of Three Hundred Twenty Five Thousand dollars in the operating balance of the General Fund to appropriate to the line item(s) for the unanticipated expense(s),

WHEREAS, the City of Carmel has excess funds in the amount of Four hundred Fifty Thousand Dollars in the operating balance of the Motor Vehicle Highway Fund to appropriate to the line item(s) for the unanticipated expense(s),

WHEREAS, the City of Carmel has excess funds in the amount of Fifteen Thousand Three Hundred Eight Dollars in the operating balance of the Police Pension Fund to appropriate to the line item(s) for the unanticipated expense(s),

WHEREAS, the City of Carmel has excess funds in the amount of Seventy Four Thousand Six Hundred Seventy Seven Dollars in the operating balance of the Fire Pension Fund to appropriate to the line item(s) for the unanticipated expense(s),

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that the following additional sum of money is hereby appropriated out of the Operating Balances for the purposes specified, subject to applicable laws, as follows:

$325,000 From The
GENERAL FUND OPERATING BALANCE

To the Communications Center Budget
$35,000 into Line Item 4110000 Full Time and
$55,000 into Line Item 4112000 Overtime
and
To the Law Department Budget
$195,000 into Line Item 4340000 Legal Fees and
$40,000 into Line Item 4341999 Other Professional Fees;

$450,000 From The
MOTOR VEHICLE HIGHWAY FUND OPERATING BALANCE

To the Street Department Budget
$450,000 into 4350200 Street Paving;

$15,308 From The
POLICE PENSION FUND OPERATING BALANCE
Into
Line Item 4126000 Retirement-Full Time

$74,677 From the
FIRE PENSION FUND OPERATING BALANCE
Into
Line Item 4126000 Retirement-Full Time

PASSED by the Common Council of the City of Carmel, Indiana, this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____ 2006, at _____ __.M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____ 2006, at _____ __.M.

_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: Diana L. Cordray
Clerk-Treasurer
City of Carmel

MEMORANDUM

TO: **Carmel City Council**

FROM: **Adrienne Keeling**
Department of Community Services

SUBJECT: **Item forwarded by the Plan Commission for action by the City Council**

DATE: **April 21, 2006**

Please find information on the following item forwarded by the Plan Commission attached. This item will appear on your May 1st agenda.

Forwarded with *favorable* recommendation:
Ordinance Z-490-06 (Docket No. 06020005 OA): Michigan Road Overlay Amendment
Petition to amend the Zoning Ordinance in order to amend the development standards in Chapter 23C: *US Highway 421 – Michigan Road Corridor Overlay Zone*.
Filed by the Carmel Department of Community Services.

Please find enclosed the Plan Commission-certified ordinance to amend the Zoning Ordinance. Proposed amendments are summarized as follows:

CHAPTER 23C: US 421 – MICHIGAN RD OVERLAY ZONE

1. Limit retail uses to 75% of the gross floor area of projects in B-3 north of 106th St.
2. Allow residential uses up to 50% of a project's gross floor area in the overlay.
3. Require each lot to contain a building with a minimum of 2,500 s.f. of gross floor area.
4. Establish a maximum gross floor area of 85,000 square feet north of 106th Street.

The information on this item has been arranged in the following format:

1. Copy of the Ordinance Proposal (Z-490-06)
2. Copy of PC Certification
3. Zoning Map
4. Aerial Map

CERTIFICATION OF THE CARMEL PLAN COMMISSION'S RECOMMENDATION ON THE PETITION OF THE CITY OF CARMEL TO AMEND THE ZONING ORDINANCE PURSUANT TO INDIANA CODE 36-7-4-605

ORDINANCE Z-490-06

An Ordinance to Amend Chapter 23C: US Highway 421 – Michigan Road Corridor Overlay Zone of the Zoning Ordinance.

To: The Honorable Common Council
Of the City of Carmel
Hamilton County, Indiana

Dear Members:

The Carmel Advisory Plan Commission offers you the following report on the application to the Commission (**Docket No. 06020005 OA**) to Amend Chapter 23C: *US Highway 421 – Michigan Road Corridor Overlay Zone* of the Zoning Ordinance of the Zoning Ordinance, in order to modify the development standards.

The Carmel Advisory Plan Commission's recommendation on the petition is **FAVORABLE**.

At its regular meeting on April 18, 2006, the Commission voted eight (8) in Favor, zero (0) Opposed, zero (0) Abstaining, to forward to the Common Council the proposed **Ordinance Z-490-06** with a **Favorable Recommendation**.

Please be advised that by virtue of the Commission's Favorable Recommendation, pursuant to IC 36-7-4-607(e)(3), the Council has ninety (90) days to act on this petition before it becomes effective as Certified by the Commission. Ninety days from the date of the original Certification (April 19, 2006) is Tuesday, **July 18, 2006**.

CARMEL PLAN COMMISSION

BY: Jerry Chomanczuk
Jerry Chomanczuk, President

ATTEST:

Ramona Hancock
Ramona Hancock, Secretary
Carmel Advisory Plan Commission
Dated: April 19, 2006

Received
APR 19 2006
Carmel
Clerk-Treasurer

2006-0419; Z-490-06; Mich Rd Amend PC Certification

Sponsor: Councilor Sharp

ORDINANCE Z-490-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA

An Ordinance Amending the Michigan Road Overlay Zone in the Carmel Zoning Ordinance

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the 2020 Vision Comprehensive Plan (the "Comprehensive Plan") Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 06020005 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, April 18, 2006, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), as amended, to read as follows:

Section I:

ZO CHAPTER 23C: US HIGHWAY 421 – MICHIGAN ROAD CORRIDOR OVERLAY

a. Amend *Section 23C.03: Permitted Uses* to read:

23C.03 Permitted Uses.

A. All uses which are permitted in a given site's underlying primary zoning districts, except those uses expressly excluded in *Section 23C.05 Appendix A: Schedule of Uses*, are permitted in the Overlay Zone.

B. Retail uses are permitted; however, it shall not comprise more than seventy-five percent (75%) of a project's gross floor area on parcels in the B-3/Business District located north of 106th Street.

C. Residential uses are permitted; however, it shall not comprise more than fifty percent (50%) of a project's gross floor area on parcels where residential is not permitted in the underlying zoning district.

b. Amend *Section 23C.08.04: Minimum Gross Floor Area* to read as follows:

23C.08.04 Minimum Gross Floor Area: Each lot or parcel shall contain at least one ~~All~~ principal ~~commercial~~ building~~s~~ ~~shall have~~with a minimum of two thousand five hundred (2,500) square feet of gross floor area, excluding the floor area of any basement or any accessory buildings. Accessory buildings need not meet the minimum floor area requirement.

c. Add *Section 23C.08.05: Maximum Gross Floor Area* to read as follows:

23C.08.05 Maximum Gross Floor Area: All free-standing commercial buildings located north of 106th Street shall have a maximum of eighty-five thousand (85,000) square feet of gross floor area, excluding the floor area of any basement or any accessory buildings.

Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ordinance Z-490-06 PASSED by the Common Council of the City of Carmel, Indiana this _____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-490-06 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____, 2006, at _____ __.M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance Z-490-06 Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____, 2006, at _____ __.M.

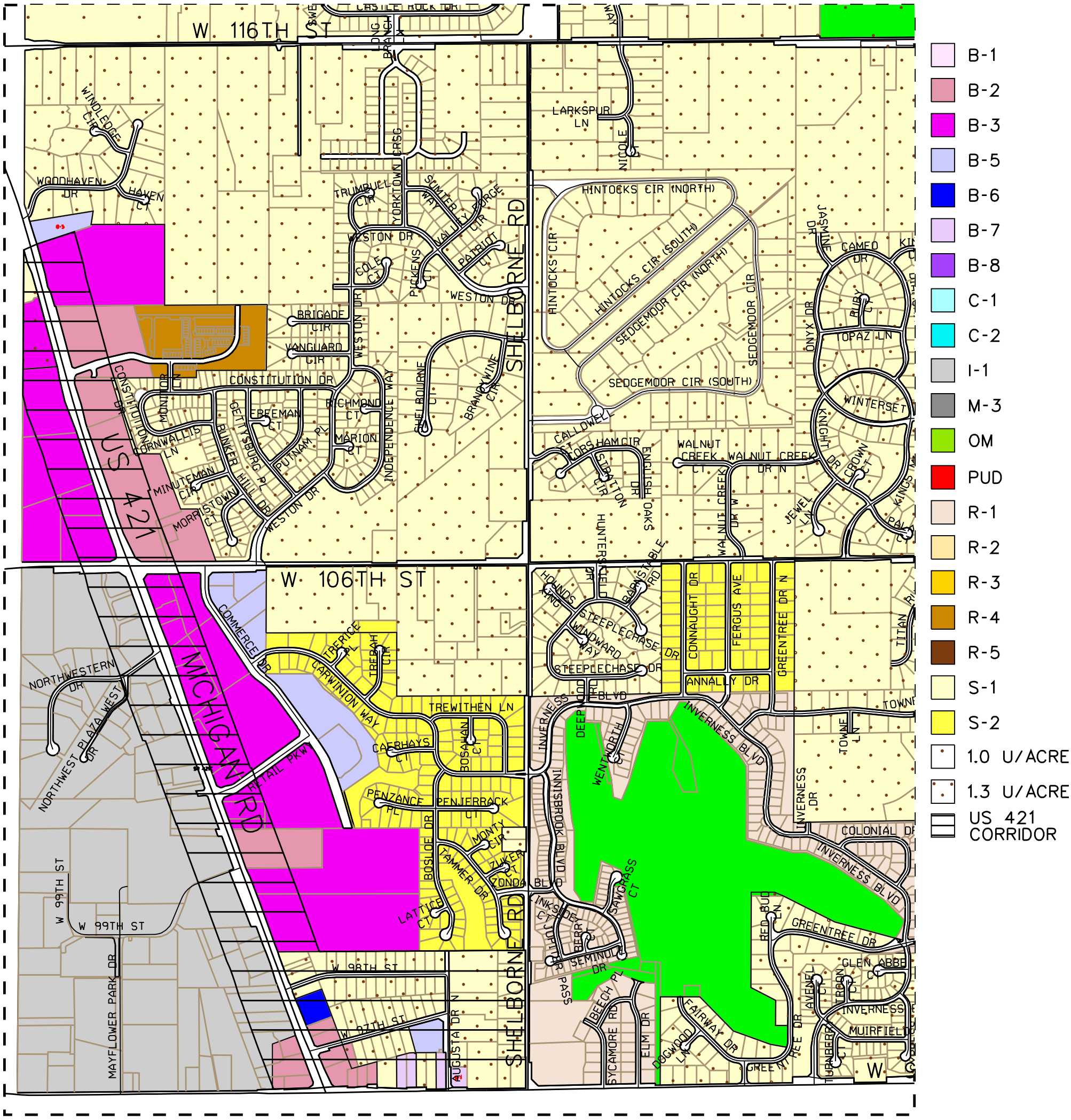
_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor
Carmel Plan Commission Attorney
One Civic Square
Carmel, IN 46032

Michigan Road Area
City of Carmel / Clay Township
Official Zoning Map



Produced by City of Carmel GIS
for the Department of Community Services

Official Zoning Map as adopted by
RESOLUTION NO.CC-11-05-01-09
11/05/2001

Based on property data
provided by
Hamilton County, Indiana

Produced: 07/19/2001
Last Modified: 11/29/2005

WOODHAVEN DR
HAVEN CT
MUCH MARCLE DR
MUCH MARCLE DR
ELDOR FLOWER DR
WESTON POINTE DR
LN
WESTON POINTE DR
CONSTITUTION DR
CONSTITUTION DR
BUNKER HILL DR
CORNWALLIS LN
MORRISTOWN
W 106TH
N US 421 HWY
N US 421 HWY
N US 421 HWY
N US 421 H

ORDINANCE D-1803-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, ADOPTING A PROPERTY MAINTENANCE CODE

WHEREAS, the Common Council of the City of Carmel is empowered to adopt ordinances that protect the health, safety and welfare of the City's residents and guests; and

WHEREAS, the proper maintenance of property is an important part of protecting the public health, safety and welfare; and

WHEREAS, it is in the interest of public health, safety and welfare for the City to adopt a comprehensive Property Maintenance Code.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: That Chapter 6 of the Carmel City Code is hereby amended to add a new Article 8, Sections 220 through 227, which shall read as follows:

"CHAPTER 6 PUBLIC HEALTH AND SAFETY
ARTICLE 8 PROPERTY MAINTENANCE CODE

§6-220 ADMINISTRATION

(a) General

(1) Title. These regulations shall be known as the Property Maintenance Code of the City of Carmel, hereinafter referred to as "this code."

(2) Scope. The provisions of this code shall uniformly apply to all existing residential and nonresidential structures and all existing premises and existing or proposed Improvements on existing premises and constitute minimum requirements and standards for premises, structures, sanitation, protection from the elements, safety from other hazards, and for safe and sanitary installation and maintenance of Improvements; the responsibility of owners, operators and occupants for their properties; and for administration, enforcement and penalties irrespective of when or under what code or codes such buildings were originally constructed or rehabilitated.

(3) Purpose. This code shall be construed to secure its expressed intent, which is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned buildings, structures or Improvements for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare. It is further declared that the purpose of this code is to eliminate blight, to promote maintenance of property, and to thereby ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures, improvements and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

This document prepared by: City of Carmel Departments of Community Services and Engineering.
Reviewed by: City of Carmel Department of Law.
The initial draft of this document was submitted to the Clerk-Treasurer's Office on April 17, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

(4) Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(b) Applicability

(1) General. The provisions of this code shall apply to all matters affecting or relating to structures and premises except as to those matters governed by the provisions of the Indiana Building Code, Indiana Residential Code, Indiana Fire Code, National Electric Code, Indiana Mechanical Code, Indiana Energy Code, Indiana Accessibility Code, Indiana Plumbing Code, Indiana Swimming Pool Code, as the same shall be amended from time to time. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(2) No Private Cause of Action. Nothing in this code shall be deemed to create a private cause of action in favor of one party against another.

(3) Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be made or accomplished in accordance with the procedures and provisions of the Indiana Building Code, Indiana Residential Code, Indiana Fire Code, National Electric Code, Indiana Mechanical Code, Indiana Energy Code, Indiana Accessibility Code, Uniform Plumbing Code, Indiana Swimming Pool Code, as the same shall be amended from time to time. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the International Building Code, International Residential Code, International Fire Code, National Electric Code, International Mechanical Code, Indiana Energy Code, Indiana Accessibility Code, Uniform Plumbing Code, and Indiana Swimming Pool Code.

(4) Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, or unsafe, as authorized by Carmel City Code §6-159, as amended.

(5) Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(6) Requirements not covered by code. The authority having jurisdiction thereof shall determine requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code.

(7) Any proposed Improvements, or maintenance thereto, shall be designed, permitted, installed and maintained in accordance with the provisions of this Code and the current City of Carmel standards that govern the work associated with the installation or maintenance of such Improvements, that may be amended from time to time. Where, in a specific case, different sections of this and other applicable codes, or those codes of other federal, state or local government agency that have jurisdiction over the installation or maintenance of such Improvements, specify different requirements, the most restrictive shall govern.

(c) Department of Community Services

(1) General. Property maintenance inspections as required by this Code shall be the responsibility of the City and other such persons as shall be designated by the City, hereinafter referred to as “Code Enforcement Official”.

(2) Restriction of employees. No official or employee connected with the enforcement of this code shall be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or Improvement within the City, or the preparation of construction documents thereof, unless that person is the owner of the building.

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Reviewed by: City of Carmel Department of Law.
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(3) Liability. The Code Enforcement Official, officer or employee charged with the enforcement of this code, while acting under jurisdiction, shall not thereby be rendered liable personally, and is herby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any official or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(d) <u>Duties and Powers of Code Enforcement Official.</u>

(1) General. The Code Enforcement Official shall enforce the provisions of this code.

(2) Inspections. The Code Enforcement Official shall make all of the necessary inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City.

(3) Right of entry. The Code Enforcement Official, pursuant to this Code and Carmel City Code Section §6-180 through §6-209, as amended, may make inspections of all buildings, structures and premises located within the City's corporate limits to determine their compliance with the provisions of this Code. Such inspections shall be made between the hours of 8:00 AM and 8:00 PM on any day except Sunday. All inspections shall be subject to the following standards and conditions:

i. An inspection may take place only if a complaint has been received by the City and such complaint, in the opinion of the Code Enforcement Official, provides reasonable grounds for the belief that a violation exists, or if such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety by the direction of the City.

ii. The Code Enforcement Official shall furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection, and that the person is a representative of the City.

iii. The Code Enforcement Official may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant shall refuse to grant entry.

(4) Notices and orders. The Code Enforcement Official shall issue any required notices or orders pursuant to §6-220(g) to ensure compliance with this code.

(5) Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one official of the City is involved, it shall be the duty of the Code Enforcement Official to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any City agency or departmentobserves an apparent or actual violation of some provision of some law, ordinance or code not within the inspectors' authority to enforce, the inspector shall report the findings to the City department or official having jurisdiction.

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Reviewed by: City of Carmel Department of Law.
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(e) Approval of Modifications

(1) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Code Enforcement Official shall have the authority to grant modifications for individual cases, provided the Code Enforcement Official shall first find that the practical difficulty makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modification shall be recorded and entered in the department files.

(f) Violations

(1) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(2) Notice of violation. The Code Enforcement Official shall serve a notice of violation ("Correction Order") in accordance with §6-220(g) of this code.

(3) Prosecution of violation. Any person failing to comply with a notice of violation or correction order served in accordance with §6-220(g) of this Code shall be deemed guilty of a violation of this code and the violation shall be deemed a strict liability offense. If the correction order is not complied with, the Code Enforcement Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(4) Violation penalties. In addition to any injunctive relief which may be sought, any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined on the first offense of a violation of this code, a fine of $50.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense subject to a daily fine of $50.00 per day.

(5) Repeat Offenses. Any person who is found to have committed a separate offense of this code after having been found to commit an earlier offense no sooner than thirty (30) days but within a two (2) year period shall be assessed a fine of $100.00 per offense. The purpose of this provision is to double the fines assessed against those persons.

(6) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of a building, structure or premises.

(7) The City may direct the Owner or Responsible Party to restore all Improvements to the original design condition, alter the Improvement to remedy the violation or remove the Improvement if determined to be in violation or represent the potential to be in violation of this Code. For Private Drainage Systems, the City may request alterations to the Improvement that may result in an increase or reduction in capacity (collection, storage and conveyance capacity). Violations shall be remedied to the satisfaction of the City.

(8) In the event that the Owner or Responsible Party fails to remedy the violation within the time frame stipulated in the notice, the City reserves the right to remedy the violation and collect such costs together with reasonable attorney fees, consultant fees and the collection fees by suing the Owner or Responsible Party in a court of competent jurisdiction or in the alternate, by certifying said costs of correction as any other special assessment upon the premises from which said remedy of said violation was made.

(g) Notice and Orders

(1) Warning Citation. It is the policy of the City of Carmel to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Citation may be issued for a violation of this

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Reviewed by: City of Carmel Department of Law.
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Code. The Warning Citation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the premises owner or person being cited fails to correct the violation in the time allotted by a Code Enforcement Official, then a Notice of Correction Order shall be issued. In this discretion, a Code Enforcement Official shall have the right to forego issuing a Warning Citation and may proceed to issue a Notice of Correction Order. The issuance of a Warning Citation shall not be a prerequisite to the issuance of a Notice of Correction Order. There shall be no right of appeal from the issuance of a Warning Citation.

(2) Notice to owner or to person or persons responsible. Whenever the Code Enforcement Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, a Notice of Correction Order ("Correction Order") shall be given to the owner or the person or persons responsible therefore in the manner prescribed in §6-220(g)(2) and §6-220(g)(3) of this code. The City will take enforcement action only with the Owner or Responsible Party at the time the violation is identified. Pre-existing conditions shall be borne by the Owner or Responsible Party at the time the violation is identified

(3) Notice of Correction Order. Such notice prescribed in §6-220 (g)(1) shall:

i. Be in writing;
ii. Include a description of the real estate sufficient for identification;
iii. Include a statement of the violation or violations and section violated and why the notice is being issued;
iv. Include a correction order allowing a sufficient reasonable amount of time, of at least one (1) day, but not more than sixty (60) days, from the time when the correction order is served, to make the repairs and improvements required to bring the dwelling unit, structure or Improvement into compliance with the provisions of this code; and
v. Include a notice containing the right to appeal the Code Enforcement Official's determination to the Board of Public Works in accordance with §6-220(j) this code.

(4) Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

i. Delivered personally; or
ii. Sent by certified or first-class mail addressed to the last known address; or

If the notice of correction order is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and posting shall be documented.

(h) <u>Means of Appeal</u>

(1) Appeal to Board of Public Works. Any person aggrieved by a determination of the Code Enforcement Official to the effect that a Notice of Violation or Order served in accordance with §6-220(g) of this code is in error, or should, due to hardship, be modified or entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period, may appeal to the Board of Public Works for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance.

(2) Procedure and hearing. A request for rescission, modification, variance, or extension of time shall be made in writing, to the City of Carmel Clerk/Treasurer's Office, to be placed on the Board of Public Works agenda, within ten (10) days of the Appellant's receipt of a copy of the Notice or Order. The Board of Public Works shall schedule a hearing within thirty (30) days of receipt of the request.

(3) Open Hearing. All hearings before the Board of Public Works shall be open to the public. The appellant, the appellant's representative, the Code Enforcement Official and any persons whose interests are affected shall be given an opportunity to be heard.

This document prepared by: City of Carmel Departments of Community Services and Engineering.
Reviewed by: City of Carmel Department of Law.
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(4) Findings. Prior to ruling on an appeal, the Board of Public Works shall make the following findings:

i. The violator was served with a Notice of Correction Order as provided by §200(g)(4).

ii. The Notice of Correction Order that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of violation.

iii. Within the time period stipulated by the Notice of Correction Order, the violator failed to comply with the Correction Order by not abating the violation, and/or not bringing into compliance with City of Carmel Property Maintenance Code.

iv. Upon expiration of the date indicated for compliance in the Correction Order, the premises or structure was being maintained in violation of specific provisions of the City of Carmel Property Maintenance Code and/or conditions imposed by Board of Public Works as a prerequisite to the modification of a previous compliance order.

v. Determination that a violation exists on the property.

(5) Board Decision. At the conclusion of the hearing at which a continuance is not granted, the Board of Public Works may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such Order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Board of Public Works shall, in the determination on appeal, reestablish a reasonable timeline to make the repairs and improvements required to bring the dwelling unit, structure or Improvement into compliance with the provisions of this code.

(6) Court Review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

(7) Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the Board of Public Works rules on the appeal.

(i) Unsafe Structures

(1) General. Unsafe structures shall be regulated and enforced as provided by §6-159 *Unsafe Building Regulations* of the Carmel City Code.

(2) Imminent danger. When, in the opinion of the Code Enforcement Official, there is imminent danger of failure or collapse of a building or structure which endangers life or other property, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Official is hereby authorized and empowered to order and require the occupants to vacate the premises. The Code Enforcement Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Carmel." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(j) Demolition

(1) General. This section shall only apply when demolition is ordered pursuant to the enforcement of §6-220(i).

(2) Salvage of Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

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(k) Transfer of Ownership.

(1) No owner of any dwelling unit or structure or Improvement who has received a correction order or upon whom a notice of violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the correction order have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Official and furnishes to the Code Enforcement Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such correction order or notice of violation and fully accepting the responsibility without condition for making corrections or repairs required by such correction order or notice of violation.

(l) Nonconforming Conditions.

(1) If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the Code Enforcement Official shall have the authority to require compliance with this Code of such additional conditions. The determination of what is necessary to bring such conditions into compliance shall take into consideration the use of alternatives and equivalent approaches as provided for in this Code. The Code Enforcement Official shall have the authority to approve construction changes in the field when conditions are encountered which make the originally approved work impractical, provided such changes in approved work can be readily determined to be in compliance with this Code and are requested by the owner or the owner's agent prior to such construction changes. Such changes shall be specifically documented by the owner or the owner's agent describing the change in work and the reasons for justification for the change, and shall be filed with the permit for the project.

§6-221 DEFINITIONS

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
(b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neutral; the singular number includes the plural and the plural, the singular.
(c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the *Indiana Building Code, Indiana Residential Code, Indiana Fire Code, Indiana Electric Code, Indiana Mechanical Code, Indiana Energy Code, Indiana Accessibility Code, Indiana Plumbing Code, Indiana Swimming Pool Code,* such terms shall have the meanings ascribed to them as in those codes.
(d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
(e) Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."
(f) General Definitions. For purposes of this Chapter, the following definitions shall apply:

ACCESSORY BUILDING. A building, structure or part of a building which is secondary or subordinate in capacity or use from the main or principal building or structure on the same premises.

APPROVED. Approved by the Code Enforcement Official.

BASEMENT. That portion of a building, which is partly or completely below grade.

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BUILDING. A Structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by firewalls, each portion of such a building shall be considered a separate structure. See also *structure*.

CODE ENFORCEMENT OFFICIAL. The official who is charged with the administration and enforcement of this code, or any of his or her duly authorized representatives.

DETRIMENT. A condition which causes, creates or results in or represents the potential to cause, create or result in damage to properties or Improvements upstream, downstream or served by an Improvement; is considered to be a hazard to public safety; is considered to be a Public Nuisance pursuant to Carmel City Code Sections §6-75, §6-76, §6-77 and §6-79 of this Code; is considered to be an Impairment as defined in this Code; is considered to be an Illegal Discharge as defined in this Code; results in soil or sediment runoff; results in the accumulation of water, ice or algae growth on streets, sidewalks, public right-of-way or adjacent premises; results in the concentration of discharges; results in the displacement of surface water to adjacent or other properties that previously ponded/pooled on the premises; results in an increase in the amount of discharge; results in a decrease in the quality of the discharge; or results in the obstruction of the natural flow of drainage.

DUMPSTER, CONSTRUCTION. Large roll-off metal containers with a capacity of ten (10) cubic yards or greater typically used for the storage and disposal of refuse and rubbish in conjunction with construction projects such as demolition, new building construction, and roofing or siding projects.

EASEMENT HOLDER. Person, agent, operator, firm or corporation, federal, state or local governmental agency, with rights stipulated in the document establishing such an easement.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
HABITABLE ROOM. Any room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage spaces, stairways, utility rooms or similar spaces.

ILLEGAL CONNECTION. A piped connection of a Public or Private Drainage System to a Public Drainage System that would be considered an Illicit Connection per Carmel City Code Section §6-180 through §6-209, as amended; to a sanitary sewer; to a Public Drainage System utilizing a blind connection; or to a Roadway Subsurface Drain unless a Subsurface Drain Stub is provided as part of the Subsurface Drainage system.

ILLEGAL DISCHARGE. An open discharge of a Private Drainage System or Private Outlet, an Illicit Connection or Illicit Discharge per Carmel City Code Section §6-180 through §6-209, as amended; or is closer than 25-feet from the property or easement line and/or onto a non-absorbent surface or causes, creates or results in or represent the potential to cause, create or result in a Detriment.

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IMMINENT DANGER. A condition which poses an immediate risk of serious or life threatening injury or death if not promptly abated or remedied.

IMPAIRMENT. A blockage or restriction of a Public or Private Drainage System resulting from lack of maintenance or upkeep, the presence of Improvements, accumulation of refuse or rubbish or excessive growth of vegetation or other condition which prevents the system from functioning as designed or intended, would otherwise pollute or contaminate the flow of water. This may also include a system that is undersized for the design condition and watershed served by the Improvement. This may also include an Improvement that the City determines to cause, create, or result in or represent the potential to cause, create, or result in the conditions noted above.

IMPROVEMENT. Existing or proposed surface or subsurface improvements including, but not limited to: Public Drainage Systems, Private Drainage Systems, permanent or temporary buildings/structures, drives, walks, patios, irrigation systems, fences, landscaping, vegetation, decorative items, playgrounds, air conditioning units, decks, parts of permanent or temporary structures, roof overhangs, pools, permanent or temporary erosion control measures, permanent or temporary sediment control measures, permanent or temporary storm water quality measures or best management practices or other items determined by the City to be an Improvement.

INFESTATION. The presence within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LEGAL CONNECTION. A piped connection of a Public or Private Drainage System to a Public Drainage System that would not otherwise be considered an Illicit Connection per Carmel City Code Section §6-180 through §6-209, as amended, or an Illegal Connection as defined in this Code.

LEGAL DISCHARGE. An open discharge of a Private Drainage System or Private Outlet that would not be considered an Illicit Connection or Illicit Discharge per Carmel City Code Section §6-180 through §6-209, as amended; would not be considered an Illegal Discharge as defined in this Code; or an open discharge of a Private Drainage System at least 25-feet from the property or easement line onto an absorbent surface such as grass, mulch, soil or aggregate with positive fall away from the outlet such that the discharge does not cause, create or result in or represent the potential to cause, create or result in a Detriment.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the office of the Hamilton County Clerk holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERMISSIBLE OCCUPANCY. The maximum number of individuals permitted to reside in a dwelling, dwelling unit, rooming unit, or dormitory.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

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PEST. Each of the following organisms when it is detrimental or injurious to man, domestic or wild animals, useful plants, or other useful articles or substances is declared to be a pest:

(1) Mammals, including but not limited to dogs, cats, pigs, chickens, moles, bats, wild carnivores, and wild herbivores.
(2) Birds, including but not limited to starlings, house sparrows, wild pigeons and black birds.
(3) Fishes, including but not limited to alewives, sea lampreys, gizzard shad and carp.
(4) Amphibians and reptiles, including but not limited to poisonous snakes.
(5) Aquatic and terrestrial invertebrates, including but not limited to slugs, snails and crayfish.
(6) Roots and other plant parts growing where not wanted.
(7) Viruses, other than those on or in living man and other animals.

PLUMBING. Shall mean and include all the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

PREMISES. A lot, plot or parcel of land or groups of lots, plots or parcels of land, whether residential, commercial or industrial, including any structures thereon or for which Improvements are to be installed and/or benefit from the existence of these Improvements.

PRIVACY. The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

PRIVATE DRAINAGE SYSTEM. Stormwater Conveyance System, as defined in Carmel City Code Section §6-181, Watercourse, as defined in Carmel City Code, Private Outlet as defined in this Code, drainage of roofs, paved areas, yards, courts, other open areas on the Premises, pipe end sections, rip-rap, beehive inlets or other open grate inlets, driveway culverts, stormwater detention facility outlet control structures, stormwater detention facility outlet piping, or surface drainage swales that is not considered a Public Drainage System. Watercourses in the City of Carmel that are not maintained by the Hamilton County Surveyor's Office or other federal, state or local government agency are considered Private Drainage Systems.

PRIVATE OUTLETS. Shall include sump pump, roof drain and foundation drain, footing drains, perimeter drain piping systems and outlets that are connected to a Legal Connection or discharge as a Legal Discharge on the premises. Shall include all portions of these systems to the point of connection to a Legal Connection or point of discharge as a Legal Discharge on the premises.

PUBLIC DRAINAGE SYSTEM. Stormwater Conveyance System, as defined in Carmel City Code Section §6-181, Watercourse, as defined in Carmel City Code, pipe end sections, rip-rap, beehive inlets or other open grate inlets, surface drainage swale that is owned and/or maintained by the City other federal, state or local government agency.

PUBLIC NUISANCE. Shall include those conditions as defined by Carmel City Code Chapter 6, Article 5 in addition to the following:

(1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
(2) Any premises which have unsanitary sewerage or plumbing facilities; or

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(3) Any premises designated as unsafe for human habitation or use; or
(4) Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or
(5) Any premises from which the plumbing, heating and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
(6) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
(7) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as to not provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

REFUSE. All solid waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes including organic wastes or residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass, paper products, straw, rags, clothing and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair, or alteration of structures or buildings; accumulated waste materials composed of cans, containers, tires, junk, vehicle parts or other substances which may become a nuisance.

RESPONSIBLE PARTY. Person, agent, operator, firm, corporation or federal, state or local governmental agency having primary responsibility for maintenance of Improvements located on the premises, rights-of-way or easements. Shall be the Owner unless responsibility for such maintenance is provided in other Codes, restrictive covenants or is legally established to be the responsibility of another person, agent, operator, firm, corporation or federal, state or local governmental agency.

RODENT. Any of various mammals, as a mouse, rat, or squirrel, having teeth adapted for gnawing.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STORAGE UNIT, TEMPORARY. Temporary (or portable) storage units (also known as “PODS”, portable on-demand storage structures) shall mean any container, shipping container, storage unit, shed-like container or other structure, or assembly of materials without a permanent foundation which is so designed, constructed or reconstructed to make it portable and capable of storage of personal property of any kind, building materials (before they are utilized for building purposes), household goods, personal items and other materials, and not for occupancy by persons.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. Anything constructed or installed, the use of which requires a location on a parcel of land. It includes a moveable structure, which is located on land, which can be used for housing, commercial, business, and agricultural or office purposes, either temporarily or permanently. The term also includes recreational vehicles to be installed on a site for more than one hundred eighty (180) days.

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SUMP PUMP. A system of pumps, pipes and basins and other peripheral equipment utilized to collect and convey groundwater from within, under or immediately adjacent to a structure, from basements and/or crawl spaces or from other areas of the Premises that does not contain any sanitary sewage, other sanitary waste, or pollutants.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

UNFIT STRUCTURE OF HUMAN OCCUPANCY. A structure is unfit of human occupancy or use whenever the Code Enforcement Official finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because its location constitutes a hazard to its occupants or to the public.

UNLAWFUL STRUCTURE. Shall be a structure which is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

UNSAFE BUILDING OR PREMISE. Shall be defined as per Carmel City Code § 6-159.

UNSAFE EQUIPMENT. Shall include any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the structure which is in such disrepair or condition that it is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

VACANT STRUCTURE. A structure, which is not occupied and devoid of any indicia of occupancy.

WORKMANLIKE. Executed in a skilled manner and in accordance with accepted practice; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same premsies with a structure.

§6-222 GENERAL REQUIREMENTS

(a) General

(1) Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property and the installation of Improvements on the premises.

(2) Responsibility. The owner of the premises shall maintain the structures and exterior premises in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner/occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

(3) Permit Responsibility. The owner of the premises shall be responsible for obtaining the necessary improvement permits as required by the State of Indiana, Hamilton County, or the City of Carmel including but not limited to electrical, plumbing, heating and cooling, structural or life safety requirements and drainage or other Improvements on the premises.

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(4) Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety or violate the provisions of this Code.

(5) Detriments and Illegal Connections as defined by this Code are considered violations of this Code and shall be remedied under the provisions of this Code by the Owner or Responsible Party.

(6) Existing Improvements determined to be in violation of this Code or determined to be non-conforming to the current City standards shall be remedied under the provisions of this Code by the Owner or Responsible Party.

(7) Portions of existing driveways or sidewalks within the right-of-way determined to be non-conforming to the current City standards shall be remedied under the provisions of this Code by the Owner or Responsible Party.

(8) The City reserves the right to reconstruct drives and sidewalks in the right-of-way as a part of City road or other improvement projects and to make the sole determination as to an asphalt or concrete drive apron within the right-of-way and for determining the type of access provided to the reconstructed driveway that is in the best interest of public safety.

(9) Except as provided by this Code to remedy violations of this Code, the City will not act or otherwise participate in improving drainage on Premises that are poorly drained, do not have a defined drainage outlet or have existing or prevailing conditions that cause, create, or result in or represent the potential to cause, create, or result in a violation of this Code.

(10) Existing Private Drainage Systems not meeting the requirements for a Legal Discharge or that are determined to cause, create or result in or represent the potential to cause, create or result in a Detriment shall be discharged as a Legal Discharge by the Owner or Responsible Party in accordance with Section §6-227 of this Code.

(11) Existing Private Drainage Systems not meeting the requirements for a Legal Connection shall be connected to a Legal Connection or as a Legal Connection by the Owner or Responsible Party in accordance with Section §6-227 of this Code.

(12) It shall be prohibited for any person to alter or modify any portions of Public Drainage Systems.

(13) It shall be prohibited for any person to alter or modify any portions of the Private Drainage System that serve or provide benefit to adjacent or other Premises.

(14) It shall be prohibited for any person to alter or modify any portions of existing Stormwater Quality Best Management Practices or temporary or permanent Erosion Control Measures or Sediment Control Measures.

(b) Exterior Premises Areas

(1) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition.

(2) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on both private property and within public right-of-way across the frontage of the premises shall be kept in a proper state of repair, and maintained free from hazardous conditions. This section is not intended to create a cause of action in favor of any third party.

i. The Owner or Responsible Party shall provide maintenance of existing driveways and sidewalks in the right-of-way free from conditions that cause, create or result in or represent the potential to cause, create or result in a Detriment.

ii. If maintenance activity necessitates the reconstruction of existing sidewalks within the limits of the right-of-way, the sidewalk shall be permitted, bonded and reconstructed in accordance with Section §6-227 of this Code.

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iii. If maintenance activity necessitates the reconstruction of existing driveways within the limits of the right-of-way, the portion of the driveway within the right-of-way shall be permitted, bonded and reconstructed in accordance with Section §6-227 of this Code; and shall be approved by the Board of Public Works and Safety, if required.

iv. Removal of accumulated snow or ice from the portion of sidewalks across the premises within the right-of-way and driveways serving the premises within the right-of-way shall be by the Owner or Responsible Party pursuant to Carmel City Code Section §6-52, as amended.

(3) Weeds. All premises shall be maintained free of weeds, grass, and rank vegetation in accordance with Carmel City Code Section 6-88 *Removal of Weeds, Debris, and Other Such Rank Vegetation*. This section shall not include cultivated flowers and gardens, unless these Improvements are within right-of-way, platted or dedicated easements or at a location on the premises that they cause, create, or result in or represent the potential to cause, create or result in a Detriment. This section shall not include vegetated Storm Water Quality Best Management Practices.

(4) Hazardous Trees. Carmel City Code Section 6-64 shall regulate trees or parts of trees located within the public right-of-way. The following regulations shall apply to all properties within the corporate limits of the City of Carmel.

i. Dead, dying, damaged or diseased trees shall be prohibited to exist or be maintained on any premises, which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist shall constitute prima-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death or impeding death of the tree, or due to damage by weather conditions or due to disease infestation.

ii. Tree stumps greater than twelve (12) inches in height above ground level shall not be permitted or maintained on any premises for more than thirty (30) days after the tree has been cut.

Exceptions:

1. Property covered by a valid improvement location permit;
2. Property is one (1) acre or greater in size.

iii. Fallen trees, slash, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any premises for more than thirty (30) days.

Exceptions

1. Property covered by a valid improvement location permit;
2. Cut wood which is neatly stacked in lengths not to exceed three (3) feet in height.

(5) Rodent and Pest harborage. All exterior property shall be kept free from rodent and pest harborage and infestation. Where rodents or pests are found, approved processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent or pest harborage and prevent re-infestation.

(6) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and repaired as to not be dangerous, unsafe, unsanitary or otherwise unfit for human use; or shall not be an invitation to children and endanger the lives of such children, or which because of its condition has become a fire hazard and shall not be installed or located such that they cause, create or result in or represent the potential to cause, create or result in a Detriment.

(7) Temporary storage units. Temporary storage units shall not be permitted to be stored on properties in excess of ten (10) consecutive days and are subject to the accessory structure setback regulations applicable to the property's zoning district as outlined by the Carmel Zoning Ordinance Chapter 25.01. Temporary storage units shall not be permitted in public right-of-ways and shall not be located on lawns.

(8) Motor Vehicles. All motor vehicles shall be stored and maintained in compliance with Chapter 6, Article 5, Divisions IV *Junk Cars* and V *Abandoned Vehicles* of the Carmel City Code.

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(9) Repair of defaced property. It will be the responsibility of the owner to restore defaced property to eliminate signs of graffiti, markings or carvings within ten (10) days as regulated by Section §6-82 *Graffiti* of the Carmel City Code.

(10) Maintenance of Stormwater Quality Best Management Practices

i. The Responsible Party for maintenance, and/or reconstruction of existing or installation of new Stormwater Quality Best Management Practices shall be pursuant to Carmel City Code Section §6-204. Maintenance shall be in accordance with the approved Storm Water Pollution Prevention Plan and applicable City or other federal, state or local government agency standards governing the installation and maintenance of Stormwater Quality Best Management Practices.

ii. If maintenance activity necessitates the reconstruction of existing Stormwater Quality Best Management Practices, or portions thereof, the work shall be approved, permitted, bonded and reconstructed in accordance with Section §6-227 of this Code.

iii. The City reserves the right to maintain and/or repair existing Storm Water Quality Best Management Practices at the Owner's or Responsible Party's expense if lack of maintenance by the Owner or Responsible Party or state of disrepair is determined to cause, create or result in or represent the potential to cause, create or result in a Detriment, or violate this Code or other City Code.

(11) Maintenance of Private Drainage Systems

i. The Owner or Responsible Party shall maintain all portions of the Private Drainage System on the Premises and within the limits of the right-of-way adjacent to the Premises and within the limits of platted or recorded easements on the Premises free from conditions that cause, create or result in or represent the potential to cause, create or result in a Detriment.

ii. The Owner or Responsible Party shall maintain all above ground portions of the Public Drainage System within the limits of the right-of-way adjacent to the Premises or within the limits of platted or recorded easements on the Premises free from conditions that cause, create or result in or represent the potential to cause, create or result in a Detriment.

iii. If maintenance activity necessitates the reconstruction of the Private Drainage System, or portions thereof, the work shall be approved, permitted, bonded and reconstructed in accordance with Section §6-227 of this Code.

iv. Surface drainage swales, including surface drainage swales within City right-of-way and within platted or dedicated easements, shall be mowed as part of regular maintenance of the premises and kept free from conditions that cause, create or result in or represent the potential to cause, create or result in a Detriment. In meadow situations, the swales should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion. The Owner or Responsible Party shall maintain drainage swales and other Watercourses acting as a Storm Water Quality Best Management Practices in accordance with Section §6-222 (b) (10) of this Code.

v. It shall be prohibited to discharge, empty, or place any material, fill or waste into any swale or watercourse or within the limits of the easements in which the swales or watercourses are located.

vi. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, within any structure located thereon, or on other premises. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall. With the exception of Stormwater Detention or Stormwater Quality Facilities approved and or permitted by the City.

vii. The City reserves the right to maintain and/or repair existing Private Drainage Systems and/or portions of the Public Drainage System pursuant to Section §6-222 (b) (11) (ii) of this Code at the Owner's or Responsible Party's expense if lack of maintenance by the Owner or Responsible Party or state of disrepair is determined to cause, create or result in or represent the potential to cause, create

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or result in a Detriment, or violate this Code or other City Code.

viii. The City reserves the right to request that the Owner or Responsible Party clear and maintain existing Watercourses in accordance with DNR guidelines. Federal, State, and local governing agencies regulate Watercourse maintenance and improvement projects since effective Watercourse drainage is essential to drainage within the watershed/drainage basin of the Watercourse.

(12) Maintenance of Common Areas

i. Areas of the premises designated as Common Area shall be maintained by the Homeowners Association or the Owner dependent on the restrictive covenants.

(13) Storage. It shall be prohibited to store materials or objects exterior of a structure, which are customarily utilized or intended to be utilized by the manufacturer in the interior of a structure. These materials and objects shall include but are not limited to appliances, couches, and mattresses. Materials or objects temporarily placed for disposal or removal from property within two (2) days shall be exempt from this section or those materials or objects being utilized in conjunction with a construction or other improvement project on the subject property.

(14) Signs, Marquees, and Awnings. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment

(15) Abandoned Signs. Signs that advertise for a business or activity that no longer operates on the property on which the sign is located shall be deemed an abandoned sign and shall be removed within six (6) months from when the business or activity ceased operating on the property.

(16) Easements and Rights-of-Way

i. This section shall apply to all premises encumbered by platted or recorded easements and rights-of-way.

ii. Pursuant to the provisions of Carmel City Code Sections §6-48, §8-63 and §8-64, no construction or other materials utilized to improve or maintain the Premises shall be placed or stored within the limits of the right-of-way or platted or recorded easements.

iii. The City and the Easement Holder reserves the right to access easements that exist for the benefit of the easement holder at any time for maintenance or other legal purposes.

iv. Unless otherwise stipulated by other codes or ordinances, a permit from the Board of Public Works and Safety pursuant to Carmel City Code Section §8-67, or an executed Consent-to-Encroach approved by the City and properly recorded in the Hamilton County Recorder's Office:

1. The City and the Easement Holder reserves the right to remove any Improvement in the easement or right-of-way at the expense of the Owner or the Responsible Party.
2. No damages will be awarded to the Owner or the Responsible Party if damage occurs to an Improvement within an easement or right-of-way resulting from City or Easement Holder activity.

(c) Exterior Structure

(1) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains shall be removed. All exterior surfaces shall be of uniform colors and materials to ensure compatibility with adjoining properties.

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(3) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(4) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and capable of supporting the imposed loads. Foundation walls shall be kept in such condition so as to prevent the entry of rodents and other pests.

(5) Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(6) Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof Drain discharges shall be discharged as a Legal Connection or a Legal Discharge.. Inappropriate or temporary roofing coverings including but not limited to tarps shall be deemed inadequate protection and not uniform and as such shall be prohibited for a period exceeding seven (7) consecutive days.

(7) Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(8) Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, stand pipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(9) Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(10) Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(11) Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting 200 pounds of pressure and shall be maintained in good condition.

(12) Window, skylight and doorframes. Every window, skylight door and frame shall be kept in sound condition and in good repair.

(13) Glass. All glass and plexi-glass materials shall be fully glazed and maintained free from cracks and holes if it is determined by the Code Enforcement Official that such cracks and holes pose a safety risk.

(14) Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being locked and held in position by window hardware. No special tools or knowledge shall be required to open a window.

(15) Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. This section shall not apply to premises that actively utilize a mechanical cooling device.

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(16) Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door, however no double dead bolts shall be permitted for the structure's main escape.

(17) Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

(18) Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(19) Guards for Area Wells. Guardrails or covers shall be required for area wells deeper than thirty (30) inches and located within ten (10) feet of the corner of a building.

(d) Rubbish and Garbage

(1) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Prohibited property conditions include those conditions defined by Chapter 6, Article 5, Division I *Public Nuisances* of the Carmel City Code.

(2) Disposal of Rubbish and Garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish or garbage in approved containers.

i. Rubbish and Garbage Storage. The owner of every occupied premise shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage.

ii. Approved Containers. The owner of premises producing rubbish or garbage shall provide, and at all times cause to be utilized, approved leak proof containers with close-fitting, air tight covers for the storage of such materials until removed from the premises for disposal.

(3) Location of Refuse Containers. Containers on residential properties shall be placed in such a manner as to be out of view from the street in front of the premises or in a garage located on the premises. Containers kept outside shall be placed and kept in such a manner as not to permit entry of or harborage for animals, insects or other vermin. Containers on non-residential properties shall be fully screened from all lot lines. In no event shall containers be placed or maintained in such a way as to unreasonably interfere with the use of adjoining property.

(4) Construction Dumpsters. Pursuant to the provisions of Carmel City Code Section §6-48 and §8-64, construction dumpsters shall not be placed on or within City rights-of-way, or platted or recorded easements. Placement on a residential lot may not exceed ten (10) consecutive days except when construction is in progress. When construction is in progress, dumpster must be removed from the property upon completion of construction or upon expiration of building permit, whichever occurs first. For construction projects that do not require a building permit, dumpsters must be removed upon completion of project or after thirty (30) consecutive days, whichever occurs first.

(e) Extermination

(1) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(2) Owner. The owner of any structure shall be responsible for extermination within the structure.

(3) Single Occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall also be responsible for extermination on the premises.

(4) Multiple Occupancy The owner of a structure containing two or more dwelling units, a multiple occupancy, or a nonresidential structure shall be responsible for extermination in all areas of the structure and exterior property.

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(f) Swimming Pools, Spas, and Hot Tubs

(1) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

(2) Enclosures. Private swimming pools, hot tubs and spas containing water shall be in compliance with Indiana State law including 675 IAC 20-4-27 as amended.

(3) Discharges. Discharges generated from the backwash of pool, spa or hot tub filter systems shall be legally connected to the Sanitary Sewer System. Water stored or contained within pools, spas or hot tubs that is removed from these Improvements for maintenance, winterizing or other purposes shall be legally disposed to the Sanitary Sewer System. Water stored or contained within pools, spas or hot tubs that is removed from these Improvements for maintenance, winterizing or other purposes that is dechlorinated may be discharged as a Legal Connection or a Legal Discharge.

(g) Interior Structure

(1) General Provisions. The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety, or welfare of the occupants or visitors, and to protect the occupants from the environment.

(2) Structural Members. The supporting structural members of every building shall be maintained structurally sound; not showing evidence of deterioration that would render them incapable of carrying imposed loads. In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or engineer and filed with the Code Enforcement Official, and after such acceptance by the Code Enforcement Official, to be posted on each floor in a conspicuous place.

(3) Interior Surfaces. Floors, wall (including windows and doors), ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated.

(4) Lead-Based Paint. Lead-based paint with a lead content greater than that allowed by current federal guidelines or amendments thereto regulating the same, shall not be applied to any interior or exterior surface of a dwelling, dwelling unit, or childcare facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and childcare facilities that contain an excess of the allowed limit stated hereinabove shall be removed or covered in accordance with the current federal guidelines or amendments thereto regulating the same.

(5) Bathroom and Kitchen Floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean, and sanitary condition.

(6) Free from Dampness. In every building and all portions of the building including, but not limited to, basements and crawl spaces shall be maintained to prevent conditions conducive to decay or deterioration of the structure.

(7) Handrails and Guardrails. Every flight of stairs which is more than four (4) risers shall have a handrail on at least one (1) side of the stair, and every portion of a stair, landing or balcony which is more than thirty (30) inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than thirty-four (34) inches (864 mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than thirty (30) inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

(8) Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless:

i. Floors and walls are watertight so as to prevent entry of moisture;

ii. Total window area, total openable window area and ceiling height are in accordance with this Code;

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iii. Required minimum window area of every habitable space is entirely above the grade adjoining such window areas; and

iv. Means of egress and emergency escape are provided in accordance with this Code.

(9) Basement Flooding. The City shall assume no liability for basement flooding.

(10) Sump Pump systems, meeting the requirements of a Sump Pump as defined in this Code, shall be discharged as a Legal Connection or a Legal Discharge.

(11) Condensate from basement or other level dehumidifiers and air conditioning units may be discharged as a Legal Connection or a Legal Discharge meeting the provisions of this Code.

(12) Discharges generated from basement or other level toilets, sinks, showers, washing machines, water softener discharge, floor drains and/or garage floor drains shall be legally connected, either by a gravity system or a pumped system independent of any Sump Pump systems, to the Sanitary Sewer System.

§6-223 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

(a) General

(1) Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(2) Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(3) Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code or International Residential Code* shall be permitted.

(b) Light

(1) Habitable Spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The exterior glazing area shall be based on the total floor area being served.

(2) Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

(3) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

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(c) Ventilation

(1) Habitable Spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in §6-223(b)(1)

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(2) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section §6-223(c)(1), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

(3) Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

(4) Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

(5) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(d) Occupancy Limits

(1) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(2) Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(3) Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

i. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

ii. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

iii. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

(4) Bedroom Requirements. Every bedroom shall comply with the requirements of §6-223(d)(4)(i) through §6-223(d)(4)(v).

i. Area for Sleeping Purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m2) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m2) of floor area for each occupant thereof.

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ii. Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

1. *Exception*: Units that contain fewer than two bedrooms.

iii. Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

iv. Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

v. Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

(5) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 6-223(d)(5).

TABLE 6-223(d)(5)
MINIMUM AREA REQUIREMENTS SPACE

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room [a,b]	No requirements	120	150
Dining room [a,b]	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with §6-223(d)(4)		

For SI: 1 square foot = 0.093 m^2.
a. See §6-223(d)(5)(ii) for combined living room/dining room spaces.
b. See §6-223(d)(5)(i) for limitations on determining the minimum occupancy area for sleeping purposes

i. Sleeping Area. The minimum occupancy area required by Table 6-223(d)(5) shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with §6-223(d)(4).

ii. Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 6-223(d)(5) if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(6) Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

i. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items ii and iii.

ii. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

iii. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

iv. The maximum number of occupants shall be three (3).

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(7) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

§6-224 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

(a) Occupancy Limits

(1) Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(2) Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

(b) Required Facilities

(1) Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(2) Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(3) Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(4) Employees' Facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(c) Toilet Rooms

(1) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(2) Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(3) Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(4) Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

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The initial draft of this document was submitted to the Clerk-Treasurer's Office on April 17, 2006. Any changes thereafter made to this document are the sole responsibility of the document sponsor.

(d) Plumbing Systems and Fixtures

(1) General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a level, safe, sanitary and functional condition.

(2) Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3) Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(e) Water System

(1) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Indiana Plumbing Code*.

(2) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located a minimum of one (1) inch above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressure adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120° F (49° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(f) Sanitary Drainage System

(1) General. All interior plumbing fixtures shall be properly connected to either a public sanitary sewer system or to an approved private sanitary sewage disposal system.

(2) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

§6-225 MECHANICAL AND ELECTRICAL REQUIREMENTS

(a) General

(1) Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(2) Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises, which does not comply with the requirements of this chapter.

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(b) Heating Facilities

(1) Facilities Required. Permanent heating facilities shall be provided in structures as required by this section.

(2) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *Indiana Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(3) Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from December 1 to March 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

i When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *Uniform Plumbing Code*.

ii In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(4) Occupiable Workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from December 1 to March 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

i Processing, storage and operation areas that require cooling or special temperature conditions.

ii Areas in which persons are primarily engaged in vigorous physical activities.

(5) Room Temperature Measurement. The required room temperatures shall be measured 3 feet (914mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(c) Mechanical Equipment

(1) Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained as per the manufacturer's specifications in a safe working condition, and shall be capable of performing the intended function.

(2) Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

(3) Clearances. All required clearances to combustible materials shall be maintained.

(4) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(6) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

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(d) Electrical Facilities

(1) Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and §6-225(e).

(2) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with *National Electrical Code*. Dwelling units shall be served by a three-wire, 120/140-volt, single-phase electrical service having rating of not less than one hundred (100) amperes.

(3) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(e) Electrical Equipment

(1) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. . Every bathroom shall contain at least one grounded receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(f) Elevators, Escalators, and Dumbwaiters

(1) General. Elevators, dumbwaiters, and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(2) Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Building equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(g) Duct Systems

(1) General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. Ducts in unconditioned areas of a structure should be insulated.

§6-226 Fire Safety Requirements

(a) General

(1) Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(2) Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

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(3) Flammable Matter. Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage as determined by the City of Carmel Fire Department.

(b) Mean of Egress

(1) General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

(2) Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

(3) Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code or International Residential Code*.

(4) Emergency Escape Opening. Required Emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with §6-226(d).

(c) Fire Resistance Ratings

(1) Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(2) Opening Protective. Required opening protective shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(d) Fire Protection Systems

(1) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

(2) Smoke Alarms. Single or multi-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

i On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

ii In each room used for sleeping purposes.

iii In each story within the dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

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(3) Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exception. Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(4) Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

(1) Interconnection is not required in building which are not undergoing alterations, repairs, or construction of any kind.

(2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

§6-227 Improvements To The Premises

(a) General

(1) All installation of new, or maintenance of existing, Improvements shall be in accordance with the current City of Carmel standards or of the federal, state or local government agency that have jurisdiction such installation and maintenance activities and in accordance with Section §6-220 (b) (7) of this Code.

(2) No construction activity, installation of Improvements or clearing of any vegetation or ground cover shall occur in areas designated as Tree Preservation Easement.

(3) No construction activity, installation of Improvements or clearing of any vegetation or ground cover shall occur within a platted or dedicated landscape easement with the exception of additional tree or plant material or other vegetation with the approval of the City of Carmel Urban Forester.

(4) Excepting those Improvements allowed by other codes or ordinances or allowed by a permit from the Board of Public Works and Safety pursuant to Carmel City Code Section §8-67, no construction or other materials utilized to improve or maintain the Premises or temporary or permanent Improvements, shall be installed, placed or stored:

i Within a platted or dedicated drainage, sanitary, utility or other designated easement.

ii Within areas designated as Flood Route.

iii Within platted or dedicated right-of-way or public ground.

iv Upon, in or under any street or alley.

v In a manner inconsistent with the provisions of Section §6-222 (b) (16) of this Code.

(5) No person shall alter or modify existing grading or ground surface elevations within easements or rights-of-way at any time.

(6) No person shall alter or modify existing City of Carmel, public or other Improvements within easements or rights-of-way at any time without proper approvals.

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(7) Grading, filling, excavating or any change in the grade of the premises is permitted outside of platted or dedicated easements or rights-of-way, but shall be acceptable in appearance, shall not cause, create or result in or represent the potential to cause, create or result in a Detriment and shall not result in the diversion of storm water.

(8) For all work in the City of Carmel right-of-way, the Owner or Responsible Party shall:

i Install Improvements in strict accordance with Section §6-220 (b) (7) of this Code.

ii Notify the Department of Engineering Right of Way Manager and Construction Manager at least 24-hours in advance of the start of construction within the right-of-way.

iii Restore the right-of-way as requested by the City during and at the completion of construction. This shall include, but not be limited to repair and/or complete removal and replacement to current City standards of damaged curbing, pavement, sidewalk, sod, grass, trees, or other vegetation. Determination of damaged public Improvements shall be the sole discretion of the City.

iv Prior to starting the work, schedule a pre-construction meeting with the Department of Engineering to review the Department's construction requirements, staff notification requirements, required inspections for certain stages of the work and to review the authority of the Department as it relates to work within the City right-of-way.

v Provide an acceptable traffic control plan for the work within the right-of-way and obtain Department of Engineering approval of the Plan prior to commencing the Work in the event that closure of any lanes of travel of the public street necessary for completion of the work and such closure is approved by the Board of Public Works and Safety.

vi Post traffic control devices at the locations on the approved traffic control plan and notification of the Department of Engineering of such postings at least one week in advance of the start of construction.

(b) Permits and Bonds

(1) Pursuant to Carmel City Code Section §8-65, the Owner or Responsible Party shall obtain proper permits and post proper bonds or other performance guarantees required by the City for all work in right-of-way and for connections to a public drainage system prior to starting the work. Work in the right-of-way is subject to inspection and acceptance by the City.

(2) The Owner or Responsible Party shall obtain all other permits and post all other performance guarantees required by the City and shall obtain all other permits from other federal, state or local government agencies having jurisdiction over such installation and construction activities prior to starting the work.

(3) The Owner or Responsible Party shall provide written approval from the Home Owners Association to the City for all proposed installation of new, or maintenance of existing, Improvements if the approval of the Home Owners Association for such work is stipulated in the restrictive covenants.

(c) Review and Approval

(1) The City, and in some instances the Homeowners Association, depending on the restrictive covenants of subdivision, reserves the right to review, approve or deny any and all proposed Improvements, or modifications to existing Improvements on the premises, within the right-of-way or within platted or dedicated easements.

(2) The City may provide technical advice to the Owner or Responsible Party for installation of proposed improvements or modifications to existing Improvements but assistance will be limited to advice only. The City assumes no responsibility if the Improvement does not function properly or as intended.

(3) Prior to installing any new, or conducting maintenance of existing, Improvements on the premises, within platted or dedicated easements or within the right-of-way, the Owner or Responsible Party shall review the covenants for any restrictions related to the installation or maintenance activities. The City will not approve installation of Improvements that violate existing restrictive covenants.

(d) Board of Public Works and Safety Approval

(1) Board of Public Works and Safety Approval is required for, but not limited to, the following:

i Request for additional curb cut access to serve a residential property,

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ii Pursuant to Carmel City Code Section §8-62, construction of a driveway for commercial use.

iii Proposed modifications of existing commercial or residential driveways and drive aprons within the right-of-way.

iv Proposed open cuts into existing pavement or curbs, or into any portion thereof, or to excavate therein, or to excavate beneath the surface thereof for any reason.

v Closure of any lanes of travel of the public street necessary for completion of the work.

vi Removal of existing driveways.

vii Temporary construction entrances or other type of temporary access if not located at the existing driveway, curb cut or main property access point, if said entrance or other type of temporary access is proposed from a roadway bearing a designation on the City of Carmel 20-year Thoroughfare Plan.

(e) Private Drainage Systems

(1) Proposed Private Drainage Systems and modifications to existing Private Drainage Systems shall be constructed as a Legal Connection or a Legal Discharge and in accordance with Section §6-220 (b) (7) of this Code.

(2) All Proposed Private Drainage Systems or modifications to existing Private Drainage Systems are subject to review by the City. The Owner or Responsible Party shall submit a plan and other requested documentation for review and approval by the City. If review and approval authority lies with another federal, state or local government agency, the City shall direct the Owner or Responsible Party to file the information with the appropriate agency.

(3) All premises shall be graded so as to prevent the accumulation of stagnant water thereon, within any structure located thereon, or on other premises. Stagnant water shall be determined as any accumulation that has not dispersed within seven (7) days of the last recorded local rainfall, with the exception of Stormwater Detention or Stormwater Quality Facilities approved and or permitted by the City.

(4) It shall be prohibited to install Improvements into or within any Watercourse or within the limits of the easements in which the Watercourses are located.

(5) Connections to the Public Drainage System shall only be performed by Contractors bonded with the City. In accordance with Section §6-227 (b) (1) of this Code, this work is subject to inspection by the City.

(f) Stormwater Quality Best Management Practices

(1) If maintenance activity necessitates the reconstruction of the Stormwater Quality Best Management Practices, or portions thereof, the work shall be approved, permitted, bonded and reconstructed in accordance with the approved Storm Water Pollution Prevention Plan, City Codes and other federal, state or local government agency standards governing the installation and maintenance of Storm Water Quality Best Management Practices and in accordance with Section §6-220 (b) (7) of this Code.

(g) Erosion Control, Sediment Control and Storm Water Quality During the Work

(1) No soil runoff shall be permitted from the premises during and after installation of any Improvement or maintenance thereof.

(2) Erosion Control, Sediment Control and Storm Water Quality measures shall be installed and shall be maintained for the duration of the work and are subject to inspection by the City. Installation of Erosion Control, Sediment Control and Storm Water Quality measures shall conform to Section §6-220 (b) (7) of this Code.

(3) The City reserves the right to install Erosion Control, Sediment Control and Storm Water Quality measures or to maintain and/or repair existing Erosion Control, Sediment Control and Storm Water Quality measures due to lack of installation or maintenance of installed measures for Improvement projects by the Owner or Responsible Party at the Owner's or Responsible Party's expense if lack of maintenance or state of disrepair is determined, at the sole discretion of the City, to cause, create or result in or represent the potential to cause, create or result in a Detriment.

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(h) Driveways

(1) The City shall allow one (1) curb cut access to each premises served by City streets and roadways. The City shall determine the type of access provided to each curb cut that is in the best interest of public safety.

(2) Temporary construction entrances or other type of temporary access that are not located at the existing driveway, curb cut or main property access point shall be approved by the Board of Public Works and Safety pursuant to §6-227 (d) (1) of this Code or approved by the Department of Engineering if Board of Public Works and Safety approval is not required.

(3) Temporary construction entrances or other type of temporary access that are not located at the existing driveway, curb cut or main property access point shall be installed or the access provided at the approved location. Temporary construction entrances shall be constructed in strict accordance with current City Standards and shall be in accordance with all provisions of Sections §6-227 (h) of this Code. At the time stipulated by the Board of Public Works approval, the temporary construction entrance (if constructed) shall be completely removed in accordance with Section §6-227 (h) (10) of this Code and the right-of-way at the point of access, and in the vicinity of the point of access if affected by the work and vehicular or other traffic associated with the access, restored in accordance with Sections §6-227 (a) (8) of this Code.

(4) In all cases where an existing driveway, curb cut or main property access is utilized as a construction entrance or other type of temporary access, the existing improvements within the right-of-way shall be restored in accordance with Sections §6-227 (a) (8) of this Code when the work is complete.

(5) Pursuant to Carmel City Code Sections §8-62 and §8-65, Right-of-Way Permits and proper posting of Right-of-Way Bonds or Performance Bonds (at the discretion of the City) are required for all modifications to the portions of the existing drives that are located in the right-of-way, installation of new driveways within the right-of-way, temporary construction entrances or other type of temporary access, and use of an existing driveway, curb cut or main property access as a temporary construction entrance or other type of temporary access, whether or not the work requires approval by the Board of Public Works and Safety.

(6) The portions of proposed driveways within the right-of-way or modifications to the portion of existing driveways within the right-of-way shall be constructed of concrete, unless the restrictive covenants or other prevailing conditions warrant an asphalt drive. The portion of the driveway within the right-of-way shall be constructed or modified in strict accordance with the current City standards. If an asphalt drive is installed, the sidewalk across the driveway shall be concrete. Under no circumstances shall an asphalt driveway be constructed within the right-of-way where the existing roadway has concrete curb and gutter.

(7) All proposed driveway construction or modifications to existing driveways shall be from the back edge of the existing curb. The existing curb shall not be disturbed by the work unless the approved Construction Documents of the development anticipated the work. In this case, the existing curb shall be removed and replaced in accordance with the approved Construction Documents of the development or applicable City standards.

(8) Pursuant to Carmel City Code Section §8-62, no person shall construct a new driveway across an existing sidewalk without approval by the Board of Public Works and Safety.

(9) In areas where the existing roadway is not curbed, new driveways shall be constructed such that the existing roadside drainage is maintained. This shall include, if required by the City, the installation of 12-inch minimum diameter pipes, installed so that the pipe inverts match the existing roadside ditch elevations.

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(10) In the event that an existing driveway is proposed to be removed, removal work shall be in accordance with the following:

i The existing driveway material and any underlying aggregate shall be completely removed within the limits of the right-of-way or as directed by the Board of Public Works and Safety.

ii The existing roadside drainage system shall be restored across the former driveway to match or improve upon the existing swale configurations upstream and downstream of the existing driveway.

iii The area of the removed driveway within the limits of the right-of-way shall be backfilled and topdressed with 6-inches minimum of topsoil such that the area is level with the undisturbed area.

iv Sod shall be installed within the area of the removed driveway within the limits of the right-of-way.

(i) Sidewalks

(1) If removal of the existing sidewalk is required to facilitate the installation of a new driveway or modifications to an existing driveway, such work being approved by the Board of Public Works and Safety, the sidewalk shall be reconstructed of concrete in accordance with the current City Standards.

(2) New sidewalks or modifications to existing sidewalks shall be concrete and shall be constructed in accordance with the current City standards.

(3) Pursuant to Carmel City Code Sections §8-63 and §8-65, Right-of-Way Permits and proper posting of Right-of-Way Bonds or Performance Bonds (at the discretion of the City) are required for all modifications to the portions of the sidewalks within the right-of-way or installation of new sidewalk within the right-of-way, whether or not the work requires approval by the Board of Public Works and Safety.

(4) Sidewalks or multi-use paths constructed across premises as improvements are commenced on individual, unimproved building lots shall be constructed in accordance with the approved construction plans on file with the City and shall be constructed by the Owner or Responsible Party."

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____, 2006, by a vote of _____ ayes and _____ nays.

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COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Brian D. Mayo, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Mark Rattermann
_____	_____
Fredrick J. Glaser	Richard L. Sharp

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2006, at _____ O'clock, ____. M.

_____

_____

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____ _____ 2006, at _____ O'clock, ____. M.

_____

_____

James Brainard, Mayor

ATTEST:

_____

Diana L. Cordray, IAMC, Clerk-Treasurer

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SPONSOR(S): Councilor(s) Carter, Sharp, Griffiths and Mayo

ORDINANCE D-1806-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, APPROVING A LEASE FOR CERTAIN PUBLIC IMPROVEMENTS BETWEEN THE CITY OF CARMEL REDEVELOPMENT AUTHORITY AND THE CITY OF CARMEL REDEVELOPMENT COMMISSION, PLEDGING COUNTY OPTION INCOME TAX REVENUES OF CITY TO PAY CERTAIN LEASE RENTAL OBLIGATIONS THEREUNDER, AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, the City of Carmel Redevelopment Commission (the "Commission"), at a meeting on May 3, 2006, after a public hearing in which all interested parties were provided the opportunity to be heard, adopted its Resolution, approving a proposed lease (the "Lease") between the City of Carmel Redevelopment Authority (the "Authority") and the Commission, under Section 25.2 of Indiana Code 36-7-14 (the "Act"), of certain public improvements consisting of a portion of Towne Road and Shelborne Road north of 116th Street and a Survive Alive House to be constructed in the City of Carmel, Indiana (collectively, the "Project"), after finding, pursuant to Indiana Code 36-7-14.5-14, that the annual lease rentals to be paid thereunder not in excess of Six Million One Hundred Thousand Dollars ($6,100,000) are fair and reasonable and finding, pursuant to the Act, that the use of the Project throughout the term of the Lease will serve the public purpose of the City of Carmel, Indiana (the "City"), and is in the best interests of its residents; and

WHEREAS, the lease rental payments under the Lease will secure the payment of the principal of and interest on the Authority's Lease Rental Revenue Bonds, Series 2006 (the "Bonds"), to be issued to finance the acquisition, construction, installation and equipping of the projects listed in Exhibit A attached hereto and made a part hereof; and

WHEREAS, pursuant to the Act, the Common Council of the City (the "Common Council") desires to approve the execution and delivery of the Lease by the Authority and the Commission; and

WHEREAS, the Hamilton County Income Tax Council has imposed a county option income tax (the "COIT") pursuant to Indiana Code 6-3.5-6, as amended (the "COIT Act"), on the adjusted gross income of taxpayers in Hamilton County, Indiana (the "County"); and

WHEREAS, the COIT Act provides that revenue derived from the imposition of the COIT shall be distributed to the County monthly on the first day of each month (the City's share of each such monthly distribution, a "Monthly Distribution"); and

WHEREAS, Section 25.5 of the Act authorizes the City to pledge its Monthly Distributions of COIT revenues to pay lease rental obligations under Section 25.2 of the Act; and

WHEREAS, on July 7, 1997, the Common Council adopted its Ordinance No. D-1302-97 (the "COIT Ordinance"), pursuant to which the Common Council, on behalf of the City, pledged and assigned the City's Monthly Distributions of COIT revenues for the payment of any bond, note, warrant or other evidence of indebtedness, any lease or any other obligation (any bond, note, warrant or other evidence of indebtedness, any lease or any other obligation, individually, an "Obligation" and, collectively, the "Obligations") identified by ordinance of the Common Council as an obligation secured by the COIT Ordinance (any Obligation so identified as an obligation secured by the COIT Ordinance, individually, a "Secured Obligation" and, collectively, the "Secured Obligations"), if certain conditions are satisfied, and such conditions have been satisfied;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA THAT:

Section 1. Approval of the Lease. The Common Council hereby finds that the rental payments, as approved by the Commission, are fair and reasonable, and further finds that the use of the Project throughout the term of the Lease will serve the public purpose of the City and is in the best interests of its residents. Accordingly, the Common Council hereby approves the Lease, as approved by the Commission, pursuant to the Act, in substantially the form provided at this meeting.

Section 2. Pledge of Pledged Revenues. Pursuant to Section 25.5 of the Act, the Common Council, on behalf of the City, hereby pledges and assigns the City's Monthly Distributions of COIT Ordinance to the Commission in amounts necessary to make all payments required under the Lease.

Section 3. Creation of Contract; Amendment of Ordinance.

(a) The provisions of this Ordinance shall constitute a contract by and between the City and the obligees of the Secured Obligations (including the holders of the Bonds). After the issuance of any Secured Obligations, the Common Council shall not, except as specifically provided in Section 3(b) or 3(c) hereof, repeal, modify or amend this Ordinance.

(b) The Common Council may, from time to time and at any time, without the consent of or notice to any obligees under any Secured Obligations, adopt a supplemental ordinance to modify or amend this Ordinance for any one or more of the following purposes:

(i) to cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance;

(ii) To grant to or confer upon any obligees under any Secured Obligations any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon such obligees under such Secured Obligations;

(iii) To modify or amend this Ordinance to permit the qualification of any Secured Obligations for sale under the securities laws of the United States of America or any of the states of the United States of America;

(iv) To provide for the refunding or advance refunding of any Secured Obligations;

(v) to procure a rating on any Secured Obligations from a nationally recognized securities rating agency, designated in such supplemental ordinance if such supplemental ordinance will not materially adversely affect the interests of any obligees under any Secured Obligations;

(vi) To make changes to reflect the identification of any Obligation as an obligation secured by the COIT Ordinance in accordance with Section 3 thereof; or

(vii) Any other purpose which, in the judgment of the Common Council, does not materially adversely affect the interests of any obligees under any Secured Obligations.

(c) This Ordinance, and the rights and obligations of the City and any obligees under any Secured Obligations, may be modified or amended from time to time at any time by a supplemental ordinance adopted by the Common Council with the consent of the obligees under the Secured Obligations affected by such modification or

amendment, holding at least a majority in aggregate principal amount of such Secured obligations then outstanding (exclusive of Secured Obligations, if any owned by the City); provided, however, that no such modification or amendment shall, without the express consent of all of the obligees under the Secured Obligations affected by such modification or amendment, permit a privilege or priority of any of such Secured Obligations over any other of such Secured Obligations, or create a lien securing any of such Secured Obligations other than a lien ratably securing all of such Secured Obligations, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification of this Ordinance.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the obligees under the Secured Obligations and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and, after such consent relating to such specified matters has been given, no obligees under the Secured Obligations shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the City of any officer thereof from taking any action pursuant thereto.

If the City shall desire to obtain any such consent to any modification or amendment of this Ordinance, it shall mail or cause to be mailed a notice, postage prepaid, to the respective obligees under the Secured Obligations affected by such modification or amendment. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file for inspection by all obligees under such Secured Obligations. The City shall not, however, be subject to any

liability to any obligees under any Secured Obligations by reason of its failure to mail the notice described in this Section 3, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 3.

Whenever, at any time within one year after the date of the mailing of such notice, the City shall receive an instrument or instruments purporting to be executed by the obligees under such Secured Obligations of not less than a majority in aggregate principal amount of such Secured Obligations then outstanding (executive of Secured Obligations, if any, owned by the City), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file, thereupon, but not otherwise, the Common Council may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any obligees under the Secured Obligations, whether or not such obligee shall have consented thereto.

(d) Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 3, this Ordinance shall be, and is deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

Section 4. Severability. If any part of this Ordinance shall be adjusted to be invalid by a court of proper jurisdiction, it shall be conclusively presumed that the Common Council would have passed the remainder of this Ordinance without such invalid part.

Section 5. Repeal of Conflicting Ordinances. All ordinances, resolutions and orders, or pats thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

Section 6. Authorization of other Actions. Each of the Mayor, any member of the Common Council and the Clerk-Treasurer, and any other officer, employee or agent of the City is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Ordinance, such determination to be conclusively evidenced by such person's execution of such contract, agreement, certificate, instrument or other document or such person's taking of such action.

Section 7. This Ordinance shall be in full force and effect from and after its adoption by the Common Council and upon compliance with the procedures required by law.

Ordinance D-1806-06 PASSED by the Common Council of the City of Carmel, Indiana this _____ day of _____, 2006 by a vote of _____ ayes and_____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

_____	_____
Presiding Officer	Joseph C. Griffiths
_____	_____
Richard L. Sharp, President Pro Tempore	Kevin Kirby
_____	_____
Ronald E. Carter	Brian D. Mayo
_____	_____
Fredrick J. Glaser	Mark Rattermann

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____ 2006, at _____ __.M.

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this _____ day of _____ 2006 at _____ __.M.

_____
James Brainard, Mayor

ATTEST:

_____
Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: David A. Arrensen
Baker & Daniels LLP
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204

EXHIBIT A

2006 Bond Projects

Revised 4/18/2006

	Project Description	2006 Bond Project Cost	Funding Anticipated From Other Sources	Total Estimated Project Cost
2006 BOND	Towne Road - Improvements north of 116th Street (4-lane)	$ 10,000,000	$ 2,000,000	$ 12,000,000
	Shelbourne Road - Improvements north of 116th Street (3-lane Section)	$ 9,000,000	$ 300,000	$ 9,300,000
	131st Street from Spring Mill to Towne (3-lane Section)	$ 9,000,000	$ -	$ 9,000,000
	131st Street from Towne to Shelbourne (3-lane Section)	$ 4,500,000	$ -	$ 4,500,000
	136th Street from Oak Ridge to Ditch (3-Lane Section)	$ 5,000,000	$ 1,550,000	$ 6,550,000
	East Grande Boulevard (Guilford to Old Meridian)	$ 1,900,000	$ -	$ 1,900,000
	West Grande Boulevard (RAB @ Old Meridian)	$ 1,800,000	$ -	$ 1,800,000
	Pennsylvania Street - 106th to 103rd (3-lane Section)	$ 3,000,000	$ -	$ 3,000,000
	Survive Alive House	$ 2,500,000	$ -	$ 2,500,000
	Cool Creek North Trail	$ 2,800,000	$ 250,000	$ 3,050,000
	N. Rangeline - 136th north to US 31- (3-lane Section)	$ 3,000,000	$ -	$ 3,000,000
	Monon Bridge Over Carmel Drive	$ 600,000	$ 2,400,000	$ 3,000,000
	East Side Salt Barn/Shed & Shop	$ 1,800,000	$ -	$ 1,800,000
	River Road Alignment -Medalist Drive to Golf Course Curve (3-Lane Section, intersection improvements at Medalist)	$ 2,500,000	$ -	$ 2,500,000
	Police Maintenance Building	$ 1,000,000	$ -	$ 1,000,000
	Guilford Road - City Center to Main Street Enhancements (Curbing)	$ 750,000	$ -	$ 750,000
	Guilford Road - 116th Street to Carmel Drive (3-Lane Section, signal improvements at Carmel Drive)	$ 2,500,000	$ 250,000	$ 2,750,000
	126th Street - Shelborne Rd. to Towne Rd. (3-Lane Section)	$ 3,300,000		$ 3,300,000
	Clay Center Rd. & 116th Street Intersection Improvements (Including Replacement of Clay Ctr. Bridge over Will Creek)	$ 1,150,000		$ 1,150,000
	TOTAL	$ 66,100,000	$ 6,750,000	$ 72,850,000