

THE TOWN OF McCordsville

Next Stop  McCordsville



ZONING ORDINANCE

Ordinance No. 121410
January 2011

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Article I. General Provisions

Section 1.01 Title

These regulations shall hereafter be known and cited as the McCordsville, Indiana Zoning Ordinance ("Ordinance").

Section 1.02 Purpose & Authority

(A) Purpose

The purpose of this Ordinance is to regulate and control the use and development of land within the jurisdiction of the Town of McCordsville Advisory Plan Commission. The intent of this Ordinance is to promote the health, safety and general welfare of the citizens of McCordsville, Indiana. More specifically, this Ordinance is intended to:

- (1) Secure adequate light, air, and convenience of access;
- (2) Provide safety from fire, flood, and other dangers;
- (3) Plan for the future development and redevelopment of the Town to the end that:
 - a) The community grows with adequate public ways, utilities, health, education, and recreation facilities;
 - b) The needs of agriculture, industry and business be recognized in future growth;
 - c) Residential areas provide healthful surroundings for family life;
 - d) The growth of the community is commensurate with and promotes the efficient and economical use of public funds.

(B) Authority

This Ordinance is hereby adopted by the Town of McCordsville pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code where the state statute has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

Section 1.03 Application & Interpretation

(A) Jurisdiction

The provisions, standards and regulations of this Ordinance shall apply to all land within the Town of McCordsville, Indiana.

(B) Applicability

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all of the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance. This Ordinance, unless otherwise noted, shall apply to all public, private, and institutional development with the following exceptions:

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- (1) Renovations of buildings in existence as of the effective date of this Ordinance;
and
- (2) All improvement location permits, variances, special exceptions, planned unit developments, and plats approved prior to the effective date of this Ordinance.

(C) Minimum Requirements

The provisions of this Ordinance are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the people at large.

(D) Conflicting Provisions

(1) Zoning Ordinance Provisions

If two or more provisions within this Ordinance conflict, or are otherwise inconsistent with one another, then the provision which is most restrictive, or imposes higher standards, shall govern.

(2) Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, those provisions which are more restrictive or impose higher standards shall govern.

(3) Private Provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than any easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or impose higher standards than the requirements of these regulations or the determinations of the Town Council, Plan Commission or Board of Zoning Appeals as appropriate in enforcing these regulations, and the private provisions are not inconsistent with these regulations or determinations hereunder, then the private provisions shall be operative and supplemental to these regulations, or the determinations made there under. Private provisions shall only be enforced privately.

(E) Severability

If any part or provision of these regulations or application thereof to any property owner(s) or circumstances is judged invalid by any court of competent jurisdiction, the judgment having been rendered shall not affect or impair the validity of the remainder of these regulations or the application thereof to other property owner(s) or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any part, provision or application. Failure to enforce any

portion of this code on any particular occasion shall not be deemed a waiver of any other or the same or similar provision enforced on any other occasion.

(F) Saving Provision

Except as expressly provided for herein, this Ordinance shall not be construed as either:

- (1) Abating any action now pending under or by virtue of any preexisting ordinance; or
- (2) Discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or
- (3) Affecting the liability of any property owner(s), firm, or corporation; or
- (4) Waiving any right of a participating jurisdiction under any section or provision existing at the time of the effective date of this ordinance; or
- (5) Vacating or annulling any rights obtained by any property owner(s), firm, or corporation, by lawful action of the participating jurisdictions or administrative bodies thereof.

(G) Exclusion

Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, Town Council, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the state or by any state agency, or the use of property owned or occupied by the state or any state agency.

Section 1.04 Adoption & Amendments

For the purpose of providing for the public health, safety, and general welfare, the Town Council, on recommendation of the Plan Commission, may from time to time amend the text of this Ordinance and/or the Zoning Map incorporated by reference herein. Public hearings on all proposed amendments shall, at a minimum, be held in the manner prescribed by state statute.

(A) Amendments

The following process and decision criteria shall apply to the amendment of this Ordinance:

(1) Process

In accordance with IC 36-7-4-602, as amended from time to time, the participating legislative body may amend or partially repeal the text of this Ordinance or they may amend the Zoning Map of this Ordinance as follows:

a) Text Amendments

The Town Council or the Plan Commission may initiate a proposal to amend or partially repeal the text of this Ordinance according to the procedures set forth in IC 36-7-4-602(b) and the adopted Plan Commission Rules and Procedures.

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b) Map Amendment (Rezoning)

The Town Council, the Plan Commission, or at least 51% of the affected property owners may initiate an application to change the Zoning Map according to the procedures of IC 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of **Article II**, Administration, of this Ordinance.

(2) Decision Criteria

In its review of a text or map amendment proposal, the Plan Commission and Town Council shall consider the following, which are consistent with IC 36-7-4-603:

- a) The most recently adopted McCordsville Comprehensive Plan;
- b) Current conditions and the character of the structures and uses in each district;
- c) The most desirable use for which the land in each district is adapted;
- d) The conservation of property values throughout the Plan Commission's jurisdiction; and
- e) Responsible development and growth.

(B) Effective Date

This Ordinance shall become effective on the date in which it is adopted by the Town Council.

(C) Repealer

The Zoning Ordinance of Hancock County, Indiana adopted as Ordinance 2007-1B and all amendments thereto, and its associated Zoning Map and any revisions to either are hereby repealed. This McCordsville, Indiana Zoning Ordinance and Zoning Map shall replace the repealed ordinance and map. In addition, Ordinance No. 071007, an ordinance: (1) limiting drive-thru service establishments as a special exception in the Town of McCordsville; (2) limiting pylon signs and other non-monument types of signs as a special exception in the Town of McCordsville; (3) defining "twenty-four hour business"; and (4) amending Title XV, Chapter 156, of the Hancock County Code, adopted by the Town of McCordsville on July 10, 2007 is hereby repealed.

Article II. Administration

Section 2.01 Summary of Authority

The municipal bodies and officials listed in this Article, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Ordinance in the manner described herein.

Section 2.02 General Administration

(A) Administrative Officer

The Town Manager, including any staff members or other designee(s), shall have the principal responsibility for the administration and enforcement of this Ordinance.

Together their duties shall include, but not be limited to, the following:

(1) Improvement Location Permits

Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken.

(2) Inspections

Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Plat Committee, Board of Zoning Appeals, Town Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

(3) Record Keeping

Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exception uses, variances, and appeals.

(4) Plan Commission Applications

Receiving, processing docketing, and referring to the Plan Commission all appropriate applications.

(5) Board of Zoning Appeals Applications

Receiving, processing, docketing, and referring to Board of Zoning Appeals all appeals, variances, special exception uses, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code.

(6) Committee Applications

Receiving, processing, docketing, and referring to either the Plat Committee and/or Technical Review Committee all appropriate applications.

(7) Clerical & Technical Assistance

Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Plat Committee, Technical Review Committee, Town Council, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

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(B) Review and Decision Authority

The following table summarizes the review, decision making, and appeal powers and duties as they relate to various application processes required by this Ordinance. The specific steps and requirements for each are prescribed in more detail by this Ordinance.

Table 1: Review and Decision Authority by Application Type

Application Type	Review and Decision Authority			
	Staff	Plan Commission	Board of Zoning Appeals	Town Council
Zoning Map Amendment (Rezoning)	Review	Review		Final Decision
Zoning Text Amendment	Review	Review		Final Decision
Annexation	Review	Review		Final Decision
PUD Preliminary Plan	Review	Review		Final Decision
PUD Final Plan	Review	Review		Final Decision
PUD Minor Modifications	Final Decision		Consider Appeal	
Site Plan	Final Decision		Consider Appeal	
Site Development Plan	Review	Final Decision		
Development Standards Variance	Review		Final Decision	
Special Exception Use	Review		Final Decision	
Interpretation	Final Decision		Consider Appeal	

(C) Fee Schedule

(1) Purpose and Intent

All fees shall be intended to reimburse the Town of McCordsville for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.

(2) Availability

The Administrative Officer, or his or her designee, shall maintain a schedule of fees available to the public, as approved by the Town Council, for all applications, permits, and other processes outlined in this Ordinance.

(3) Establishment

The fee schedule shall be prepared by the Administrative Officer or his or her designee, reviewed by the Plan Commission, and approved, by resolution, by the Town Council.

(4) Revisions

The Administrative Officer, or his or her designee, shall review the fee schedule, at a minimum, annually and bring any necessary revisions to the attention of the Plan Commission and Town Council. The fee schedule may be amended by a recommendation submitted to the Town Council by the Plan Commission followed by the Council’s approval of a revised fee schedule resolution.

(5) Payment in Full Required

Until all applicable fees have been paid in full, no action shall be taken on any application or petition. In addition, the Administrative Officer, or his or her designee, may require any property owner(s) who initiates construction of a

structure or the alteration of land prior to obtaining any required permit to pay up to two times the amount of the normal permit fee listed on the Official Fee Schedule as a penalty. Said penalty shall be in addition to any enforcement cost including incurred attorney's fees for such activity and the established fee.

(D) Schedule of Meetings and Filing Dates

The Administrative Officer, or his or her designee, shall maintain an annual Calendar of Meetings and Filing Dates for the Technical Review Committee, Plat Committee, Plan Commission, and Board of Zoning Appeals. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committees, Commission or Board.

(1) Coordination of Calendars

The calendars of the Technical Review Committee, Plat Committee, and Plan Commission shall be coordinated to ensure the efficient processing of applications.

(2) Compliance with Indiana State Code

All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.

(3) Approval of Dates

The Calendar of Meetings and Filing Dates shall be prepared by the Administrative Officer, or his or her designee, and approved by the Plan Commission and Board of Zoning Appeals, wherein the Plan Commission shall be responsible for approving a coordinated calendar for the Technical Review Committee and the Plat Committee.

(4) Maintenance

The Calendar of Meeting and Filing Dates shall be reviewed and updated annually by the Administrative Officer, or his or her designee, and posted in McCordsville Town Hall.

Section 2.03 Administrative Bodies and Officials

(A) Town Council

The Town Council hereby reserves to itself the following powers and duties in connection with the implementation of this Ordinance for the area within its jurisdiction:

(1) Duties

The following duties should be interpreted as activities that are obligations. Town Council duties include:

- a) Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;
- b) Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;

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- c) Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;
- d) Adopt, reject, or amend proposals for Planned Unit Developments as certified and submitted by the Plan Commission; and
- e) All additional duties as established by Indiana State Code.

(2) Powers

The following powers should be interpreted as activities that are optional and may be initiated by the Town Council within the Council's jurisdiction. These powers include:

- a) Initiate amendments to the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;
- b) Initiate amendment to the Official Zoning Map;
- c) Initiate the annexation process and request advice from the Plan Commission as to the zoning designation to be applied to the annexed area if and when annexed; and
- d) All additional powers permitted by Indiana State Code.

(B) Advisory Plan Commission

(1) Establishment

There is hereby established the McCordsville Advisory Plan Commission, to be known as the McCordsville Plan Commission.

(2) Composition

The Plan Commission shall consist of seven members as prescribed by IC 36-7-4-207(b), which states:

- a) The Town Council shall appoint three persons, who must be elected or appointed municipal officials or employees in the municipal government, as members.
- b) The municipal executive shall appoint four citizen members, of who no more than two may be of the same political party. Each citizen member shall be appointed because of the member's knowledge and experience in community affairs, the member's awareness of the social, economic, agricultural, and industrial problems of the area, and the member's interest in the development and integration of the area. A citizen member may not hold other elective or appointive office in municipal, county or state government. A citizen member must be a resident of the jurisdictional area of the Plan Commission (IC 36-7-4-216).
- c) The Hancock County Area Plan Commission shall appoint a designated representative from its body to serve as an advisor to the Plan Commission, pursuant to IC 36-7-4-213.

(3) Certification

Pursuant to IC 36-7-4-212, the clerk of the Town Council and the secretary of the park board shall certify members appointed by their respective bodies, and the executive shall certify his appointments. The certificates shall be sent to and made a part of the records of the Plan Commission.

(4) Terms of Office

a) Appointment

Upon the establishment of a seven member municipal plan commission, two citizen members shall initially be appointed for a term of three years and two shall initially be appointed for a term of four years.

b) Term Expiration

Each member's term expires on the first Monday of January of the second, third, or fourth year respectively, after the year of the member's appointment.

i) Appointed Members

The term of office of a member who is appointed from the membership of a Town Council, a park board, or the advisory council on town affairs is coextensive with the member's term of office on that body, board, or council, unless that body, board, or council appoints, at its first regular meeting in any year, another to serve as its representative (IC 36-7-4-217).

ii) Citizen Members

When an initial term of office of a citizen member expires, each new appointment of a citizen member is for a term of four years (IC 36-7-4-218).

(5) Conflict of Interest

Pursuant to IC 36-7-4-223, neither a member of the Plan Commission nor the Town Council may participate as a member Plan Commission or Town Council in a hearing or decision of that commission or body concerning a zoning matter (excluding the preparation or adoption of a comprehensive plan) in which the member has a direct or indirect financial interest. The commission or body shall enter in its record the fact that its member has such a disqualification.

(6) Duties

The following duties should be interpreted as activities that are obligations. Pursuant to IC 36-7-4-401, IC 36-7-4-405 and IC 36-7-4-213, the Plan Commission shall:

- a) Supervise, and make rules for, the administration of the affairs of the Commission;
- b) Prescribe uniform rules pertaining to investigations and hearings;
- c) Keep a complete record of all proceedings;

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- d) Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Administrative Officer.
- e) Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
- f) Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by Indiana State Code;
- g) Adopt a seal;
- h) Certify all official acts;
- i) Supervise the fiscal affairs of the Commission;
- j) Prepare and submit an annual budget in the same manner as other departments of municipal government, and be limited in all expenditures to the provisions made for the expenditures by the fiscal body of the municipality;
- k) Make recommendations to the Town Council or bodies concerning:
 - i) The adoption of the comprehensive plan and amendments to the comprehensive plan;
 - ii) The adoption or text amendment of: an initial zoning ordinance, a replacement zoning ordinance, and a subdivision control ordinance;
 - iii) The adoption or amendment of a PUD district ordinance; and
 - iv) Zone map changes (rezonings).
- l) Render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of IC 36-7-4.
- m) Make decisions concerning development plans and amendments to development plans under the 1400 series of IC 36-7-4, unless delegated under IC 36-7-4-1402(c).
- n) Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the appropriate fiscal body.
- o) Appoint a designated representative of the Plan Commission to serve as an advisory member to the Hancock County Area Plan Commission.
- p) All additional duties as established by Indiana State Code.

(7) Powers

The following powers should be interpreted as activities that are optional and may be initiated by the Plan Commission within the Commission's jurisdiction. Pursuant to Indiana State Statute, these powers include:

- a) Establish advisory committees as necessary, composed of specific members and organized for specific purpose;
- b) Establish an executive committee;
- c) Seek funding assistance through grant programs as necessary and accept gifts, donations and grants;
- d) Establish a schedule of fees, to be approved by Town Council resolution, to defray the administrative costs of the official action of the Commission;
- e) Appoint and fix the duties of the recording secretary;
- f) Contract for special or temporary services and professional counsel; and
- g) All additional powers as permitted by Indiana State Code.

(8) Communication with Members of the Advisory Plan Commission

No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Plan Commission before a hearing with the intent to influence the member's action on a matter pending before the Plan Commission.

Section 2.04 Board of Zoning Appeals

(A) Establishment

Pursuant to IC 36-7-4-900 series, the Town Council hereby establish the Board of Zoning Appeals which shall conduct business consistent with all requirements of this Ordinance and Indiana State Code. The members shall initially be appointed for the following terms of office:

- (1) One for a term of one year.
- (2) One for a term of two years.
- (3) One for a term of three years.
- (4) One for a term of four years.

(B) Membership

Pursuant to IC 36-7-4-902, the Board of Zoning Appeals shall consist of five voting members, as follows:

- (1) Three citizen members appointed by the executive, one of who must be a member of the Plan Commission while the other two must not be members of the Plan Commission.

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- (2) One citizen member appointed by the Town Council, who must not be a member of the Plan Commission.
- (3) One citizen member appointed by the Plan Commission, who must be a citizen member of the Plan Commission other than the member appointed under (1) above.

(C) Membership Restrictions

Pursuant to IC 36-7-4-905, none of the members of the Board of Zoning Appeals may hold other elective or appointive office, except as permitted by IC 36-7-4-902, in municipal, county or state government. A member must be a resident of the jurisdictional area of the board.

(D) Terms

When an initial term of office expires, each new appointment shall be for a term of four years beginning on the first Monday in January.

(E) Powers and Duties

The powers and duties of the Board of Zoning Appeals with regard to this Ordinance are defined by Indiana State Code, and are described below. These powers and duties are further described by the Board of Zoning Appeals Rules and Procedures.

(1) Duties

Duties should be interpreted as activities that are obligations. The duties of the Board of Zoning Appeals are as follows:

- a) Fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances;
- b) Keep minutes of all proceedings and record the vote on all actions taken, and file all minutes and records in the office of the Board in all cases;
- c) Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards;
- d) Make adopted rules available to all applicants and other interested persons;
- e) Review, hear, and approve or deny all applications for variances from development standards such as height, setback or area;
- f) Review, hear and approve or deny all applications for a special exception use;
- g) Review, hear and decide appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Administrative Officer, or other Plan Commission staff, committees, administrative boards, or any other bodies, with the exception of the Plan Commission; and
- h) All additional duties as established in Indiana State Code.

(2) Powers

The following powers of the Board of Zoning Appeals should be interpreted as activities that are optional and may be initiated by the Board. They include:

- a) Appointment of a hearing committee;
- b) Appointment of a secretary and other employees as necessary for the discharge of Board duties; and
- c) All additional powers permitted by Indiana State Code.

(3) Rules and Procedures

The Board of Zoning Appeals shall have the sole authority to adopt any and all rules under IC 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications (development standards variances, special exceptions), filing requirements, procedures, giving of public notices and conduct of meetings and public hearings.

(4) Communication with Members of the Board of Zoning Appeals

No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Board before a hearing with the intent to influence the member's action on a matter pending before the Board.

Section 2.05 Technical Review Committee

The Plan Commission may establish a Technical Review Committee for the purpose of providing detailed reviews and recommendations to the Plan Commission concerning any proposed development plans or subdivision plats that may from time to time be submitted.

(A) Purpose and Intent

The purpose of the Technical Review Committee is to provide written recommendations pertaining to technical aspects of design and construction plans; however, approval or disapproval of a development or subdivision is clearly the responsibility of the Plan Commission.

(B) Establishment

The Technical Review Committee is hereby established under both the Zoning Ordinance and the Subdivision Control Ordinance to serve the differing needs of these two documents. The Committee shall be made up of the same members under both ordinances in order to facilitate coordination of the decision making by the Plan Commission with respect to the design and construction aspects of these two documents.

(C) Composition

Committee membership shall be at the request of the Administrative Officer. The Administrative Officer may request the assistance of members of public and semi-public local and state departments, agencies and organizations, including but not limited to the following (or their designees):

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- (1) Town Planner, Chair;
- (2) Town Engineer;
- (3) Town Street Commissioner;
- (4) County Highway Superintendent;
- (5) Wastewater Superintendent;
- (6) Water Superintendent;
- (7) Fire Chief;
- (8) Police Chief;
- (9) Building Department;
- (10) County Health Department;
- (11) A representative and/or designee of the County Soil and Water Conservation District; and
- (12) Any other persons deemed appropriate by the Plan Commission.

(D) Roles and Responsibilities

The Technical Review Committee shall limit its attention and recommendations to the design and construction aspects of the proposed development or subdivision with emphasis placed on public improvements, utilities, drainage, landscaping, parking, signage, and other development standards. Projects shall be reviewed for compliance with the Zoning Ordinance and compatibility with the Comprehensive Plan, as amended from time to time.

(E) Committee Meetings

The Technical Review Committee is strictly a committee and does not have the authority to take any official action; however, the Committee shall advertise for and hold public meetings. The Committee shall meet as prescribed by the Calendar of Meetings and Filing Deadlines, and all Technical Review Committee meetings shall be open to the public. The Committee shall then submit its review comments and recommendations to the Advisory Plan Commission.

(F) Authority

The Technical Review Committee shall have the authority to request that a docket be continued by the Advisory Plan Commission until the Committee has reviewed revised plans submitted by a petitioner(s).

Section 2.06 Architectural Review Committee

The Plan Commission may establish an Architectural Review Committee for the purpose of providing detailed reviews and recommendations to the Plan Commission concerning any proposed building elevation that may from time to time be submitted.

(A) Purpose and Intent

The purpose of the Architectural Review Committee is to provide written recommendations pertaining to technical aspects of building elevations for the purpose of providing for the orderly and harmonious appearance of structures throughout the Town of McCordsville. For the purposes of administering and enforcing this Ordinance, the Architectural Review Committee is not to be confused with an Architectural Review Board which is typically concerned with protecting and preserving historic areas, sites and buildings in a community.

(B) Establishment

The Architectural Review Committee is hereby established under both the Zoning Ordinance and the Subdivision Control Ordinance to serve the differing needs of these two documents. The Committee shall be made up of the same members under both ordinances in order to facilitate coordination of the decision making by the Plan Commission with respect to the design and construction aspects of these two documents.

(C) Composition

Committee membership shall be at the request of the Administrative Officer. The Administrative Officer may request the assistance of members of public and semi-public local and state departments, agencies and organizations. The Architectural Review Committee shall be chaired by the Administrative Officer, or his or her designee, and shall consist of at least one licensed architect residing or working in the Town of McCordsville. Remaining members shall be residents of the Town of McCordsville interested in civic matters.

(D) Roles and Responsibilities

The Architectural Review Committee shall limit its attention and recommendations to the architectural design standards of this Ordinance. Projects shall be reviewed for compliance with the Zoning Ordinance and compatibility with the McCordsville Comprehensive Plan, as amended from time to time. Members of the Architectural Review Committee shall:

- (1) Review the Town of McCordsville Architectural Design Standards contained herein and adopted planned unit development ordinances, and any additional architectural design requirements imposed as part of an overlay district, such as the Highway Corridor Overlay district.
- (2) Review applications for their compatibility with all applicable standards, regulations, and commitments.
- (3) Offer opinions as to what physical alterations or enhancements could be made to projects presented in order to improve the aesthetic quality of the project and the town's overall physical environment.
- (4) Make recommendations regarding architectural issues raised on appeal to the appropriate governing body (e.g. Board of Zoning Appeals) in connection with the issuance or denial of entitlements or other project approvals or denials.
- (5) Zoning commitments, if applicable.

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(E) Committee Meetings

The Architectural Review Committee is strictly a committee and does not have the authority to take any official action; however, the Committee shall advertise for and hold public meetings. The Committee shall meet as prescribed by the Calendar of Meetings and Filing Deadlines, and all meetings of the committee shall be open to the public. The Committee shall then submit its review comments and recommendations to the Advisory Plan Commission and/or Board of Zoning Appeals.

(F) Authority

The Architectural Review Committee shall have the authority to request that a docket be continued by the Advisory Plan Commission or Board of Zoning Appeals until the Committee has reviewed revised plans submitted by a petitioner(s).

Article III. Zoning Districts

Section 3.01 Official Zoning Map

The Town of McCordsville is divided into zoning district classifications as described and defined in this Ordinance and as shown on the Zoning Map. The Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

(A) Identification

The Official Zoning Map shall be identified by the signature of the President of the Plan Commission and attested by the Administrative Officer under the following words: "This is to certify that this is the Official Zoning Map of McCordsville, Indiana, adopted, and hereby supersedes and replaces any and all previous zoning maps." The Official Zoning Map shall also include the ordinance number by which it was adopted, the date of adoption, and the dates of any subsequent amendments.

(B) Location

The Official Zoning Map shall hereafter be kept in the custody of the Administrative Officer, or his or her designee. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Official Zoning Map located in the office of the Administrative Officer, or his or her designee, shall be the final authority as to the current zoning statutes of land and water areas, buildings, and other structures within the jurisdiction of the Plan Commission.

(C) Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. All copies of the Zoning Map shall be labeled as copies and include the date on which it was obtained. A fee may be established for the purchase of Zoning Map copies.

(D) Amendment or replacement

No changes of any nature shall be made on the Official Zoning Map except in compliance with the procedures set forth in **Article II**, Administration. Any unauthorized change by any property owner(s) or person(s) shall be considered a violation of this Ordinance.

(1) Amendment (Rezoning)

Upon the passage of a map amendment (rezoning), the Town Council shall certify a copy of the amendment to the Administrative Officer. The Administrative Officer, or his or her designee, shall cause the change to be made to the Official Zoning Map in accordance with the amendment. The Administrative Officer, or his or her designee, shall cause the Official Zoning Map to show a notation, either electronically or through a permanent-pen hand written note, identifying the ordinance number, ordinance title, and date of adoption by the Town Council.

(2) Errors and Omissions

Other revisions may be made to correct drafting or other errors or omissions in the Zoning Map, but shall not have the effect of amending the map.

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(3) Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Plan Commission may, by resolution, recommend to the Town Council adoption of a new Official Zoning Map which shall supersede the prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map. The replacement map shall be identified by the signature of the President of the Plan Commission and attested by the Administrative Officer under the following words: "This is to certify that this is the Official Zoning Map of McCordsville, Indiana, and hereby supersedes and replaces all previous zoning maps."

(4) Preservation of the prior Official Zoning Map

Unless the prior map has been lost or completely destroyed, it or any significant parts shall be preserved, together with any available records of its adoption and amendment.

(E) Interpretation of District Boundaries

(1) Interpretation Procedures

a) Administrative Officer Interpretation

The Administrative Officer, or his or her designee, shall determine the applicable zoning for each property in the Plan Commission's jurisdiction. Any decision of the Administrative Officer may be appealed to the Board of Zoning Appeals.

b) Plan Commission Interpretation Provision

In the event that the Administrative Officer cannot definitively determine the location of a district boundary, immediate action on any affected application shall be delayed until such time when the Plan Commission determines the zoning district boundary. The Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. This interpretation may occur as part of a regular or special Plan Commission meeting and shall not require a public hearing. Decisions of the Plan Commission may not be appealed to the Board of Zoning Appeals, but may be appealed to a court of competent jurisdiction.

(2) Interpretation Standards

Zoning district boundaries illustrated on the Official Zoning Map shall be interpreted as follows:

a) Streets and easements

Boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerlines.

- b) Property lines
Boundaries indicated as following section or fractional sectional lines, platted lot lines, or municipal corporation limits shall be construed to follow such lines.
- c) Bodies of water
Boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following a shore line shall be construed as moving with any change in the actual shore line.
- d) Divided lots
In the event that a boundary line divides a lot or parcel, the Administrative Officer, or his or her designee, shall determine the applicable zoning district. If a portion of a lot or parcel is in an overlay district, the entire lot or parcel shall be deemed as being within the overlay district. The Administrative Officer may require a rezone or replat of the site if any portion of a construction or development proposal overlaps two or more zoning districts. The petitioner shall be responsible for filing the appropriate forms and for applying the appropriate filing fees to rezone or replat the lot or parcel.
- e) Extensions of lines
Boundaries indicated as parallel to or extensions of the features listed above in a) through d) shall be construed as such.
- f) The Conservation and Flood Plain Overlay District boundaries
Boundaries of the Conservation and Flood Plain Overlay District shall coincide with the boundaries as documented on the Flood Insurance Rate Maps for Hancock County, Indiana.

(3) Effect of Vacation on Zoning District Boundaries

Whenever any street, alley, public way, railroad right-of-way, or other similar area is vacated by the proper authority, the adjoining zoning districts shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all applicable regulations of the extended zoning district. In the event of a partial vacation, the adjoining zoning district, or the zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

Section 3.02 Establishment of Zoning District Classifications

For the purpose of this Ordinance, the Town is divided into zoning district classifications. Each of the following districts is intended to stand alone and is not part of a hierarchy system of land use regulation. For example, uses permitted in a Neighborhood Commercial (CN) district are not automatically permitted in a Regional Commercial (CR) district. Only those uses expressly permitted as prescribed by the Official Use Schedule shall be permitted in said district.

(A) Residential Districts

Residential zoning districts are intended to accommodate areas for residences and public and semi-public uses (e.g. parks and open space) which are normally associated with residential neighborhoods. In some instances, retail goods and services may be

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appropriate. However, when permitted, such uses shall not detract from the overall residential character of the neighborhood. Development and redevelopment in these districts should be served by sewer and water utilities and have convenient access via local roads and streets. The underlying purpose for the Town's seven residential districts described below is the creation of a stable and orderly residential environment. Each of the following residential districts is intended to differentiate between density and housing needs. All residential districts should be served by sewer and water utilities.

- (1) R1, Low Density Residential – All R1 districts are intended to accommodate areas of low density (less than one dwelling unit per acre), single-family residences.
- (2) R2, Low-Medium Density Residential – All R2 districts are intended to accommodate areas of low to medium density (1 – 1.99 dwelling units per acre), single-family residences.
- (3) R3, Medium Density Residential – All R3 districts are intended to accommodate areas of moderate density (2 – 2.49 dwelling units per acre), single- or two-family residences.
- (4) R4, High Density Residential – All R4 districts are intended to accommodate area of high density (2.5 – 2.99 dwelling units per acre), single- or two-family residences.
- (5) R5, High Density Residential – All R5 districts are intended to accommodate areas of the highest density (three or more dwelling units per acre), single- or two-family residences.
- (6) MF1, Low-Medium Density Multi-family Residential – All MF1 districts are intended to accommodate areas of low to moderate density (less than eight units per acre) multi-family attached housing such as duplexes and townhomes. MF1 districts may also be used to provide a transition between some single-family or two-family residential districts and non-residential districts.
- (7) MF2, Medium-High Density Multi-family Residential – All MF2 districts are intended to accommodate areas of higher density (eight or more units per acre) multi-family housing such as apartments and condominiums. MF2 districts may also be used to provide transition between some single-family or two-family residential districts and non-residential districts.

(B) Commercial Districts

Commercial zoning districts are intended to accommodate different types of businesses and commercial uses. The intent is to establish compact districts for like uses and better provide for efficient traffic movement, parking facilities, and police and fire protection. Development and redevelopment in these districts should be served by sewer and water utilities and have convenient access via local collector and arterials streets. In general, industrial uses are excluded due to the hazards and nuisances they often present. All commercial business districts shall be served by sewer and water utilities.

- (1) CN, Neighborhood Commercial – All CN districts are intended to accommodate smaller areas of land suitable for convenience stores, services, and amenities within close proximity to residential areas. They should enable the development of

small scale, mixed-use, pedestrian-oriented neighborhood centers located at the intersection of major thoroughfares. These districts should be free of larger retailers, such as “big box” stores or other regional retail uses with 7,500 or more square feet in gross floor area, that do not serve the immediate needs of the neighborhood.

- (2) CO, Professional Business Office – All CO districts are intended to accommodate moderate to large areas of land suitable for professional office centers with complimentary retail uses and support facilities. These districts may also be used to transition between non-residential districts and residential districts, provided they are limited to a maximum of three stories in height.
- (3) CR, Regional Commercial – All CR districts are intended to accommodate larger areas of land suitable for a variety of businesses that serve a regional market, or require convenient access to arterial roadways and major collector streets that are designed to carry relatively large volumes of vehicular traffic. These districts can be used alone as well as in combination with other zoning districts to create community shopping, entertainment, services and public gathering spaces. These districts should be focused and centralized at intersections rather than sprawled out along the highway so as not to define the highway itself.

(C) Industrial Districts

Industrial zoning districts are intended to accommodate low and medium intensity industrial business within the Town of McCordsville by providing for suitable space for existing industries and their expansion as well as for future industrial development. Development and redevelopment in these districts should be served by sewer and water utilities and have convenient access via major collector and arterials streets. Performance standards, parking specifications, and yard regulations prescribed by this ordinance ensure safe industrial development that is compatible with adjacent land uses. In general, all industrial districts should be sited near railroads, or collectors or arterial roadways in order to meet the anticipated transportation needs of anticipated land use activities. All industrial districts shall be served by sewer and water utilities.

- (1) I1, Low Intensity Industrial – All I1 districts are intended to accommodate moderate to large land areas suitable for warehousing, research and development, or similar type uses where all activities take place within enclosed buildings. In this instance, low intensity industries are those industrial activities that are less likely to cause conditions that would be objectionable to neighboring properties.
- (2) I2, Medium Intensity Industrial – All I2 districts are intended to accommodate production or assembly of modern industrial parts. In general, greater separation is needed between industries located in an I2 district and residential or commercial areas compared to those separation distances required in an I1 district.

(D) Overlay Districts

- (1) AO, Airport Overlay – The AO district is intended to regulate uses within close proximity to the Mount Comfort Airport further ensuring compatibility through additional regulations regarding height and further limiting the types of uses allowed within certain zones.

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- (2) HCO, Highway Corridor Overlay – The HCO district is intended to address the unique characteristics of the properties adjacent to the two primary transportation corridors that run through the Town of McCordsville. Citing unique traffic management needs, development pressures, and aesthetic quality, the purpose of the HCO district is to require additional development standards and regulations without modifying the development objectives of the underlying base zoning districts.

(E) Other Districts

- (1) P, Public/Semi-public – All P districts are intended to accommodate large-scale public facilities and other public/semi-public institutions where a large number of people gather or congregate.
- (2) Old Town – In general, the Old Town district is intended to accommodate residential uses and residential conversions with an emphasis on protecting the residential character of the original town plat. In this district, commercial establishments are intended to serve the residents of and visitors to the Town of McCordsville rather than the motoring public.
- (3) TC, Town Center – In general, all TC districts are intended to accommodate a mix of land uses and serve as a primary commercial activity center, wherein residents and visitors can find a vast range of goods and services, and entertainment. It is further intended that all TC districts ensure a pedestrian-friendly environment with multiple destinations for working, shopping, and entertainment. In most instances, residential dwellings are encouraged, provided they are not single-family detached homes.
 - a) In undeveloped area of town, the TC district is intended to become the most intensely developed areas within the community.
 - b) In established areas of town, TC districts are intended to ensure the continued viability of neighborhoods and businesses. In these instances, the standards and regulations are intended to maintain contextually appropriate setbacks, uses and other standards consistent with the McCordsville Comprehensive Plan. Small parcels may need to be consolidated to provide development sites large enough for today's building and parking needs, but should be designed with an emphasis on pedestrian traffic rather than vehicular traffic, keeping parking lots to the sides and rears of the building where possible, emphasizing the front entrances, incorporating numerous buildings openings (e.g. windows and doors), and providing screening for parked cars.
- (4) PUD, Planned Unit Developments – All PUD districts are intended to accommodate development of land in areas where there are site limitations or unique site characteristics. It is the intent of the Town of McCordsville to encourage innovation in land development practices through the use of the planned unit development process.

Article IV. Specific Use Standards

Section 4.01 Accessory Use & Structure Standards, General

(A) Board of Zoning Appeals Approval

To vary from the following specific use standards shall require review and approval from the Board of Zoning Appeals pursuant to the development standards variance process prescribed by this Ordinance.

(B) Purpose and Intent

The intent of these accessory use & structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.

(C) Order of Establishment

No accessory use or structure, or incidental use or structure, shall be permitted to be located, placed, or established on any lot prior to the issuance of an improvement location permit for a primary structure, or an occupancy permit for a primary land use. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

(D) Incidental Uses and Structures

The following shall be considered incidental uses and structures and shall meet the requirements specified herein.

(1) Satellite Dish

a) Residential Zoning Districts

i) Size

Satellite dishes located in a single-family residential zoning district shall not exceed 24 inches in diameter.

ii) Location

No satellite dish, including anchors and supports, shall be permitted in any front yard (not just the minimum front yard setback), or within the required side and rear yard setbacks.

iii) Height

No satellite dish within a residential zoning district shall be mounted above the height of the eave of the roof.

b) Non-Residential

For all satellite dishes 24 inches in diameter, or greater, located within a non-residential zoning district shall comply with the following:

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i) Location

No satellite dish, including anchors and supports, shall be permitted in any front yard, or within the required side and rear yard setbacks in any non-residential district.

ii) Height

In all non-residential zoning districts, no satellite dish shall exceed 10 feet in height, measured from ground level if mounted on the ground, or five feet in height above the highest point of the roof of the primary structure if mounted on the roof.

iii) Screening

All satellite dishes located in a non-residential district shall be screened by the structure of the roof if mounted on the roof, or by landscaping approved by the Administrative Officer if mounted on the ground.

(2) Free-standing Kiosks and Vending Machines

The Town of McCordsville prefers that all kiosks and vending machines be located inside or flush with the exterior of an existing building. All free-standing kiosks and vending machines shall require a kiosk or vending machine permit from the Town of McCordsville. Free-standing kiosks and vending machines include, but are not necessarily limited to, any free-standing, unmanned automated teller machine (ATM) or vending machine, but excluding newspaper racks and payphones. All free-standing kiosks and vending machines shall comply with the following:

a) Visibility

All free-standing kiosks and vending machines shall be located to minimize visibility to the street. If located adjacent to an existing building, the back of the kiosk or vending machine shall be positioned flush with the exterior wall.

b) Interference with Design Elements

The placement of a free-standing kiosk or vending machine shall be coordinated with the architecture of the building with which it is associated so as not to cover up or otherwise detract from window and door openings, landscaping, or decorative elements.

c) Pedestrian Traffic Flow

No free-standing kiosk or vending machine shall be placed in a location so as to impede pedestrian access, block parking areas or create an unsafe condition. A minimum of 36" clearance in front of the kiosk or vending machine is required when placed within a pedestrian way.

d) Public Rights-of-Way

No free-standing kiosk or vending machine may be installed within a public way or immediately adjacent to a public way so as to require customers to stand in the public way to use the kiosk or machine.

- e) Accessibility
Public access to free-standing kiosks and vending machines shall meet all applicable State and Federal ADA accessibility requirements.
- f) Illumination
All free-standing kiosks and vending machines shall be externally illuminated for security purposes.
- g) Entertainment Media
Any free-standing kiosk or vending machine selling or otherwise offering entertainment media of a sexual nature shall also comply with all applicable sexually oriented uses standards and regulations prescribed by this Ordinance.
- h) Product Waste
All free-standing kiosks or vending machines shall have a waste receptacle incorporated as part of the facility to provide for proper waste disposal.

(3) Other Incidentals

Bird baths and houses, mailboxes, lamp posts (provided they do not exceed eight feet in height), doghouses, patios, yard ornaments, athletic courts (provided they are not lighted), and similar items, except as otherwise stated in this Ordinance, shall be exempt from the requirements of this Article, provided they remain otherwise lawful.

(E) Vehicles Use

In no instance shall a vehicle, including semi-tractor trailers, truck bed whether located on or off a truck chassis, and / or mobile home structure be used as an accessory structure in any district (such as for storage, etc.).

(F) Accessory Structure Location

Accessory structures shall comply with the following location requirements:

(1) Septic Fields

No accessory structure shall be placed in any operable septic field.

(2) Landscaping & Buffer Areas

No accessory structure shall encroach into any required landscaped area or buffer yard.

(3) Yard Location

No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.

(4) Easement

No accessory structure shall be permitted in any easement.

Section 4.02 Temporary Use & Structure Standards, General

(A) Purpose and Intent

The purpose of these temporary use & structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to (1) accommodate the temporary needs or properties and land uses, (2) ensure that temporary uses do not become permanent without proper scrutiny, and (3) protect the public welfare from the unique hazards that can be created by temporary uses and structures.

(B) General

The following standards shall apply to all properties within the Town of McCordsville.

(1) Temporary Structure Standards

All temporary structures shall comply with the following requirements:

a) Applicable Development Standards

Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this Article.

b) Temporary Structure Time Limits

Any temporary structure used for a permitted primary use may be permitted for up to two years, unless otherwise specified by this Ordinance.

(2) Temporary Use and Structure Standards

Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall comply with the following requirements:

a) Permit Requirements

All temporary uses and structures shall require a Temporary Use permit unless otherwise specified in this Ordinance. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.

b) Time Limits

Temporary uses and/or structures that seek extensions of the initial time limits established in this Ordinance shall be subject to administrative approval.

- i) An unlimited number of one year extensions may be granted by the Board of Zoning Appeals or the Administrative Officer. The Board or Administrative Officer may impose reasonable conditions as part of its approval.
- ii) No extensions of the time limits described in this Article shall be granted for any temporary use or structure known to violate any requirements of this Ordinance as it exists at the time the extension is requested. An extension shall be considered invalid if the temporary use or structure was in violation of this Ordinance at the time the extension was sought.

c) Removal

All temporary uses and/or structures shall be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.

(3) Construction Trailers

Construction trailers are permitted as temporary structures only during times of construction activity. Construction trailers shall not be located in any required setback or buffer yard.

(4) Construction Dumpsters

Dumpsters for construction-related debris shall be permitted as temporary structures only during times of construction activity. Dumpsters shall not be located in any required setback or buffer yard.

(5) Temporary Outdoor Uses

Uses such as temporary parking facilities, sidewalk sales, Christmas tree sale lots, festivals, farmer's markets, or similar activities conducted outside of an enclosed building, excluding residential garage/yard sales, may be permitted on a temporary basis in any zoning district in the Town of McCordsville upon obtaining a temporary outdoor land use permit from the Administrative Officer. Said permit may be issued without a public hearing, provided that said permit shall not be issued for more than forty-five (45) days or the time requested in the permit application, if lesser than forty-five (45) days. The following procedures apply to the issuance of a temporary outdoor land use permit:

a) Application

An application for a temporary outdoor land use permit shall be submitted to the Administrative Officer, or his or her designee, on a form provided by the Administrator's office. The application shall contain the following information:

- i) The name and address of the applicant and contact information including telephone numbers, fax, and email address;
- ii) The location of the proposed temporary outdoor land use;
- iii) A description of the temporary outdoor land use;
- iv) Evidence that the applicant owns the site for which the permit is requested, or alternatively, evidence that the applicant's use of the site is authorized by the owner of the property;
- v) The days and hours of operation for when the temporary outdoor land use is to occur, including the total number of consecutive days the temporary outdoor land use will be in operation;
- vi) The number of persons expected to visit or attend the proposed temporary outdoor land use;
- vii) The planned areas for parking for those working at and those visiting or attending the proposed temporary land use;

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- viii) A site layout and circulation plan illustrating pedestrian and motorist circulation patterns and routes and including distances between stationary objects such as tables, displays, or exhibits; and
 - ix) Any other information the Administrative Officer, in his or her reasonable determination, deems necessary to properly review the permit application.
- b) Criteria
- Before approving an application for a temporary outdoor land use permit, the Administrative Officer, or his or her designee, shall first find that the application is complete and then that the proposed temporary outdoor land use meets all of the following criteria:
- i) The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 - ii) The temporary use is not located within a permanent structure or building.
 - iii) The parcel is of sufficient size to adequately accommodate the temporary use or structure.
 - iv) The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 - v) Off-street parking areas are of adequate size and properly located for the particular temporary use or structure and the entrance and exit drives are laid out so as to prevent traffic hazards or nuisances.
 - vi) All signs are in compliance with all applicable standards prescribed by **Article VII**, Sign Standards, of this Ordinance.
 - vii) All lighting is directed and controlled so as not to create a nuisance to neighboring property owners.
- c) Action Taken by the Administrative Officer
- i) Upon review and determination that the proposed temporary outdoor land use is consistent with the requirements of this Section, as well as the purposes of this Zoning Ordinance and the Town's Comprehensive Plan, the Administrative Officer may approve the permit or approve it with conditions.
 - ii) If the Administrative Officer finds that the proposed temporary outdoor land use is not consistent with the requirements of this Section or the purposes of this Zoning Ordinance and the Town's Comprehensive Plan, he or she shall deny the application.

- iii) In making his or her determination on the application, the Administrative Officer may, in his or her discretion, first consult with the McCordsville Plan Commission.
- iv) An appeal of a decision by the Administrative Officer relative to the denial of a temporary outdoor land use permit for a temporary use may be taken to the Board of Zoning Appeals pursuant to the provisions for appeal set forth in this Ordinance.

d) Permit

A written temporary outdoor land use permit shall be obtained for all temporary outdoor land uses. For those temporary outdoor land uses which are reasonably likely to have an attendance of 750 or more persons at any one time, the permit shall contain the following information:

- i) The applicant's name;
- ii) The location and effective dates of the temporary outdoor land use;
- iii) Any conditions attached to the permit including, without limitation:
 - 1) Use and placement of signs;
 - 2) Provision for security and safety measures;
 - 3) Control of nuisance factors; and
 - 4) A statement of compliance with all applicable local, state, and federal laws, rules or regulations, including any requirements of the Americans with Disabilities Act;
- iv) Those temporary outdoor land uses which are reasonably likely to have an attendance of 750 or more persons shall establish a performance guarantee. Said guarantee shall be in such amount as shall, in the reasonable discretion of the Administrative Officer, insure compliance with the terms and conditions of the temporary outdoor land use permit and fully reimburse the Town of McCordsville for all expenses incurred, including legal and administrative costs, in correcting any failure on the part of the permit holder and repairing any damage caused thereby; and
- v) The signature of the Administrative Officer.

e) Revocation

The Administrative Officer may revoke a permit at any time for noncompliance with the requirements of this Section or the conditions of any permit issued hereunder. Upon expiration or revocation of a temporary outdoor land use permit, the use shall cease and all temporary structures shall be removed from the parcel of land within five days or such other timeframe as established by the Administrative Officer. A temporary outdoor land use permit may be revoked if any one of the following findings can be made:

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- i) The temporary outdoor land use permit was obtained by misrepresentation or fraud;
- ii) One or more of the conditions of the temporary outdoor land use permit has not been met; or
- iii) The use is being conducted in violation of a Town Ordinance, or a State or Federal law or regulation.

(6) Fireworks Sales

Strict compliance with the provisions of State fireworks laws is required. Fireworks stands are hereby expressly prohibited from being located within a residential zoning district, unless otherwise approved by the Board of Zoning Appeals. The permit holder shall also provide proof of insurance with financial limits acceptable to the Administrative Officer. In no instance shall the sale of fireworks take place outside of an enclosed building.

(C) Residential

The following standards shall apply to properties within a residential zoning district. The following temporary uses and structures are permitted as described below wherein no permit shall be required unless otherwise specified.

(1) Garage/Yard Sales

Garage/yard sales are permitted to occur no more than four times per calendar year, not to exceed 30 days per calendar year. Garage/yard sales shall be distinguished from flea markets or farmer's markets in that garage/yards sales are clearly incidental to residential uses, while flea markets and farmer's markets are commercial businesses and principle uses. In no instance shall this provision be interpreted as permitting the operation of a flea market or farmer's market.

(2) Children's Roadside Stands

Children's roadside stands shall be permitted, but shall not be located in any existing public right-of-way.

(3) Temporary Home Sales Facilities

a) Temporary Model Homes

Temporary model homes shall be permitted in any residential development provided they comply with the following provisions:

i) Use

The use of the facility shall be limited to open house purposes for prospective buyers. Temporary model homes may be used for the purpose of selling homes in other developments or in other communities.

ii) Signs

Signs shall be placed in a manner consistent with the intersection Sight Visibility Standards of this Ordinance and in compliance with **Article VII**, Sign Standards, of this Ordinance.

iii) Exterior Lighting

All exterior lighting for model homes shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.

iv) Parking

Off-street parking spaces for model homes installed for the use of salespersons and potential buyers shall comply to the size requirements of this Ordinance. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. Any driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.

v) Landscaping

Model homes shall provide landscaping consistent with that which will be provided for homes to be constructed in the development.

vi) Model Home Conversion

Prior to the sale of a model home for use as a residence, all signage shall be removed and the garage area and driveway finished or fully installed. All necessary permits shall be obtained prior to occupancy as a residence.

b) Temporary Sales Trailers

No more than one temporary sales trailer shall be permitted in any development until either (a) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (b) two years from the date of approval of the secondary plat or final detailed plan for the most recent section of the development, whichever is less. An Improvement Location Permit shall be required for all temporary sales trailers. All temporary sales trailers shall comply with the following requirements.

i) Location

Temporary home sales trailers shall be located on a lot in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a temporary sales trailer.

ii) Use

The use of the facility shall be limited to open house purposes for prospective buyers. Temporary sales trailers may not be directly used for the purpose of selling homes in other developments or in other communities.

iii) Signs

Signs shall be placed in a manner consistent with the intersection Sight Visibility Standards of this Ordinance and in compliance with **Article VII**, Sign Standards, of this Ordinance.

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iv) Exterior Lighting

All exterior lighting for temporary sales trailers shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.

v) Parking

Temporary sales trailers shall provide two off-street parking spaces. The spaces shall be surfaced with stone meeting the requirements of the Town Engineer.

vi) Landscaping

Temporary sales trailers shall provide a landscaped area extending from the trailer for five feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.

vii) Sales Trailer Conversion

Any builder with a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent Certificate of Occupancy for the model home.

(D) Temporary Signage

See **Article VII**, Sign Standards

Section 4.03 Accessory Dwelling Unit Standards

Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise commonly known as "mother-in-laws quarters" and "granny flats") shall be either (a) attached to, and designed and constructed as part of the primary structure or (b) located above a detached garage or workshop. In no case may any accessory dwelling exceed 850 square feet in living area.

Section 4.04 Daycare Home Standards

Child day-care homes shall meet the definition established by IC 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana.

Section 4.05 Amateur Radio and Television & Radio Receiver Antennas

All amateur radio antenna, CB radio antenna, antenna for receiving television signals, antenna for receiving radio signals, and all other personal broadcasting equipment shall meet the following requirements:

(A) Location

No antenna (including anchors or supports) shall be located in any front or side yard.

(B) Height

No amateur radio tower shall exceed 48 feet in height from ground level or five feet in height above the highest point of the roof of the primary structure, whichever is greater. Amateur radio towers shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.

Section 4.06 Park and Recreation Facility Accessory Uses and Structures

Where park and recreation facilities are permitted, customary accessory uses & structures including but not limited to restrooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:

(A) Area

The maximum cumulative area occupied by accessory uses and structures, including any parking intended for accessory structure use that is separate from park and recreation area primary parking, shall not exceed 10 percent of the park and recreation site.

(B) Subordinate Role

The accessory uses and structures shall be subordinate to the recreational character of the development.

(C) Design Focus

The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility.

(D) Visibility

The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility.

(E) Parking

Parking for accessory uses and structures shall be consistent with the Parking Standards of this Ordinance.

(F) Waste Containers

All dumpsters and other waste containers shall be screened consistent with **Section 6.11, Buffering and Screening Standards**, of this Ordinance.

Section 4.07 Multi-family Dwelling Accessory Uses and Structures

Where multi-family dwellings or manufactured home parks are permitted, customary incidental uses and accessory structures including but not limited to management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, may also be permitted, provided they comply with the following standards:

(A) Area

The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10 percent of the development site.

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(B) Subordinate Role

The accessory uses and structures shall be subordinate to the multi-family character of the development.

(C) Design Focus

The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.

(D) Visibility

The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multi-family community.

(E) Parking

Parking for accessory uses and structures shall be consistent with the Parking Standards of this Ordinance.

(F) Waste Containers

All dumpsters and other waste containers shall be screened from view consistent with **Section 6.11**, Buffering and Screening Standards, of this Ordinance.

Section 4.08 Drive-thru Establishments

In no instance shall a business equipped with a drive-thru be permitted by right. Any business with a drive-thru shall be required to obtain a special exception use permit granted by the Board of Zoning Appeals.

Section 4.09 24-hour Business Establishments

Any 24-hour business must obtain a special exception use permit from the Board of Zoning Appeals. For the purposes of administering and enforcing this Ordinance, a 24-hour business shall be defined as a commercial establishment, other than a hospital, that operates anytime between the hours of 11:00 PM and 6:00 AM.

Section 4.10 Fire Arm/Gun Sales

The establishment of any fire arm sales shop shall be prohibited if such business is within two hundred (200) feet of the property line of any school. The distance between a gun shop and any school shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the gun shop to the nearest property line of any school. If any gun shop is part of or included within a building or structure containing multiple commercial uses, only the portion of the building or structure occupied by such gun shop shall be included in determining the closest exterior wall of said establishment.

Section 4.11 Sexually Oriented Uses

All adult uses shall be located a minimum of 1,000 feet from any church, school, park, child care home or child care center, residentially zoned district, public or cultural facility (such as Town Hall, libraries, etc.), or any established adult use. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest property lines of the lot on which each use is located.

Section 4.12 Facilities for the Mentally Ill and Developmentally Disabled

(A) Purpose and Intent

The purpose of these residential standards is to (1) provide minimum requirements for residential facilities and (2) establish the unique standards for new residential developments. This Section also establishes requirements for residential facilities for the developmentally disabled and mentally ill that minimizes conflicts with other uses and permits the establishment of such facilities consistent with IC 12-28-4-7.

(B) Residential Facility Standards for the Mentally Ill

Residential facilities for the mentally ill shall be permitted as prescribed by the Official Schedule of Uses (**Appendix A**). All such facilities shall be required to comply with all licensing and operational standards of the State of Indiana.

(1) Exclusion Prohibited

In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.

(2) Separation

A residential facility for the mentally ill may be excluded from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

(C) Residential Facilities for the Developmentally Disabled

Residential facilities for the developmentally disabled Type I shall be permitted as prescribed by the Official Schedule of Uses. Residential facilities for the developmentally disabled Type I are defined as those that are not designed for, nor accommodate more than eight developmentally disabled individuals. Type II facilities accommodate more than eight developmentally disabled individuals (consistent with IC 12-28-4-7).

Section 4.13 Multi-family Residential Subdivisions

(A) Pedestrian Access

Multi-family residential subdivisions shall include public sidewalks, constructed by the builder/lot owner at the time of construction of the residences. All sidewalk design and construction shall comply with the Americans with Disabilities Act (ADA), as amended. The restrictive covenants of the development shall include the following maintenance covenant text and be recorded with the plat of the development: "*The developer or property owner (lot owner) shall be responsible for constructing a five-foot wide concrete sidewalk of 4,000 PSI strength plain cement four inches thick, sloped 1/4 inch per foot toward the street with expansion joints each 48 inches along the entire street frontage of their respective lot. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one foot inside the planned public right-of-way line, (not on the lot) and parallel to the street right-of-way line. The lot owner is responsible for the repair and maintenance of the sidewalk for the initial one year from completion of residence. Thereafter, the homeowners association shall be responsible for maintenance and upkeep of the sidewalk except for any damage done by the adjoining lot owner. All public sidewalks shall comply with all Americans with Disabilities*

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Act (ADA), as amended, requirements and in the situation of a conflict between ADA rules, covenants or other regulations, the ADA shall govern."

(B) Community Structure

In multi-family developments with more than 300 dwelling units, the development plan shall include provisions for a civic or semi-public use, such as a clubhouse or swimming pool, which shall be made available to all property owners within the development. Any civic or semi-public building shall have a ground floor area of no less than 2,000 square feet and comply with the same architectural guidelines and covenants which are applicable to the residences proposed for the development.

(C) Public Safety

In multi-family developments the petitioner/developer shall submit the development plan to the governing fire agency for review to determine if the plan shall include provisions to preserve land for future fire structures. If the fire agency so determines that a need exists for land, the Plan Commission may require, the petitioner to include in the plans of the development, such reserved land areas up to two acres. At such time as that land is platted, the developer shall include the land in the plat and deed the land to the governing fire agency within 60 days thereafter, or upon taking title of the land.

(D) Community Amenity

Multi-family developments greater than 120 and less than 239 acres shall include provisions for public recreation such as baseball fields, soccer fields, basketball court, tennis courts, fitness trails and the like. The land set aside for such uses shall be a minimum of five acres and shall increase five acres for each additional 120 acres that the gross number of acres exceeds 239 acres. The park land shall be transferred to the McCordsville Park Board upon recording the plat for the area upon the consent of the Board. If at the time of recordation of the plat, the Park Board does not accept the transfer of the park, the land shall be deeded to the homeowners association for maintenance and control. After five years from the date of recordation, if the Park Board does not formally request title to the land, the homeowners association shall use the land for the benefit of the development as set forth above. The use may include park amenities, sports fields, trails, community buildings and other uses which meet the intent of this section of the ordinance and shall be consistent with all applicable zoning commitments, codes and regulations.

(E) Block Length

The maximum length of a block of residences along a perimeter of the development, excluding frontage along a public road, shall not exceed 500 feet. Acceptable block breaks include a future street stub; neighborhood park a minimum of 100 feet in width; lot configuration which causes the residence orientation to be altered a minimum of 60 degrees; change in building minimum standards which alter the rear elevations of the residences to give the appearance of a block change (roof line changes, rear wall alignment).

(F) Street Interconnectivity

In all developments there shall be a plan for vehicular connections into undeveloped tracts or parcels of land. Streets designed for future extensions shall have public rights-of-way platted to the developer's property line so as not to create future rights-of-way

takings or purchases upon extension. A barricade shall be constructed on the extension to prevent accidental passage into undeveloped areas.

(G) Driveway

Driveways on corner lots in multi-family developments shall be handed in the opposite side from the intersection of the street rights-of-way lines.

(H) Mailboxes

The subdivision covenants of a multi-family residential development shall establish a uniform design and specification for all mailboxes. The design and specifications shall be done in accordance with the U.S. Postal Service regulations. Further, all municipal regulations for the placement of mailboxes shall be adhered to.

(I) Landscaping

Refer to **Section 6.10**, Landscaping Standards, of this Ordinance.

Section 4.14 Home Occupation Standards

(A) Purpose and Intent

The purpose of these home occupation standards is to establish minimum requirements for home-based businesses in order to protect the residential character of the McCordsville Community, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.

(B) Applicability

A home occupation may be permitted, subject to Board of Zoning Appeals approval of a Special Exception Use, as an incidental use to any residential dwelling. In order to be considered a permitted home occupation, the use shall comply with the requirements of this Section.

(C) Activities

The face-to-face wholesale/retail sale of stocked inventories is not permitted, except for incidental sales that do not exceed 25 percent of total home occupation sales. Mail-order/telephone/internet sales, as well as distribution of sold merchandise, is hereby permitted. Manufacturing activities are hereby expressly prohibited.

(D) Effects of Operation

There shall be no equipment or process used in the home occupation that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, off the premises (as determined by the Administrative Officer, or his or her designee). There shall be no electrical or mechanical equipment utilized in the home occupation that will create any visual or audible interference with radio or television reception.

(E) Owner/Operator

At least one person residing within the dwelling must be the primary operator of the home occupation.

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(F) Employees

The home occupation may not involve the on-site employment or regular on-site gathering of any more than one person, other than those residing at the location of the home occupation.

(G) Outdoor Storage/Display

There shall be no exterior storage of products, equipment or materials that are related to the home occupation.

(H) Business Area

The home occupation may be located within the dwelling and/or an accessory structure, but shall not exceed a total area of 500 square feet. The home occupation must utilize no more than 25 percent of the total floor area of the dwelling.

(I) Structural Alterations

The home occupation must not require any structural or aesthetic alterations to the dwelling and/or accessory structure that changes its residential character as described below:

(1) Dwelling Appearance

The dwelling and/or accessory structure shall not be altered in its appearance and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.

(2) Entrances

The home occupation shall not require any additional entrances to the dwelling and/or accessory structure.

(3) Utility Service

The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence. Illegal discharge to the Town's sanitary or stormwater sewers is expressly prohibited.

(4) Interior Alterations

There shall be no alterations to the interior of the dwelling to accommodate the home occupation that would render the structure undesirable for residential use, as determined by the Administrative Officer, or his or her designee.

(J) Parking & Business Vehicles

The home occupation shall not involve on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required of the dwelling unit by this Ordinance. In addition, the on-site storage of business vehicles shall meet the requirements of this Ordinance.

(K) Deliveries

The home occupation must not require the regular use of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package

carriers. For the purposes of this ordinance a commercial vehicle is any vehicle in excess of 16,000 pounds.

(L) Signs

No signs of any type shall be used, other than those permitted in the applicable zoning district by **Article VII**, Sign Standards, of this Ordinance.

Section 4.15 Telecommunications Facility Standards

(A) Purpose and Intent

The purpose of these telecommunication facility standards is to provide for adequate, reliable public and private telecommunications service while maximizing the use of transmission towers and tower sites. These requirements also seek to minimize the adverse, undesirable visual impact of towers through minimizing needed towers and tower sites, careful design and siting, and screening.

(B) Required Approvals

The placement of telecommunications facilities shall meet the following approval requirements:

(1) Installation of New Antenna

The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Administrative Officer subject to compliance with all applicable requirements of this Ordinance. New antenna(s) that will add any height to an existing tower, or extend over 10 feet above the highest point of any alternative structure shall be subject to the provisions of this Section for the installation of new towers as described.

(2) Installation of New Accessory Structures

The installation of new accessory structure(s), such as equipment buildings, to support the installation of antenna on existing towers or alternative structures may be approved by the Administrative Officer subject to compliance with the applicable requirements of this Ordinance.

(3) Installation of New Tower

The installation of any new tower(s) shall be reviewed either by the Administrative Officer in the case of a permitted use or by the Board of Zoning Appeals as a special exception use consistent with the provisions of this Ordinance.

(C) Abandonment

Abandoned or unused towers or portions of towers shall be removed. The owner of a wireless facility shall file annually a declaration with the Administrative Officer or his or her duly authorized designee as to the continuing operation of every facility installed subject to these regulations, and purchase an Improvement Location Permit under the guidelines of this Ordinance. In addition, the owner shall file annually a Certificate of Insurance from the owner's insurance carrier listing The Town of McCordsville and the McCordsville Town Council as additional insureds for the purposes of general liability with regard to bodily injury, personal injury and property damage from all possible risks

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in an aggregate amount of not less than \$5,000,000 per incident with a further provision that said insurance carrier shall notify the McCordsville Town Council 30 days in advance of either cancellation and/or non-renewal of said policy of insurance. Failure to do any of the above requirements shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the following:

(1) Removal

All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Administrative Officer or his or her duly authorized designee. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at a site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the Town and the costs of removal, enforcement including attorney's fees shall be assessed against the property; and/or the property owners.

(2) Time Constraint

Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

(D) Required Documentation

In addition to the requirements provided elsewhere in this Ordinance for the receipt of a special exception use approval and an Improvement Location Permit, applications for new towers shall include the following:

(1) Engineer's Report

A report from a professional engineer licensed in the State of Indiana that:

- a) Describes the tower height and design including a cross-section, latitude, longitude, and elevation;
- b) Documents the height above grade for all potential mounting positions for co-located antenna and the minimum separation distance between antenna;
- c) Describes the tower's capacity, including the type and number of antenna it can accommodate;
- d) Documents what steps the tower owner will take to avoid interference with established public safety telecommunication facilities; and
- e) Includes an engineer's stamp and registration number.

(2) Letter of Intent

A letter of intent committing the tower owner, property owner, and their successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(3) Proof of Compliance

Proof of compliance with all applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Transportation (INDOT) regulations, provided by those agencies.

(4) Removal Affidavit

A letter committing the property owner and their successors to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of one year).

(5) Additional Insured

The tower owner shall name the Town of McCordsville as an additional insureds.

(6) Determination of New Tower Need

Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two mile radius of the proposed tower location due to one or more of the following reasons:

a) Inadequate Structural Capacity

The antennas would exceed the structural capacity of the existing or approved tower or other structure, and the existing or approved tower, building or other structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.

b) Interference

The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site and the interference cannot be prevented at a reasonable cost.

c) Inadequate Height

The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.

d) Unforeseen Circumstances

Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower or structure.

e) Commonly Reasonable Lease Agreement

The proposed tower owner is unable to enter a commonly reasonable lease term with the existing tower owner or land owner.

f) Land Availability

Additional land area is not available (when necessary).

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(E) Design Requirements

All telecommunications facilities shall meet the following design requirements.

(1) Contextual Design

Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by Federal or state authorities such as the Federal Aviation Administration.

- a) Wireless telecommunication towers should generally be of a monopole design and, when located within or adjacent to an environmentally or aesthetically sensitive area, or a residential district, be designed to architecturally camouflage the wireless telecommunication tower as much as reasonably practical to blend into the surroundings.
- b) The use of residentially compatible materials such as wood, brick, or stone is required for associated accessory structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area.

(2) Lighting

Only when lighting is for safety or security reasons or required by the FAA or other Federal or state authority will it be permitted. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).

(3) Co-location

All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

- a) Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
- b) Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

(4) Tower Height

All towers and antenna shall be in compliance with all FAA tall structure requirements. Tower height shall be expressed as, and measured from, ground level in all instances.

- a) In any commercial zoning district or institutional zoning district the maximum height of the tower shall be 150 feet. The maximum height of any accessory structure shall be 15 feet.
- b) In any industrial zoning district the maximum height of the tower shall be 200 feet. The maximum height of any accessory structure shall be 15 feet.

- c) In any residential district the maximum height of the tower shall be 100 feet.
The maximum height of any accessory structure shall be 15 feet.

- (5) Interference with Public Safety Facilities

No new telecommunications facility shall result in any interference with public safety telecommunications.

- (6) Signs

Signs for all telecommunications facilities shall be on site and limited to two square feet per structure.

- (F) Site Requirements

All telecommunications facilities shall meet the following site requirements:

- (1) Residential Areas

No tower shall be placed closer than 500 feet to any property included in a residential zoning district.

- (2) On-Site Staff

All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.

- (3) Vehicular Access

Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways. Vehicle access drives shall be paved. Any portion of the entrance located in an existing or planned public right-of-way shall meet the applicable public street design, construction, and pavement requirements.

- (4) Site Area

The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities. At a minimum, the width and depth of the tower site shall be a distance equal to one-half the tower height.

- (5) Setback

The minimum front, side, and rear yard setback for all towers shall be 50 feet from all property lines, measured from the planned right-of-way. No part of a wireless telecommunications facility, including the security fence, any required guide wires or bracing, and required landscape screening shall be permitted in any required front yard setback. Landscape screening in addition to the requirements of this Section may be provided in the setback area.

- (6) Encroachment

No part of any wireless telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of an existing or planned public right-of-way, street, highway, sidewalk, or property line.

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(7) Fencing

An eight foot high security fence shall completely surround the tower and accessory equipment building site.

- a) An area 10 feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in this Section.
- b) In all zoning districts, the required security fence enclosing the facility shall be 100 percent opaque and of wood, brick, or stone construction. Opaque eight foot tall wooden gates shall be provided to access the facility.

(8) Landscape Screening

Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any wires and anchors.

- a) If evergreen hedges are used they shall be a minimum of two feet tall at the time of planting (measured from ground level) and shall be planted a maximum of three feet on center.
- b) If evergreen trees are used they shall be a minimum of five feet tall at the time of planting (measured from the top of the rootball), and shall be planted a maximum of 10 feet on center.
- c) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(G) Construction Requirements

All antennas, towers and accessory structures shall comply with the following construction requirements:

(1) General State/Federal Requirements

All facilities shall meet the applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.

(2) Wind Loading/Building Code Requirements

All facilities shall meet the structural standards and wind loading requirements of the applicable building code.

(3) Electrical Requirements

All facilities shall meet the accepted electrical engineering methods and practices and comply with the provisions of the National Electrical Code.

(4) OSHA Requirements

All facilities shall meet the requirements of Occupational Safety and Health Administration.

(5) Engineer's Certification

An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.

(6) FAA Requirements

All facilities shall be in compliance with all lighting and marking requirements of the Federal Aviation Administration.

(H) Existing Facilities

The following shall apply to existing antennas and towers:

(1) Replacement of Existing Towers

Existing legal nonconforming towers may continue in use for their current purpose but may not be replaced unless either the replacement tower is an exact match to the height, setback, and other features of the removed tower, or the replacement tower complies in all respects to the requirements in this Ordinance. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location and physical dimensions upon obtaining an Improvement Location Permit.

(2) Expansion of Existing Facilities

Any expansion resulting from a specific co-location shall be exempt from the provisions of this Section requiring compliance with this Ordinance in the case of substantial expansions.

(3) Installation of Additional Antennas

Any request submitted to the Board of Zoning Appeals to install an antenna to be located on an existing approved or "grandfathered" tower shall require an Improvement Location Permit, a copy of the contract between the applicant company and the owner of the tower, and all required documentation. If the antenna will add height to an existing tower or exceed the height of any alternative structure by more than 10 feet it shall be considered a new tower for the purposes of this Ordinance.

Section 4.16 Industrial Operation Standards

(A) Purpose and Intent

The purpose of these industrial operation standards is to minimize the conflicts between industrial uses and other land uses and to protect persons and property from the possible negative impacts of industrial operations.

(B) Applicability

All industrial uses shall be in compliance with any and all applicable requirements of the state and Federal governments (including the standards of the Occupational Safety and Health Administration - OSHA). No industrial use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to this

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Ordinance. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.

(C) Exemptions

The following uses, activities, and circumstances shall be exempt from the standards established by this Section:

(1) Construction & Maintenance

Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property.

(2) Motor Vehicles

The operation of motor vehicles for the transportation of personnel, material, or products.

(3) Public Safety Alerts

Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

(D) Interpretation

The industrial standards established by this Section provide general guidelines for discussing expectations with new and expanding industrial operations. Where applicable the determination of compliance of industrial operations with the requirements of this Section shall be determined by the Advisory Plan Commission, Board of Zoning Appeals, or Administrative Officer when consistent with the petition review processes established by this Ordinance.

(E) General Standards

All uses placed into operation after the effective date of this Ordinance shall comply with all federal and state standards, as well as the following general standards in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these standards.

(1) Fire and Explosive Hazards

Firefighting equipment and prevention measures shall be subject to the approval of the governing fire agency and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

(2) Noise

No use on a property shall create a production or operational noise, or combination of noises that are detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.

(3) Odor

No use on a property shall emit any objectionable odor, or combination of odors, that is detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.

(4) Vibration

No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.

(5) Glare and Heat

No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Standards, but shall comply with the Exterior Lighting Standards of this Ordinance.

(6) Noxious or Toxic Materials

No use on a property shall accumulate or discharge outside any building materials, gases and fluids generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Hancock County Board of Health.

(7) Waste Materials

No use on a property shall accumulate on the lot, or discharge beyond the lot lines any waste matter in violation of the applicable standards and regulations of the Hancock County Board of Health and/or Indiana State Board of Health.

(8) Water Pollutants

No use on a property shall discharge any material, whether liquid, solid or gas, into public waters without any required approvals of the Hancock County Board of Health and/or Indiana State Board of Health.

Section 4.17 Land Use Requirements

Each land use is either permitted by right or by special exception. For the purposes of administering and enforcing this Ordinance, the location of a given land use shall be as prescribed by the Official Schedule of Uses. Any use not designated by a "P" or "S" in the subject district shall be considered to be a prohibited use in the subject district. The Administrative Officer may determine into which category a use is placed if it is not specifically listed but is similar to another use that is listed in the Official Schedule of Uses. This determination may be appealed to the Board of Zoning Appeals pursuant to **Article IX, Procedures and Permits**, of this Ordinance.

(A) Compatibility with Surrounding Land Uses

All proposed developments within the Town of McCordsville will be reviewed for their compatibility with the surrounding neighborhoods, the natural environment, and their ability to create pleasing transitions between land uses. To decrease the level of incompatibility between residential and non-residential uses, landscape buffers may be required. Refer to **Section 6.11, Buffering and Screening Standards**, of this Ordinance.

Zoning Ordinance

(B) Residential Uses

(1) Determining Density and Open Space

- a) To allow greater flexibility and variety in the creation of residential subdivisions while preserving significant community and natural resources, residential subdivisions are required to arrange the residential units on areas of the project site best suited for development and protect at least 25 percent of the land for open space uses. A minimum of six percent of the land shall be for active or passive recreation purposes. Open spaces must be accessible to residents of the subdivision without crossing a private lot.
- b) Residential development within a project may not exceed the gross density of the identified on **Appendix B**, Bulk Use Standards Matrix, of this Ordinance. No minimum lot size is required, but the applicant must meet all of the other development standards of the residential zoning classification and the requirements of this Ordinance.
- c) The development potential of the property is determined by multiplying the area of the tract times the density permitted by the zoning district.
- d) The minimum open space requirement is calculated by multiplying the area of the tract by 0.25. The recreation open space requirement is calculated by multiplying the area of the tract by 0.06.
- e) Land designated for open space uses shall be restricted from further subdivision through the use of conservation easements in a form acceptable to the County Recorder and duly recorded in the County Recorder's Office.
- f) Storm water management ponds or basins, land within the rights-of-way of underground pipelines, and floodplain areas may be included as part of the minimum required open space. Road rights-of-way may not be included as a part of the minimum required open space.

(2) Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Plan Commission as indicating design appropriate to the site's natural, historic, and cultural features and meeting the purposes of this Ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. The Plan Commission shall evaluate proposals to determine whether the proposed subdivision:

- a) Protects and preserves all floodplains, wetlands, and slopes greater than 20 percent from clearing, grading, filling, or construction to the greatest extent possible.
- b) Preserves and maintains mature woodlands and existing agricultural fields and creates sufficient buffer areas to minimize conflicts between residential and agricultural areas.

- c) Maintains and creates a buffer of natural species vegetation at least 100 feet wide adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds.
 - d) Designs around existing hedgerows and tree lines between fields and minimizes impacts on woodlands greater than five acres in size. Woodlands on highly erodible slopes should also be avoided.
 - e) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the US Environmental Protection Agency and/or the Indiana Department of Natural Resources.
 - f) Improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
 - g) Organizes the subdivision where the largest practicable number of lots abuts open space areas in order to provide direct views and access to open space.
 - h) Provides recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby lots.
 - i) Includes a pedestrian circulation system designed to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.
 - j) Provides open space that is reasonably contiguous. Fragmentation of open space should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designated as a single block with logical, straightforward boundaries with a length-to-width ratio not to exceed 4:1. Long, thin open space areas shall be avoided unless the conservation feature is linear or such configuration is necessary to connect with other streams and trails. The open space shall generally abut existing or potential open space uses on adjacent parcels.
- (3) Garage Location/Orientation
- Two car garages, a minimum of 22 feet in width, shall be required for all dwellings. A garage or carport may not face the street unless it is located a minimum 20 feet behind the front elevation of the principle structure. Front loading garages shall not exceed 45 percent of the width of the front elevation. Detached garages must be separated from the primary structure a minimum of 10 feet. For any three car garage that faces a street, the third bay must have a separate door and be recessed a minimum of four feet from the other bays.

Figure 1: Attached Front Load Garage A



Figure 2: Attached Front Load Garage B



Figure 3: Detached Front Load Garage



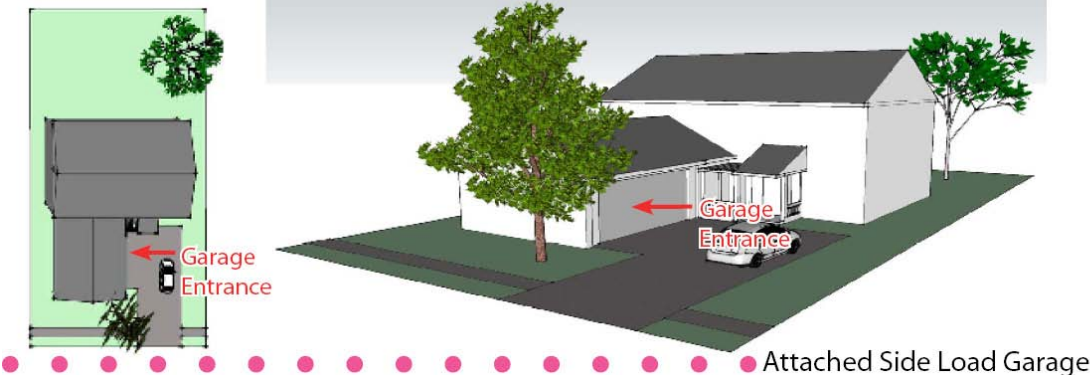
Figure 4: Detached Rear Load Garage



Figure 5: Attached Side Load Garage A



Figure 6: Attached Side Load Garage B



Zoning Ordinance

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Article V. Overlay Districts

Section 5.01 Establishment & General Standards

The overlay districts listed below are hereby established to provide additional development standards that respond to the unique characteristics of the properties to which they apply. Overlay districts applicable to the Town of McCordsville include the Highway Corridor Overlay District and Airport Overlay District.

(A) Applicability

Property located within an overlay district shall be subject to the standards and regulations of its base zoning district, which shall include planned unit development districts, and the provisions prescribed below. In the event that a property is located within one or more overlay districts, said property shall be subject to the requirements of each applicable overlay district.

(B) Effect on Land Uses

All permitted, special exception, and prohibited land uses in any underlying zoning district to which an overlay is applied shall remain as they are unless otherwise specified by the applicable overlay district standards.

(C) Effect on Bulk Use Standard Requirements

All bulk use standards applicable to an underlying zoning district shall apply unless alternate standards are provided for by the overlay district(s).

Section 5.02 Highway Corridor Overlay

The visibility and accessibility of the land within the Broadway and CR 600 W highway corridors are unique and therefore command the highest standards of development to stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.

(A) Purpose and Intent

The purpose of this district is to establish an overlay district to address the unique characteristics of the properties adjacent to the two primary transportation corridors that traverse the McCordsville community. These corridors have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards and regulations. It is the intent of this district to meet the goals of the McCordsville Comprehensive Plan and fulfill the purpose of this Ordinance. More specifically, this overlay district is intended to require development along the Town's primary transportation corridors that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

(B) Applicability

The Highway Corridor Overlay District shall apply to all development sites, buildings, structures, plantings, signs, street hardware, and any other improvements that are visible to the public and which affect the physical development of land.

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(C) Boundary

The rough boundary of the Highway Corridor Overlay District is as illustrated on the Official Zoning Map. For the purposes of administering and enforcing this Ordinance, the physical boundary shall measure 600 feet in both directions, measured from the centerline of the road.

(D) Exemptions

All single and two-family residential uses shall be exempt from the requirements of the Highway Corridor Overlay District.

(E) Uses

All uses permitted in an underlying base zoning district shall be permitted in the Highway Corridor Overlay District. All special exception uses in an underlying base zoning district shall be special exception uses in the Highway Corridor Overlay District.

(F) Development Standards

Unless specified otherwise, the following development standards shall apply to developments along Broadway and CR 600 W.

(1) Vehicular Access

Any access gained from Broadway or CR 600 W shall be approved by the Town, Town Engineer and/or INDOT, depending on the jurisdiction of each. To provide safe and efficient traffic movement to and from adjacent lands:

- a) Frontage roads, access roads, and distributor roads may have to be constructed;
- b) Shared access shall be coordinated with contiguous lots and designed to preserve the aesthetic benefits offered by the surrounding area;
- c) Access at the side or rear of building is encouraged; and
- d) New access points onto Broadway or CR 600 W shall be coordinated with existing access points whenever possible.

(2) Curb Cuts

Curb cuts shall be no closer than one foot for every 400 feet of road frontage. No curb cuts shall be within 200 feet of the intersection of two public roads. Opposing curb cuts shall align squarely or be offset no less than 200 feet.

(3) Connectivity through Stub Streets

Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. For the purposes of administering and enforcing this Ordinance, the term reasonable potential shall include any adjacent parcel of adequate size for non-residential or residential development, as determined by the Plan Commission, or duly appointed or designated representative.

(4) Site Layout

All site development plans shall be prepared in compliance with the requirements of **Article X**, Procedures and Permits, of this Ordinance. Site development plans for parcels located within the Highway Corridor Overlay District shall also comply with the following:

- a) Site layout shall consider the relationship between all buildings on site;
- b) Pedestrian connectivity between uses shall be illustrated;
- c) The amount of off-street parking located between the street and the front façade of the building shall not exceed 80 percent of the total number of parking spaces required by this Ordinance;
- d) Internal drive aisles that connect multiple lots shall minimize points of access for safe vehicular circulation; and
- e) The orientation and access for all outlots shall be considered and illustrated on the plan.

(5) Architectural Design Standards

The following architectural standards shall apply to all non-residential development within a Highway Corridor Overlay District. The following architectural standards are in addition to any architectural design standards imposed by an underlying base zoning district. In the event that one or more of the following architectural design standards conflicts with an architectural design standard of an underlying base zoning district, the standard that imposes the highest or strictest regulation, shall govern. For the purpose of administering and enforcing this Ordinance, the term front façade shall refer to the façade that faces the road with the highest thoroughfare classification; with the exception of outlot buildings. All façades of an outlot building shall be treated as a front façade.

a) Recesses/Projections

Wall recesses/projections that are at least 12 inches for every 700 feet of façade shall be required. Each projection shall extend for at least 20 percent of the length of the building.

b) Entry Features

Entryway features shall be required at the primary entrance to the structure and shall include at least three of the following design elements:

- i) Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;
- ii) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

Zoning Ordinance

- iii) Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
 - iv) Prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the plane of the main exterior walls by a minimum of eight feet and raised above the adjoining parapet wall/roof by a minimum of three feet; or
 - v) Pilasters projecting from the plane of the wall by a minimum of eight inches and/or architectural or decorative columns to create visual breaks and interest in the façade walls.
- c) Display Windows
All front façades and facades along pedestrian walkways shall have display windows, faux windows, or decorative windows for no less than 60 percent of the facades horizontal length.
- d) Entrances
All facades that abut a street, public or private, shall feature at least one customer entrance.
- e) Detail Features
All front facades shall include a repeating pattern that incorporates no less than three of the changes listed below. One of the changes used shall repeat horizontally. All changes used shall repeat at intervals of no more than 100 feet, either horizontally or vertically.
- i) Change in color;
 - ii) Change in texture;
 - iii) Change in material module;
 - iv) Architectural change wherein the form of structural bays created through a change in plane is no less than 24 inches wide such as an offset, reveal, or projecting rib; or
 - v) Change in story wherein there is a clear delineation between each story of the structure provided by a consistent cornice line.
- f) Exterior Materials
The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Plan Commission shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All façade wall exterior building materials shall be high quality, and shall be limited to any combination of the following:

- i) Brick or face tile;
 - ii) Wood;
 - iii) Native stone;
 - iv) Glass, provided that reflective glass is limited to a maximum of 50 percent of the area of any façade wall on which the glass is used;
 - v) Tinted and/or textured concrete masonry units such as split face block and burnished block;
 - vi) Tilt-up concrete panels that are adorned or textured;
 - vii) Architectural pre-cast concrete;
 - viii) Architectural metal;
 - ix) E.I.F.S.; or
 - x) Fiber cement board.
- g) Exterior Colors
- Exterior façade wall colors shall be low reflectance and subtle tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors not to exceed 10 percent of any single exterior wall area excluding all windows, doors, and glass construction materials.
- h) Roof Design
- All roofs or parapets should vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. More specifically, all roofs shall be in compliance with the following:
- i) All rooftop mechanical equipment, such as HVAC units, shall be screened from the view of all streets (public and private) by parapets, dormers, or other screens on properties within the Highway Corridor Overlay District. The material of all such screens shall be consistent with the exterior materials used on the façade of the structure.
 - ii) Sloped roofs shall not exceed an average height equal to that of the supporting walls.
 - iii) Sloped roofs shall have overhanging eaves that extend a minimum of eighteen inches past the supporting walls.
 - iv) Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.

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(6) Pedestrian Circulation

The following provisions are intended to maximize the safety of the site for vehicular and pedestrian users and shall apply to all non-residential development within a Highway Corridor Overlay District.

a) Pedestrian Facilities

- i) A continuous, delineated pedestrian route network no less than six feet wide, that continues from the perimeter public sidewalk to the principal customer entrance of all principal buildings on the site shall be provided.
- ii) Sidewalks no less than eight feet wide shall be provided along the full length of a building along any façade that features a customer entrance.
- iii) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete. The design characteristics of the internal pedestrian walkways shall continue when the walkway crosses driving surfaces.
- iv) All internal walkways must feature landscaping, benches, and other such materials/facilities for no less than 50 percent of their length. Internal walkway features can be composed of any combination of the following: benches; tree plantings; decorative lighting, provided said lighting is no more than 10 feet in height; decorative bollards, shrubs, or hedges.

b) Public Spaces

Each use must contribute to the enhancement of the community and its public spaces by providing at least two of the following amenities:

- i) A landscaped patio/outdoor seating area or plaza that is a minimum of 2,000 square feet in area;
- ii) A water feature, which shall be in addition to any required detention or retention pond;
- iii) A clock or bell tower or other vertical element either as a free-standing structure or as a primary entrance feature;
- iv) Bus or public transportation shelter and turn off lanes;
- v) Public art or sculpture; or
- vi) A mini park as defined by the McCordsville Parks and Recreation Master Plan, as amended from time to time.

(7) Outdoor Storage, Service, and Loading Areas

Areas for outdoor storage, truck parking, trash collection or compaction, loading and unloading, or other such areas shall not be visible from an adjacent street, public or private, or an adjacent residential district. Service areas such as loading docks, truck courts, and automobile service bays shall be oriented away from the view of any public street or adjacent residential district, unless the entire length of

said area is screened by an eight foot masonry wall constructed of materials compatible with the architecture of the primary structure. The exterior side of the screening wall shall be planted with landscaping materials so as to create a 100 percent opaque landscaping buffer that is at least four feet in height at the time of planting.

(8) Permanent Outdoor Display, Sales and Storage

Merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure, provided that the area is enclosed by an eight foot wall, or a three foot wall topped by wrought iron or tubular steel fencing. The materials of said wall shall be consistent in appearance as the primary structure. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited.

(9) Decorative Lighting

Decorative lighting shall be required along CR 600 W. Decorative lighting shall also be required along Broadway, unless prohibited by INDOT. All standards set forth above shall apply where not in direct conflict with any other provision of this Ordinance. In the event that one or more of the following criteria conflicts with any other requirement of this Section, the more restrictive standard shall apply. (Refer to **Appendix C**, Lighting Specifications)

Section 5.03 Airport Overlay

(A) Purpose and Intent

The Airport Overlay District permits operation of the Mt. Comfort Airport and regulates uses adjacent to the airport to ensure compatible growth and development. District regulations control building height and prohibit uses that create electrical interference.

(B) Height Restriction Zones

There are hereby created and established certain zones which include all of the land lying within and under the approach surfaces, transition surfaces, horizontal surfaces, and conical surfaces. The zones and surfaces are shown on the Mt. Comfort Airport Zoning Map. The various zones are hereby established and defined as follows:

(1) Precision Instrument Approach Surface

The land area located at each end of each instrument runway to be equipped for precision landings, its surface area having a width of 1,000 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

(2) Non-Precision Instrument or Visual Approach Surface

The land area located at each end of each non-precision instrument or visual runway for landings and take-offs, its surface area having an inner width identical to width of the primary surface at a width of 4,000 feet at a distance of 10,200 feet beyond the end of the runway. The approach surface centerline is the continuation of the runway centerline.

Zoning Ordinance

(3) Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway, but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of the nearest point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is 500 feet for visual runways and 1,000 feet for all other runways. The width of the primary surface is the width prescribed for the most precise approach to either end of the runway.

(4) Transitional Surface

These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of a Precision Approach Surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

(5) Horizontal Surface

A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 for visual runways and 10,000 for all other runways.

(6) Conical Surface

The land area beginning at the periphery of the Horizontal Surface Area and thence extending outwardly for a horizontal distance of 4,000 feet.

(C) Height Limitations

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this section to a height in excess of the height limit herein established for the zone. The height limitations are computed from the applicable runway and elevation or the airport elevation as appropriate, and are hereby established for each of the zones in question. When an area is covered by more than one height limitation, the more restrictive limitation shall prevail. Nothing in this subsection shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height 50 feet or less above the surface of the land.

(1) Precision Instrument Approach Surface

Height limits shall be one foot in height for each 100 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway, thence one foot in height for each 50 feet in horizontal distance to a point 50,200 feet from the end of the runway.

(2) Non-Precision Instrument or Visual Approach Surface

Height limits shall be one foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from the end of the non-precision instrument runway and extending to a point 10,200 feet from the end of the runway.

(3) Transitional Surface

Height limits shall be one foot in height for each seven feet in horizontal distance beginning at the primary surface edge, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of 150 feet above the established airport elevation. In addition to the foregoing, there are established height limits of one foot in vertical height for each seven feet in horizontal distance measured from the edges of all approach surfaces for the entire length of the approach surface and extending upward and outward to the points where they intersect the horizontal and conical surfaces. Further, where the instrument approach surface projects through and beyond the conical surface, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach surface and extending a distance of 5,000 feet from the edge of the precision instrument approach surface measured at right angles to the continuation of the centerline of the runway.

(4) Conical Surface

Height limits shall be one foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal surface and measured perpendicularly to the periphery of the horizontal surface.

(D) Permitted Land Uses

Unless otherwise prohibited by this Section, all uses permitted in an underlying base zoning district shall be permitted in the Airport Overlay District.

(E) Special Exception Uses

The following types of uses shall be special exceptions within the runway clear zone, provided that they are also listed as permitted or special exception uses in the underlying standard zones:

- (1) Mixed non-residential uses;
- (2) Shopping centers not exceeding 15,000 square feet in gross floor area;
- (3) Cemeteries; and
- (4) Hotels

(F) Land Use Restrictions

No land may be used in the Airport Overlay District in a manner so as to create electrical or radar interference with radio communication between the airport and aircraft, making it difficult for flyers to distinguish between airport lights and others, resulting in glare in the eyes of the flyers using the airport, impairing visibility in the vicinity of the airport, or otherwise endangering the landing, taking off, or maneuvering of aircraft. The following land use restrictions shall apply:

Zoning Ordinance

(1) Bird Strike Hazards Restrictions

No waste disposal site, solid waste transfer station, recycling facility, or other bird attracting use shall be located within the Airport Overlay District without approval and proper authorization by the Federal Aviation Administration.

(2) Height Restriction Exemptions

The following uses and structures are hereby exempt from the height restrictions of this Section:

- a) A structure or object that is shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height and is located in an area of established development where it is evident that the shielded structure would not adversely affect aircraft navigation.
- b) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the FAA and the height of which is fixed by its functional purpose.
- c) Any structures owned or maintained by the airport or any branch of government for utility purposes.

(3) Prohibited Uses

The following types of uses shall be prohibited within the runway clear zone:

- a) Auditoriums
- b) Amphitheaters
- c) Day care facilities
- d) Concert halls
- e) Hospitals
- f) Major residential plats
- g) Major commercial or industrial plats with a residential component
- h) Mobile home parks
- i) Nursing homes
- j) Outdoor music facilities
- k) Public and private educational institutions
- l) Religious places of worship
- m) Wireless communication facilities

- n) Any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, bio-hazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, bystanders, and emergency personnel in the event of an aircraft accident.
- o) Any uses not expressly identified above, in addition to all uses legally existing before the effective date of this ordinance, shall be permitted in the runway clear zone.

(4) Noise Protection

All structures as defined in the Act permitted in the Noise Sensitive Zone after effective date of this Ordinance shall obtain a noise-sensitive permit from the Indiana Department of Transportation, Aeronautics Section in accordance with the procedures specified in the Act at IC 8-21-10-3.

(G) Nonconforming Uses

The height limits and use limitations established by this section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this subsection, or otherwise interfere with the continuance of any nonconforming use. Nothing herein shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

(H) Safety Lights

The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of markers and lights as shall be deemed necessary by the Indianapolis Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of airport hazards. The markers and lights shall be installed, operated, and maintained at the expense of the Indianapolis Airport Authority.

(I) Permits

No permit for construction or alteration of a structure or use within the Airport Overlay District shall be granted except in accordance with the following provisions:

(1) Airport Hazards

No permit shall be granted for the establishment or creation of an airport hazard or to permit a nonconforming use, structure, or tree to be made or to become higher, or to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.

(2) Abandonment

Whenever the Administrative Officer or designated authority determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Zoning Ordinance

(J) Definitions

See **Article XII**, Definitions.

Article VI. Development Standards

Section 6.01 Introduction & Application

(A) Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all development standards and regulations applicable to the zoning district in which they are located. All projects approved prior to the effective date of this Ordinance shall adhere to the terms and conditions of approval and/or written commitments made under the zoning ordinance that was in place at the time of filing.

(B) Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided on the property in a manner equal to the extent of its alteration or expansion.

(C) Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance

Any use which is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall be consistent with the standards for the zoning district in which the use is permitted by this Ordinance. The Board of Zoning Appeals may specify the appropriate standards for all uses permitted by special exception or variance.

Section 6.02 Bulk Use Standards

(A) Dimensions

The bulk use standards for each zoning district classification shall be as prescribed by the Bulk Use Standards Matrix located in **Appendix B**.

(B) Encroachment

(1) Residential Districts

Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways shall be permitted to extend within a minimum front yard setback to a maximum of 12 feet. Open patios and decks may extend within the minimum rear yard setback to a maximum of 12 feet. Hedges, garden walls, or fences may be built on property lines or as a continuation of building walls. However, in no instance may a fence be located within a utility and/or drainage easement.

(2) Non-residential Districts

In no instance shall any structure be allowed to locate within a required setback. For the purposes of administering and enforcing this Ordinance, structures in this case shall include, but shall not be limited to the following: garages, carports, balconies, roofs, decks, chimneys, fire escapes, and platforms above grade level.

Zoning Ordinance

Parking spaces, interior drives, other vehicle use areas and sidewalks may be permitted within a required setback provided said improvement complies with all applicable provisions of this Ordinance.

Figure 7: Yard and Setbacks Diagram

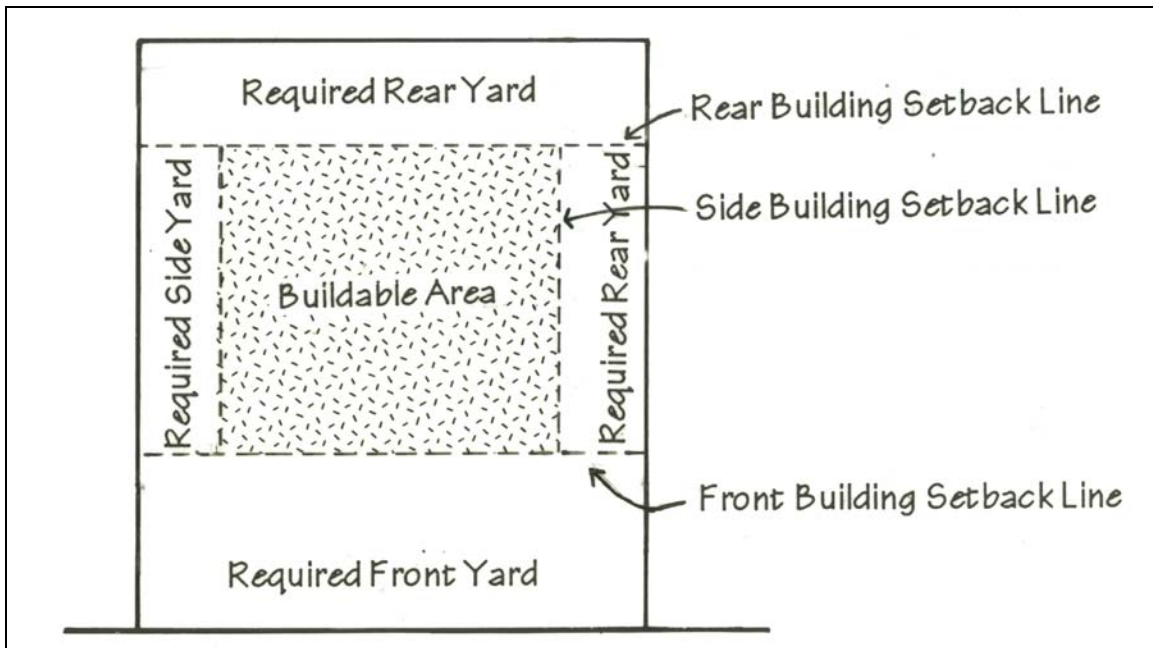
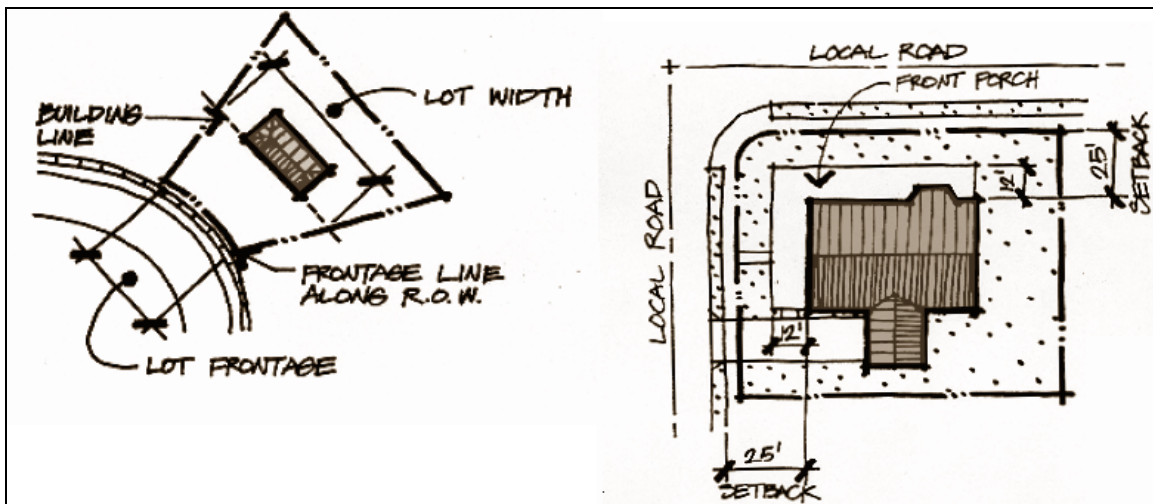


Figure 8: Front Yard Setback Diagrams



Section 6.03 Height Standards

(A) General Height Standards

Refer to the Bulk Use Standards Matrix in **Appendix B** of this Ordinance.

(B) Exceptions

No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. For the purposes of this section,

the height of church steeples, chimneys, and other structures which are attached or otherwise a part of another structure shall be measured from grade level.

(1) General Exceptions

The following structures may exceed the permitted height regulations by two-fold (x2):

- a) Church steeples;
- b) Spires, belfries, and cupolas; and
- c) Industrial related storage tanks, mechanical equipment, and smokestacks.

(2) Telecommunications Towers and Antenna

The height of telecommunication towers and antenna shall comply with the height requirements of this Ordinance. Refer to **Appendix B**, Bulk Use Standards Matrix.

(3) Amateur Radio Towers

Amateur radio towers shall meet the requirements of the Specific Use Standards of **Section 4.05** of this Ordinance.

(4) Necessary Appurtenances

The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to 10 feet:

- a) Necessary mechanical appurtenances;
- b) Utility substations and related essential facilities;
- c) Water tanks;
- d) Chimneys;
- e) Fire towers;
- f) Stair towers;
- g) Stage bulkheads; and
- h) Elevator bulkheads.

(5) Agricultural Structures

All structures in a zoning district where agriculture is allowed that are used in agricultural products storage and/or processing may exceed the permitted height standards for the district in which they are located and be erected to any height that is necessary for their operation. This exemption shall not be interpreted as applying to commercial agricultural structures, such as commercial grain terminals and similar uses.

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(6) Water towers

Water towers may exceed the permitted height standards for the zoning district in which they are located and may be erected to a maximum height of 200 feet.

(C) FAA Requirements

Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air travel. All applicable Federal Aviation Administration (FAA) restrictions and regulations shall apply to all structures.

Section 6.04 Architectural Design Standards

(A) Architectural Standards for Single- and Two-family Residential Developments

It is the intent of these design standards to promote both technically and aesthetically high quality housing options within the Town of McCordsville that contribute to the character and value of the town. Under conditions where a strict interpretation of these design standards may be either physically impossible or contravene the design intent, a modification to the residential architectural standards may be proposed to maintain the spirit – rather than the letter – of the law. The request for modification shall be submitted to the Technical Review Committee for review. Within a reasonable amount of time, the Technical Review Committee shall review the request for modification making a recommendation to approve, approve with conditions, or disapprove the request to the Plan Commission.

(1) Street Orientation and Massing

a) Residential Uses

All residential construction shall comply with respect to street orientation and massing to adjacent homes.

b) Institutional Use Provisions

i) Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design to create visual anchors for the community.

ii) Civic building walls shall be clad in stone, brick, marble, or cast concrete. Civic building roofs shall be clad in slate, sheet metal, corrugated metal, or diamond tab asphalt shingles. Flat roof lines are allowed.

iii) All rooftop equipment on civic buildings shall be enclosed in building material that matches the structure or is visually compatible with the structure.

(2) Roofs

All roofing materials shall be subject to approval by the Plan Commission.

a) Two or more roof planes visible on the front of the house shall count towards architectural feature requirements.

- b) The pitch of the largest square footage roof must be 6:12 or greater with façade gables of 8:12, unless the style of the house warrants a change. A roof pitch of 3:12 may be permitted for prairie style homes subject to review by the Architectural Review Committee.
- c) There shall be a minimum roof overhang of nine inches on all sides of a house.
- d) The roof shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles (with natural texture and color), wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles with a 30-year warranty, or synthetic or recycled material that simulates tile, stone, shake or slate.
- e) All metal roofing shall be approved by the Plan Commission.

(3) Building Material Requirements

- a) Where two wall materials are combined horizontally on one elevation, the heavier material must be below.
- b) The exterior elevations of all single story residences 1,500 square feet or less in livable floor area shall be masonry. This requirement shall include all sides of the structure, exclusive of windows, doorways and bays.
- c) The exterior wall surface of the first floor of any multi-story residence shall be masonry.
- d) At least 50 percent of the front elevation of all residential buildings greater than 1,500 square feet, exclusive of windows, doorways (other than garage doors), and bays, shall be masonry. When garage doors are allowed on a front elevation, in making the calculation, garage doors shall be included as part of the front elevation.
- e) The side and rear elevations of all residences greater than 1,500 square feet that abut a street, open space, trail, or park, shall have at least 50 percent masonry as the exterior building material on all visible elevations.
- f) All vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute through their Vinyl Siding Certification Program. Vinyl siding shall be a minimum thickness of 0.044 inches. Lap siding shall have a maximum 6" exposed board face. A letter or certificate stating such shall be attached to each building permit request. All vinyl siding colors shall be submitted for review by the Architectural Review Committee.

Figure 9: Sample Brick Wrap Calculation

BRICK CALCULATION : **Sample Illustration**



DETERMINE SQ FT OF BUILDING

Step 1

- Total Area = 1,600 Sq .Ft.
- Due to the Sq. Ft. over 1,500 this house requires 50% masonry cladding on front facade.



DETERMINE GROSS FACADE AREA

Step 2

- Calculate Gross Area of Front Facade (depicted in blue)
- Front facade is defined as all parts of the facade viewable on the front plane of the house.
- Total Gross Front Facade Area = 530 Sq. Ft.



DETERMINE NET FACADE AREA

Step 3

- Calculate area of windows and doors (excluding garage door).
Window/Door Area =79 Sq. Ft.
- Net Front Facade Area = Gross Area - Window/Door Area
- 530 Sq. Ft. -79 Sq. Ft. = 451 Sq. Ft. Net Front Facade Area
- Take 50% of the Net Front Facade Area = 225.5 Sq. Ft
- 225.5 Sq. Ft is the total area of required brick on the front facade.



DETERMINE BRICK WRAP HEIGHT

Step 4

- Take 50% of the Net Front Facade Area = 225.5 Sq. Ft
- 225.5 Sq. Ft is the total area of required brick on the front facade.
- 225.5 Sq. Ft. applied to the facade minus the space occupied by the garage door (110 Sq. Ft) equals approx 7'9" height required brick wrap on the front facade.

(4) Façade Design/Construction Requirements

- a) A single front elevation shall not be repeated unless it is separated by at least three different front elevations along either side of the same street frontage.
- b) There shall not be more than 10 percent of the houses in the subdivision with the same front elevation.
- c) The exterior wall surface of the first floor of any multi-story residence shall have a minimum of one two foot step back on both the front and rear elevation and a

gable on the front and rear elevation, unless the style of the house warrants a change.

- d) Exterior chimneys for fireplaces which abut a public road shall be made entirely of masonry. Half chimneys for gas appliance fireplaces shall have a roof and vent on the side, and are hereby expressly prohibited from being located on the front elevation.
 - e) All siding shall match in terms of type, color, and texture.
 - f) Front porches are encouraged, and are to be a minimum of four feet in depth without columns. In the event that a front porch has columns, said columns shall be a minimum of six inches by six inches for a single-story porch, or 12 inches by 12 inches for a two-story porch.
 - g) Stains and paints used for exterior walls need to comply with the existing appearance and character of the neighborhood.
 - h) Monolithic exterior building walls (walls with one type of siding and no windows or doors) are prohibited. There shall be a change of siding materials and/or architectural features (such as windows, chimneys, doors, etc.) on all sides of each house.
 - i) While two openings (i.e. windows or doors) are preferred, there shall be a minimum of one opening provided on all elevations of a residential building, with the exception of elevations that face a street. Any elevation facing a public street shall have a minimum of three openings.
 - j) With the exception of large picture windows, casement windows and small windows that do not open, there shall be permanent external window treatments on all windows visible from a public street. Acceptable window treatments include, but are not necessarily limited to shutters and dividers (i.e. mullions or inserts).
 - k) Exhaust vents shall not be visible from the front elevation of the home.
 - l) It is required that the workmanship on the exterior of the building will be of highest industry standard resulting in no visual defects (such as wavy siding).
 - m) Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one inch by six inch wood or vinyl surround, shutters, decorative trim, or headers.
 - n) All siding must be masonry, wood, cement fiber board, stucco, matching approved materials in scale, E.I.F.S. All siding shall be reviewed by the Architectural Review Committee.
- (5) Mailboxes
- The location and construction of mailboxes shall comply with the rules and regulations of the U.S. Postal Service.

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(B) Architectural Standards for Multi-family Residential Developments

The implementation of various design standards is a catalyst to ensure quality construction for present and future developments. This Architectural Design Standards section applies to multi-family residential uses. Exceptions may be considered for special developments with distinct and unique architectural designs.

(1) Façade Design/Construction Requirements

- a) Architectural detailing, horizontal/vertical off-sets, window details and other features shall be provided on all sides of the building to avoid blank walls.
- b) All siding must be masonry, wood, fiber cement plank siding, stucco, decorative pre-cast panels, matching approved materials in scale, integrally colored block, E.I.F.S. All siding shall be submitted for review by the Architectural Review Committee.
- c) Projects with multiple buildings must have the site layout and building orientation reviewed by the Plan Commission.
- d) Windows are required on all sides of the dwelling that are visible from the street.

(2) Roofs

All roofing materials shall be subject to review by the Architectural Review Committee.

- a) The roof shall be a minimum of 6:12 on sloped roofs; a façade gable shall be a minimum of 8:12.
- b) There shall be a minimum roof overhang of nine inches on all sides of a multi-family residential building.
- c) The roof shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles (with natural texture and color), wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles with a 30 year warranty, or synthetic or recycled material that simulates tile, stone, shake or slate.
- d) Any structure with three or more units shall incorporate wall and roof articulation to reduce apparent scale. Elements such as balconies, porches, arcades, dormers, cross gables, secondary hipped or gabled roofs can be used to achieve this appearance.

(C) Dumpsters

Dumpsters shall be enclosed with a solid enclosure that is of the same material as the primary structure, is a minimum of six feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. In no instance shall a dumpster all enclosure or dumpster plantings be located within a utility and/or drainage easement.

(D) Mechanical Screening

All mechanical equipment shall be screened from view. This can be achieved by solid landscaping, solid fence or walls for ground placed equipment (provided that said fence or wall is not placed within a utility and/or drainage easement), and the use of parapet walls or other roof structures of the same or compatible material of the main structure(s). For the purposes of administering and enforcing this Ordinance, the term parapet is defined as a portion of the vertical wall of a building which extends above the roofline.

(E) Architectural Features

All multi-family residential buildings shall incorporate a minimum of four of the following features, and side and rear elevations shall contain at least one architectural feature.

- (1) Front porch greater than eight feet by four feet (see also **Section 6.04(A)(4)(f)** for column specifications.);
- (2) Reverse gables;
- (3) Covered front stoops/steps with pathway leading from sidewalk;
- (4) A separate overhead door for each garage bay;
- (5) Decorative garage doors or windows in garage doors;
- (6) Transom windows;
- (7) Veranda/balcony;
- (8) Two or more roof planes;
- (9) Brick or masonry on 100 percent of the front elevation, exclusive of openings;
- (10) Two or more dormers;
- (11) At least four feet of relief at one or more points along the front elevation;
- (12) Bay windows;
- (13) Side-loaded garages with courtyard entry;
- (14) Full first floor masonry;
- (15) Sunroom, screened porch, or balcony; or
- (16) Overhangs or soffits of at least 15 inches over all exterior walls.

(F) Architectural Standards for Commercial Developments

The implementation of various design standards is a catalyst to ensure quality construction for future commercial development. The following design standards apply to commercial uses within the Town of McCordsville. Exceptions may be considered for special developments with distinct and unique architectural designs.

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(1) Façade Design/Construction Requirements

- a) Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors, provided said building trim and accent areas do not exceed 10 percent of any single exterior façade exclusive of all windows, doors, or other building openings. Building trim and accent areas featuring brighter colors or primary colors in excess of 10 percent of any single exterior façade shall be submitted for review by the Architectural Review Committee.
- b) All buildings are to have similar design or theme, materials, and compatible architecture.
- c) All siding must be stone, brick, cement fiber board, stucco, decorative pre-cast panels, architectural metal panels, matching approved materials in scale, integrally colored CMU, E.I.F.S. or a combination of these materials. All siding materials shall be submitted for review by the Architectural Review Committee.
- d) For projects with multiple buildings, site layout and building orientation will be reviewed by the Technical Review Committee. Attempts shall be made to incorporate variation in building height, building mass, roof forms and changes in wall planes.
- e) The exterior of all buildings adjacent to residential areas shall consist of brick, stone façade, or stucco, or another material approved by the Plan Commission.
- f) If the length of any elevation is greater than 60 feet it shall have incorporated into the design wall plane projections or recesses of a composite of at least five percent of the length of any elevation and extending at least 20 percent of the length of any elevation. For the purposes of administering and enforcing this Ordinance an awning shall not constitute a façade projection.

(2) Roofs

a) Roof Features

Roofs shall have at least two of the following features:

- i) Parapets
Parapets shall not exceed one-third of the height of the supporting wall and must conceal flat roofs.
- ii) Cornice
Cornices shall be three-dimensional.
- iii) Eaves & Overhangs
Eaves and overhangs shall extend eighteen inches past the supporting walls.

iv) Cupolas

Cupolas shall not exceed 15 feet past the base roofline.

b) Roof Pitch

The roof shall be a minimum of 6:12 pitch on a sloped roof; a façade gable shall be a minimum of 8:12 pitch.

c) Roof Material

All roofs shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles, (with natural texture and color), high quality architectural standing seam metal roofing, wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles. Metal roofs shall have a low gloss finish to reduce glare. The following materials shall be subject to review by the Architectural Review Committee and/or Technical Review Committee: green roofs, solar panel roofing, wood shake, metal, and synthetic or recycled materials used to simulate natural materials.

(3) Mechanical Screening

All mechanical equipment shall be screened from view. This can be achieved by solid landscaping, fence or walls for ground placed equipment, and the use of parapet walls or other roof structures.

(4) Dumpsters

Dumpsters shall be enclosed with a solid enclosure that is of the same material as the primary structure, is a minimum of six feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. In no instance shall a dumpster all enclosure or dumpster plantings be located within a utility and/or drainage easement. In no instance shall a dumpster be located in the front yard.

(G) Architectural Design Standards for Neighborhood Commercial Developments

In addition to the Commercial Standards prescribed above, all Neighborhood Commercial uses shall also comply with the following standards:

(1) Elements

Architectural elements used on the front elevation shall be implemented on all elevations and shall incorporate no less than three of the following architectural elements:

a) Color change;

b) Texture change;

c) Material change;

d) An expression of architectural or structural bays through a change in roof plane, height, or architectural enhancements, and must be approved by the Plan Commission;

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- e) Balconies
- f) Awnings; or
- g) Story change wherein a clear delineation between each story of the structure is provided by a consistent cornice line.

(2) Entryways

Each single tenant retail establishment greater than 7,500 square feet shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- a) Canopies or porticos;
- b) Overhangs;
- c) Recesses/projections;
- d) Arcades;
- e) Raised corniced parapets over the door;
- f) Peaked or gabled roof forms;
- g) Arches;
- h) Columns;
- i) Awnings;
- j) Sidelights, transoms width must equal door width;
- k) Architectural details such as tile work and moldings which are integrated into the building structure and design;
- l) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting, awnings, porches, plinths, bay windows, or shutters;
- m) Enhanced exterior lighting, such as wall sconces, building mounted accent lights, or decorative pedestal lights;
- n) Prominent 3-D entryway feature such as a clock tower or other similar architectural design element projecting from the plane of the main exterior walls by a minimum of eight feet and raised above the adjoining parapet wall or roof by a minimum of three feet.

(3) Materials and Colors

- a) Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors, provided said building trim and

accent areas do not exceed 10 percent of any single exterior façade exclusive of all windows, doors, or other building openings. Building trim and accent areas featuring brighter colors or primary colors in excess of 10 percent of any single exterior façade shall require review by the Architectural Review Committee.

b) Exterior building materials:

- i) Exterior building materials shall not include smooth-faced concrete block, or concrete tilt-up panels. However, concrete tilt-up panels with brick or stone facing can be used.
- ii) Exterior building materials shall consist of brick, stone, integrally colored CMU, pre-cast concrete (must have integral color or embedded brick or stone), stucco and external insulation finish system (E.I.F.S) that simulates a stucco appearance. All siding materials shall be submitted for review by the Architectural Review Committee.
- iii) Wood siding or similar materials are permissible in limited applications, but shall not be used as the primary building material.

(4) Display Windows

All front façades and facades along pedestrian walkways shall have display windows, faux windows, or decorative windows for no less than 60 percent of the facades horizontal length.

(5) Dumpsters

Dumpsters shall be enclosed with a solid enclosure that is of the same material as the primary structure, is a minimum of six feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. In no instance shall a dumpster all enclosure or dumpster plantings be located within a utility and/or drainage easement.

(H) Architectural Design Standards for Industrial Developments

The implementation of various design standards is a catalyst to ensure quality construction for future industrial development. In addition to all Commercial Standards as prescribed above, the following standards shall also apply to all Industrial uses, including light industrial uses. Exceptions may be made for special developments with distinct and unique architectural designs.

(1) Façade Design/Construction Requirements

All buildings on a site are to have similar design or theme, materials, and compatible architecture. Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors, provided said building trim and accent areas do not exceed 10 percent of any single exterior façade exclusive of all windows, doors, or other building openings. Building trim and accent areas featuring brighter colors or primary colors in excess of 10 percent of any single exterior façade shall require review by the Architectural Review Committee.

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(2) Siding

All siding must be stone, brick, cement fiber board, integrally colored CMU, or E.I.F.S. Pre-cast concrete (must have integral color or embedded brick or stone). Buildings clad in metal may be permitted. All siding materials shall be submitted for review by the Architectural Review Committee.

(3) Entryways

Each single tenant industrial establishment greater than 7,500 square feet shall have clearly defined, highly visible customer entrances wherein the primary customer entrance features no less than three of the following:

- a) Canopies or porticos;
- b) Overhangs;
- c) Recesses/projections;
- d) Arcades;
- e) Raised corniced parapets over the door;
- f) Peaked or gabled roof forms;
- g) Arches;
- h) Columns;
- i) Awnings;
- j) Sidelights, transoms width must equal door width;
- k) Architectural details such as tile work and moldings which are integrated into the building structure and design;
- l) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
- m) Enhanced exterior lighting, such as wall sconces, building mounted accent lights, or decorative pedestal lights;
- n) Prominent 3-D entryway feature such as a clock tower or other similar architectural design element projecting from the plane of the main exterior walls by a minimum of eight feet and raised above the adjoining parapet wall or roof by a minimum of three feet.

(l) Additional Architectural Standards for the Town Center District(s)

All proposed development in the Town Center District must be approved by the Plan Commission. In addition to the Commercial Standards prescribed above, the following standards shall also apply to developments located within the Town Center District:

(1) Exterior Building Materials

Exterior materials shall be natural in appearance in keeping with the historical style of the Town. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone, and natural wood. Synthetic materials can be used that simulate natural materials (EIFS, cement fiber board, and cast stone). Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors, provided said building trim and accent areas do not exceed 10 percent of any single exterior façade exclusive of all windows, doors, or other building openings. Building trim and accent areas featuring brighter colors or primary colors in excess of 10 percent of any single exterior façade shall require review by the Architectural Review Committee.

(2) Entryways

Each single tenant retail establishment located in a building that is greater than 7,500 square feet in gross floor area shall have clearly defined, highly visible customer entrances featuring no less than four of the following:

- a) Canopies or porticos;
- b) Overhangs;
- c) Recesses/projections;
- d) Arcades;
- e) Raised corniced parapets over the door;
- f) Peaked or gabled roof forms;
- g) Arches;
- h) Columns;
- i) Awnings;
- j) Sidelights, transoms width must equal door width;
- k) Architectural details such as tile work and moldings which are integrated into the building structure and design;
- l) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting, awnings, porches, plinths, bay windows, or shutters; Enhanced exterior lighting, such as wall sconces, building mounted accent lights, or decorative pedestal lights;
- m) Prominent 3-D entryway feature such as a clock tower or other similar architectural design element projecting from the plane of the main exterior walls by a minimum of eight feet and raised above the adjoining parapet wall or roof by a minimum of three feet.

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(3) Display Windows

All front façades and facades along pedestrian walkways shall have display windows, faux windows, or decorative windows for no less than 60 percent of the facades horizontal length.

(4) Dumpsters

Dumpsters shall be enclosed with a solid enclosure that is of the same material as the primary structure, is a minimum of six feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. In no instance shall a dumpster all enclosure or dumpster plantings be located within a utility and/or drainage easement.

(5) Street Furniture

Street furniture such trash receptacles, benches, drinking fountains, light standards, flag poles, water features and public art should be included in plans and designed to be part of the architectural concept.

Section 6.05 Parking Standards

(A) Purpose and Intent

The purpose of these parking standards is to reduce street congestion, ensure proper vehicular and pedestrian circulation, and therefore improve public safety by identifying the appropriate number and location of off-street parking spaces for each zoning district.

(B) General Requirements

(1) Location

No off-street parking spaces may be fully or partially located in an existing or planned public right-of-way, septic field, required landscape area, buffer yard, utility easement, or drainage easement. In no instance shall any vehicle be stored or parked in any front yard or side yard or rear yard. Temporary parking of vehicles in driveways accessed from the street and passing through the yard are exempt from this requirement.

(2) Access

All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this Ordinance. For example, a residential driveway shall not be considered a parking space meeting the requirements of this Section if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport.

(3) Parking Space Dimensions

a) Each parking space (other than those designed for the disabled) shall contain a rectangular area at least 19 feet long and nine feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.

- b) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall not be less than 20 feet long by nine feet wide.

(C) Single and Two-family Developments

Parking spaces for single- and two-family residential developments shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:

(1) Spaces Requirements

A minimum of two off-street, paved spaces are required for each dwelling unit.

(2) Access/Location Requirements

Parking areas must be designed to prevent vehicles from having to back into or maneuver in any arterial or collector street.

(D) Multi-family Developments

Parking spaces for all multi-family developments shall comply with the following standards:

(1) Space Requirements

A minimum of 2.5 off-street parking spaces are required for each dwelling unit, rounded up to the nearest complete space. In addition, parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be equal to one-half of the requirements for those uses established by this Section.

(2) Parking of the Disabled

The required spaces shall include parking for the disabled meeting the requirements of this Section. The minimum number of disabled spaces provided shall either be as specified in the American with Disabilities Act or equal one space for every handicap-accessible dwelling unit, whichever is greater.

(3) Driving Surfaces

All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or other porous pavement materials that are approved by the Administrative Officer. All parking areas shall be clearly painted to show each parking space.

(4) Maneuvering

All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting the parking space. For all multi-family uses, the following interior drive minimums shall be required:

- a) 13 feet if one-way traffic and no parking or 45 degree parking,
- b) 18 feet if one-way traffic and 60 or 90 degree parking,
- c) 24 feet if two-way traffic or accessing a loading berth(s).

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(5) Drainage

Parking areas must be constructed to allow proper drainage, which shall be subject to the review of the Technical Review Committee and approval of the Town Engineer.

(6) Curbs

All parking areas shall generally be completely curbed. Curbing shall not be required if, in the written opinion of the Town Engineer, the drainage system for the property shall be best served if curbs were not present.

(7) Lighting

Lighting for parking areas shall be in compliance with the applicable requirements of this Ordinance.

(8) Landscaping

Landscaping for parking areas shall be in compliance with the applicable requirements of this Ordinance.

(9) Access/Location Standards

Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets, excluding all alleys and any streets that are internal to the development.

(E) Non-residential Developments

Parking spaces for all non-residential developments shall comply with the following standards:

(1) Location

Parking spaces shall be located on the lot with the use(s) for which they are required. All parking spaces and interior drives shall meet the following requirements.

a) Access to Public Streets

Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (access to alleys shall be exempt from this requirement).

b) Maneuvering Space

All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting the parking space. For all non-residential uses, and where multi-family uses permitted in a non-residential district, the following interior drive minimums shall be required:

- i) 13 feet if one-way traffic and no parking or 45 degree parking,
- ii) 18 feet if one-way traffic and 60 or 90 degree parking,
- iii) 24 feet if two-way traffic or accessing a loading berth.

c) Off-street Parking

Off-street parking in the front set back shall be prohibited.

(2) Driving Surfaces

All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or porous pavement material that has been previously approved by the Administrative Officer to the nearest paved street. All parking areas shall be clearly marked to show each parking space.

(3) Drainage

Parking areas must allow proper drainage, and shall be subject to the review of the Technical Review Committee and approval of the Town Engineer.

(4) Curbs

All parking areas for non-residential uses shall be completely curbed. Curbing shall not be required if, in the written opinion of the Town Engineer, the drainage system for the property and surrounding environment shall be best served if curbs were not present.

(5) Minimum Number of Spaces

The minimum number of parking spaces required per property shall be determined by the sum of spaces required for each applicable use of the proposed development or redevelopment as prescribed by **Appendix D**, Official Parking Schedule.

(6) Accessible Parking Spaces

Accessible parking spaces for the disabled shall be provided in accordance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.

a) All required parking spaces for the disabled shall be those that are the closest to the main entrance of the primary structure.

b) Parking spaces for the disabled shall count toward the total number of spaces required by this Ordinance.

(F) Requirements for Non-conforming Uses and Uses Permitted by Special Exception or Variance

Any use which is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use would ordinarily be permitted by this Ordinance. In no instance shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this Section. However, the Board of Zoning Appeals may grant variances consistent with the intent of this Ordinance.

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(G) Requirements for Uses not Specifically Listed

The number of parking spaces required for uses that are not listed specifically shall be determined by the Administrative Officer by comparing the proposed use with those that are specified and further determining the most relevant comparable use.

(H) Park Use Requirements

Off-street parking space for park and recreation uses and buildings located in any zoning district shall be provided consistent with the requirements for business uses provided by this Ordinance.

(I) Vehicle Storage Requirements

In no instance should the provisions for stored vehicles be interpreted as enforcement of traffic code provisions for inoperable vehicles. These provisions are intended to ensure that auto repair and salvage facilities are operated consistent with the general welfare of the community. The storage of all motor vehicles shall be consistent with the following requirements:

(1) Primary Structure Required

Unless expressly permitted by this Ordinance, no vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a primary structure. For the purposes of this ordinance a commercial vehicle is any vehicle in excess of 16,000 pounds.

(2) Stored Vehicles to be Salvaged / Repaired

The outdoor storage of such vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:

- a) Any automobile awaiting repair shall not be stored outdoors for longer than five business days.
- b) All such vehicles, including antique vehicles, may be stored within the rear or side yard. In no instance shall such vehicles be stored in any front yard, buffer yard, required landscape area, utility easement, drainage easement, or required setback area.
- c) All storage areas for such vehicles shall be completely enclosed with a six foot tall, 100 percent opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, provided they are closed when not in use, and constructed of six foot tall, 100 percent opaque wooden doors.

(3) Recreational Vehicle Storage

The storage or parking of recreational vehicles (including travel-trailers, boats, snowmobile or motorcycle trailers, etc.) in residential zoning districts and associated with residential uses is subject to the following requirements:

- a) A recreational vehicle may be stored on a residential property provided the vehicle is not placed on the grass. A recreational vehicle may be parked in the front yard on a residential lot, outside of an enclosed structure, for a period not to exceed a total of 48 hours in any one week period.

- b) Not more than one recreational vehicle will be permitted to be parked or stored in the open on residential property at any one time; however one additional recreational vehicle is permitted for visitation for up to seven consecutive days, not to exceed 14 days in any one year.
- c) In no instance shall an parked recreational vehicle be occupied longer than seven hours in any 30 day period of time.
- d) The Administrative Officer, or his or her designee, may require a land owner to verify that the vehicle is licensed and operational.

(4) Commercial Vehicle Storage

The storage or parking of commercial vehicles in residential zoning districts and primarily residential Planned Unit Developments is subject to the following requirements. For the purposes of this ordinance a commercial vehicle is any vehicle in excess of 16,000 pounds.

- a) The parking of a commercial vehicle shall be limited to one standard sized vehicle including cars, SUVs, step-up vans, work vans, and pick-up trucks. The parking of automobile trailers shall be prohibited. As an exception, any commercial vehicle may be stored within an enclosed structure.
- b) This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

(J) Off-site and Shared Parking Provisions

Under certain conditions, off-site and shared parking may be allowed on another lot that is within 500 feet of the lot occupied by the uses(s) for which they are required.

(1) Off-site Parking

Two or more uses may provide off-site parking collectively on one lot, provided the total number of spaces is not less than seventy-five percent of the sum of the spaces required for each use.

(2) Shared Parking

To the extent that developments wish to make joint use of the same parking spaces operate at different times, up to one-half of the parking spaces may be credited to both uses if one use is a church, theater, or assembly hall whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays.

(3) Approval

All off-site and shared parking space arrangements are subject to the approval by the Administrative Officer, or his or her designee. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The

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parking needs of possible future uses of the property shall also be considered by the Administrative Officer, or his or her designee.

(4) Required Documentation

Permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Administrative Officer and the Town Attorney. A recorded copy of the agreement shall be retained for the files of the Plan Commission. Cross access easements shall be provided and recorded by each property owner to enable the sharing of parking facilities. Recorded copies of the cross easements shall be provided to and retained by the Administrative Officer. Amendments to the agreement shall be subject to Administrative Officer approval and be duly recorded with the County Recorder.

(K) Bicycle Parking Requirement

All non-residential uses shall provide one designated bicycle parking area for every 30 vehicle parking spaces required by this Ordinance, with a minimum area for two bicycle spaces. Each bicycle parking area shall provide adequate facilities for securing the parked bicycle.

(L) Parking Space Requirements

(1) Minimum Number of Spaces

Total off-street spaces required for each lot shall be calculated by adding the applicable requirements established by **Appendix D**, Official Parking Schedule.

(2) Dimensions

Parking space size shall be a minimum of 171 square feet and dimensions shall be in conformance with the following table.

Table 2: Parking Space Dimension Requirements

Parking Space Dimension Requirements		
Angle of Parking	Minimum Parking Space Size	
	Width (ft)	Length (ft)
Parallel	10	18
	9	19
90 Degree, 60 Degree, or 45 Degree	10	20
Disabled	Per ADA	

Section 6.06 Loading Standards

(A) Purpose and Intent

The purpose of these loading requirements is to provide minimum standards for the loading and unloading of materials at commercial, industrial, and institutional facilities, with the exception of such facilities which are located in any Town Center District or other mixed-use district. These requirements are intended to prevent loading and unloading from occurring on a public street or in other locations that would present a

danger to persons or property. Commercial, industrial, and institutional facilities located within a Town Center District or other mixed-use district shall be exempt from the standards and regulations of this Section.

(B) Loading Birth Requirement

Adequate off-street loading berths and areas shall be provided for any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles. Off-street loading berths may be provided either within or outside of structures on the property.

(C) Location

All required off-street loading berths shall be located on the same lot as the use to be served. They shall be designed so that no portion of a loading/unloading vehicle projects into a street, alley, or other public rights-of-way. No loading space may be located in any front yard or any required buffer yard. Shared truck courts between adjacent properties shall be permitted.

(D) Design and Construction

All off-street loading berths shall meet the following design and construction requirements:

(1) Size Requirements

All interior and exterior off-street loading berths for over-the-road tractor-trailers shall be a minimum of 13 feet in width and 140 feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width and 60 feet in length including the apron.

(2) Vertical Clearance

All loading spaces shall be provided with a vertical clearance of not less than 15 feet.

(3) Driving Aisle Requirements

All loading berths shall be accessed by a driving aisle that is a minimum of 24 feet in width for two-way traffic or 13 feet in width for one-way traffic at all points between the accessed public street and the loading berth.

(4) Surfacing Requirements

All off-street loading berths shall be paved with concrete, asphalt or other appropriate material meeting the durability requirements of the Town Engineer, or his or her designee.

(E) Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner that will not interfere with traffic movements. There shall be no maneuvering within any existing or planned public right-of-way. In no case shall a loading berth be located in such a manner as to require loading/ unloading vehicles to back into an existing or planned public right-of-way or overhang adjacent property.

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(F) Space Allowed

Space provided for use as any off-street loading berth shall not be used to satisfy any off-street parking space requirements of this Ordinance.

Section 6.07 Entrance/Drive Standards

(A) Purpose and Intent

The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrances, driveways, and interior drives.

(B) General Requirements

Unless otherwise provided by this Ordinance, all driveways and interior drives shall comply with the following design requirements:

(1) Entrance Widths

No entrance shall exceed the following pavement widths at the point which they intersect an existing or planned public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is greater) of the entrance or drive at an existing or planned public right-of-way which it accesses, and shall not include any acceleration or deceleration lanes or turning radii:

- a) 14 feet per lane (exclusive of any medians) if from a non-residential or multi-family residential use onto any type of street, and
- b) 24 feet total if from a single-family or two-family use onto any type of street.

(2) Travel Direction

The direction of travel for vehicles using entrances shall be as follows:

- a) All entrances providing access to an existing or planned public right-of-way from all lots used for purposes other than single or two-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving.
- b) In no case may any entrance for any use be designed to require a vehicle to back onto any arterial or collector street.

(3) Shared Entrances and Drives

Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multi-family residential or non-residential use accessing a major collector or arterial street.

a) Access Easements

All shared entrances and drives shall be constructed only in appropriate access easements which easements must be recorded before usage commences.

b) Required Documentation

A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement, which can be amended and assigned shall be reviewed and approved by the Town Engineer and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the consent of the Administrative Officer. A copy of the agreement shall be retained for the files of the Plan Commission. The agreement shall be recorded prior to the issuance of the occupancy permit.

(4) Interior Drive Widths

The minimum pavement width shall be exclusive of any parking spaces. For single- and two-family residential uses the minimum driveway width shall be 12 feet. For all multi-family uses refer to the **Section 6.05**, Parking Standards, of this Ordinance.

(C) Curbs

All entrances and interior drives for property used for purposes other than agriculture, single-family residential or two-family residential shall generally be completely curbed. Curbing shall not be required if, in the written opinion of the Town Engineer/ County Highway Engineer, the drainage system for the property shall be best served if curbs were not present.

(D) Commercial Area Internal Linkages

For all uses located in a commercial zoning district there shall be interior drives that allow access between existing and proposed commercial uses on adjacent properties.

(1) Cross-Access Required

The drives must be designed as a single two-way drive or a pair of one-way drives that provide access between the parking lots and interior drives of all adjoining commercial uses.

(2) Separation

Interior drives providing cross-access between adjacent parcels shall be separated from an existing or planned right-of-way of any such street by a minimum distance specified by the Town Engineer based on the vehicle stacking requirements of the entrance(s) to the property from the public street.

Section 6.08 Sight Visibility Standards

(A) Purpose and Intent

The purpose of these sight visibility standards is to contribute to a safe vehicular and pedestrian transportation system by ensuring clear visibilities at street intersections and the vehicle entrances to properties.

(B) Sight Visibility Triangle Requirement

All properties shall maintain an area, otherwise referred to as the "sight visibility triangle," at every intersection of an adjoining street with other streets and entrance

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drives. The sight visibility triangle shall be free of structures, vegetation (including crops), signs (other than street signs), and other opaque or partially opaque objects between a height of 2 1/2 and 12 feet measured from the nearest top-of-curb, or edge of pavement where curbs are not present.

(C) Sight Visibility Triangle Dimensions

The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way (or edge of pavement in the case of entrances). The dimensions of the triangle vary depending on criteria such as design speed. Refer to the Geometric Design of Highways and Streets by the AASHTO (American Association of State Highway and Transportation Officials) latest edition, for Intersection Sight Distance.

Section 6.09 Fence & Wall Standards

(A) Purpose and Intent

The purpose of these fence and wall standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.

(B) Applicability

All fences and walls are subject to review by the Technical Review Committee. Unless otherwise noted in this Ordinance, fences and walls are permitted in the various districts subject to the regulations of this Section.

(C) Measuring Fence and Wall Height

The purpose of these fence and wall standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.

(D) Residential Uses

(1) Rear and Side Yard Fences and Walls

a) Height

The maximum height of all rear and side yard fences and walls associated with a residential use shall be six feet. In instances where a residential use directly abuts a non-residential use an eight foot fence may be approved by the Board of Zoning Appeals.

b) Materials

All rear and side yard fences and walls associated with a residential use shall be constructed out of vinyl, vinyl-coated chain link, wrought iron, wood, stucco, brick, stone, or combinations of the above. In instances where two or more materials are used, the heavier material shall be below. Other materials may be permitted by the Plan Commission, following a review by and recommendation from the Technical Review Committee.

(2) Front yard fences and walls

a) Height

The minimum height of all front yard fences and walls associated with a residential use shall be two feet. The maximum height shall be four feet.

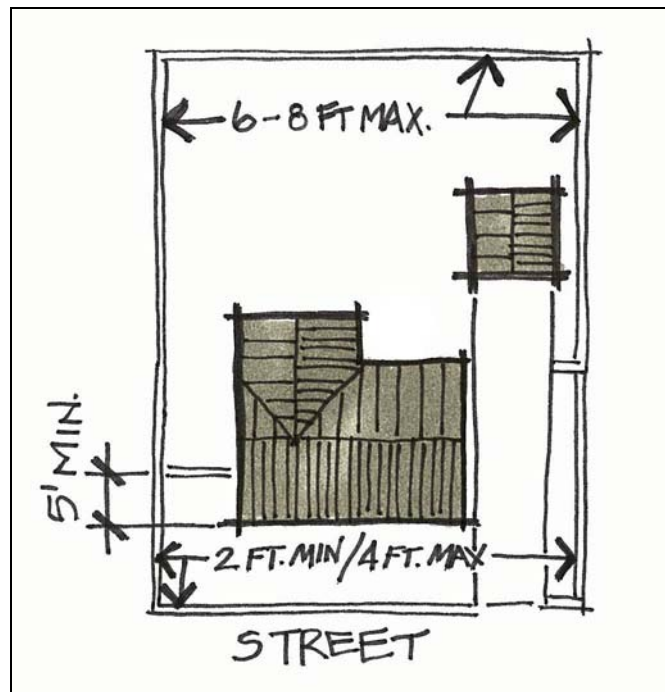
b) Materials

All front yard fences and walls shall be constructed out of wrought iron, wood, stucco, brick, stone, or combination thereof, provided the heavier material is located on the bottom.

(3) Location

In no instance shall a fence be located within a utility or drainage easement. The location of all walls and fences in association with a residential use shall be as illustrated below.

Figure 10: Location of Residential Fences and Walls



(E) Commercial and Industrial Uses

(1) Rear and Side Yard Fences and Walls

a) Height

The maximum height of any fence associated with a commercial or industrial use shall be twelve feet.

b) Materials

All rear and side yard fences and walls associated with a commercial or industrial use shall be constructed out of vinyl-coated chain link, wrought iron, stucco, brick or combinations of the above, provided the heavier material is

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placed on the bottom. Barbed wire may be permitted for rear yard fences not visible from a street, as determined by the Plan Commission.

(2) Front yard fences and walls

a) Height

The maximum height of all fences and walls located within the front yard of a commercial or industrial use shall be six feet height, with the exception of walls and fences used for screening as required by this Ordinance.

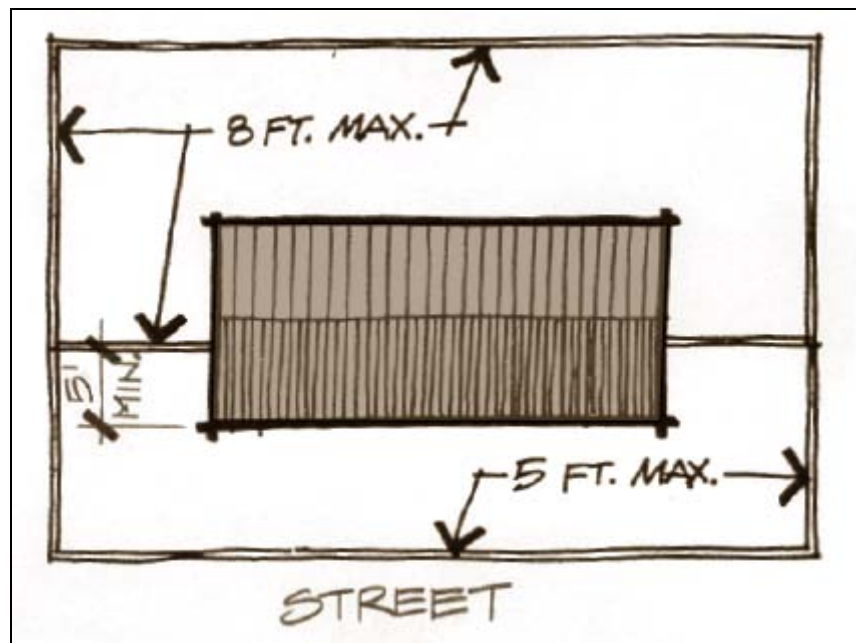
b) Materials

Wrought iron, wood, stucco, brick, stone, or combination thereof, provided the heavier material is located on the bottom.

(3) Location

In no instance shall a fence be located within a utility or drainage easement. The location of walls and fences for commercial and industrial developments shall be as illustrated below.

Figure 11: Location of Commercial and Industrial Fences and Walls



(F) Civic and Institutional Developments

The following standards shall apply to all yards of a civic or institutional development.

(1) Height

The minimum height shall be two feet, while the maximum shall be seven feet, with the exception of walls and fences used for screening as required by this Ordinance.

(2) Materials

Wrought iron, brick, stone, or combination thereof, provided that the heaviest material is located along the bottom. Any fence or wall portion above four feet shall be a minimum of 50 percent opaque.

Section 6.10 Landscaping Standards

Nothing contained in this Section shall be deemed to impose any liability upon the Town, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his or her property or under his or her control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any public roadway or alley within the Town of McCordsville.

(A) Landscape Plan Requirement

A landscape plan shall be prepared by a landscape architect registered with the State of Indiana and submitted to the Plan Commission for approval at the same time other plans (i.e. architectural design, lighting, parking, signage, and site plans) are submitted. This plan shall be drawn to scale with the scale clearly indicated and a graphic scale for reference, and shall delineate all existing and proposed structures, parking areas, walks, ramps for the handicapped, terraces, driveways, signs, lighting standards, steps and other similar structures, and shall delineate the location, size, and description of all landscape materials, including any existing trees the owner wishes to apply towards the landscape requirements. Landscape treatments for plazas, roads, paths, service and parking areas shall be designed as an integral and coordinated part of the landscape plan for the entire lot. The landscape plan shall ensure that sight distances are not obstructed for drivers of motor vehicles.

(B) Landscaped Areas

The following areas shall be landscaped as prescribed. The following landscaping standards are in addition to any buffering or screening requirements prescribed on the following pages.

(1) Public Rights-of-way

No person shall plant a tree or otherwise allow a tree to grow within a dedicated public right-of-way with the exception of a designated street tree corridor as established from time to time by the Town of McCordsville in accordance with the street design specifications of the McCordsville Subdivision Control Ordinance, as amended from time to time. In no instance shall a tree be planted or allowed to grow above underground utilities.

(2) Planting Adjacent to Free-standing, Non-residential Buildings

A planting area five feet wide shall be installed along all sides of buildings. Sidewalks may be permitted in these areas, but shall not occupy the entire area on any side of the building. These adjacent planting areas need not be rectangular in shape as long as the required amount of space is landscaped. Innovative and original designs are encouraged. The adjacent planting area at the rear of a structure may be excluded if that structure is located less than 40 feet from the rear property line and sufficient peripheral planting is included to compensate for its removal.

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- (3) Plantings adjacent to Free-standing, Single-family Residential Buildings
Each single-family residential lot shall have the following minimum specifications:
- a) A minimum of one shade tree
 - b) A minimum of two ornamental trees, two evergreen trees, or one ornamental tree and one evergreen tree
 - c) A minimum of eight shrubs, planted along the foundation of the primary building
 - d) A minimum of one deciduous tree, planted within the front yard
- (4) Interior Parking Lot Plantings
All parking lots with more than 10 spaces shall be landscaped as follows:
- a) With the exception of car sales lots and driveways, parking areas within 50 feet of an existing or planned public right-of-way shall have a planted screen between the parking perimeter and the street yard. Screening must be at least three feet high with no gaps greater than four feet. Masonry walls not to exceed four feet in height may be used to substitute for vegetation.
 - b) Planting areas shall be reasonably dispersed throughout the parking area. Not less than five percent of the parking lot shall be landscaped. Landscape buffers and landscaping adjacent to buildings and on the periphery of the parking lot shall not be included toward the interior parking lot planting requirements. Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation aisles within parking lots. One shade tree per 2,400 square feet of surface area is required. One shrub per 500 square feet of surface area is required. No parking space shall be further than 60 feet from the trunk of a shade tree. Existing shade trees over 12 inches in caliper may be used to fulfill these requirements.
 - c) A peripheral landscaping strip four feet wide shall be installed along the side of any parking area that abuts any side or rear property line separating the parcel from any residential uses or districts. At least one tree for each 50 linear feet shall be planted in any such peripheral landscape strip.

(C) Landscaping Requirements

- (1) Placement
The interior dimensions, specifications, and design of any planting area shall be sufficient to protect the trees and shrubs planted and provide for their proper growth.
- (2) Plant Materials
- a) The primary plant materials used in and around parking areas shall be shade trees that provide shade at maturity. Ornamental shrubs and other plantings may be used to compliment tree landscaping, but shall not be the sole contribution to the landscaping.

- b) Plant materials should be appropriate to local growing and climatic conditions. Whenever appropriate, existing trees greater than 12 inches in caliper should be conserved and integrated into the landscape plan. Plant materials shall be selected for their purpose, structure, texture, hardiness, and appearance.
- c) Plant materials shall comply with the requirements described in the latest edition of the American Standard Nursery Stock, which is published by the American Association of Nurserymen.

(3) Plant Specifications

- a) Shade trees shall have a minimum caliper of 2.5 inches. Shade tree selections can be made from Hard Maples, Oak, Skyline Locust, and Linden trees.
- b) Ornamental trees shall have a minimum caliper of 1.5 inches.
- c) Ornamental shrubs shall have a minimum height of at least 24" as measured from the base of the trunk, and a minimum spread of at least 18" as measured by the average width diameter of the shrub foliage.

(4) Ground Cover

- a) All plantings will be mulched in with a natural material.
- b) For lots 15,000 square feet or less, the front yards and side yards to the building back corners of all single family residential homes shall be entirely sodded. The remainder of the yard may be sodded or seeded. All seeded areas shall be covered with straw or seeded by an equivalent or better method.
- c) Front yards of all non-residential buildings shall be entirely sodded. Any side yards to the building back corners will be sodded at least 20 feet from the building foundation, if these side areas are to be landscaped with turf. The remainder of the yard shall be seeded and covered with straw or seeded by an equivalent or better method.

(5) Prohibited Plant Materials

As a matter of best practice and in accordance with state and federal regulations plants that are classified as being illegal in the State of Indiana or as a federal noxious weed are hereby prohibited from being planted on public or private property in the jurisdiction of the Town of McCordsville.

(D) Supplemental Tree Plantings Provisions

All lots, including common areas, within subdivisions shall be planted with supplementary shade trees if less than the required number of trees exists on the lot after construction is complete. For design flexibility, one shade tree may be substituted for two ornamental trees or two evergreen trees for up to 50 percent of the required supplemental trees. Existing deciduous trees at least eight inches in caliper may be used to fulfill the supplemental tree planting requirements. Existing deciduous trees over 12 inches in caliper may reduce by one the required number of supplemental trees. Existing evergreen trees over 8 feet in height may also be used to fulfill supplemental tree planting requirements.

Table 3: Supplemental Tree Plantings Provisions

Supplemental Tree Plantings	
Lot Size	Shade Trees
	qty
< 12,000 sq ft	1
12,001 to 20,000 sq ft	2
20,001 to 30,000 sq ft	3
30,001 sq ft to 1 acre	4
> 1 acre	5 per acre

(E) Preservation of Topographic Patterns and Existing Trees

Where natural or existing topographic patterns contribute to the beauty and/or utility of a development, they shall be preserved and protected. Modification to topography shall be permitted where it contributes to the design. Existing trees eight inches or greater in caliper that have good form and will be protected in place may count toward the landscape requirements.

(F) Installation and Maintenance

(1) Installation

All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building occupancy permit if said permit is issued during a planting season, or within six months of the date an occupancy permit is issued if issued during a non-planting season.

(2) Maintenance

- a) It shall be the responsibility of the owners and their agencies to insure proper maintenance of the landscaping, in accordance with the standards set by this Ordinance and as indicated on the landscaping plan which has been approved by the Plan Commission. This includes, but is not necessarily limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.
- b) It shall be the duty and responsibility of every person owning or occupying any real property within the Town to keep all trees and plants on their respective property trimmed in such a manner that there is a clearance of at least 14 feet above any street or alley, and a clearance of at least seven feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the Town to keep all trees on their respective property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicular or non-vehicular traffic in the direction controlled by that traffic sign or device.
- c) The practice of topping or other especially destructive maintenance practices such as severely trimming trees is strictly forbidden. For the purposes of administering and enforcing this Ordinance, the phrase severely trimmed shall include cutting of the branches or trunk of a tree in a manner which will substantially reduce the overall size of the tree area so as to destroy the

existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub appearance.

- d) All trees shall be trimmed so as to comply with the ANSI A300 standards, as amended from time to time.

(3) Changes after Approval

No landscaping that has been approved by the Plan Commission may later be altered, eliminated, or sacrificed, without first obtaining further Plan Commission approval.

(4) Inspection

The Administrative Officer, or his or her designee, shall have the authority to visit any lot within the Commission's jurisdiction to inspect the landscaping and check it against the approved plan on file.

(G) Diseased or Hazardous Trees and Plans

The Town shall have the exclusive authority to destroy any plants in or on public streets, alleyways, places or parks if infected by disease or injurious insects, or if in the judgment of the Public Works Commissioner, or his or her designee, represents a dangerous condition or hazard to the public. Such destruction may also be effected when necessary for the protection of other flora or in any other case when the public safety, health, or welfare is or may be adversely affected, as determined by the Public Works Commissioner, or his or her designee.

Section 6.11 Buffering & Screening Standards

(A) Buffering Standards

(1) Applicability

Undeveloped properties, expansions of more than 40 percent of existing floor area, and rezoned property are subject to the provisions of this section. Developed lots or lots with unexpired permits at the effective date of this Ordinance are hereby exempt from this requirement.

(2) Buffer Yard Requirement

Where a non-residential use directly abuts a residential use the subject property shall provide a landscape buffer 20 feet wide planted with five trees and 55 ornamental shrubs per 100 linear feet of buffer yard between the non-residential and residential uses. It shall be the responsibility of the new land use creating the incompatibility to construct and maintain the landscape buffer.

(3) Buffer Yard Width Reduction Provision

The width of the required buffer and the number of shrubs may be reduced by half with the construction of an opaque wall or fence. The fence or wall shall be opaque (solid) and constructed of material compatible with the principle building in composition and color. The wall shall have a minimum height of five feet and a maximum height of seven feet.

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(B) Screening of Loading and Storage Areas

Screening shall be by opaque wall or fence six to eight feet in height. One-third of the surface area of the wall or fence must be screened from an existing or planned public right-of-way with plants within six months of the date of the occupancy permit being issued. Screening shall be evergreen, and planted at a maximum spacing of four feet on center.

Figure 12: Buffer Yard Location

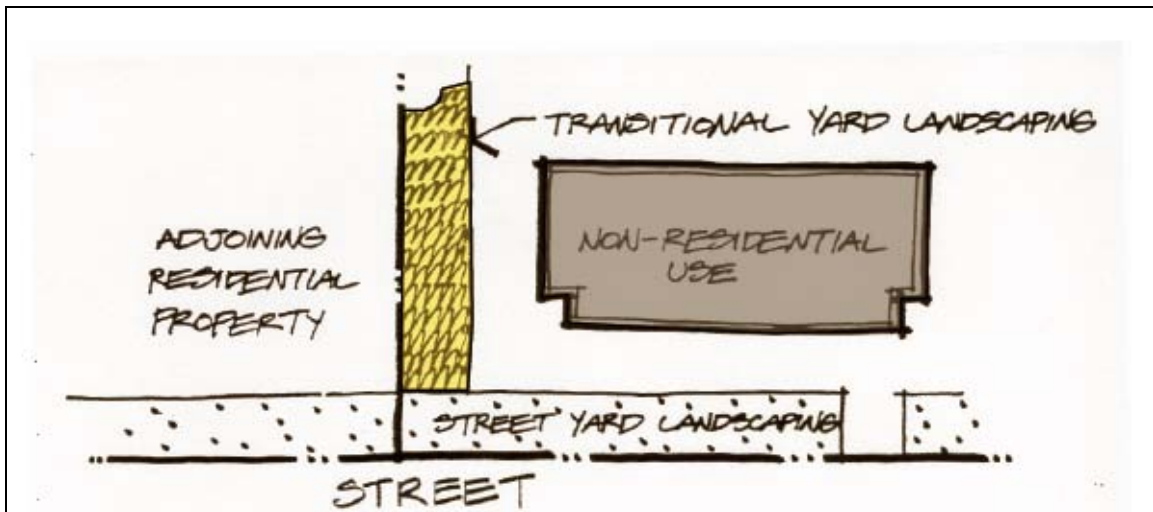
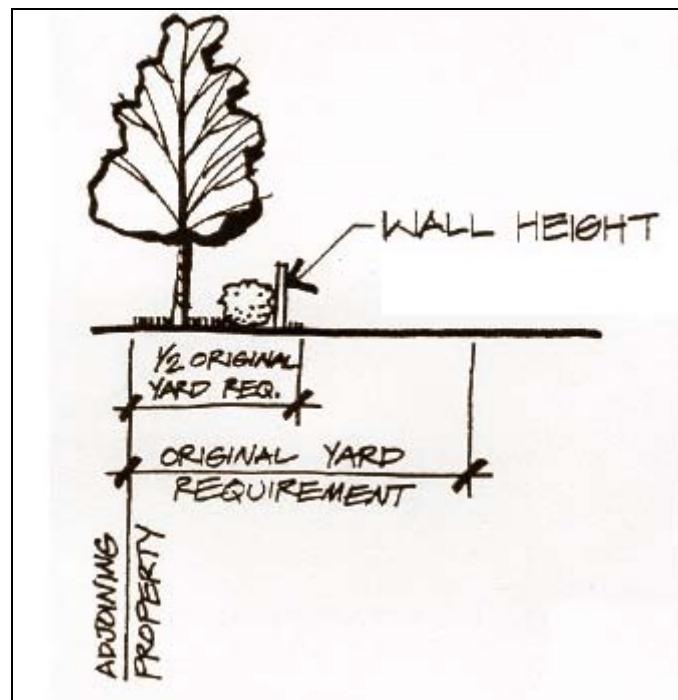


Figure 13: Buffer Yard Example



Section 6.12 Exterior Lighting Standards

(A) Purpose and Intent

The purpose of these exterior lighting standards is to provide minimum outdoor lighting standards that protect the public safety and the general welfare of the community by reducing unsafe and unpleasant lighting conditions, such as light trespass and light pollution, while also promoting the safe and efficient movement of vehicles and pedestrians and the security of local properties.

(B) General Requirements

All exterior lighting shall comply with the following requirements:

(1) Mounting Height Measurement

For the purposes of this Section, the mounting height of all light fixtures shall be defined as the vertical distance between the grade level of the surface being illuminated and the top of the lighting fixture (luminaire).

(2) Use of Timers/Dimmers

Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unnecessary lighting.

(3) Electrical Service

The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.

(4) Holiday Lighting

Holiday lighting shall be exempt from the provisions of this Section.

(5) Light Trespass

Light trespass into the night sky and onto neighboring properties shall be prevented through the use of such techniques as horizontally mounted lamps with reflectors, glass, polycarbonate or acrylic refractors, louvered optics, and house-side shields.

(C) Residential Street Lights

Street lighting within any residential development shall comply with the following design criteria or its equivalent as determined by the Board of Zoning Appeals or Plan Commission:

(1) The street lighting shall be adequate to light all road intersections, curves, cul-de-sacs, and entrances into and within a development.

(2) Lighting units which shall include a pole, luminaire, and all other necessary parts and equipment, shall be placed at a minimum of every 200 to 250 feet on property lines staggered on opposite sides of the street and at intersections, curves, cul-de-sacs, and entrances to any development.

(3) The lighting as described above shall be placed away from the street on the backside of the curb a minimum of one and one-half feet. In the event that there is

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not a curb, the lighting shall be placed one and one-half feet off of the road side of the sidewalk or multi-use path.

- (4) Lighting shall consist of all utility quality columns and fixtures and photovoltaic devices conforming to ANSI standard C136.10.
- (5) The light fixture column shall comply with **Appendix C**, Lighting Specifications. Equal fixture shall be considered by the Board of Zoning Appeals as a development standards variance.
- (6) Light column foundations shall extend no more than four inches above finish grade and shall be installed in accordance to the specifications of **Appendix C**.
- (7) Luminaire light source shall be composed of high power LEDs, or Light Emitting Diodes. Refer to **Appendix C**, Lighting Specifications.
- (8) All equipment, including but not limited to the light column, luminaire and additional fixtures shall remain the property of the Developer, property owner, or the Homeowners Association who shall be responsible for all of the maintenance of said equipment as well as all operational cost of said equipment.
- (9) Record drawings shall be provided in digital format to the Town Manager of the Town of McCordsville, Indiana upon completion of installation of said lighting system, said format to use the Auto-Cad software program or its approved equivalent.
- (10) If the development is an apartment complex, condominium or other form of multi-living arrangement, the same requirements as set forth above shall apply in addition to which the lighting fixtures at the entrances shall be 5.0 foot-candles, the lighting around parking and building areas shall be 1.0 foot-candles, and shall in all respects comply to the Illuminating Engineering Society (IES) Lighting Handbook.
- (11) For all projects, a photometric map indicating the distribution and foot-candles of all proposed lighting shall be supplied to the Administrative Officer prior to installation.

(D) Non-residential Street Lights

All standards set forth in (C), Residential Street Lights, above shall apply where not in direct conflict with those additional criteria set forth below. In the event that one or more of the following criteria conflicts with the criteria set forth in (C), the more restrictive standard shall apply.

- (1) Street lighting shall be installed every 125' on center, directly across the street from existing or planned street lights, in all new developments adjacent to CR 600 W from CR 600 N to CR 900 N and through the incorporated Town on Broadway. Refer to **Section 5.02**, Highway Corridor Overlay District, of this Ordinance.
- (2) For commercial uses along arterial roads, the illumination shall be 1.2 foot-candles, for collector street locations 0.8 foot-candles, and for local street locations 0.6 foot-candles. Parking lot and other area lighting shall be as approved by the Plan Commission.

- (3) All lighting shall be consistent with **Appendix C**, Lighting Specifications.
- (4) All fixtures shall be mounted on standards or columns as specified in (C), (5) above, not to exceed 30 feet in height. Lighting fixture, standards or columns shall be mounted in an approved concrete foundation in compliance with specifications by the State of Indiana.
- (5) The light at the property line in non-residential areas shall not exceed 0.3 foot-candles. When a non-residential district abuts a residential district or use, the light at the property line shall not exceed 0.1 foot-candles of illumination.

(E) Illuminated Canopy Requirements

Lighting levels under canopies for gas stations, convenience stores, drive-up banking centers, and similar locations shall be adequate to facilitate the activities taking place on the property, and shall not be used for the purpose of illuminating signs. Such lighting shall be in compliance with the following requirements:

(1) Lighting Fixtures

Lighting fixtures on canopies shall comply with either of the following requirements:

- a) All light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or
- b) The lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy.

(2) Fixture Location

Lights shall not be mounted on the top or sides of any canopy and the sides of the canopy shall not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy which are illuminated consistent with the standards for sign illumination in this Section.

(F) Lighting of Outdoor Athletic/Performance Facilities

Lighting for all outdoor athletic and performance facilities and events shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.

(1) Play/Performance Area Lighting

Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties.

(2) Dual Lighting System

The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting,

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floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities.

(3) Exemptions

Outdoor athletic fields and courts established as accessory uses to single and two-family residences shall be exempt from these requirements.

(G) Security Lighting

Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise be in compliance with the following requirements:

(1) Non-residential Lighting Fixtures

All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. Security lighting fixtures may be mounted on poles located no further than 10 feet from the perimeter of the area intended to be illuminated.

(2) Residential Lighting Fixtures

Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

(H) Lighting of Building Facades

Building facades may be illuminated, subject to the following requirements:

(1) Lighting Fixtures

Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

(2) Lighting Direction

Lighting fixtures shall be designed to wash the facade of the building with light (rather than providing a spot or floodlight affect) and may be directed upward or downward onto the facade. Exterior facade lighting shall be contained on the building facade or in the landscape areas adjacent to the building and shall focus on entries and architectural features.

Article VII. Sign Standards

The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the community; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of McCordsville. Anyone wishing to vary from the following standards is hereby required to obtain a development standards variance from the Board of Zoning Appeals pursuant to this Ordinance.

Section 7.01 Prohibited Signs

Refer to **Appendix E**, Sign Standards Matrix, for a list of permitted signs, by zoning district. The following types of signs are hereby expressly prohibited from being located within the jurisdiction of the Plan Commission.

(A) Off-premise Signs

Off-premise signs are hereby prohibited from being located within the Town of McCordsville.

(B) Individual Pole Signs

Individual pole signs, or individual free-standing signs, are hereby prohibited from being located within the jurisdiction of the Plan Commission.

(C) Portable Signs

Unless expressly permitted by this Article, all portable signs, including those involving any element of human movement are hereby prohibited from being located within the jurisdiction of the Plan Commission.

(D) Animated Signs

Signs that utilize any flashing lights, motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.

(E) Emissions

Signs that emit audible sound, odor or visible matter.

(F) Imitation of Official Signs

Signs that purport to be, are an imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.

(G) Imitation of Emergency Vehicles

Signs that may be construed as a light of an emergency or road equipment vehicle.

(H) Visual Impairment

Signs that hide any traffic or roadway sign, signal or device from view, or that interfere with the Sight Visibility Standards as defined by this Ordinance (**Section 6.07**).

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(I) Encroachment

Unless otherwise expressly permitted by this Ordinance, signs that are located in any planned right-of-way including those posted on utility poles or street signs are prohibited. Projecting signs specified as permitted in this Article and approved by the Town Council may be allowed to encroach on the public rights-of-way, provided they remain otherwise lawful.

(J) Obstruction

Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.

(K) Vehicle Signs

Signs placed on vehicles or trailers parked on public or private property primarily for the purpose of displaying the sign, as determined by the Administrative Officer, or his or her designee. Prohibited vehicle signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries, or sales or service calls. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, or vehicles parked at a driver's place of residence during non-business hours.

(L) Poster Signs

Posters, placards and other similar signs attached to light poles, gas station canopy supports, trees, and elsewhere outdoors that are not included as permitted temporary or permanent signs as described by this Article.

(M) Permanent Roof-Mounted Signs

Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than the wall of said structure.

(N) Home Occupation Signs

With the exception of a window sign pursuant to this Article, no displays, signs, and/or advertisements associated with any Home Occupation shall be permitted.

(O) Inflatable Signs

Inflatable signs are hereby expressly prohibited from locating within the jurisdiction of the Plan Commission.

Section 7.02 Exempt Signs

The following signs are exempt from all provisions of this Ordinance if in compliance with the conditions specified for each. A sign permit shall not be required.

(A) Integral Identification Features

Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(B) Public Signs

Public signs erected by or on the order of public official(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques;

signs of historical interest; and signs directing people to public facilities. All such public signs shall require approval of the Administrative Officer, or his or her designee.

(C) Utility Marker Signs

Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Administrative Officer, or his or her designee.

(D) Real Estate Signs

Real estate signs, provided they are located on the premises outside of the planned right-of-way, do not exceed more than two per property, and do not exceed a sign area of six square feet per sign in single-family residential zoning districts and 32 square feet per sign in all other zoning districts. In addition, each subdivision (defined as the area included in each primary and preliminary plat) shall be permitted one temporary sign, not exceeding 32 square feet in sign area.

(E) Emergency Signs

Emergency signs, such as those used and authorized by the Administrative Officer, Public Works Department, utilities, Fire department or Police department, or those places of employment that are required by law to display emergency information for their employees.

(F) Sponsorship Signs

Sponsorship signs, such as those located inside little league ball diamonds and at other athletic and community facilities, provided such signs are, in the written opinion of the Administrative Officer, or his or her designee, oriented to those visiting and using the facility. In no instance shall a sponsorship sign exceed 90 days in any calendar year.

(G) Pennants

Pennants, streamers and any combination of such signs, provided that they are not located in an existing right-of-way and their use is temporary and does not exceed 30 days in any three month period.

(H) Banners

One banner shall be permitted per business, provided it does not exceed 24 square feet in area, and is hereby further limited to 30 days of use in any three month period.

(I) Directional Signs

On-premise directional signs are hereby permitted provided they are no more than four feet in height or eight square feet in area. On-premise directional signs shall be setback a minimum of two feet from all public rights-of-way, measured from the planned right-of-way, and shall be free of advertising, as determined by the Administrative Officer, or his or her designee.

(J) Window Signs

No window sign shall exceed 10 percent of the window area, nor shall any individual letter be greater than three inches in size.

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(K) Opinion Signs

Temporary non-commercial opinion signs shall be permitted, provided they comply with the following:

- (1) All opinion signs shall be placed a minimum of five feet from the property line. In no instance shall a political sign be placed within an existing or planned public right-of-way.
- (2) In no instance shall an opinion sign be illuminated.
- (3) The sign is less than nine square feet in area and three feet in height, as measured from the ground.
- (4) There shall be no more than two opinion signs per residential unit throughout the calendar year.
- (5) For all uses and zoning districts, during a period of thirty days prior to, and five days following a primary or general election and including special elections, the maximum number of opinion signs permitted shall be equal to the number of offices and issues on the local ballot.
- (6) In no instance shall an opinion sign be left erected for a period exceeding six consecutive months in any calendar year. Opinion signs erected for longer than six consecutive months shall be considered a permanent sign and subject to the regulations thereof.

Section 7.03 General Sign Standards

Except as otherwise expressly provided for by this Ordinance, it shall be unlawful for any property owner(s) to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Plan Commission, or cause the same to be done without first obtaining a sign permit as required by this Ordinance. The following general sign standards apply to all signs within the jurisdiction of the Plan Commission.

(A) Measuring Sign Area & Height

The sign area shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension including the extreme limits of characters, lettering or figures. The sign height shall be measured from the grade at the edge of the adjacent right-of-way to the highest point of the sign, and include any poles or other supports unless otherwise specified in this Article. In no case shall sign height be measured from the top of any berm or other artificial grade.

(B) Inspection

Signs for which a permit is required may be inspected periodically by the Administrative Officer, or his or her designee, for compliance with this Ordinance.

(C) Removal of Sign

The Administrative Officer, or his or her designee, may order the removal of any sign erected or maintained in violation of this Ordinance, at the cost of the property owner(s), consistent with the provisions of this Ordinance.

(D) Maintenance

All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition as determined by the Administrative Officer, or his or her designee. Owners shall repair or otherwise cause any sign not found to be in good repair and in safe, neat, clean, attractive and structurally sound condition to comply with this Article within 10 days of notice of violation by the Administrative Officer. Owners shall, within 30 days of the removal of a sign, and at the Owner's expense, patch and paint damaged areas when signs are removed.

(E) Abandoned Sign Structures

A sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner(s) of the premises, at the owner's expense, upon which it is located if it is unused for a period of six months or longer.

(F) Illuminated Signs

Internally and externally illuminated signs shall be permitted, provided the illuminated sign complies with the following provisions:

- (1) All illuminated signs shall meet the standards as specified in the National Electrical Code. Signs that are only partially illuminated shall meet all electrical requirements for that portion that is illuminated.
- (2) All electrical wiring shall be in conduit and not exposed to the elements or external stress.
- (3) The full number of illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced.
- (4) Neither the direct nor reflected light from an illuminated sign shall create a traffic hazard to operators of motorized vehicles on any roadway.
- (5) The light from any illuminated sign in any zoning district shall be shaded, shielded, or directed to prevent spillage onto adjacent properties. In no instance shall the light intensity or brightness exceed three-tenths (0.3) foot-candles at the property line of any adjacent property located in a residential zoning district, or five-tenths (0.5) foot candles at the property line of any adjacent property located in a non-residential zoning district.
- (6) All illuminated signs shall have a disconnecting switch located in a readily accessible place.
- (7) See additional limitations set forth for changeable copy and electronic message board signs in this Ordinance.

(G) Enforcement

The enforcement of violations of the provisions of this Article shall be as provided by this Ordinance.

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Section 7.04 Sign Design & Construction Requirements, General

(A) Design

All signage shall be designed to be an integral part of the architectural and landscaping plans.

(B) Compatibility

The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates. In no instance shall a sign compete with or obstruct the visibility of the signage of an adjacent property so long as the signage of the adjacent property is also in compliance with this Ordinance.

(C) Scale & Proportion

Every sign shall be designed so as to be proportionate with the scale and design of the principle building to which it relates as well as the surrounding area, as determined by the Administrative Officer, or his or her designee.

(D) Graphic Elements

The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

(E) Franchise Signs

Identification signs of standardized design, such as corporation logos, shall comply with the criteria of all other signs.

(F) Sign Components

All sign components shall meet or exceed Underwriters Laboratories (UL) specifications.

Section 7.05 Temporary Signs

In addition to the signs permitted by this Article, but without regard to exempt signs, one temporary sign for each non-residential use may be permitted. A permit shall be required each time a temporary sign is to be used, and the sign shall meet the following requirements:

(A) Duration

Unless otherwise expressly permitted by this Ordinance, in no instance shall a non-residential use display a temporary sign longer than seven consecutive days. Unless otherwise expressly permitted by this Ordinance, in no instance shall a non-residential use display a temporary sign more than four times per calendar year.

(B) Illumination

A temporary sign may be illuminated consistent with the Lighting Standards of this Ordinance. In no instance shall any temporary sign use any flashing or blinking lights or other effect prohibited by this Ordinance.

(C) Height and Area

No temporary sign shall exceed 12 square feet in area or four feet in height, as measured from grade level.

(D) Setback

All temporary signs shall be placed a minimum of 10 feet from any planned right-of-way and any other property line.

(E) Types of Temporary Signs

In no instance shall this provision be interpreted as temporarily or permanently permitting any sign prohibited by this Article.

(F) Conversion to a Permanent Sign

No sign manufactured, designed, and otherwise intended for use as a temporary sign shall be used as a permanent sign.

(G) Sandwich Board Signs

One sandwich board sign may be permitted for every business use located on a property, provided said sign does not exceed four feet in height, two feet in width, or eight square feet in total area. Each sandwich board sign shall be located within 10 feet of the primary entrance of the business for which it is established. The sign may be located within the public right-of-way, provided there is a minimum clearance distance of five feet between the sign and front building elevation.

Section 7.06 Signs for Ground Floor Uses

The signs for ground floor uses shall meet the following standards. These standards shall also apply to any business use occupying multiple floors, and including ground floor uses. A permit shall be required unless otherwise specified in this Article.

(A) Sign Area

The aggregate sign area shall be equivalent to one and one-half square feet for every one linear foot per tenant/business use with frontage on a public right-of-way or private street.

(1) In no instance shall the aggregate sign area for any tenant/business use exceed 100 square feet.

(2) The number of graphic elements per sign shall be held to the minimum needed to convey the sign's primary message and shall be composed in proportion to the overall sign area.

(B) Number of Signs

Only one sign, selected from the list of permitted sign types below, shall be allowed per tenant/business use.

(C) Sign Types Permitted

Any combination of the following signs may be used for each ground floor use provided they are consistent with the total area allowed per use, the total number of signs permitted per use, and the other development standards listed in this Section:

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- (1) Wall sign,
- (2) Awning sign,
- (3) Projecting sign,
- (4) Window sign,
- (5) Free-standing/Unified Development Sign,
- (6) Ground/monument sign,
- (7) Changeable Copy,
- (8) Electronic Message Board, or
- (9) Time & Temperature Sign Component.

Section 7.07 Signs for Upper-floor Uses

Signage for an upper-floor use may be permitted provided: (A) the upper-floor of the structure is occupied by a single use that is separate and distinct from the use located on the ground floor, (B) there is only one square foot of sign area for every one linear foot of building frontage, and (C) the total square footage of the upper-floor sign does not exceed 50 square feet in total area. In the event that the upper-floor sign is a wall sign, said wall sign shall be located on the structure between the eaves, cornice or other roof element and the top of windows on the uppermost floor.

Section 7.08 Sign Design & Construction Requirements, by Type

(A) Unified Development Sign

All freestanding unified development signage shall be ground mounted and monument-type. Other sign types, including but not limited to pylon signs, may be allowed as a freestanding development sign per a special exception permit granted by the Board of Zoning Appeals. Unified developments under common ownership or management with shared parking, with or without outlots, shall only be allowed to construct a free-standing unified development sign rather than individual free-standing signs. All other signage for the development shall be as prescribed by this Ordinance. All free-standing unified development signs shall comply with the following provisions:

(1) Free-standing Unified Development Signs

Free-standing unified development signs should be monument style signs. In the event that a monument style sign is not feasible, as determined by the Administrative Officer, or his or her designee, a pylon sign may be used instead, provided that it is approved as part of a site development plan, if applicable, and meets the following minimum standards:

- a) The maximum height of a free-standing unified development sign shall be 8 feet. In no instance shall a free-standing unified development sign exceed the height of the tallest building.

- b) The maximum surface area of all free-standing unified development signs shall be 200 square feet.

(2) Wall-mounted Unified Development Signs

Wall-mounted unified development signs shall be permitted for unified developments in non-residential districts, provided the following minimum standards are met:

- a) The total area of a wall-mounted unified development sign shall be limited to 10 percent of the façade of the building, or 40 square feet, whichever is the lesser of the two.
- b) Each portion of the sign identifying an individual business shall not exceed six square feet in sign area.
- c) In no instance shall a wall-mounted unified development sign extend above the roofline of the building on which it is located.

(B) Subdivision Entry Sign

One double-faced or two single-sided ground/monument type signs shall be permitted at each entrance to a subdivision, apartment complex, or other residential development. Said sign structure, or structures, shall require a sign permit. Subdivision entrance signs, landscaping, and decorative walls shall be shown on development plans, site plans, and subdivision plats.

(1) Sign Area

In no instance shall the sign area of a subdivision entry sign exceed 32 square feet.

(2) Height

In no instance shall the height of a subdivision entry sign exceed six feet as measured from grade level. In no instance shall mounding or other alterations of the natural grade level be used as a point of reference for measuring sign height.

(3) Setback

With the exception of subdivision entry signs placed within a median of a boulevard, each sign structure shall be set back a minimum of two feet from any planned right-of-way of any public street. In no instance shall a subdivision entry sign be placed within a required Sight Visibility Standards (**Section 6.08**).

(4) Features

Ground/monument subdivision entry signs shall generally incorporate design features into the structure such as decorative brick or stone walls, lighting and landscaping.

(5) Landscaping

A minimum of two square feet of landscaping consisting of shrubs and perennial ground cover at the base of the sign structure shall be required for every one square foot of sign area.

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(C) Street Sign

Street name signs shall be 36 inches wide by eight inches tall. The letters on the street sign shall be six inches in height.

(D) Awning Sign

Awning signs shall be considered as a type of wall sign and shall count toward the total number and total area of wall signs permitted by this Article. Awning signs shall be limited to those printed or sewn on awnings mounted on the façade of the principle structure. In no instance shall an awning sign be backlit, nor shall the awning itself be closer than eight and one-half feet from grade level.

(E) Wall Sign

Wall signs shall be located on the facade of the primary structure facing a public or private street. In no instance shall a wall sign exceed 50% of the maximum sign area, nor shall a wall sign project more than 12 inches from the wall.

(F) Projecting Sign

No projecting sign shall, at its lowest point with the exception of the supporting building, structure, or column, be less than eight and one-half feet above grade level. A maximum of one sign per road frontage, per business shall be permitted. In no instance shall a projecting sign exceed 24 square feet, nor protrude more than four feet from the building. Proof of insurance shall be required for all projecting signs. For the purpose of administering and enforcing this provision, proof of insurance shall mean proof of insurance with liability limits in amounts equal to that maintained by the Town of McCordsville, Indiana or as established by the Board of Zoning Appeals.

(G) Double-faced Sign

Unless otherwise prohibited by this Article, all signs permitted by this Article may be constructed as a double-faced sign. In these instances, only the sign area of one of the two sides shall be used to calculate sign area, provided that the two sides are identical and placed back-to-back, and that the maximum distance between the two sides does not exceed two feet at any point.

(H) Ground/Monument Sign Structure

One ground/monument sign per lot is permitted provided it does not exceed 36 square feet in sign area or six feet in height as measured from grade level. Ground/monument signs shall be no closer than 10 feet from any existing or planned public right-of-way. An increase in square footage may be allowed for multiple tenant usage. All ground/monument sign structures shall be constructed of decorative brick, stone, or other masonry, stucco, wood or metal, with the base of the structure constructed of decorative brick, stone, or masonry. Landscaping consisting of shrubs and perennial groundcover shall be provided at the base of all ground/monument signs with a minimum of two square feet per one square foot of sign area.

(I) Changeable Copy Signs

Changeable copy signs are permitted provided the changeable copy does not change more than once in sixty minutes time. The changing of advertising copy or messages on an approved sign such as a theater marquee, or free-standing sign displaying gas station prices, and similar approved signs which are specifically designed for use of

replaceable copy. For the purposes of administering and enforcing this ordinance, changeable copy signs shall display a static message rather than a message that imitates movement.

(J) Electronic Message Board

Electronic message boards are permitted provided they meet the following requirements:

(1) Location

In any district, an electronic message board shall be located on the site of the use identified or advertised by the sign. In no instance shall an electronic message board be allowed within a residential district. In no instance shall an electronic message board be located within 125 feet of a signalized intersection.

(2) Setback from Residential Districts

The leading edge of any electronic message board shall be a minimum distance of 100 feet from an adjacent residential district boundary.

(3) Setback from other electronic message boards

An electronic message board shall be separated from all other electronic message boards by at least 35 feet.

(4) Orientation

When located within 150 feet of a residential use wherein the said residential use is located within a residential district, all parts of the electronic message board shall be oriented so that no portion of the sign face is visible from any existing or permitted principle structure on said residential lot.

(5) Duration

In no instance shall the image of an electronic message board update, flash, scroll, twirl, change color, fade in or out, or be anything other than static, more than once in 60 minutes time.

(6) Hours of Operation

When located within 600 feet of a residential use, an electronic message board shall not be illuminated between the hours of 10 pm and 6 am.

(7) Brightness

In no instance shall an electronic message board exceed 460 foot-candle during daylight hours or 46 foot-candles for the time period between one half hour before sunset and one half hour after sunrise. For the purposes of administering and enforcing this provision, all electronic message boards shall be equipped with an ambient dimmer control and a black background.

(K) Time & Temperature Sign Components

Time/temperature sign components shall be permitted and counted toward the aggregate sign area, and shall meet the development standards that are consistent with the manner in which they are mounted. The illumination of the copy shall not cause glare to be inflicted upon adjacent property owners or the traveling public. For the purposes of

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administering and enforcing this Ordinance, time and temperature sign components shall not be subject to the duration limitations placed on electronic message boards.

(L) Model Home/Temporary Sales Facility Sign

Wall, awning, or ground signs shall be permitted on the lot of the sales facility and limited to an aggregate square footage not exceeding 32 square feet of sign area. In addition, individual model homes may have one sign not to exceed four square feet. Such signs shall be placed a minimum of 10 feet from an existing or planned public right-of-way and 10 feet from an adjacent property line, and in a manner consistent with **Section 6.08**, Sight Visibility Standards, of this Ordinance.

(M) Traffic Signs and Pavement Marker

Private directional traffic signs and pavement markings intended to direct and control the movement of traffic into, out of, and within the site shall comply with the Manual on Uniform Traffic Control Devices as published by the Indiana Department of Transportation.

(N) Warning Sign

“No Swimming” and “No Ice Skating” signs shall be posted at all detention and retention ponds in all developments. In instances where a pond will be stocked with fish or where fishing may otherwise be possible, a sign shall be installed warning that “anyone under the age of 18 must be accompanied by an adult.”

(O) Construction Signs

Signs posted on an approved and permitted construction site shall be permitted, provided that: (1) they are not located in an existing or planned public right-of-way, (2) there are no more than two construction signs per property, (3) no single sign exceeds six square feet if located in a single-family residential zoning district, or 32 square feet if located in a non-residential district, (4) and all construction signs are removed when construction activity ceases.

Article VIII. Planned Unit Developments

Section 8.01 Purpose, Intent, Uses, & Standards

(A) Purpose and Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the Zoning and Subdivision Control Ordinances. Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

(B) Uses

All uses are subject to the discretion and approval of the Plan Commission. Once uses are approved by the Commission, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

(C) Development Requirements

Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the Preliminary Plan submittal. All proposed development requirements are subject to the review and approval of the Plan Commission and the Town Council. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established by **Article III**, Zoning Districts, and (2) each topic area regulated by **Article VI**, Development Standards.

(D) Rules and Procedures

All proceedings brought under this Article are subject to the Rules and Procedures of the Plan Commission.

(E) Limitation of Ordinance Amendments

Any initiative of the Plan Commission to amend this Ordinance that would affect an approved Planned Unit Development before its completion shall not be enforced on the Planned Unit Development. New amendments to this Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

(F) Origination of Proposals

Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan

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Commission. The Town Council may grant an extension of such time for such a period as it deems in the public interest.

Section 8.02 General Application Requirements

All applications may be obtained through the Administrative Officer's office. Fees shall be paid at the Administrative Officer's office at the time the applications are submitted.

(A) Application Forms

All applications shall be made on forms provided by the Administrative Officer. All applicants shall submit original applications which are completed in their entirety in ink or typed.

(B) Copies Required

All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Administrative Officer and the applicable Rules and Procedures of the Plan Commission.

(C) Review Schedule

All applications shall be assigned reference and/or docket numbers by the Administrative Officer, or his or her designee. Applications shall be scheduled by the Administrative Officer, or his or her designee, for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted Calendar of Filing and Meeting dates for the Plan Commission.

Section 8.03 Preliminary Plan & Rezoning

(A) Purpose and Intent

The purpose of the Preliminary Plan is to provide a formal opportunity for the applicant and the Plan Commission to discuss the general elements of the proposed PUD. The Preliminary Plan prepares the Plan Commission for a future discussion of details and minimizes the risk incurred by the applicant in creating the Detailed Plan.

(B) Pre-application Meeting Required

A Planned Unit Development Preliminary Plan shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

(C) Application

The applicant shall submit a Planned Unit Development Preliminary Plan review application, an affidavit and consent of property owner(s) (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the Preliminary Plan and Plat, and any other supporting information.

(D) Preliminary Plan Data

The Preliminary Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The following shall be included in the Preliminary Plan submission:

(1) Cover Page & Index

The cover sheet shall indicate that it is the Preliminary Plan for that particular development and include the date of submittal, and an index identifying all sections included in the Preliminary Plan document, and references to any separate sheets of information.

(2) Site Description

A description of the property and applicants involved, including:

- a) The name, mailing address, e-mail address, and telephone number of the applicant;
- b) The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Preliminary Plan design;
- c) The legal description of the subject property and common address of the site; and
- d) The proposed name of the development (if applicable).

(3) Common Holdings Map

A map of any property adjacent to the property subject to the Preliminary Plan owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

(4) Sewerage Verification

A letter verifying that proper waste disposal will be available to the property. A letter from the McCordsville Sewer Utility shall be included verifying that the proposed development shall be served.

(5) Existing Site Conditions

A description of all existing conditions on the subject property, including:

a) Built Features

All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights.

b) Easements

All existing easements and an indication of their purpose.

c) Topography

A topographic survey of the area with contour lines a maximum of two feet apart.

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- d) Natural Features
The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees that are able to be preserved (with greater than an eight inch DCH).
 - e) Historic Features
An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.
 - f) Other Significant Features
Any other significant feature(s) that may influence the design of the development.
- (6) Proposed Development
A conceptual plan of the proposed development of the property, including:
- a) Street Systems
The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
 - b) Land Uses
The land use areas and number of acres within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
 - c) Open Space
The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other common areas);
 - d) Landscaping
The conceptual design of landscaping, buffering, and/or screening proposed for the development, wooded areas to be preserved;
 - e) Natural Features
A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees which are able to be preserved (with greater than an eight inch DCH).
 - f) Historic Features
A description of the accommodation of historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National

Register of Historic Places and/or Indiana Register of Historic Sites & Structures.

g) Development Requirements

Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.).

h) Written Commitments

A description of any written commitments that are being proposed as part of the development.

i) Covenants

A description of any private covenants and restrictions that will be established for the development.

j) Drainage

A detailed drainage concept meeting the requirements of the Town Engineer.

k) Lighting Plan

A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting). Said lighting plan shall include a photometric drawing.

l) Project Phasing

A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.

(7) Supplemental Information

Any other information requested by the Administrative Officer or Plan Commission to aid in the review of the Preliminary Plan. This may include, but is not limited to: topic areas such as traffic; utilities; tree preservation; flood hazards; and architectural design standards.

(E) Technical Review Committee Review

The preliminary plan shall be reviewed by a Technical Review Committee.

(F) Preliminary Plan/Plat Requirements

Planned Unit Developments shall be required to comply with the McCordsville Subdivision Control Ordinance (per IC 36-7-4-1513) and the provisions of **Section 10.09**, Development Plan Review, or this Ordinance. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance or Site Development Plan processes. If a subdivision of land and/or Site Development Plan review is required for the development, the Preliminary Plat and/or Site Development

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Plan may be filed simultaneously as the Preliminary Plan for review by the Plan Commission.

(G) Public Hearing Notification

Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.

(H) Plan Commission Public Hearing

The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of the Preliminary Plan application), review the application and required supporting information.

(1) Representation

Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.

(2) Presentations

The Plan Commission shall consider a report from the Administrative Officer and/or Technical Review Committee and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.

(3) Possible Action

The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The Preliminary Plan shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, forwarded with no recommendation or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.

a) Favorable Recommendation

The Preliminary Plan application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below.

b) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below.

c) No Recommendation

The application may be forwarded with no recommendation only if it is found that the application includes aspects that the Commission is not able to evaluate.

d) Continued

The application may be continued based on a request by the Administrative Officer or petitioner. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

i) Additional legal notice shall not be required unless specified by the Plan Commission.

ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

(4) Certification of Recommendations

The Plan Commission shall certify its recommendation by resolution to the Town Council within five business days of its decision. The Administrative Officer, or his or her designee, shall forward to the Town Council appropriate copies of the Plan Commission certified decision, the original application and all supporting information, any staff reports regarding the petition, and a PUD district ordinance (rezoning) meeting the requirements of IC 36-7-4-1503 for the Town Council's consideration.

(I) Town Council Meeting

The Town Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

(1) Legal Notice

Legal Notice of action on the ordinance shall be provided consistent with Indiana law.

(2) Possible Action

The Town Council may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by this Section. The Town Council also may approve with modifications per IC 36-7-4-1512: such as impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.

a) Failure to Act

If the Town Council fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning petitions of IC 36-7-4-608.

b) Denial

If a PUD district ordinance (rezoning) is denied by the Town Council a one-year waiting period shall be imposed prior to the filing of a new Preliminary Plan for the same development.

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c) Reject or Amend

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

- i) If the commission approves the amendment or fails to act within the forty-five day period, the ordinance stands as passed by the Town Council as of the date of the filing of the commission's report of approval with the Town Council or the end of the forty-five day period.
- ii) If the commission disapproves the rejection or amendment, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within forty-five days after the commission certifies its disapproval. If the Town Council fails to confirm its action, then the ordinance takes effect in the manner provided by IC 36-7-4-606(f).

d) Approval

If the Town Council approves the rezoning, the land is officially rezoned upon the recording of the rezoning ordinance and any written commitments. The Official Zoning Map must be amended to reflect the zoning change, the date of approval by the Town Council, and the ordinance number.

(J) Preliminary Plan Signatures & Filing

The implementation of an approved Preliminary Plan must be consistent with the following provisions:

(1) Preliminary Plan Signatures

When approved, the Preliminary Plan shall be signed by the Plan Commission President and Secretary.

(2) Preliminary Plan Filing

The approved Preliminary Plan, including all development requirements serving as the zoning requirements on the subject property shall be filed with the Administrative Officer by the applicant. The documents must clearly state that the development requirements and any written commitments in recordable form are enforceable by the Plan Commission.

(3) Covenant Recording

Any covenants for the development shall be recorded with the Hancock County Recorder. The documents must (a) clearly distinguish covenants for development requirements and written commitments in recordable form and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission. The petitioner shall provide one (1) copy of the recorded documents to the Administrative Officer for the records of the Plan Commission.

(K) Preliminary Plan Decision Criteria

In reviewing the Planned Unit Development Preliminary Plan petition, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

(1) Requirements and Intent

The extent to which the proposal fulfills the requirements and intent of this Article and the Subdivision Control Ordinance.

(2) Planning Documents

The Comprehensive Plan and any other applicable, adopted planning studies or reports.

(3) Characteristics

The current conditions and the character of current structures and uses in each zoning district.

(4) Desired Use

The most desirable use of which the land in each district is adapted.

(5) Property Values

The conservation of collective property values throughout the Town of McCordsville.

(6) Growth Management

Responsible growth and development.

(7) Overlay Requirements

Consistency with the requirements of all applicable overlay districts.

(L) Expiration of Preliminary PUD Plan

The Final Detailed Plan filing shall occur within 18 months of the date of Preliminary Plan approval. If no Final Detailed Plan filing has occurred within that period, the Preliminary Plan approval shall expire. An extension may be granted upon request to the Plan Commission at their discretion without the need for a public hearing. If the project is phased and was part of the preliminary plan, the petitioner may submit partial Final Detailed Plans which correspond to the phases involved.

Section 8.04 Final Detailed Plan

(A) Purpose and Intent

The purpose of the Final Detailed Plan Application is to establish the details of the proposed PUD, document those details, and obtain final PUD approval from the Plan Commission and the Town Council.

(B) Pre-application Meeting Required

A Planned Unit Development Final Detailed Plan shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

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(C) Application

The Final Detailed Plan filing shall occur within 18 months of the date of Preliminary Plan approval. The petitioner shall submit a Final Detailed Plan review application, affidavit and consent of property owner(s) (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the Final Detailed Plan, and any other supporting information.

(D) Final Detailed Plan Data

The Final Detailed Plan may take the form of a set of 24 inch by 36 inch sheets. The Final Detailed Plan may include any graphics that will explain the features of the development. The following shall be included in the Final Detailed Plan submission.

(1) Cover Page & Index

The cover sheet shall indicate that it is the Final Detailed Plan for that particular development and include the date of submittal, an index identifying all sections/phases included in the Final Detailed Plan document, and references to any separate sheets of information.

(2) Site Description

A description of the property and petitioners involved, including:

- a) The name, mailing address, e-mail address, and telephone number of the applicant;
- b) The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Final Detailed Plan design;
- c) The legal description of the subject property and common address of the site; and
- d) The proposed name of the development (if applicable).

(3) Vicinity Map

A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Final Detailed Plan. A site location diagram shall also be included.

(4) Common Holdings Map

A map of any property adjacent to the property subject to the Final Detailed Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Final Detailed Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

(5) Existing Site Conditions

A site survey of all existing conditions on the subject property, including:

- a) Built Features
All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights.
 - b) Easements
All existing easements and an indication of their purpose.
 - c) Topography
A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Town Engineer.
 - d) Natural Features
The location of natural streams, regulated drains, 100-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas.
 - e) Utilities
The general location of utilities serving the site, including sanitary sewer, water, electricity, natural gas, and data transmission.
 - f) Historic Features
An identification of any historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.
 - g) Other Features
Any other significant feature(s) that may influence the conceptual design of the development.
- (6) Proposed Development
A description of the proposed development of the property, including:
- a) Street Systems
The general plan, profile, and description of proposed street systems.
 - b) Land Uses
The general land use areas within the development, including proposed densities of residential uses.
 - c) Open Space
The general location of open space.
 - d) Landscaping
Detailed plan areas of landscaping, buffering, and/or screening proposed for the development.

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e) Lighting

A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting). Said lighting plan shall include a photometric drawing.

f) Natural Features

A description of the general accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands, and wooded areas identified above.

g) Historic Features

A description of the general accommodation of historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.

h) Written Commitments

A description of any written commitments that are being proposed as part of the development.

i) Covenants

A general description of any private covenants and restrictions that may be established for the development.

j) Drainage

A drainage plan meeting the requirements of the Town Engineer.

(7) Supplemental Information

Any other information requested by the Administrative Officer or Plan Commission to aid in the review of the Final Detailed Plan. This may included, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

(E) Administrative Review by Staff

Upon review, the Administrative Officer, or his or her designee, shall approve, approve with modifications, or deny the Final Detailed Plan application.

(1) Approve

The application may be approved if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the McCordsville Comprehensive Plan. Staff may accept or require written commitments in recordable form from the petitioner as part of the approval. The Administrative Officer may require certain additional written commitments to be lettered on the plat of record.

(2) Approve with Modifications

The application may be approved with modifications if it is generally consistent with all applicable requirements of this Ordinance. Staff may impose conditions on the approval of the Final Detailed Plan, which shall become written commitments in a recordable format of the applicant. The Administrative Officer may require certain additional written commitments to be lettered on the plat of record.

(3) Deny

The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.

(4) Continue

The application may be continued and referred back to the Plan Commission based on a request by the Administrative Officer, the petitioner, or the Town Council. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the applicant fails to appear at the public hearing.

a) Additional legal notice shall not be required unless specified by the Plan Commission.

b) The continuing of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.

(5) Re-Filing Following Denial

If Staff determines that there is not compliance with the ordinance, the applicant may re-file a revised Final Detailed Plan within 90 days of the date of denial. The revised Final Detailed Plan shall be reviewed as if it were a new application. Final Detailed Plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of one year from the date of the denial.

(F) Recording

All approved Final Detailed Plans and modifications thereof shall automatically expire and become null and void unless recorded in the office of the Hancock County Recorder within two years of approval.

(1) Failure to Record

Failure to record the plans and modifications in the time provided for above shall automatically void the approval of the Final Detailed Plan.

(2) As-Built Drawings

If, upon completion of all development, the exact measurements as to the location of buildings or structures erected during the development are deemed desirable for public record by recording thereof, the developer shall submit a copy of the approved Final Detailed Plan to the Administrative Officer as an amended approved Final Detailed Plan with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as

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indicated on the original approved Final Detailed Plan, the Administrative Officer shall re-approve, date, and sign the amended approved Final Detailed Plan, which the developer shall then record.

(G) Improvement Location Permit

Final Detailed Plan approval is required prior to the issuance of an Improvement Location Permit. An Improvement Location Permit (consistent with this Ordinance) is required prior to any construction activity occurring on the subject property.

(1) Plat Approval Required

If a subdivision plat is required, plat approval consistent with the Subdivision Control Ordinance must also be obtained prior to the receipt of any Improvement Location Permits.

(2) Supporting Information

The Plan Commission may require any additional supporting information not already stated by this Article to be provided prior to the issuance of an Improvement Location Permit.

Section 8.05 Written Commitments

The applicant in any Planned Unit Development may make written commitments in recordable form regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or Town Council shall be considered written commitments for the purpose of this Article.

(A) Commitment Proposals

Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Administrative Officer, or in response to any modifications requested by the Plan Commission or Town Council.

(B) Consideration of Commitments

Any commitments shall be considered by the Plan Commission and Town Council if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning and shall be recorded in the office of the Hancock County Recorder by the petitioner. A copy of the recorded commitments shall be provided to the Administrative Officer.

(C) Enforcement of Commitments

The written commitments shall be considered part of this Ordinance binding on the subject property.

(1) Applicability

The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the subject property, and any property owner(s) or entity that acquires an interest in any portion of the subject property.

(2) Enforcement

The written commitments shall be enforceable by the Plan Commission or Board of Zoning Appeals consistent with the adopted provisions for the enforcement of this Ordinance.

(3) Modification

The recorded written commitments may be modified only through the Planned Unit Development process described by this Article.

Section 8.06 Covenants

Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments, development requirements and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Administrative Officer by the petitioner for the records of the Plan Commission.

(A) Lot Owner's Association

Adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

(B) Service Access to Common Areas

The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. All streets, roadways, and common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(C) Enforcement

Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission.

Section 8.07 Modifications

(A) Minor Modifications

(1) Administration

The Administrative Officer may from time to time approve minor modifications of the Preliminary Plan and/or Final Detailed Plan without a public hearing consistent with IC 36-7-4-1511(i). The modifications shall be consistent with the purpose and intent of the overall development and the approved Preliminary Plan. Such modifications shall not include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements.

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a) Procedure

To request a minor modification, the property owner(s), developer, or applicant shall provide the Administrative Officer with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Administrative Officer, or his or her designee, shall provide a written response within 15 business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.

b) Public Notice

In addition to that which may be required by the Rules & Procedures of the Plan Commission, notice to adjacent property owners shall be required for the review or approval of minor modifications. Said notice shall be as prescribed by **Section 10.02(A)**, Notice of Public Hearing, of this Ordinance.

(2) Appeal

Any affected party may appeal any minor modification decision by the Administrative Officer to the Board of Zoning Appeals within 30 days of the determination.

(3) Rules and Procedures

The Plan Commission may, through its Rules & Procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this Article.

(B) Major Modifications

Major modifications that may include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements shall require a public hearing to be conducted in the same manner as that for initial approval of either the preliminary plan or detailed plan, whichever is being modified. Notice of the hearing must be given as prescribed by this Ordinance.

Section 8.08 Expiration, Abandonment, & Extensions

(A) Expiration

Approval of a final Detailed Plan shall expire after a period of five years from the approval of the Preliminary Plan, unless the development is 50% completed in terms of improvements including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation by the Administrative Officer. Following expiration of a Final Detailed Plan, the Town Council of the Advisory Plan Commission may declare the bond to be in default and cause all public improvements to be installed according to the Final Detailed Plans.

(B) Abandonment

The Planned Unit Development may be considered officially abandoned if, in the written opinion of the Administrative Officer, the development is incomplete and no, or minimal,

construction activity has occurred for a period of five consecutive years. Any outstanding surety for the project may be utilized by the Town Council in any manner deemed appropriate and associated with the project.

(C) Extensions

An extension, not to exceed six months, for accomplishing any processes required by this Article, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must occur a minimum of 30 days prior to the applicable deadline.

(D) Plan Commission Rezoning

The Plan Commission may initiate a rezoning for any property included in a Planned Unit Development that has been abandoned or for which the Final Detailed Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by this Ordinance.

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Article IX. Nonconforming Situations

Upon adoption of this Ordinance some structures, lots, and uses that were previously established and maintained consistent with all applicable requirements of ordinances past may no longer comply with the regulations of the zoning district in which they are located. For this reason, this Article has been written to provide the rules, policies and regulations that apply to all legal nonconforming structures, lots, uses and other legal nonconforming situations. This Article may be referred to as the "grandfather" clause. If a structure, lot, or use was established legally under a previous ordinance, it is described as "grandfathered" (legal nonconforming). These regulations are intended to inform property owner(s) about the options for using and modifying nonconforming properties and to support the eventual elimination of all nonconforming structures, lots and uses rather than encourage their survival.

Section 9.01 Nonconforming Status

(A) Illegal Nonconforming Described

With the exception of structures, lots and uses established prior to 1979 when the Town of McCordsville enacted land use controls, a structure, lot, or use that is nonconforming and that was established or constructed prior to the adoption of this Ordinance and without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming situation shall be subject to actions and penalties allowed by this Ordinance and all other applicable ordinances, and shall be altered to be in compliance with all applicable standards and regulations of this Ordinance.

(B) Legal Nonconforming Described

Legal nonconforming situations differ from illegal nonconforming situations in that the reason for the noncompliance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including amendments to the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer complies with the standards of the zoning district in which it is located. When this situation occurs, the property is deemed legal nonconforming or "grandfathered". Legal nonconforming structures, lots and uses, may continue in the manner and to the extent that they existed or were used at the time the change in the Zoning Ordinance was enacted, provided they are in compliance with this Article.

(C) Effect on past variances, special exceptions, or other approvals

Structures, lots and uses, and other property features that are nonconforming due to prior variance, special exception, or other approvals shall not be subject to the provisions of this Article, but shall be considered conforming as long as they continue to comply with the terms and conditions of their approval.

(D) Effect on Repairs and Maintenance

Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc. provided that the nonconformities, such as setbacks, lot coverage, land use, etc., are not increased.

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(E) Effect on Unsafe Structures

Nothing in this Article shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate official.

Section 9.02 Nonconforming Lots of Record

All lots legally established and recorded with the Hancock County Recorder prior to the effective date of this Ordinance, as amended from time to time, that no longer meet an applicable provision of this Ordinance, such as minimum area, width, or depth, shall be deemed Legal Nonconforming Lots of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district, as prescribed by this Ordinance, are met.

Section 9.03 Nonconforming Structures

Any structure, such as a primary structure, accessory structure, fence, etc., lawfully established prior to the effective date of this Ordinance, as amended from time to time, that no longer meets the development standards, such as setbacks, height, etc., shall be deemed a Legal Nonconforming Structure.

(A) Continuation of Nonconforming Structures

The continuation and modification of nonconforming structures shall be consistent with the following requirements.

(1) Increases in Nonconformity

No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.

(2) Intentional Alterations

Any legal nonconforming structure that is intentionally altered, moved for any distance, or replaced shall comply with the regulations of the district in which it is located. Any legal nonconforming structure that is intentionally altered, moved for any distance, or replaced shall not have the discontinued legal nonconforming features resume.

(3) Accidental Alterations

Legal nonconforming structures that are required to be altered or removed due to government action or damage from fire, flood, other natural disaster, or criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall be identical or smaller in volume, height, setback, scale, and all other aspects to that which was altered or removed.

(B) Effect on single-family residences in non-residential districts

A legal nonconforming single-family residence located in any non-residential zoning district may be expanded by up to 50% of the pre-expansion living area, one time in any five calendar year period provided the expansion is for the purpose of continuing the residential use of the property. For the purposes of administering and enforcing this Ordinance, compliance with this Ordinance shall only be required of the expanded portion of the residence. With respect to building setbacks, the minimum setbacks for the

expanded portion of the residence shall be as established by the current zoning, unless a development standards variance is obtained from the Board of Zoning Appeals.

Section 9.04 Nonconforming Site Features

Any site feature or improvement, such as landscaping, dumpster enclosures, parking space dimensions, etc., lawfully established prior to the effective date of this Ordinance, as amended from time to time, that no longer meets the development standards shall be deemed a Legal Nonconforming Site Feature. The continuation and modification of nonconforming site features shall be consistent with the following requirements.

(A) Increases in Nonconformity

No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the features nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.

(B) Site Modifications

If building expansions or other changes to the property occur that require corresponding site feature improvements, the affected features shall only be required to be modified to the extent necessary to accommodate the property changes. The required installation of new site features shall not require the entire site to be brought into compliance with this Ordinance. For example, parking lot landscaping would only be required for new portions of a parking lot that was required to be expanded due to a change in the use of the property, to the extent that the amount of landscaping in the pre-existing parking areas will be unaffected.

Section 9.05 Nonconforming Uses

Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, as amended from time to time, that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

(A) Modification of Structures

No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located, or as otherwise specified in this Section.

(B) New Structures

No new structure shall be constructed in connection with an existing legal nonconforming use of land.

(C) Expansion within Structures

Any legal nonconforming use may be extended throughout any parts of an existing structure that were plainly arranged or designed for such use on or before the effective date of this Ordinance, as amended from time to time, but no such use shall be extended to occupy any land outside the structure.

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(D) Expansion on the Property

No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot that was occupied on or before the effective date of this Ordinance.

(E) Expansion of Non-Conforming Residential Use

A legal nonconforming single-family residence located in any commercial, industrial, or institutional zoning district may be expanded by up to 50% of the pre-expansion living area one time in any five calendar year period provided the expansion is for the purpose of continuing the residential use of the property. Required setbacks for the expansion shall be either those established by the zoning on the property, or those provided by the pre-expansion structure, whichever is less restrictive.

(F) Change of Use (to another nonconforming use)

If no structural alterations are made, it is possible to change a nonconforming use to another nonconforming use. Nonconforming uses may be changed to another nonconforming use (similar or dissimilar) with the approval of the Board of Zoning Appeals. In addition to the statutory criteria for acting on a development standards variance request, the Board may approve the change of use if it finds that the proposed use is equally or more appropriate to the district in which it is located than is the existing use. The Board shall consider development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions pursuant to this Ordinance.

(G) Change in Use (to a permitted use)

When a legal nonconforming use is replaced by a permitted use, it shall thereafter comply with the regulations of the district in which it is located, and the legal nonconforming use may not be resumed.

(H) Discontinuation of Use

If a legal nonconforming use is intentionally discontinued for six continuous months or longer, any subsequent use of such land, structure, or land and structure in combination shall comply to the provisions of this Ordinance, with the exception of uses that are required to be discontinued due to a governmental action that impedes access to the premises due to damage from fire, flood, other natural disaster. Such exempt uses, if restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.

(I) Nonconforming Structures and Land in Combination

Where legal nonconforming use status applies to a structure and land in combination, an intentional removal or alteration of the structure, or its use, that establishes conformity shall also eliminate the legal nonconforming status of the land. Legal nonconforming uses located in structures specifically constructed or modified to suit only such uses are exempt from this provision and may be resumed if the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use with the approval of a special exception by the Board of Zoning Appeals as specified in this Section.

Section 9.06 Nonconforming Signs

Any sign, lawfully established prior to the effective date of this Ordinance, as amended from time to time, that no longer meets the requirements of this Ordinance shall be deemed a Legal Nonconforming Sign. For the purposes of this Article, a sign shall include the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features. The continuation and modification of nonconforming signs shall be consistent with the following requirements:

(A) Increases in Nonconformity

No legal nonconforming sign shall be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity. For the purposes of administering and enforcing this ordinance, a change in the sign faces message or content shall not be considered to increase the signs nonconformity.

(B) Intentional Alterations

Any legal nonconforming sign that is intentionally altered, moved for any distance, or replaced shall comply with the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.

(C) Accidental Alterations

Legal nonconforming signs that are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if rebuilt or restored, shall be in compliance with the requirements of this Ordinance, or shall be identical in scale and all other aspects to that which was altered or removed.

(D) Sign Faces and Messages

The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased, and that a static display is not converted to an electronic message board. Otherwise, nothing in this Section shall be interpreted as requiring a sign to be brought into compliance with this Ordinance if it is changed only to the extent that the face area is changed, but not increased in size or altered in shape or made to be an electronic message board.

(E) Temporary Signs

Any signs in existence at the time this Ordinance becomes effective that were previously permitted as temporary signs may only remain in use consistent with the requirements of this Ordinance. Any temporary signs that are no longer permitted shall be removed within 30 days of the effective date of this Ordinance. Any nonconforming temporary signs shall be considered to be in violation of this Ordinance and shall be subject to the provisions of **Article XI**, Enforcement and Penalties.

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Article X. Procedures and Permits

Section 10.01 Petition & Permit Application Types

(A) Petition Applications Required

The Town of McCordsville requires that an application and subsequent fee be submitted for the following types of petitions:

- (1) Development Standards Variance
- (2) Administrative Appeal
- (3) Zoning Map Amendment (Rezoning)
- (4) Planned Unit Development
- (5) Subdivisions, Primary Plat
- (6) Subdivisions, Secondary/Final Plat

(B) Permit Applications Required

The Town of McCordsville requires that an application and subsequent fee be submitted for the following types of permits:

- (1) Special Exception Use
- (2) Improvement Location Permit
- (3) Sign Permit
- (4) Temporary Use Permit
- (5) Occupancy Permit
- (6) Change in Use Permit

(C) Application Materials

All applications may be obtained from the Plan Commission Office. Fees shall be paid to The Town of McCordsville at the time all petition applications are submitted and at the time all permits are issued.

(1) Application Forms

All applications shall be made on forms provided by the Plan Commission Office. All applicants shall submit original applications that are completed in their entirety in ink or typed.

(2) Copies of Materials

All applicants shall submit copies of applications and necessary plans and attachments as required by the adopted policies of the Administrative Officer and

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the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.

(3) Scheduling

All applications shall be assigned reference and/or docket numbers by the Administrative Officer, or his or her designee.

a) Petition Applications

Petition applications shall be scheduled by the Administrative Officer, or his or her designee, for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted Calendars of Filing and Meeting Dates for the Board of Zoning Appeals and/or Plan Commission.

b) Order of Action Taken

Action shall be taken on all applications in the order in which they were received.

Section 10.02 Notice of Public Hearing

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Ordinance and the Rules & Procedures of the Board of Zoning Appeals and Plan Commission. Required public notice shall include the following:

(A) Legal Notice

The Administrative Officer, or his or her designee, shall prepare and submit a legal notice consistent with the requirements of IC 5-3-1 for publication in the local newspaper, and the American with Disabilities Act. The applicant shall pay for said legal notice. The legal notice shall appear in the newspaper no less than one time at least 10 days prior to the public hearing, not including the date of the hearing. Legal notices shall include each of the following:

(1) Property Location

The general location of the subject property, including its common address and a legal description of the included land.

(2) Available Plans

That the project plans are available for examination at the office of the Plan Commission.

(3) Hearing Information

That a public hearing will be held, giving the date, place, and hour of the hearing.

(4) Written Comments

That written comments on the application will be accepted prior to the public hearing and may be submitted to the Administrative Officer.

(B) Notice to Interested Parties

The applicant shall prepare and distribute written notice of the application to all interested parties. The written notice shall be distributed at least 10 days prior to the

public hearing, not including the date of the hearing. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification.

(1) Notice Information

The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in **Section 10.02(B)** above.

(2) Responsibility

The distribution and cost of the notice shall be the responsibility of the applicant.

(3) Notification Requirements

Notification shall be provided to owners of all parcels of land adjoining the subject property to a depth of two ownerships or 600 feet, whichever is less, from the exterior boundaries of the subject property. The most current list of property owners can be obtained from the County Auditor's Office. For the purposes of notification, where any adjacent parcels of land are owned by the applicant(s), subject property shall be deemed to include adjacent land owned by the applicants.

(4) Notification Certification

A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a completed Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Administrative Officer by the applicant a minimum of two business days prior to the date of the public hearing.

Section 10.03 Variance

In no case shall any variance to the terms of this Ordinance be authorized without the approval of the Board of Zoning Appeals. Further, no decisions on previous applications shall serve to set a precedent for any other application before the Board. The following procedure shall apply to all variance applications:

(A) Pre-application Meeting Required

A petition for a variance shall only be filed after the petitioner has met with the Administrative Officer, or his or her designee, to discuss the request.

(B) Application

The applicant shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:

(1) Site Plan

A site plan shall be signed and dated. The site plan shall be drawn to scale with the scale clearly indicated and a graphic scale for reference, and/or fully dimensioned to the satisfaction of the Administrative Officer and clearly show the entire layout of the property with all features relevant to the variance request.

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(2) Statement of Intent

A statement of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required statutory considerations. The statement should include any written commitments being made by the applicant.

(C) Notification

Notification for the scheduled public hearing regarding the variance request shall be completed consistent with **Section 10.02** of this Ordinance.

(D) Public Hearing

The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the variance application and required supporting information.

(1) Representation

The applicant and any representative of the applicant must be present at the public hearing to present the petition and address the findings of the Plan Commission.

(2) Testimony

The Board of Zoning Appeals shall consider a report from the Administrative Officer and testimony from the applicant, remonstrators, members of the public and interested parties at the hearing.

(3) Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Board of Zoning Appeals.

(4) Possible Action

The Board of Zoning Appeals may approve, approve with conditions, deny, or continue the application in accordance with IC 36-7-4-918.4.

a) Approval

The application shall be approved if a determination is made consistent with the decision criteria listed in this Section.

b) Approval with Modifications

The application shall be approved with modifications if the Board of Zoning Appeals determines that the requirements of this Section may be met if certain conditions are applied to the application. The Board may make reasonable conditions related to the required decision criteria in this Section, part of its approval and/or accept written commitments from the applicant.

c) Denial

The application shall be denied if a determination is made that any requirement of this Section has not been met. Applications that are denied shall not be eligible for consideration again by the Board of Zoning Appeals for a period of 12 months from the date of denial.

d) Continued

The application may be continued by the Board of Zoning Appeals based on a request by the Administrative Officer or applicant; an indecisive vote wherein the item is essentially tabled; or a determination by the Board that additional information is required prior to action being taken on the request.

- i) Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.
- ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

(E) Decision Criteria

In taking action on all variance requests, the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code.

(1) Development Standards Variance

The Board of Zoning Appeals may grant a variance from the development standards of this Ordinance (such as height, bulk, area, etc) if, after a public hearing, it makes a determination (consistent with IC 36-7-4-918.5), that:

a) General Welfare

The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

b) Adjacent Property

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

c) Practical Difficulty

The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

(2) Use Variance

The Board of Zoning Appeals may grant a variance from the use requirements and limitations of this Ordinance if, after a public hearing, it makes a determination that:

a) General Welfare

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

b) Adjacent Property

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

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c) Practical Difficulty

The strict application of the terms of this Ordinance will result in practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

d) Unnecessary Hardship

The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought.

e) Comprehensive Plan

The granting of the variance does not interfere substantially with the Comprehensive Plan.

(F) Conditions

The Board of Zoning Appeals may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval have been met.

(G) Commitments

The Board of Zoning Appeals may require the owner(s) of the property to make written commitments in recordable form concerning the use or development of the property as specified under IC 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Administrative Officer for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.

(H) Limitation

A development standards variance granted by the Board of Zoning Appeals and executed in a timely manner as described in this Article shall run with the parcel until the property complies with this Ordinance as written.

(I) Successive Applications

No variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one year period.

Section 10.04 Special Exception

In no case shall special exception uses be authorized without the approval of the Board of Zoning Appeals. Further, no decisions on previous applications shall serve to set a precedent for any other application before the Board. The following procedure applies to special exception applications:

(A) Application

The applicant shall submit a special exception application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:

(1) Site Plan

A site plan shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the special exception request.

(2) Statement of Intent

A statement of intent to the Board of Zoning Appeals describing the details of the special exception request including, but not limited to:

- a) The ways in which the special exception shall comply with the applicable development standards of this Ordinance,
- b) The ways in which the special exception shall be consistent with the required determination described by this Ordinance, and
- c) Any written commitments in a recordable format being made by the applicant.

(3) Fiscal Impact Study

A Fiscal Impact Study may be required in accordance with the Town of McCordsville Code.

(B) Notification

Notification for the scheduled public hearing regarding the special exception request shall be completed consistent with this Ordinance and the Rules and Procedures of the Board of Zoning Appeals.

(C) Public Hearing

The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the special exception application and required supporting information.

(1) Representation

The applicant, or a representative of the applicant, must be present at the public hearing to present the application and address the findings.

(2) Testimony

The Board shall consider a report from the Administrative Officer and testimony from the applicant, applicant's representative, remonstrators, members of the public, and interested parties at the hearing.

(3) Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Board.

(4) Possible Action

The Board of Zoning Appeals may approve, approve with conditions, deny, or continue the application.

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a) Approval

The application shall be approved if a determination is made consistent with the requirements of this Section.

b) Approval with Modifications

The application may be approved with modifications if the Board of Zoning Appeals determines that the required determination may be made only if certain conditions are applied to the application. The Board may make reasonable conditions related to the required determination, part of its approval and/or accept written commitments from the applicant.

c) Denial

The application shall be denied if a determination is made that any requirement of this Section has not been met. Applications that are denied shall not be eligible for consideration again by the Board for a period of 12 months from the date of denial.

d) Continued

The application may be continued by the Board based on a request by the Administrative Officer or applicant; an indecisive vote wherein the item is essentially tabled; or a determination by the Board that additional information is required prior to action being taken on the request.

i) Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.

ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

(D) Decision Criteria

The Board of Zoning Appeals shall have the power to authorize special exceptions. In approving special exceptions, the Board of Zoning Appeals may attach any conditions to the special exception as it deems necessary to assure compliance with the purpose of this Ordinance. If the conditions of the special exception are not completely and continuously adhered to after the granting of the special exception, the special exception shall become null and void upon notice to the property owner from the Board of Zoning Appeals and completion of the termination process consistent with **Section 10.04(I)**, Termination on the following pages. The following requirements shall be met:

- (1) The special exception shall be permitted by this Ordinance;
- (2) The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities;
- (3) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the development standards of this Ordinance;

- (4) The special exception shall be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;
- (5) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- (6) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood;
- (7) The special exception shall preserve the purpose of this Article.

(E) Other Considerations

When considering a special exception the Board of Zoning Appeals may consider the following items as they relate to the proposed use:

- (1) Topography and other natural site features;
- (2) Zoning of the site and surrounding properties;
- (3) Driveway locations, street access and vehicular and pedestrian traffic;
- (4) Parking (including amount, location, and design);
- (5) Landscaping, screening, buffering;
- (6) Open space and other site amenities;
- (7) Noise production and hours of any business operation;
- (8) Design, placement, architecture, and building material of the structure;
- (9) Placement, design, intensity, height, and shielding of lights;
- (10) Traffic generation;
- (11) General site layout as it relates to its surroundings; and
- (12) Any other criteria deemed relevant by the Board.

(F) Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in this Section have been satisfied.

(G) Commitments

The Board may require the owner(s) of the property to make written commitments in recordable form concerning the use or development of the property as specified under IC 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Administrative Officer for inclusion in the petition file at the time an application is submitted and prior to the issuance of any Improvement Location Permit. No Improvement Location Permit

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shall be issued for a permit application which does not comply with the recorded commitments.

(H) Limitations

Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if (1) the property is in compliance with the Ordinance as written, or (2) the special exception approval is terminated.

(I) Termination

A special exception use may be terminated by the Board of Zoning Appeals under the following procedures:

(1) Public Hearing

Upon determination by the Administrative Officer that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Administrative Officer, or his or her designee, shall notify the applicant and all adjacent properties previously noticed, of the hearing via Certified Mail a minimum of ten days prior to the hearing.

(2) Grounds for Termination

At the public hearing the special exception use shall be revoked if a finding is made by the Board that one or more of the following is true:

- a) The execution of the approval is not consistent with any requirement of this Ordinance;
- b) The execution of the approval is not consistent with any condition of approval;
- c) The execution of the approval is not consistent with any written commitment; or
- d) The approved was the result of fraud or the misrepresentation of facts.

(J) Special Exception Use Expansion

A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.

(K) Successive Applications

No special exception use may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one year period.

Section 10.05 Appeal Process and Procedures

(A) Administrative Appeal

The Board of Zoning Appeals may grant an appeal of any decision, interpretation, or determination made by the Administrative Officer, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing

and interpreting this Ordinance. The following procedure shall apply to all appeals of administrative decisions:

(1) Application

The appellant shall submit an administrative appeal application within thirty (30) days of a decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:

a) Original Submittals

Copies of all materials upon which the decision being appealed was based.

b) Written Decisions

Copies of any written decisions that are the subject of the appeal.

c) Appeal Basis

A letter describing the reasons for the appeal noting specific sections of this Ordinance or other standards applicable in the Town of McCordsville upon which the appeal is based.

(2) Board Review and Action

The Board of Zoning Appeals will then, at a regularly scheduled meeting, review the administrative appeal application and supporting information.

a) Representation

The appellant, or applicant's representative, must be present at the meeting to present the appeal.

b) Testimony

The Board shall consider a report from the Administrative Officer and testimony from the applicant, or the applicant's representative, at the meeting.

c) Procedures

The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Rules and Procedures of the Board of Zoning Appeals.

d) Possible Action

The Board of Zoning Appeals may grant, grant with modifications, deny, or continue the appeal by a majority vote of the Board.

i) Granted

The appeal shall be granted if the determination is made consistent with the requirements of this Ordinance.

ii) Granted with Modifications

The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.

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iii) Denied

The appeal shall be denied if the determination is made supporting the administrative decision.

iv) Continued

The appeal shall be continued based on a request by the Administrative Officer or applicant; an indecisive vote wherein the item is essentially tabled; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

(3) Decision Criteria

The Board of Zoning Appeals shall only grant an appeal of such an administrative decision based on a determination that the decision of the administrative staff or board was inconsistent with the provisions of this Ordinance.

(B) Board of Zoning Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a court of competent jurisdiction (writ of certiorari) as prescribed by the 1000 Series of IC 36-7-4.

Section 10.06 Zoning Map Amendment (Rezoning)

The following procedure shall apply to all zoning map amendments (rezoning) applications.

(A) Application Initiation

Proposals for zoning map amendments may be initiated by either the Plan Commission, the Town Council, or through an application signed by property owners of at least 51% of the land involved.

(1) Town Council Initiation

The Plan Commission shall prepare the application for zoning map amendment if either the Commission or Town Council has initiated the application. The Administrative Officer shall serve as the representative of the applicant for such proposals.

(2) Property Owner Initiation

Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

(B) Application

The applicant shall submit a rezoning application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), to the Advisory Plan Commission and/or the Town Council, a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:

(1) Site Plan

A conceptual site plan showing all features relevant to the application.

- (2) Vicinity Map
A vicinity map showing the use and zoning of all properties within 600 feet of the property subject to the rezoning request.
- (3) Letter of Intent
A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments in recordable form being made by the applicant.
- (4) Fiscal Impact Study
A Fiscal Impact Study (FIS) may be required in accordance with this Ordinance.

(C) Plan Commission Public Hearing

The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of a complete application per IC 36-7-4-608 and all required materials), review the rezoning application and required supportive information.

- (1) Notification
Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.
- (2) Representation
The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Commission might have.
- (3) Testimony
The Commission shall consider a report from the Administrative Officer and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
- (4) Procedures
The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
- (5) Possible Action
The Plan Commission shall either forward the application to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.
 - a) Favorable Recommendation
The application shall be forwarded with a favorable recommendation if, by a majority vote of the Plan Commission, it is found to be consistent with the decision criteria listed in this Section. The recommendation may include commitments requested by the Plan Commission.

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b) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if, by a majority vote of the Plan Commission, it is determined by the Plan Commission to be inconsistent with the decision criteria listed in this Section.

c) No Recommendation

The application may be forwarded with no recommendation if, by a majority vote of the Plan Commission, it is determined that the application includes aspects that the Plan Commission is not able to evaluate.

d) Continued

The application may be continued by the Plan Commission based on a request by the Administrative Officer or applicant; an indecisive vote wherein the item is essentially tabled, or a determination by the Plan Commission that additional information is required prior to action being taken on the request.

- i) Additional legal notice shall not be required unless specified by the Plan Commission.
- ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

(6) Certification

The Plan Commission shall certify its recommendation by letter to the Town Council within 10 business days of its determination (per IC 36-7-4-608). The Plan Commission staff shall forward to the Town Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the Town Council's consideration.

(D) Town Council Action

The McCordsville Town Council will review the rezoning application and the materials forwarded from the Plan Commission. The Town Council may then take action on the application.

(1) Notification

The Town Council shall provide notification of action on the ordinance consistent with Indiana State Code.

(2) Possible Action

The Town Council may either approve or deny the ordinance, or return the petition to the McCordsville Advisory Plan Commission. If the Town Council fails to act within the 90 days of the ordinances' certification to the Town Council, the ordinance shall become effective or be defeated with the provisions of IC 36-7-4-608. The Town Council may also seek modifications or additions to any written commitments in recordable form as described in this Section.

(E) Decision Criteria

In reviewing the rezoning application, the Plan Commission and Town Council shall consider the following:

(1) Comprehensive Plan

The McCordsville Comprehensive Plan and any other applicable, adopted planning studies or reports.

(2) Current Conditions

The current conditions and the character of current structures and uses in each district.

(3) Desired Use

The highest and best use for which the land in each district is adapted.

(4) Property Values

The conservation of property values throughout the Town's planning jurisdiction.

(5) Responsible Growth

Responsible growth and development.

(F) Written Commitments

The applicant in any rezoning application may make written commitments in recordable form regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615.

(1) Origin of Commitments

Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, or in response to any modifications requested by the Plan Commission or Town Council.

(2) Consideration of Commitments

All commitments shall be considered by the Plan Commission and the Town Council in the review of the application.

a) Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.

b) Any deletion, addition, or alteration of the written commitments proposed by the Town Council shall be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application or may amend the written commitments and incorporate said written commitments in recordable form within the rezoning ordinance.

c) Any rezoning application shall include a commitment to properly control weeds until the site is completely developed.

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(3) Documenting Commitments

Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Hancock County Recorder by the applicant and shall not be considered effective until so recorded. A copy of any recorded commitments shall be provided to the Administrative Officer at the time of application for any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application that does not comply with the written commitments.

(4) Enforcement of Commitments

The written commitments shall be considered part of the rezoning ordinance binding on the subject property and in recordable form.

- a) The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
- b) The written commitments shall be enforceable by the Plan Commission, Board of Zoning Appeals, or Town Council consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in **Article XI**, Enforcement and Penalties.
- c) The written commitments may be modified only through the Zoning Map Amendment process described by this Ordinance.

Section 10.07 Improvement Location Permit

No structure or site improvement shall be erected, moved, or added to on platted or unplatted land, without an Improvement Location Permit first being issued by the Administrative Officer, or his or her designee. No Improvement Location Permit shall be issued unless the project is in compliance with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the Town of McCordsville.

(A) Permit Required

The Town of McCordsville requires that an Improvement Location Permit be obtained for any of the actions listed below. A single Improvement Location Permit may be issued for a combination of these actions, if they occur together. The Administrative Officer shall determine if the application requires review by the Technical Review Committee and/or Architectural Review Committee.

- (1) New development, after rezoning or plat approval;
- (2) Adding or subtracting dwelling units or leased space in multifamily or commercial structures;
- (3) Any use that exceeds 200 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers and antennas);
- (4) Any temporary use of land or temporary structure;
- (5) Signs;

- (6) Swimming pools with a depth greater than 30 inches (in-ground pools shall be required to obtain a permit, above ground pools less than 15 feet in diameter shall not be required to obtain a permit, but shall comply with this Ordinance);
 - (7) Additions to all structures;
 - (8) Changes of use;
 - (9) Placement or replacement of manufactured or mobile homes;
 - (10) Parking lot construction or alteration;
 - (11) Removal of required trees and plants within buffer yards and landscaping areas required by this Ordinance;
 - (12) Mineral extraction;
 - (13) Telecommunication towers, buildings, and antenna; and
 - (14) Any exterior construction that adds to or alters the height of an existing structure.
- (B) Special Exception Uses and Variances
- (1) Improvement Location Permit Required
If the Board of Zoning Appeals grants a special exception or a variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all requirements established by the Board and this Ordinance, an Improvement Location Permit for the execution of the approved special exception or variance shall be issued.
 - (2) Failure to Obtain an Improvement Location Permit or Complete Construction
A special exception or variance ceases to be authorized and is said to expire if the obtaining of an Improvement Location Permit, or the execution of the approval, has not been completed within one year of the date the special exception or variance is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Administrative Officer as being consistent with all written commitments, conditions, the requirements of this Ordinance, and all applicable permits within two years of the date the approval was granted.
- (C) Sign Permits
- The following procedure applies to Improvement Location Permits for permanent signs only.
- (1) Application
Application for a sign permit shall be filed with the Administrative Officer and shall be accompanied by any information the Administrative Officer, or his or her designee, determines is necessary to assure compliance with this Ordinance, including but not limited to:

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- a) Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit.
- b) An indication of all existing and anticipated signs on the same property and for the same business use.
- c) A dimensioned drawing showing the size of the sign area and the height of the sign.
- d) Description of sign materials and colors.
- e) Type of illumination.
- f) Mounting details.

(2) Effect of Sign Permit Issuance

A sign permit issued under the provisions of this Section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

(3) Expiration

A sign permit shall become null and void if work has not been started within 30 days of the date the permit is issued or completed within 180 days of the date the permit is issued.

(D) Exemptions

No Improvement Location Permit shall be required for the types of improvements listed below, provided any such improvement complies with the applicable requirements of this Ordinance, the Subdivision Control Ordinance, and any other adopted standards of the Town of McCordsville.

- (1) Routine maintenance, repair, or interior non-structural remodeling of existing buildings not involving any change of use, additional lot coverage, or increase in structure size.
- (2) Essential services, as defined in this Ordinance.
- (3) Lot and yard improvements such as drives, sidewalks, patios, decks, retaining walls, play equipment, gazebos less than 200 square feet in area, above ground pools less than 30 inches in depth and 15 feet in diameter, and landscaping.
- (4) Signs with a surface less than one square foot in area.
- (5) Mini-barns and storage containers that are portable and less than 200 square feet or less in area.

(E) Copies

A copy of all submitted plans and application materials shall be retained by the Administrative Officer for the permanent records of the Plan Commission.

(F) Expiration of Permits

Unless otherwise permitted by this Ordinance, if the rough-in inspection described in any Improvement Location Permit has not been completed within 12 months of the date of its issuance, the permit shall automatically be deemed expired.

- (1) The Administrative Officer may grant extensions for up to six (6) months to obtain the Certificate of Occupancy.
- (2) No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the Town and the project continues to be in compliance with all applicable requirements of the Town of McCordsville.

(G) Construction According to Permits and Permit Applications

Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Current approved plans and the permit shall remain on the construction site. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of **Article XI**, Enforcement and Penalties.

Section 10.08 Temporary Use Permit

For all permitted temporary uses, the following information shall be required to be submitted with any request for a temporary use permit.

(A) Application

- (1) Property owner(s) name and address, including a letter from the property owner(s) granting permission to operate the temporary use at the proposed location if the property owner(s) is someone other than the applicant;
- (2) Name and address of person, organization, or business requesting the Temporary Use Permit;
- (3) Purpose of Temporary Use;
- (4) Duration of the Temporary Use;
- (5) If restroom facilities will accompany the use and if so what kind;
- (6) If utilities are required, and if so what type;
- (7) Hours of operation;
- (8) If Temporary Use is intended to take place at night, a lighting plan for the site; and

(B) Site Plan

- (1) Context map;
- (2) Location and footprint of the proposed Temporary Use on the lot;

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- (3) All required setbacks;
- (4) Parking diagram, including number of spaces, points of ingress and egress, and overall traffic circulation; and
- (5) Any other pertinent information, as determined by the Administrative Officer, or his or her designee, to allow for the efficient and expeditious review of the application.

(C) Commitments

The Board may require the owner(s) of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Administrative Officer for inclusion in the petition file at the time an application is submitted and prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.

Section 10.09 Development Plan Review

(A) Purpose and Intent

The intent of this Section is to; provide for the adequate, consistent review of new development and ensure compliance with this Zoning Ordinance; accommodate traffic and utility systems; and address the unique characteristics of certain areas of development. Development plan review is provided for by the Indiana Code 36-7-4-1400. The development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures, but rather to allow for the administrative review of site conditions and development plans for consistency with applicable requirements prior to the issuance of permits. Generally, Development Plan review shall involve new non-residential and residential development and shall occur after rezoning and primary plat approvals. Development plan review may occur before or after any necessary Board of Zoning Appeals applications based on the characteristics of each application.

(B) Authority and Process Outline

(1) Development Plan Required

Development plan approval may be required upon the discretion of the Board of Zoning Appeals and the Plan Commission.

(2) Exemptions

The following types of development shall be exempt from the requirements of this Section, but shall be required to obtain an Improvement Location Permit and/or any other permit or approval otherwise required by this Ordinance:

a) Sign Installation

The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property.

b) Parking Lot Expansion

The expansion of an existing parking lot that does not result in (1) a greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the parking previously available on the property (2) the demolition of any structure or (3) the need for modifications to street accesses.

c) Structural Expansion

The expansion of an existing structure or the construction of an accessory structure that does not result in a greater than 25% increase in the floor area of the structures that were previously existing on the property and does not require the provision of additional landscaping, parking, or other improvements regulated by this Ordinance.

d) Residential Use / Structure

The placement of an individual manufactured home or the construction or expansion of a single-family residential use and structure (Building Permit required).

(3) Review and Approval Authority

The Administrative Officer, or his/her designee, in their role as staff for the Plan Commission, shall have the authority to review and approve Development Plans in conjunction with the Technical Review Committee as required by this Ordinance.

a) Waiver of Requirements

Neither the Administrative Officer nor the Advisory Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning Appeals.

b) Revision Process

The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined in this Section.

(C) Application Materials

(1) General Requirements

All applications may be obtained from the Administrative Officer. Fees, as established by the Town Council, shall be paid to the Administrative Officer, or his or her designee, at the time the application is submitted.

a) Application Forms

All applications shall be made on forms provided by the Administrative Officer. All applicants shall submit original applications that are completed in their entirety either in ink or typed.

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b) Copies Required

All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Town and the applicable Rules and Procedures of the Plan Commission.

c) Review Schedule

All applications shall be assigned reference and/or docket numbers by the Administrative Officer, or his or her designee. Applications shall be scheduled by the Administrative Officer, or his or her designee, for the appropriate meetings and/or public hearings based on the completeness of the application consistent with the requirements of this Section and the appropriate adopted Calendar of Filing and Meeting Dates for the Plan Commission.

(2) Application

The applicant shall submit an application for Development Plan review, an affidavit and consent of property owner(s) (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Administrative Officer, or his or her designee.

a) Application Material Format

All documents and drawings shall be provided in both hard copy and digital format in a manner specified by the Administrative Officer.

b) Supporting Information

Supporting information shall include, but not be limited to, that described by this Article. The Administrative Officer, County Surveyor, Town Engineer, Technical Review Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant.

(3) Required Materials

The following materials shall be submitted with all Development Plan applications.

a) Summary Statement

A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Development Plan.

b) Site description

A general description of the site and its ownership including:

i) The name, street address, e-mail address, and telephone number of the applicant,

ii) The name, street address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Development Plan design,

- iii) The name, street address, e-mail address, and telephone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or a contracted design professional).

c) Cover Sheet

All cover sheets shall contain the following information:

- i) A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Administrative Officer, County Surveyor, Town Engineer, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of the general street access points, general land uses, and general drainage conditions and plans;
- ii) A vicinity map shall clearly identify the subject property, property that is contiguous to the subject property that is owned and/or otherwise controlled by the owner(s) or developer of the subject property, and the current zoning and use of all property within 600 feet of the subject property;
- iii) A site location map showing the subject property and adjacent streets;
- iv) The legal description of the subject property and common address of the site; and
- v) The proposed name of the development (if applicable).

d) Property Survey

A property survey, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, bearing the seal of a land surveyor registered in the State of Indiana, and showing the following existing features for the subject property and all land within 100 feet of the property lines of the subject property, and illustrating the following:

- i) The boundary lines and dimensions of the subject property;
- ii) All structures (specifically indicating any structures recognized as outstanding, notable, or contributing in the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report; and those listed in the National Register of Historic Places; and/or the Indiana Register of Historic Sites & Structures);
- iii) Topography interpolated from USGS sources and/or otherwise meeting the requirements of the Town Engineer (topographic information shall tie into horizontal and vertical control points);
- iv) Significant wooded areas and other isolated trees and wetlands;

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- v) 100-year floodplain and 100-year floodway boundaries (including elevations);
 - vi) Public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
 - vii) Required building setbacks and any build-to lines and buffer yards;
 - viii) All known drainage areas, tiles, pipes and structures;
 - ix) Utility services (including fire hydrants) and easements;
 - x) Street accesses; and
 - xi) Any other paved or otherwise improved areas.
- e) Site Plan
- A site plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, clearly showing all proposed aspects of the property and all features relevant to the site including:
- i) All setbacks and buffer yards;
 - ii) Topography (including elevation contour lines at two foot intervals, or otherwise meeting the requirements of the County Surveyor/Town Engineer);
 - iii) Preserved wooded areas and isolated trees and wetlands;
 - iv) Existing and proposed structures (including buildings, fences, and walls);
 - v) All structure heights, dimensions, and floor areas;
 - vi) Areas of outdoor storage;
 - vii) Permanent dumpsters and trash areas;
 - viii) Locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking lots, loading docks or areas, intersection sight visibility triangles, and interior sidewalks;
 - ix) Open spaces and specific landscaped areas;
 - x) Locations and capacities of public and private utilities;
 - xi) The location, width, and purpose of all easements;
 - xii) The use of each structure and the amount of parking required and provided for the use;

- xiii) Any public improvements including sidewalks, street trees, and existing or planned public right-of-way dedications;
- xiv) Locations for temporary uses, such as seasonal sales areas; and
- xv) Locations of proposed signs (separate permit required).

f) Landscaping Plan

A landscaping plan, prepared by a landscape architect registered with the State of Indiana, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the following:

- i) Proposed landscaping, buffer yards, and street trees;
- ii) Topography (including elevation contour lines at two foot intervals, or otherwise meeting the requirements of the Town Engineer);
- iii) 100-year floodplain and 100-year floodway boundaries (including elevations);
- iv) Existing and proposed public and internal sidewalks, multi-use paths, and other pedestrian ways;
- v) The size and spacing of the plantings at the time of installation, height at maturity, and the botanical and common name of the species proposed to be used to meet the requirements of this Ordinance; and
- vi) All existing trees and vegetation to be preserved, and the drip lines for such trees (in which no construction activity shall occur).

g) Stormwater Drainage Plan

A site drainage plan, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, including all calculations required by the County Surveyor/Town Engineer. The drainage plan shall comply with the McCordsville Stormwater Ordinance, as amended from time to time, and include the location of the following:

- i) All natural streams, regulated drains, and watercourses,
- ii) 100-year floodways and 100-year floodplains (including elevations),
- iii) All marshes, wetlands, and wooded areas, and
- iv) All drainage area features as described in the drainage calculations.

h) Lighting Plan

A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting). Said lighting plan shall include a photometric drawing.

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- i) Erosion Control/Sedimentation Plan
A site erosion control sedimentation plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing proposed erosion and sediment control measures.
- j) Construction Plan
A site construction plan, drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing:
 - i) The location of any proposed construction trailer and worker parking;
 - ii) The location, height, and dimensions of any temporary construction-related signs;
 - iii) Any temporary site accesses to be used during construction;
 - iv) All traffic control signs and devices (subject to the approval of the Town Engineer and consistent with the Manual of Uniform Traffic Control Devices);
 - v) Any temporary utility connections; and
 - vi) The location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas, wash off areas.
- k) Street Plan and Profile
- l) Sanitary Sewer Plan and Profile
- m) Utility Plan, including water and electricity
- n) Grading Plan

(D) Review Process

- (1) Pre-application Meeting Required
A preliminary informal meeting shall be held with Town Staff prior to application submittal.
- (2) Technical Review Committee
The Technical Review Committee shall review the Development Plan, including all supporting information on the date established by the adopted Calendar of Meeting and Filing Dates.
 - a) Representation
The applicant and/or a representative of the applicant must be present at the meeting to present the Development Plan and address any questions the Committee may have.

b) Considerations

In reviewing the Development Plan, the Committee shall consider whether or not the proposed Development Plan is consistent with the requirements and intent of this Ordinance, any other applicable adopted requirements of the Town of McCordsville, and the standards of the local utility providers.

c) Possible Action

The Committee may forward a favorable recommendation, recommendation with modifications, or an unfavorable recommendation to the Plan Commission.

i) Favorable Recommendation

The Committee may forward a favorable recommendation for the Development Plan if it complies with all applicable requirements of this Ordinance.

ii) Recommendation with Modifications

The Committee may forward a recommendation contingent upon one or more modifications for the Development Plan if it is generally consistent with the considerations for approval outlined in this Ordinance, and require that minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Development Plan proposal consistent with the Committee comments and supply revisions for review by the Administrative Officer, or his or her designee, prior to review and action by the Advisory Plan Commission.

iii) Deny

The Committee may forward an unfavorable recommendation for the Development Plan if it is found to be inconsistent with the considerations outlined in this Ordinance. The Development Plan can be resubmitted for review by the Technical Review Committee and action by the Plan Commission if there have been significant changes as determined by the Administrative Officer. If not, there shall be a one year waiting period before the same Development Plan can be resubmitted as a new application.

iv) Continue

The Committee may request that action on a Development Plan be continued if requested by the applicant, if a determination has been made by the Administrative Officer that sufficient information has not been provided, or if the applicant or an appropriate representative of the applicant fails to appear at the Committee meeting. Development Plan applications that are continued shall be automatically docketed for the next Committee meeting, unless otherwise requested by the applicant.

(3) Plan Commission Preparation

The Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted Calendar of Meeting and Filing Dates. The applicant shall revise the Development Plan proposal consistent with any Technical Review Committee comments and submit the revised plans to staff

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ten (10) days prior to review by the Plan Commission and shall provide such revision for review.

(4) Plan Commission Review

The Plan Commission shall review the Development Plan and any supporting information.

a) Representation

The applicant and/or a representative of the applicant must be present at the public hearing to present the Development Plan and address questions from the Commission.

b) Presentations

The Commission shall consider a report from the Administrative Officer describing the findings of the Technical Review Committee and any testimony from the applicant and any interested parties in making its decision.

c) Possible Action

The Plan Commission may approve, approve with modifications, deny, or continue the Development Plan application.

i) Approve

The Plan Commission may approve the Development Plan if it is consistent with all applicable requirements of this Ordinance.

ii) Approve with Modifications

The Plan Commission may approve the Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Development Plan if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become written commitments which shall be recorded by the applicant with the Hancock County recorder before any construction activity commences. A copy of the recorded commitments shall be provided to the Administrative Officer prior to any construction activity taking place.

iii) Deny

The Plan Commission shall deny the Development Plan if it is not consistent with the applicable requirements of this Ordinance. Development Plan applications that have been denied shall not be re-filed for a period of one year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.

iv) Continue

The application may be continued based on a request by the Administrative Officer or the applicant; an indecisive vote wherein the item is essentially tabled; a determination by the Commission that additional information is required prior to action being taken on the

request; or if the applicant or an appropriate representative of the applicant fails to appear at the public hearing. Additional legal notice shall not be required unless specified by the Plan Commission. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Commission.

(5) Permits

Prior to any site work or construction activity, the applicant shall be required to obtain the appropriate Improvement Location Permit and any other required permits specified by this Ordinance.

Section 10.10 Written Commitments

An applicant of a map amendment (rezoning) petition may make written commitments in recordable form regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613 which, if accepted by the Advisory Plan Commission, must be recorded by the applicant prior to application for an Improvement Location Permit.

(A) Origin of Commitments

Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.

(B) Consideration of Commitments

Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the application.

(C) Filing of Commitments

Following final action being taken on the Development Plan application, the written commitments in recordable form shall be documented by the Administrative Officer. A copy of the commitments shall be maintained by the Administrative Officer for the records of the Plan Commission.

(D) Enforcement of Commitments

The written commitments shall be in recordable form and considered part of this Ordinance binding on the subject property.

(1) Successors in Interest

The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the subject property, and any property owner(s) or entity that acquires an interest in the subject property or any portion of the subject property.

(2) Enforcement

The written commitments shall be enforceable by the Plan Commission as if they are a part of this Ordinance, consistent with the provisions of **Article XI**, Enforcement and Penalties.

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(3) Modification

Written commitments may be modified by the Plan Commission. Interested parties shall file a petition clearly defining the commitments to be modified in their existing language, their proposed language and the reason(s) for the requested modification(s). Said petition shall be signed by the property owner(s), or petitioner with the written consent of the property owner(s), to be filed with the Office of the Administrator. The matter will be set for a hearing as would a petition for a rezoning with the notice requirements associated therewith to be strictly adhered to and followed. Modification of said written commitment(s) will be considered using the standard that applied to the original action resulting in the subject commitment(s).

Section 10.11 Certificate of Occupancy

The following procedure applies to the issuance of a Certificate of Occupancy Permit.

(A) Purpose and Intent

The intent of the Certificate of Occupancy Permit procedure is to coordinate building, planning, and engineering related issues and approvals into a single process and to better ensure the public safety and general welfare.

(B) Certificate Requirements

It shall be unlawful and in violation of this Ordinance for any builder or property owner(s) to allow any improvement that requires an Improvement Location Permit to become occupied or utilized prior to:

- (1) Legally obtaining an Improvement Location Permit;
- (2) Successfully completing all required inspections, including the final inspection; and
- (3) Obtaining a Certificate of Occupancy from the Administrative Officer.

(C) Inspection

Upon the completion of the work approved through an Improvement Location Permit, the permit holder shall contact the Plan Commission Office and schedule a final inspection to verify the installation of improvements consistent with the requirements of this Ordinance.

(D) Certificate Issuance

The Administrative Officer or designee shall issue the Certificate of Occupancy if the improvements comply with this Ordinance, the Subdivision Control Ordinance, and other applicable requirements. The Administrative Officer, or his or her designee, may also issue a limited or temporary Certificate of Occupancy at his/her discretion.

Article XI. Enforcement and Penalties

Section 11.01 General Provisions

(A) Authority

The Plan Commission, Board of Zoning Appeals, Building Official, Town Engineer, and/or Administrative Officer (including their staff and/or designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

(B) Violations

Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Administrative Officer, or his or her designee. The Administrative Officer may include other officials, such as the Town Engineer, Building Official, Police, or any of their designees in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be within the sole discretion of the Administrative Officer, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

(C) Inspections

Investigations of property may be done by the Administrative Officer, or his or her designee, from a right-of-way, from adjacent property (with permission of that property owner(s)), or from the property suspected of a violation once he/she has described the purpose of the inspection to the owner(s), tenant, or occupant at the time of the inspection.

(D) Entry

In order to execute inspections, the Administrative Officer or inspectors shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his, her or their duties in the enforcement of this Ordinance, unless the owner(s) or occupant of the premises refuses to permit entry to the Administrative Officer or inspectors when entry is sought pursuant to this section. In the event of such a refusal, the Administrative Officer may petition any judge of a court of competent jurisdiction for the issuance of an administrative search warrant. The petition shall identify the premises upon which entry is sought and the purpose for which entry is desired. The petition shall state the facts giving rise to the belief that a condition which is in violation of this Ordinance on the premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to the petition shall order the owner(s) or occupant to permit entry to the Administrative Officer or inspectors for the purposes stated therein.

(E) Responsibility

The property owner(s) shall be held responsible for all violations on his/her or their property.

(F) Types of Violations

The following items shall be deemed violations of this Ordinance in response to which the Administrative Officer, or his or her designee, shall take all actions necessary to

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eliminate said violations using all authority granted to the Administrative Officer pursuant to this Article.

(1) **Illegal Structures**

The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s) or any other element determined by the Administrative Officer not to be in conformity with the provisions or explicit intent of this Ordinance.

(2) **Illegal Use**

Conducting a use or uses that do not comply with any element of the provisions or explicit intent of this Ordinance.

(3) **Failure to Obtain a Permit**

Failure to obtain an Improvement Location Permit or other permits and approvals required by this Ordinance.

(4) **Violation of Stop-Work-Order**

Proceeding with work after issuance of a Stop-Work-Order or in violation of a Memorandum of Agreement.

(5) **Failure to Comply with Development Standards**

Any failure to comply with any element of the development standards and/or regulations of this Ordinance.

(6) **Failure to Comply with Commitments**

Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, or variance; or other similar and documented commitment whether recorded or not.

(7) **Failure to Comply with Permit Requirements**

Any failure to comply with the plans submitted and approved in order to obtain a permit.

Section 11.02 Construction Process Violations

(A) **Stop-Work Orders**

The Administrative Officer, or his or her designee, may place a Stop-Work-Order on any land/property improvement process.

(1) **Procedure**

Stop-Work Orders shall be issued by written letter that shall state the nature of the violation and that the work and/or any other illegal activity must stop immediately until the matter is resolved. If the property is occupied by someone other than the property owner(s), a copy of said Stop Work Order shall be provided to said occupant(s). This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner(s).

(2) Reasons

Reasons for a Stop-Work Order include, but are not limited to:

- a) Not complying with any element of the development standards and/or any regulation of this Ordinance or the McCordsville Subdivision Control Ordinance.
- b) Not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance.
- c) Not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval.
- d) Not meeting the conditions or commitments of a special exception, variance, rezoning, or other approval whether recorded or not.
- e) Not meeting the conditions of a Site Development Plan, Planned Unit Development Final Detailed Plan, or written any commitment associated therewith.
- f) Illegal use or expansion of use of structures, or structures and land in combination.

(B) Memorandum of Agreement

The Administrative Officer, or his or her designee, must meet with the property owner(s) served the Stop-Work Order notice within seven days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the Administrative Officer and the property owner(s) that is responsible for the violation.

(C) Appeals

Any Stop-Work Order issued as a result of the enforcement of this Ordinance, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals.

(D) Resumption of Construction Activity

The Stop-Work Order shall be lifted and construction activity may resume upon either (1) the resolution of the violation(s) to the satisfaction of the Administrative Officer or (2) the execution of all tasks required by the Memorandum of Agreement.

Section 11.03 Immediate Public Risk Violations

Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within the Town may be corrected by the Administrative Officer, or a property owner(s), firm, or organization selected by the Administrative Officer without prior notice to the property owner(s) or other property owner(s) responsible for the violation.

(A) Immediate Public Risk Violation Defined

Immediate public risk violations shall include but shall not be limited to:

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(1) Obstructions

Signs, structures, landscaping or other materials placed in an easement, sight visibility triangle, or other public and/or private rights-of-way in violation of this Ordinance.

(2) Distractions

Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public.

(3) Other Threats

Any other immediate threat to public welfare as determined by any representative of the Town of McCordsville or by the Board of Zoning Appeals based upon the advice and recommendation of the Administrative Officer.

(B) Seizure Materials

Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Administrative Officer, or his or her designee, in a manner that results in the least amount of damage to the material or the property on which it is located under the circumstances.

(C) Notice of Violations

The Administrative Officer, or his or her designee, shall provide notice to the owner(s) of the property as listed in the records of the Auditor's Office. Office upon which the violation was located or any discernible appropriate owner(s) of materials placed within the right-of-way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by mailing a letter to that property owner(s).

(1) Notice Time Requirements

All notice letters shall be sent to the property owner(s) via certified mail within 24 hours of the seizure. Any notice that is to be posted on the property shall be posted at the time the material is seized.

(2) Notice Contents

The letter and posted notice shall include the following:

- a) A description of the materials seized;
- b) A citation of the section(s) of the Ordinance that were violated and the characteristic(s) of the violation that posed an immediate threat to public welfare;
- c) The address and phone number of the Administrative Officer and the name of the person to be contacted by the property owner(s) to discuss the violation and request the return of the seized item(s); and
- d) Instructions describing how, where, and when the seized items may be claimed.

(D) Storage and Retrieval of Seized Materials

The Administrative Officer, or his or her designee, shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was mailed to the property owner(s). The property owner(s) may claim the seized property at any time following its seizure upon the payment of the fine specified on the Fee Schedule and the establishment of a Memorandum of Agreement between the property owner(s) and Administrative Officer regarding the future use of the item in a manner consistent with this Ordinance.

(E) Liability

Neither the Administrative Officer, the Town of McCordsville, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

Section 11.04 Violation Procedures

(A) General Procedures

Unless otherwise provided for by this Ordinance, there shall be a minimum of a three step procedure for the prosecution of violations of this Ordinance. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Administrative Officer at his/her sole and unlimited discretion. However, the general procedure for all violations shall follow the minimum steps set forth below. The minimum steps are as follows:

(1) Notice of Violation

The Administrative Officer, or his or her designee, shall issue a Notice of Violation to the property owner(s) committing, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been observed and that it must be corrected within a specified time frame from the date of the mailing.

(2) Notice of Penalty for Violation

The Administrative Officer, or his or her designee, shall issue a Notice of Penalty for Violation to the property owner(s) committing, in whole or in part, a violation. The Notice of Penalty for Violations is a citation that states the penalty for the violation. The Notice of Penalty for Violation shall be mailed via Certified Mail, Return Receipt Requested by the Administrative Officer, or his or her designee. The property owner(s) in violation will have a specified number of days from the date of the mailing to pay all applicable penalty and must correct the violation within the time period specified by the Administrative Officer, or his or her designee, or face additional penalty and/or any other enforcement action authorized by this Ordinance.

(3) Legal Action

If the property owner(s) in violation refuses to pay the penalty, attorney's fees, court costs, and/or correct the violation within the time frame specified by the Notice of Penalty for Violation, the Administrative Officer may refer the violation to the Plan Commission attorney in order to pursue court action through a court of competent jurisdiction. Additional penalty, attorneys fees, and liens against the property may also be pursued until the matter is resolved.

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(B) Monetary Fines

Monetary fines may be imposed at the discretion of the Administrative Officer by issuance of the Notice of Fines for Violations as set forth above.

(1) Multiple Violations

Each day a violation exists shall constitute a separate offense.

(2) Fine Amount

Each separate offense shall be subject to a maximum fine specified by the adopted Fee Schedule assessed on a per day basis from the date of compliance requested by the Administrative Officer in the Notice of Violation.

a) In addition to any fine imposed, any property owner(s) who initiates any activity that requires an Improvement Location Permit without first obtaining such permit may be required to pay two times (2x) the normal amount of the permit fee as an additional fine, consistent with the adopted Fee Schedule.

b) The amount of any fine shall be as determined by the Administrative Officer.

(3) Payment

The payment of any violation shall be by cash or cashier's check and shall be delivered to the Administrative Officer who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.

a) The Administrative Officer, or his or her designee, shall issue a receipt to the person making the payment.

b) The Administrative Officer may, at his/her discretion, waive the assessed fine for the timely correction of the violation.

(C) Appeals

Any property owner(s) receiving a Notice of Violation and/or Fine(s) for Violation may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the property owner(s) in violation, either filing an Administrative Appeal consistent with this Ordinance, shall be submitted to the Administrative Officer via Certified Mail at least three days prior to the date any fine and/or compliance is due.

(1) Fines

No additional fines shall accrue from the date of the appeal until the Board of Zoning Appeals has made a ruling as to the violation and/or fine.

(2) Additional Notices

No additional notices will be issued by the Administrative Officer, or his or her designee, if the property owner(s) in violation has (have) submitted an appeal.

(D) Legal Remedies

The Administrative Officer via the Plan Commission attorney may bring an action in a court of competent jurisdiction to invoke any legal, equitable, or special remedy, for the

enforcement of any ordinance or regulation created under IC 36-7-4, as amended from time to time.

(1) Enforcement

Implementation of the legal remedies set forth above may be used to prosecute violations of the following:

- a) The Zoning Ordinance, Subdivision Control Ordinance, and any other requirements adopted separately by the Town Council or adopted by their reference in the Zoning or Subdivision Control Ordinance;
- b) All agreements with the Plan Commission or its designees that have been established as written commitments in recordable form;
- c) All commitments made in accordance with IC 36-7-4 et al; and
- d) All conditions imposed in accordance with IC 36-7-4 et al.

(2) Injunction

The Administrative Officer may bring an action in a court of competent jurisdiction to enjoin a property owner(s) from violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al.

(3) Removal of Structures

The Administrative Officer may also bring an action in a court of competent jurisdiction for a mandatory injunction, directing the property owner(s) to remove a structure erected in violation of this Ordinance.

(4) Responsibility for Prosecution Expenses

A defendant/respondent shall reimburse the Office of the Plan Commission all expenses associated with the prosecution of a violation of any provision of this ordinance, including but not limited to any fines, attorney's fees, photocopying charges, mileage, hours, or portions thereof, devoted to said prosecution by the Administrative Officer or any employee of the Town of McCordsville and any other cost incurred directly or indirectly by any employee or elected official of the Town of McCordsville related to said prosecution. However, only those costs of enforcement that are documented by the Administrative Officer, and that have a relationship to the enforcement action shall be paid by the defendant/respondent.

(5) Other Parties Eligible to Seek Enforcement

An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in a court of competent jurisdiction by:

a) Rules and Procedures Provisions

Any property owner(s) who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules and Procedures of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made.

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b) Specified Parties

Any other specially affected property owner(s) who was designated in the written commitment.

Article XII. Definitions

Words used in a special sense in this Ordinance are defined in this Article. All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

Abandonment

To intentionally stop the use or development of a property for a continuous period of time.

Abutting

Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this Ordinance, abutting also includes lots or other features within a specific vicinity.

Access Point

A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

Accessory Structure

A structure that is subordinate to a primary structure in area, extent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure.

Accessory Use

A use which is secondary to a primary use in area, extent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.

Acre

A land area equal to 43,560 square feet.

Acre, Gross

The total area within a parcel of land.

Acre, Net

The usable or cultivatable portion of an acre of land; a remaining area expressed in acres after the dedication of land for: public rights-of-way; the reservation of common areas such as tennis courts, swimming pools, clubhouses, etc; or the preservation of open space, on which housing or commercial structures may be built.

Act

The Indiana Tall Structure Act IC 8-21-10, as amended from time to time.

Addition

Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.

Address

The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent

See Abutting

Adjoining

See Abutting

Administrative Officer

The individual or group responsible for the implementation and enforcement of this Ordinance.

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Administrative/Professional Office

An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

Adult Uses

See Sexual Oriented Business

Agricultural Crop Production

An operation which consists of the following uses, individually or in combination: the production of grain or livestock; stables; forest or tree production; pasture; setting aside land in a government set-aside reserve program; a farmstead; uses accessory to agricultural operations on the site; or, uses accessory to agricultural operations in the area. The phrase "agricultural crop production" includes the phrase "tree farm," and may include the phrase "roadside stand."

Agricultural Farm Implement Sales or Service

An operation that focuses on the sale or service of farm implements to the public wherein the primary use is engaged in the sale or rental of large farm implements, farm tools, machinery, grain, tack, animal care products and farm supplies. The phrase "farm implement sales and service" also includes food sales and farm machinery repair services that are incidental to a primary use whether located on-site if grown on-site or off-site if grown off-site.

Agricultural Industry, CAFO

The term concentrated animal feeding operation (CAFO) as defined by the National Pollutant Discharge Elimination System (NPDES) under the USEPA Clean Water Act (CWA) and administered by the Indiana Department of Environmental Management (IDEM) as sources of point sources of pollution and subject to permit requirements under 327 IAC 15-15, as amended from time to time.

Agricultural Industry, CFO

The term confined feeding operation (CFO) shall be as defined in IC 13-11-2-40, as amended from time to time.

Agricultural Products Sales, Distribution, and Storage

A primary use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the primary use.

Agriculture

Farming, including dairying, pasturage, apiculture, aquaculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

Agriculture Structure

A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

Airport

Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Airport Elevation, Established

The established elevation of the highest point on the landing area, which is 862 feet above mean sea level (MSL).

Airport Hazard

Any structure, tree, object, or use of land which penetrates the airspace reserved herein for passage of aircraft or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Airport Reference Point

The point established as the approximate geographic center of the airport landing area.

Airport Zoning Map

The map showing height restriction zones for the airport. The Airport Zoning Map was adopted with the height ordinance for property in the vicinity the Airport, also known as Ordinance 1975-10D, and is made part of this Section and the Official Zoning Map by reference.

Alley

A public right-of-way, whether improved or not, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Alteration

Any change, addition, or modification in construction or use of an existing structure or property.

Amateur Radio Tower

A free-standing or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment

Any repeal, modification, or addition to a regulation; or any new regulation.

Amphitheater

An open-air venue for spectator sports, concerts, rallies, and theatrical performances.

Animal

Any live vertebrate creature, domestic or wild, excluding human beings.

Animal Clinic or Hospital

An establishment for the treatment, care, observation or treatment of small domestic animals. This facility may have indoor or outdoor kennels.

Animal Grooming Facility

An establishment primarily engaged in providing pet care services, such as grooming and training, but does not include veterinary care or overnight boarding.

Animal Kennel

A facility whereby five or more dogs, cats, or other domestic animals over the age of four months are kept, raised, cared for, trained, sold, bred, boarded, shown, treated, or groomed either for commercial or non-commercial purposes. The phrase "animal kennel" may include "doggy daycare facilities."

Animal Shelter

A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. The phrase "animal shelter" includes facilities for adoption, emergency medical treatment, and cremation.

Animal Stables

The use of any structure with stalls or compartments and/or land where animals, excluding dogs and cats, are sheltered and fed.

Animal, Domestic

Any animal that has been adopted by human beings to live and breed in a tame condition. A domestic animal differs from a wild animal in that a wild animal means any animal not actually confined or cultivated by humans.

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Animal, Exotic

Any animal not customarily confined or cultivated by man for domestic or commercial purposes but rather kept as a pet for display.

Animal, Farm

Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

Animal, Pet Store

A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. For the purpose of administering and enforcing this Ordinance, the phrase "pet shop" shall not include the retail sale of exotic or farm animals, nor the sale of animals for laboratory or other commercial purposes.

Animal, Riding Stable

The use of any structure with stalls or compartments and/or land where large animals are sheltered and fed and rode either by owners or involved with riding lessons.

Animal, Veterinary

An establishment for the treatment, care, observation or treatment of large animals by a licensed veterinarian. A veterinary facility may include indoor and outdoor areas.

Animal/Animal Products Processing

The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Antenna

Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

Antique Shop

A retail store specializing in the sale of antiques.

Apartment

A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

Apparel, Alterations/Tailoring

A commercial business specializing in the custom creation, alteration, and/or tailoring of apparel intended for human use on a custom order basis for individuals or businesses.

Appliance Repair Shop

A commercial business specializing in the repair of home appliances and related accessories.

Appliance Store

A commercial business specializing in home appliance retail and the sale of home appliance accessories.

Applicant

The owner, owners, or legal representative of real estate who make application for action affecting the property.

Application

The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance

A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arcade

A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Archery Range

A facility designed and/or used for target practice with bows and arrows.

Arterial Road

See Street, Arterial

Arterial Street

See Street, Arterial

Assembly Facility

A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

Assisted Living Facility

A residential facility where assistance with daily activities, such as dispensing medication, dressing, grooming, and bathing are provided for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Athletic Field

A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

Auction Facility

A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auditorium

A public or commercial facility where an audience sits and enjoys a performance. Auditoriums are generally smaller than theaters and used for live performances. For the purposes of administering and enforcing this Ordinance, the term "auditorium" does not include the term "amphitheater" or phrase "sexually oriented businesses."

Auto Oriented Uses, Large Scale

Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Official Schedule of Uses included in this Ordinance. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.

Auto Oriented Uses, Medium Scale

Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, oil change/lube shops, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Official Schedule of Uses included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or small scale.

Auto Oriented Uses, Small Scale

Uses such as gas stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Official Schedule of Uses included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

Automobile Parts Sales

The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

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Automobile Repair

The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automotive Parts Store

A commercial business specializing in the retail sales of automotive parts and which does not typically offer repair services on-site, except as an incidental use to the principle use. For the purposes of administering and enforcing this Ordinance, the phrase "automotive parts store" shall not include "salvage yards" or the outside storage of inoperable vehicles.

Automotive Recreational Vehicle Sales or Service

Any principle use of a premise for one or more of the following purposes: (a) sale or lease of new recreational vehicles; (b) purchase and sale of second hand recreational vehicles; (c) buying of second hand recreational vehicles for the purpose of remodeling, taking apart or rebuilding or selling the same, or the buying selling of parts of second hand recreational vehicles or tires, or the assembling of second hand recreational vehicles parts; or (d) repair and servicing of recreational vehicles provided said repair and servicing is conducted as an accessory use secondary to the principle use. For the purposes of administering and enforcing this Ordinance, the phrase "automotive recreational vehicle sales and service" shall not include "salvage yards" or the outside storage of inoperable vehicles.

Automotive Sales or Lease

Any principal use of a premise for one or more of the following purposes: (a) sale or lease of new motor vehicles; (b) purchase and sale of second hand motor vehicles; (c) buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding or selling the same, or the buying selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicles parts; or (d) repair and servicing of motor vehicles provided said repair and servicing is conducted as an accessory use secondary to the principal use. For the purposes of administering and enforcing this Ordinance, the phrase "automotive sales or lease" shall not include "salvage yards" or the outside storage of inoperable vehicles.

Automotive Storage

A facility whereby automobiles may securely be stored for an unspecified amount of time on a contract basis. For the purposes of administering and enforcing this ordinance the phrase "automotive storage" does not include establishments where automobiles are available as rentals.

Automotive, Major Repair

Any principle use of a premise for one or more of the following purposes: (a) muffler repair or installation, (b) brake repair or installation, (c) shock replacement, (d) transmission repair, (e) tire recapping, (f) motor overhaul, or (g) body or fender repair work, but excluding the dismantling or wrecking of motor vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

Automotive, Minor Repair

Any principle use of a premise for one or more of the following purposes: (a) tune-ups, (b) oil changes, (c) sale and installation of lubricants, tires, batteries, or (d) other minor maintenance operations, but excluding major repairs.

Automotive, Truck, or Bus Rental, Sales or Service

Any principal use of a premise for one or more of the following purposes: (a) sale or lease of new or used automobiles, trucks and buses; or (b) repair and servicing of motor vehicles provided said repair and servicing is conducted as an accessory use secondary to the principal use.

Awning

A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

Bakery, Commercial

A principle use for one or more of the following purposes: (a) preparation of large quantities of baked goods for sale or distribution; or (b) on-site storage of delivery vehicles with or without a loading dock(s), in which the baked goods are intended for off-site distribution and consumption.

Bakery, Retail

An establishment primarily engaged in the retail sale of baked products for consumption on- or off-site, wherein the products are prepared either on- or off-site.

Balcony

A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank

A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banner

A sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

Banquet Hall

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged. A catering facility differs from a banquet hall in that a catering facility is typically where the food is prepared whereas a banquet hall is typically where catered food is intended to be consumed. In the event that a facility both prepares and serves the food, it shall be considered a catering facility.

Bar

A building or part thereof where, in consideration for payment therefore, liquor, beer, wine or any combination thereof are served primarily for consumption on the premises, with or without food. The term "bar" includes the term "tavern," but shall not be interpreted to include the phrase "package liquor store."

Barber Shop

Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees. The term "barber shop" may include a facility where apprentices are trained under regulations of the Board of Health.

Basement

The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

Batching Plant

A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

Beauty Salon

Any commercial establishment or place of business wherein cosmetology is offered or practiced, for compensation, on a regular basis. The term "beauty shop" may include a facility where apprentices are trained under regulations of the Board of Health.

Bed and Breakfast Establishment

A property providing overnight accommodations to guests operated by an owner and/or operator, with premises designed primarily as a commercial enterprise; a dwelling occupied by a family and used incidentally to provide accommodation and meals to transient travelers, including tourist homes. For the purposes of administering and enforcing this ordinance the phrase "bed and breakfast establishment" does not include boarding house, rooming house, domiciliary hostel, group home, hotel or motel.

Berm

A man-made mound of earth of definite height and width used for landscaping and screening purposes.

Zoning Ordinance

Bicycle, Sales, Rental or Service

A principle use of a premise for one or more of the following purposes: (a) purchase and sale of new and used non-motorized bicycles; (b) buying of used bicycles for the purpose of remodeling, taking apart or rebuilding; or (c) repair and servicing of bicycles.

Billiard Hall

A business establishment containing more than six billiard tables for use by patrons.

Block

Property abutting one side of a street and lying between the two nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.

Board

The McCordsville Board of Zoning Appeals

Board of Zoning Appeals

The McCordsville Board of Zoning Appeals established consistent with the 900 Series of IC 36-7-4.

Boarding House

A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels, or motels.

Boat or Boat Trailer Sales or Service

A principle use of a premise for one or both of the following purposes: (a) purchase and sale of new and used boats and boat trailers; or (b) on-site repair of boats or boat trailers.

Boat Storage Facility

A structure or area designed for the indoor or outdoor storage of watercraft or marine equipment.

Bond

See Surety

Bookstore

A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media. For the purposes of administering and enforcing this Ordinance, the phrase "book store" shall not include "sexually oriented businesses."

Bottle Gas Storage and Distribution

The storage and distribution of bottle gasses including propane, carbon dioxide, helium, oxygen and other commercially used gases.

Bottling Facility

An industrial enterprise whose output is the bottling of beverages, alcoholic or non-alcoholic, for distribution.

Bowling Alley

An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as a pro shop, other recreation activities, a restaurant, or a bar.

Brewery, Industrial Brewery or Distillery

An industrial facility utilized primarily for the brewing or distilling of alcoholic beverages to be distributed commercially. This facility may also serve as a temporary storage/distribution center for wholesale goods produced on-site as an incidental use.

Brewery, Micro-Brewery

A facility for the production and packaging of malt beverages for distribution, retail, or wholesale, on- or off-premise, with a typical capacity of not more than fifteen thousand (15,000) barrels per year. A Micro-

brewery establishment may be comprised of other complimentary uses such as a standard restaurant, bar, or combination thereof.

Buffer

A strip of land, a fence, and/or area of landscaping between one use and another designed and intended to separate and screen those uses.

Buffer Landscaping

Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

Buffer Yards

An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffers yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Building Code

The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within the Town of McCordsville. Also referred to in this Ordinance as the McCordsville Building Code.

Building Height

See Structure Height

Building Official

The person responsible for the enforcement of the McCordsville Building Code.

Building Permit

An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure.

Building Supply Store

A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the building supply retail sales.

Building, Attached

A building that is structurally connected to another building by a foundation, wall, or roof line.

Building, Detached

A building which is surrounded by open space and located on the same lot as another building.

Build-to Line

A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum nor a maximum, but rather a specific requirement.

Bus/Mass Transit Terminal

A centralized and/or primary community facility for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

Business

A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Zoning Ordinance

Business District

A geographic area used for commerce and the operation of a business or businesses.

Business/Financial Services Office

Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA

See Board of Zoning Appeals

Campground

Any public or private site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus

An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

Car Wash

The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport

A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

Catering Facility

A facility primarily engaged in the preparation of food on a custom order basis for individuals or businesses. For the purposes of administering and enforcing this Ordinance, the phrase "catering facility" shall include "restaurant." A catering facility differs from a banquet hall in that a catering facility is typically where the food is prepared whereas a banquet hall is typically where catered food is intended to be consumed. In the event that a facility both prepares and serves the food, it shall be considered a catering facility.

Cemetery

Land used or dedicated to the burial of the dead, including crematoriums and mausoleums.

Certificate of Occupancy

A certificate issued by the Town certifying that a newly constructed or modified structure and/or property is completed in its entirety and is in complete compliance with all applicable regulations of the Town of McCordsville, and therefore may be occupied.

Change of Use Permit

See Improvement Location Permit

Child Care Center

As defined by IC 12-7-2-28.4, as amended from time to time; child care center means a non-residential building where at least one (1) child receives child care from a provider: (a) while unattended by a parent, legal guardian, or custodian; (b) for regular compensation; and (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Child Care Home

As defined by IC 12-7-2-28.6, as amended from time to time, child care home means a residential structure in which at least six (6) children (not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) year of age and does not require child care) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian, or custodian; (b) for regular compensation; and (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. Consistent with IC, the phrase "child care home" shall include Class I

child care homes and Class II child care homes.

Child Care Home, Class I

As defined in IC 12-7-2-33.7, as amended from time to time, Class I Child Care Home means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade one (1). Except as provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks. A child: (a) For whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth above.

Child Care Home, Class II

As defined by IC 12-7-2-33.8, as amended from time to time, Class II Child Care Home means a child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time. A child: (a) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or (b) who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth above.

Child Care Home, Institution

As defined in IC 12-7-2-29, as amended from time to time, a child caring institution means an establishment that: (a) operates under a license issued under IC 31-27; (b) provides for delivery of mental health services that are appropriate to the needs of the individual; and (c) complies with the rules adopted under IC 4-22-2 by the department of child services.

Children's Home

A facility that houses not more than ten (10) children which are either: (a) in need of service under IC 31-34.1; or (b) children who have committed a delinquent act under IC 31-37-2.2, IC 31-37-2.3, or IC 31-37-2.5, as amended from time to time.

Church

See Religious Institution or Other Place of Worship.

Circus or Carnival

A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

Clinic

Any facility in which human patients are admitted for medical, psychiatric, surgical, or dental study or treatment on an out-patient only basis, and in which the services of at least two physicians or dentists are provided.

Club

Public or private facilities owned or operated by a person or group of people for social, educational, or recreational purposes, but not primarily for profit nor to render a service which is customarily carried on as a business. The term "club" shall include the term "lodge."

Collection Center, Donations and Retail Sales

Buildings and facilities owned and operated by a group to enable the collection of donated goods and the retail selling of household goods donated to the group. It should be noted that this use does not denote a primary use as a for-profit business and is primarily geared toward philanthropic or job training efforts.

Collection Point, Recycling

A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within an enclosed structure while awaiting periodic shipment to a processing facility. While these collection points may be developed as

Zoning Ordinance

freestanding sites, they typically are incidental uses sharing the site of a larger principle use, such as a discount store. Possible structures for this type of operation are recycling containers such as igloos “reverse vending machines”, trailers, or similar Structures.

CMU

Concrete masonry unit.

Collector Road

See Street, Collector

Collector Street

See Street, Collector

College

See University

Commercial District

See Business District

Commercial Recreational Uses

An occupation, employment, or enterprise that is carried on to provide recreational services for profit by an owner, lessee, or licensee.

Commission

McCordsville Advisory Plan Commission

Common Area

Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one common stockholder, partner, or associate.

Communications Service Exchange

A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

Community Center

A building available to the public for community activities, meetings, banquets, projects, gatherings, and the similar functions.

Compatible

Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan

A document, consistent with the requirements the Indiana Code that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Concrete/Asphalt Production Facility

A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval

Stipulations or provisions set forth as a prerequisite for approval of an application.

Condominium

Real estate lawfully subject to the IC 32-25 series, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confectionery, Commercial

Buildings and facilities operated to manufacture confectionery items for distribution, wherein some goods may be sold on-site through an incidental retail component of the facility, such as a candy factory.

Confectionery, Retail

Buildings and facilities operating and engaged in confectionery retail to the general public with limited on-site production of goods, such as a candy shop.

Conference Center

A facility used for service, business and professional organizations for seminars and training activities. Conference centers may include limited accommodations for conference attendees, such as sleeping, dining, and exercise. Conference centers are not typically designed to be utilized by the general public for any purpose.

Confined Feeding

See CFO and CAFO

Contiguous

See Abutting

Contractor, Commercial

A facility used primarily as an office, showroom and storage facility for a person who executes the construction or improving of buildings; a person or company that performs specific tasks such as electrical or plumbing work in construction projects; or a person or company hired to maintain existing facilities like air conditioning systems or grounds keeping.

Construction Activity

Any disturbance to the land that results in a change in the topography, or the existing soil cover, both vegetative and non-vegetative; any disturbance of an acre or more of land. Examples of construction activity include, but are not necessarily limited to: clearing, grading, filling, excavating, construction of a new structure, enlargement of a structure, or conversion of a structure.

Convenience Store

A facility comprised of a small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. This facility may offer the sale of automobile fuels, oils, and accessories, without any repair service.

Country Club

A facility functioning as a private club, having set membership fees. This facility may offer a variety of recreational sports and fitness facilities and is typically an incidental use to a golf course. This facility may or may not be located in conjunction with a housing development.

County

Hancock County, Indiana.

Covenants

Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

Zoning Ordinance

Craft/Fabric Store

Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Processing and Storage

The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

Crop Production

The production and management of agricultural crops, including planting, cultivation, and harvesting.

Cul-De-Sac

See Street, Cul-de-sac

Curb Cut

The providing of vehicular ingress and/or egress between property and an abutting public street.

Dance/Martial Arts Studio

An establishment where patrons learn and/or practice dance or martial arts.

Data Processing Center

Facilities where employees process electronic data, including data entry, storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

Day Care Center

See Child Care Center

Day Care Home

See Child Care Home

Deciduous Tree

See Tree, Deciduous

Deck

A platform, either freestanding or attached to building that is supported by pillars or posts.

Dedication

The intentional setting apart of land or interests in land for use by Town of McCordsville.

Deli (Delicatessen)

An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

Density

The number of dwelling units per acre.

Density, Gross

The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net

The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space and excluding non-residential uses, rights-of-way, and streets.

Department Store

A large retail establishment with an extensive assortment of goods and services and which is organized into separate departments for the purposes of buying, promotion, customer service, and control; A store which sells products at prices lower than those asked by department stores and other traditional retail outlets; or establishments that specialize in such merchandise as jewelry, electronic equipment, or electrical appliances. The phrase “department store” includes the phrase “discount store.”

Design

A planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer’s mind.

Designated Enforcement Entity

The McCordsville Board of Zoning Appeals.

Detached Structure

A building that has no structural connection with the primary structure.

Detention Area

An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer

An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development

Any man-made change to improved or unimproved real estate including but not limited to: (1) construction, reconstruction, or placement of a structure or any addition to a structure; (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days; (3) installing utilities, erection of walls and fences, construction of roads, or similar projects; (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.; (5) mining, dredging, filling, grading, excavation, or drilling operations; (6) construction and/or reconstruction of bridges or culverts; (7) storage of materials; or (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

Development Plan

Dimensioned plans showing the entire on-site distribution of all elements for a proposed construction project, which would normally include architectural, engineering, landscape architectural, lighting and signage plans.

Development Standards

Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property.

Distribution Center

A facility that stores inventory and ships finished goods to customers for a specific geographic area. Its stock is replenished on a periodic basis by manufacturing plants or other distribution centers, and it may process customer returns but typically lacks production capabilities. In general, distribution centers do not sell items directly to the public.

District

An area with common social, physical, economic, or land use characteristics.

Zoning Ordinance

Domestic Pets

Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Dormitory

A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

Drainage

The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System

All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line

An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private

See Street, Private

Drive-thru Service

An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Drive-thru/Drive-up facility

A small scale establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

Driveway

A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, Common

An access shared by adjacent property owners.

Driving Range

An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack-bar and pro-shop, but does exclude golf courses and miniature golf courses.

Dry Cleaners/Commercial Launderer

A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners typically serve businesses and clean uniforms, generally with the cleaners picking up and delivering the clothing to its business clients.

Dry Cleaners/Laundromat

An establishment that allows for individuals to walk-in and drop off/pick up clothing fabrics, textiles, wearing apparel, or other articles that have been cleaned at some other location.

Dumpster

A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

Duplex

See Dwelling, Two-Family

Dwelling

A building or portion thereof on a permanent foundation, used primarily as a place of abode for one (1) or more human beings, typically for a period of time not less than thirty (30) days.

Dwelling Site

A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling Unit

A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, and including eating, lawful cooking, sleeping space and sanitary facilities reserved solely for the occupants thereof. The phrase "dwelling unit" includes "mobile dwellings", "modular dwellings" and "manufactured dwellings" but does not include "recreational vehicles".

Dwelling, Accessory

A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.

Dwelling, Detached

A dwelling unit which does not share a common wall with any other dwelling.

Dwelling, Farm

A single-family dwelling that is located on, and used in connection with farm operations.

Dwelling, Manufactured Home

A dwelling unit which is designed and fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974; and built after January 1, 1981, and a minimum nine hundred and fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches).

Dwelling, Mobile Home

A structure transportable in one or more sections which in traveling mode is eight feet wide or more in width and 40 or more feet in length, and which is built on a permanent chassis and designed to be used as a dwelling unit.

Dwelling, Multi-Family

A structure designed for and occupied by three (3) or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family

A structure designed for and occupancy by one (1) family or other single unit of housekeeping and therefore including no more than one (1) dwelling unit.

Dwelling, Two-Family

A structure designed for occupancy by two (2) families or other single units of housekeeping and therefore including no more than two (2) dwelling units; a dwelling comprised of two attached units situated side-by-side or on two separate floors.

Easement

A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Educational Institution

See School

Zoning Ordinance

Egress

An exit.

Electronics Store

An establishment that has for sale goods relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. For the purposes of administering and enforcing this Ordinance the phrases "department store" and "discount store" are exclusive of the phrase "electronics store," meaning that they are not intended to be one and the same.

Elevation

One of the faces, for example the front, side, or rear, of a building.

Emergency Response Facility

An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

Emergency Services Facility or Station

A facility providing operational space for essential fire, police, and/or other emergency response services within and around the Town of McCordsville.

Employment Service

An establishment that seeks and identifies available jobs for patrons seeking employment.

Equipment Sales and Rental

Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Equine Services

Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.

Equipment, Mechanical

Equipment installed for a use appurtenant to the primary use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

Erosion

The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Essential Services

The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

Evergreen Tree

See Tree, Evergreen.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

Expansion of an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Explosive Manufacturing and Storage

The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

External Illumination

Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

Fabrication Facility

An establishment where employees and machinery are used to assemble product components created offsite.

Façade

The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Fairgrounds

An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

Family

One or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A family does not include any society, club, fraternity, sorority; or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other is seasonal or any individuals who are in a group living arrangement as a result of criminal activity.

Family Child Care Home

See Child Day Care Home

Farm (confined feeding)

Any livestock operation that meets one or more of the following characteristics: (1) Any confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry; (2) Any animal feeding operation utilizing a waste lagoon or holding pits; (3) Any animal feeding operation where the operator elects to come under the provisions of IC 13-18-10; or (4) Any animal feeding operation that is causing a violation of IC 13-18-10 as determined by the Stream Pollution Control Board. See also Confined Feeding.

Farm (dwelling)

See Dwelling, Farm

Farm (general)

An property or area exceeding 20 acres in size that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, as well as the raising of farm animals, such as poultry or cattle, on a limited basis). A farm shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals.

Farm Animals

Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Zoning Ordinance

Farm Equipment Sales and Service

An establishment that services farm implements, as well as offers for sale new and used farm implements.

Farmer's Market

A periodic market held in an open area or under a structure where groups of individual sellers holding the proper town permit offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from vehicles or temporary stands located on-site.

Fast Food Restaurant

See Restaurant, Fast Food

FBFM

Flood boundary and floodway map; an official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain which is prepared in conjunction with a flood insurance study.

FEMA

Federal Emergency Management Agency.

Fence

Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fence, Barbed-Wire

One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

Fence, Stockade

A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

Fertilizer Sales, Distribution, and Storage

An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

FHBM

Flood Hazard Boundary Map.

Final Plat

See Plat, Secondary.

Financial Institution

A facility such as a bank or credit union, concerned with providing Federal or state regulated banking, savings, loans and/or investments. For the purposes of administering and enforcing this Ordinance, the term "financial institution" does not include payday loan establishments.

Finished Floor Area

See Floor Area, Finished

Fireworks Sales

A permanent establishment where the primary business is the retail sale of devices defined as fireworks by the State of Indiana.

FIRM

Flood insurance rate map; the official map on which FEMA has delineated both the areas of special flood hazard and risk premium zones.

Fitness Center

A facility where passive or active exercise and related activity is performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. A fitness center may provide facials and

other skin care treatments, massage, exercise, yoga, and other wellness related activities with or without such equipment or apparatus as an incidental use(s).

Flat Roof

The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

Flea Market

An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. The phrase "flea market" shall not include informal garage or yard sales.

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Hazard Area

Any area located within the floodplain, including the flood fringe and floodway.

Floodlight

Reflector type light fixture that produces unshielded and undirected illumination.

Floodplain

The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration (FEMA).

Floodway

The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

Floodway Fringe

Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

Floor Area

The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished

That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area, Ground

That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit.

Florist, Retail

An indoor facility whose primary purpose is to offer for sale fresh or artificial flowers and related products and services directly to consumers. Retail florists may include greenhouse operations, and incidental sales of small gardening equipment and accessories.

Zoning Ordinance

Florist, Wholesaler

A facility offering for sale bulk flowers and related supplies to professionals in the trade. See also greenhouse, commercial.

Food and Beverage Production

The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

Foundation

The supporting member of a wall or structure.

FPG

Flood protection grade; the elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

Fraternity, Educational

A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Fraternity, Social

A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also Private Club.

Front Line

With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line

For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard

See Yard, Front

Frontage

See Lot Frontage

Funeral Home

A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial. See also Mortuary.

Gallery, Art or Photo

A facility used primarily for the exhibition and sale of art, usually visual art, painting, sculpturing, jewelry making, weaving or other similar function defined as a fine art. For the purpose of administering and enforcing this Ordinance, the phrase "art or photo gallery" is not intended to include "tattoo or piercing parlors".

Gas Station

Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories.

Golf Course

An area of terrain on which the game of golf is played. A golf course typically includes greens, fairways, and natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours. A golf course may also include a country club as an incidental use.

Government Facility

A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities may include the storage and service of government vehicles, equipment, and supplies. The term "government" in this instance is the appropriate municipal authority, officer or body charged with the care, custody and control of the land on

which the facility is located. For the purposes of administering and enforcing this Ordinance, the phrase "government facility" is not intended include "penal or correctional facilities".

Grade

The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing

The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished

The final elevation of the ground surface after man-made alterations have been completed.

Grandfathered

A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance.

Granny Flat

See Dwelling, Accessory

Grazing and Pasture Land

A fenced area used for the feeding and upkeep of livestock.

Greenhouse

A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial

A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

Grocery Store

Large-scale retailers offering for sale food and other household goods and services. Grocery stores typically house flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses. For the purposes of administering and enforcing this Ordinance, the phrase "grocery store" shall not include "grocery departments" that are typically found in "department stores" or "discount stores".

Gross Density

Density determined by dividing that total acreage within the site by the total number of dwelling units.

Ground Floor Area

See Floor Area, Ground

Group Home

As defined by IC 12-7-2-98.5, as amended from time to time, group home means a residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.

Gymnastics Center

An establishment where patrons learn and practice gymnastics, and where gymnastics competitions and meets may occur.

Hard Surface

See Paved Surface.

Hardship

A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

Zoning Ordinance

Hardware Store

A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

Hazardous Material

Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Storage/Processing Facility

All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health or Day Spa

An establishment that offers professional services and signature treatments provided by licensed aestheticians and therapists, and which typically offer massage, body and face treatments, professional spa products, and nutritional/weight counseling. See also "Fitness Center."

Hedge

A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height

The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from adjacent grade level. For the purpose of determining the height in limits in all zones set forth in this Ordinance and shown on the airport zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

Heliport

An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

Historic Site

All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report, or listed in the National Register of Historic Places or the Indiana Register of Historic Sites & Structures, as well as any subsequent amendments and/or additions to any of these publications.

Home Electronics/Appliance Store

An establishment that primarily sells home appliances, electronics, and related accessories.

Home Improvement, Retail

A small or medium-scale facility, such as a hardware store or garden shop, primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, and garden supplies, plants, landscaping materials, and related accessories. A lumberyard may be included as an incidental use to the hardware retail sales.

Home Occupation

An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

Home Owner's Association

See Lot Owner's Association

Hospital

An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel

A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the upkeep of furniture. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hotel, Extended Stay

A building in which lodgings are provided and offered, for compensation, to the public for periods greater than seven (7) consecutive days, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. An extended stay hotel may furnish customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the upkeep of furniture. This type facility caters to the longer term stays which may be incurred in business travel. Special accommodation such as kitchenettes may be provided. In this instance, compensation is typically assessed on a contractual basis.

Housekeeping Unit

A group of individuals functioning as a single household, making common use of a single kitchen and other family quarters. See also Family.

Ice Cream Shop

Any establishment that primarily offers ice cream and frozen desserts to be eaten on- or off-premises.

Impervious Surface

Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement

Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit

A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this Ordinance and/or the McCordsville Subdivision Control Ordinance.

Incidental

A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales

See Sales, Incidental.

Incinerator

A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote

A vote which fails to receive a majority of the votes of the entire membership of the body, either in favor or opposed.

Zoning Ordinance

Industrial Business Park

Small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

Industrial District

The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial, General

General industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts.

Industrial, Light

Light production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants.

Infrastructure

Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Motor Vehicle

A motor vehicle which meets one or more of the following conditions: (1) Any motor vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or mechanically inoperable; or (2) Any motor vehicle which cannot be driven on a public street without being subject to issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

Inoperable Vehicle Storage

The outdoor storage of inoperable motor vehicles from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or mechanically inoperable. Any motor vehicle which cannot be driven on a Town street without being subject to the issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

Inspectors

Employees of the Advisory Plan Commission authorized by the Administrator to enter, examine, and survey all lands within the Town to accomplish the enforcement of this Ordinance and any other land use regulations of the Town.

Institutional Facility for the Developmentally Disabled

An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also Residential Facility for the Developmentally Disabled.

Institutional Facility for the Mentally Ill

An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also Residential Facility for the Mentally Ill

Interior Greenbelt

That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of intersecting corridor streets having a minimum depth of 15 feet from the street right-of-way line.

Investment Firm

Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

Jewelry Store

An establishment that primarily sells new jewelry, and may offer for sale used or consignment merchandise.

Junk

Scrap or waste material of any kind.

Junk Yard

A building, structure, or parcel of land, or portion thereof, used for collecting, storage, or sale of waste paper, rags, scrap metal, rubber tires, bottles, or discarded material; or any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered or inoperable motor vehicles that are no longer intended or in condition for legal use.

Jurisdiction

Any area over which a unit of government exercises power and authority.

Kennel

See Animal, Kennel

Laboratory

A facility that provides controlled conditions in which scientific research, experiments, and measurements may be performed; a classroom where practical learning and demonstration take place in science, language, and other subjects.

Land Use

The occupation or use of land for any human activity or purpose.

Land Use Petition

A rezoning petition, variance petition, special exception petition, or any other petition permitted by rules of procedure adoption by the McCordsville Advisory Plan Commission.

Landing Area

The area of the airport used for the landing, take off, and taxiing of aircraft.

Landscape Buffer

See Buffer.

Landscaping

The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Legal Nonconforming Lot

Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, which no longer meets the lot-specific development standards.

Legal Nonconforming Use

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

Letter of Map Amendment (LOMA)

An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR)

An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Zoning Ordinance

Library

A public facility for the use, but not sale, of literary, musical, artistic, or reference materials, with the exception of a not-for-profit group selling outdated or donated books.

Light Industrial Processing and Distribution

Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Linear Park

A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, abandoned rail line, or pedestrian/bicycle trail.

Liquor Store

A store that offers retail and/or wholesale liquor, including wine and beer.

Livestock Auction/Sales Facility

A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

Livestock Raising and Breeding

The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

Loading Berth

A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street

See Street, Local

Lodge or Private Club

A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

Lot

A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership, or separate use.

Lot Area

The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

Lot Coverage

The percentage of the lot area covered by buildings, structures, parking areas, driveways, walkways, and other paved or impervious surface.

Lot Depth

The horizontal distance between the front and rear lot lines.

Lot Frontage

The horizontal distance between side lot lines where a property abuts a street.

Lot Line

The property lines which define the lot.

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a parcel of land, the deed to which has been recorded in the office of the County Recorder prior to January 1, 2002, whether or not the property has been subsequently transferred, but must have been transferred by the same description that was of record prior to January 1, 2002.

Lot Owners Association

An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Lot Width

The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.

Lot, Buildable

Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

Lot, Corner

A lot located at the corner of two or more streets.

Lot, Developed

A lot upon which improvements have been made or is otherwise being used for human purposes.

Lot, Double Frontage

A lot having frontage on two or more non-intersecting streets.

Lot, Improved

See Lot, Developed

Lot, Interior

Any lot which is not a corner lot or through lot.

Lot, Legal Nonconforming

See Legal Nonconforming Lot

Lot, Recorded

See Lot of Record

Lot, Undeveloped

A lot of record upon which no improvements exist.

Lot, Zoning

A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this Ordinance as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

Lowest Floor

The lowest of the following: (1) the top of the basement floor; (2) the top of the garage floor, if the garage is the lowest level of the building; (3) the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or (4) the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one square inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

Zoning Ordinance

Lumber Yard

An area designated for open-air storage, or a warehouse or other enclosed building, established for the storage, distribution or sale (for wholesale or retail purposes) of products and equipment needed in connection with the lumber industry.

Luminaire

A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type

A luminaire that emits less than 2.5% of lamp lumens, eliminating glare. The bulb is recessed into the housing.

Luminaire, Full Cut-off Type

A luminaire with no light emitted above the horizontal plane.

Luminaire, Semi Cut-off Type

A luminaire with less than 5% of the lamp lumens emitted above the horizontal plane.

Mail-order Store

Similar to a distributor or wholesaler, a mail-order store offers for sale such things as magazines, catalogs, and music directly to the consumer via the mail and further avoiding the need for a retail store.

Mall, Shopping

A large scale retail use that typically serves a regional market, typically drawing relatively large volumes of traffic and comprised of a collection of independent retail stores, services, and parking areas constructed and maintained by a management firm as a single entity.

Maneuvering Space

An open space in a parking area which is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing, or driving a motor vehicle into the parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home

See Dwelling, Manufactured Home.

Manufactured Home Park

A parcel of land containing two or more dwelling sites, with required improvements and utilities that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Sales

The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes Type I, II, and III.

Manufactured Home Site

The area of land in a manufactured home park for the placement of one manufactured home.

Manufacturing, Light

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry is typically capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration or odor.

Manufacturing, Medium

Enterprises in which goods are generally mass produced from raw materials on a large scale through the use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry typically produces moderate external effects such as smoke, noise, soot, dirt, vibration, or odor.

Marker (survey)

A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Masonry

Masonry is the building of structures from individual units laid in and bound together by mortar; the art, craft and practice of building with natural or artificial stone which involves stone quarrying, cutting, dressing, jointing and laying.

Massage Parlor

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless the treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state.

Massing

The shape and form a building takes on through architectural design. There are 10 architectural design elements that create urban space; (1) building silhouette (similar pitch and scale to a roof line), (2) spacing between building facades (setbacks or notches between primary facades that frame the structure), (3) setback from property line (building setback and/or primary façade setback from the property line), (4) proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across façade lengths), (5) proportion of primary façade (size of facades similar in area and height to width ratios), (6) location and treatment of entryway (important visual commonality between structures), (7) exterior materials used (similar materials and treatment add to detail and monumentality of a building), (8) building scale (similarity of building height and configuration), (9) landscaping (ties together buildings and defines space), and (10) shadow patterns form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks). A specific project may not need to incorporate all 10 elements.

Meat Market (Butcher)

A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Mechanical Equipment

See Equipment, mechanical

Medical Hospital, Center or Complex

An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

Medical or Dental Clinic

An establishment in which patients are admitted, or otherwise treated for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists, optometrists or chiropractors and where other medical practitioners are available.

Metes and Bounds

A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

Microbrewery (Brew-Pub)

A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

Miniature Golf Course

A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

Zoning Ordinance

Mining or Excavation

The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

Mini-Storage Facility

A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

Mixed-Use Development

An area, parcel of land, or structure developed for two or more different land uses.

Mobile Home

A transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

Mobile Home Park

A parcel of land with required improvements and utilities containing two (2) or more dwelling sites that are leased for more than sixty days. The phrase "mobile home park" may include the siting use of a "mobile homes sales office".

Modular Home

A factory-fabricated transportable building designed to be used alone or to be incorporated with similar units at a building site and designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation. A modular home is a single-family dwelling for the purposes of this Ordinance.

Monument (survey)

A permanent physical structure which marks the location of a corner or other survey point.

Monument Sales

A retail facility whose primary use is to offer for sale engraving of funerary headstones, monuments, and cemetery markers, and may include on-site manufacturing of monuments.

Mortuary

An establishment under the care and control of a funeral director as licensed pursuant to M.G.L. Chap. 114, Sec. 49 with facilities for the preparation of the dead for burial or cremation, with reposing rooms for the viewing of the body, and for funerals, and where final disposition of the body to be elsewhere in accordance with Indiana State Law and where the funeral home director(s) are licensed by the State of Indiana. The term "mortuary" includes the phrase "funeral home." A mortuary may also offer for sale, as an incidental use, accessory funeral items.

Motel

An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also Hotel.

Motor Home

See Recreational Vehicle

Motor Vehicle

Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable

See Vehicle, Inoperable

Multi-Family Dwelling

See Dwelling, Multi-Family

Multi-Tenant Building

A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Multi-Use Pathway

See Pathway

Museum

A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Music Store

A retail establishment specializing in the sale of musical instruments and equipment, sheet music, CD's, Vinyl Albums, equipment and other accessories. A music store may include, as an incidental use, vocal and musical instrument/equipment instruction to the public.

Natural Condition

The condition that arises from, or is found in nature unmodified by human intervention.

Natural Drainage

Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Nature Center

A building, place, or grouping of buildings with a visual center designed to educate people about nature and the environment. A nature center is typically located within a protected open space (i.e. conservancy), or state or Town park designed to be used by the public with or without an admission charge. It may include, as an incidental use, the sale of goods to the public.

Nature Reserve or Preserve

A place designated as an area of importance for flora, fauna, or features of geological or other special interest, which is reserved and managed in their current natural condition for conservation purposes and further provides special opportunities for study or research, or preservation for the future. Nature reserves/preserves may be designated by government institutions, or by private landowners, such as charities and research institutions. The phrase "nature reserve/preserve" is intended to include "wildlife sanctuaries".

Newspaper or Magazine Stand

An establishment that primarily offers for sale newspapers, magazines, and other periodicals. For the purpose of administering and enforcing this Ordinance, the phrase "newspaper or magazine stand" does not include "sexually oriented businesses".

Night Club

A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages and/or food. For the purpose of administering and enforcing this Ordinance, the phrase "night club" does not include "sexually oriented businesses."

Noise Sensitive Zone

The Act at IC 8-21-10-3 defines a Noise Sensitive Zone as an area lying one thousand five hundred (1,500) feet on either side of the extended centerline of a runway for a distance on one (1) nautical mile from the boundary of a public use airport which definition is incorporated herein and made a part of this Ordinance.

Nonconforming Lot

A lot that does not comply with the regulations of the zoning district in which it is located.

Zoning Ordinance

Nonconforming Structure

A building or other structure that does not comply to the regulations of the zoning district in which it is located.

Nonconforming Use

A use of land that does not comply to the regulations of the zoning district in which it is located. For parcels within the airport overlay district, a nonconforming use is any structure, tree, or use of land which is lawfully in existence at the time of this Ordinance or an amendment thereto becomes effective and which does not then meet the requirements of this Ordinance or amendment.

Novelty, Gift or Souvenir Store

An establishment that primarily sells novelty items, gifts and/or souvenirs to the general public. For the purpose of administering and enforcing this Ordinance, the phrase "novelty, gift or souvenir store" does not include "sexually oriented businesses."

Nuisance

An interference with the enjoyment and use of property as defined by the Nuisance Ordinances of the Town of McCordsville Code.

Nursery

Any land used to grow fruits, vegetables, trees, shrubs, flowers, and other plants for sale. A nursery ay not include the distribution or sale of materials that are not raised on the premises.

Nursing Home

A facility licensed by the State Board of Health, which provides nursing services amounting to 24-hour per day care on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. Such facilities may also provide other similar medical or health services, including physical therapy services with equipment uses in an on-going basis for patient rehabilitation provided that no occupant requires security restraint within the facility. This facility shall not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Examples of nursing home facilities that provide health services typically include nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

Objectionable Odor

Odors that are nauseating, noxious, or generally recognized as unpleasant.

Occupancy

The use of any land or structure.

Office Supply Store

A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use

Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Office, Professional

See Professional Offices

Official Zoning Map

A map of McCordsville, Indiana that legally denotes the boundaries of zoning districts as they apply to the properties within the Advisory Plan Commission's jurisdiction.

Off-Premise Sign

Any sign or structure functioning to direct attention to an establishment or business that is not located on the same legal parcel as the advertising sign or structure.

Off-Street Parking

The provision of parking spaces which are not located on any public right-of-way.

Oil Change Shop

A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space

An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Shrub

See Shrub, Ornamental

Ornamental Tree

See Tree, Ornamental

Outdoor Storage

The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

Outdoor Storage, Seasonal

The outdoor storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.

Outlot

A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary too but of a smaller scale than the primary use or structure in the development.

Overlay Zoning District

A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association

See Lot Owners Association

Packaging Facility

A facility that packages supplies and products that are manufactured off site.

Parapet

The portion of a wall which extends above the roof line.

Parcel

See Lot

Park

Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Parking Facility

A public or private area or parcel of land located outside of the public right-of-way and used for the storage of motor vehicles for limited periods of time. A parking facility includes all parking spaces, interior drives, and maneuvering areas, and may be an open parking lot or parking structure.

Zoning Ordinance

Parking Lot

An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas. Outdoor areas at facilities where motor vehicles, including uninstalled mobile and manufactured homes, are sold that are intended for the storage of such vehicles are also considered a parking lot.

Parking Space

A space within a public or private parking area for the storage of one motor vehicle.

Parking, Off-Street

A storage space for an automobile located outside of a street right-of-way.

Parking, On-Street

A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared

A parking space or lot used jointly by two or more uses or structures.

Pathway

A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

Paved Surface

A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks, or other approved surfaces. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

Payday Loan Establishment

Any establishment where a short-term loan is offered with intent to cover a borrower's expenses until his or her next payday.

Penal Institution

Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. The phrase "penal institution" shall include the phrase "correctional institution."

Permanent Foundation

A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person

A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Personal Services

An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

Pet Store

A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petitioner

See Applicant

Petroleum Processing and Storage

An establishment that processes and stores petroleum and its raw ingredients.

Pharmacy

A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Philanthropic Institution or Facility

A building, place, or grouping of buildings used to provide humanitarian or charitable assistance contributing to the greater good of society. This facility may be utilized for office and administration purposes, community engagement, education, storage of goods, and other accessory uses.

Photographic Studio

A facility engaged in onsite photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

Place of Worship

See Religious Institution or Other Place of Worship

Plan

See Comprehensive Plan

Plan Commission

McCordsville Advisory Plan Commission

Planned Unit Development

A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development provides design flexibility (e.g. mixed use) for a parcel or parcels to be developed as a single entity which does not correspond in size of lots, layout, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

Planning Jurisdiction

The area over which a city, town or county has planning authority as drawn by each community in compliance with IC 36-7-4 et al.

Planting Season

The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat

A map or chart that shows a division of land.

Plat, Primary

The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the primary approval of a proposed subdivision is based.

Plat, Secondary

The secondary plat, pursuant to IC 36-7-4-700 series, is the plat document of a subdivision meeting all of the requirements of the Town prepared in a recordable form.

Playground

A recreational area for use primarily by children.

Porch

A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office

A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, and which also sorts and distributes the mail. A post office may include on-site storage of delivery vehicles.

Zoning Ordinance

Power Generation Facility

A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

Practical Difficulty

A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Plat

See Plat, Primary

Primary Structure

The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. For agricultural uses, the primary structure may be a barn or other agricultural structure.

Primary Use

See Use, Primary

Print Shop or Copy Center, Commercial or Industrial

A facility specializing in commercial or industrial scale reproduction of written or graphic materials on a custom order or contract basis. Typical processes include, but are not limited to: large scale plotting, photocopying, blueprint, and facsimile sending and receiving, offset printing, logo-printing, stationary and calendar production and other similar activities.

Print Shop or Copy Center, Retail

A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to: large scale plotting, photocopying, and facsimile.

Printing/Publishing Facility

A large scale facility that specializes in the printing and publication of books, magazines, or newspapers for the purposes of sale or distribution. This use may require storage and or distribution facilities for goods and vehicles.

Private Club

A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

Private Recreational Facility

A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility, or limited residential neighborhood, including both indoor and outdoor facilities and privately-owned golf courses open to the public.

Private Street

See Street, Private

Processing Plant

A building or an enclosed space used for the collection and processing of material. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

Professional Office

A building or establishment for the provision of professional services. Professional services are typically provided by, but are not limited to: doctors, lawyers, architects, financial advisors, stockbrokers, and engineers.

Prohibited Trees

See Trees, Prohibited.

Property Owner

The person(s) identified as the property owner on the most recent list prepared and maintained by the Hancock County Auditor's Office. See also Owner.

Public Art

Any visual work of art that is accessible to public view and located on public or private property.

Public Hearing

A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement

Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Street

See Street, Public

Public Utility Structure

Electric and telephone substations and distribution centers, filtration plants, pumping stations and water reservoirs; public or package sewer treatment plants, telephone exchanges; radio and television transmitting or relay stations; antenna towers and other similar public utility service structures.

Publishing Facility

Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Quarry

A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

Racetrack

Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to, oval track racing, drag racing, motorcross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio or TV Station

A facility primarily engaged in the production and broadcasting of television or radio programs. The size of this facility varies based on scale of operation. Broadcasting and transmission facilities are subject to municipal and FCC codes.

Rear Yard

See Yard, Rear

Record

The written documentation of the actions and expressions of a public body, such as the Advisory Plan Commission or Board of Zoning Appeals.

Zoning Ordinance

Record Shop (CD Shop)

An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

Recreation

The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating or swimming, or individual or team sports, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation Facility, Indoor

A public or private indoor facility designed to provide opportunities for recreation. The term “indoor recreation facility” typically includes structures for active and passive recreation similar to but separate from “fitness centers” and “community centers”. Indoor recreational facilities typically include indoor tracks, indoor soccer facilities, paint-ball facilities, and facilities that house similar activities. This facility may include an accessory recreational area, provided as part of a development that is owned and maintained by the owners’ association or property owner primarily for the use of the residents or employees of the development, and which may also be made accessible for use by the general public through associate membership subscription or user fees.

Recreation Facility, Outdoor

A public or private outdoor facility designed to provide opportunities for recreation. The term includes active and passive recreational structures such as: swimming pools, skating rinks, tennis courts, basketball courts, pavilions, picnic areas, and the like. This facility may include an accessory recreational area, provided as part of a development that is owned and maintained by the owners’ association or property owner primarily for the use of the residents or employees of the development, and which may also be made accessible for use by the general public through associate membership subscription or user fees.

Recreational Use, Large Scale

Recreational uses that tend to serve a regional area and include establishments such as riding stables, seasonal hunting and fishing facilities, and outdoor shooting ranges.

Recreational Use, Medium Scale

Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale

Recreational uses that tend to serve a local area and include establishments such as billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle

Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections. Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, jet skis, wave runners and other aquatic vehicles, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle Park

Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales or Service

Any principal use of a premise for one or more of the following purposes: (a) sale or lease of new recreational vehicles; (b) purchase and sale of second hand recreational vehicles; (c) buying of second hand recreational vehicles for the purpose of remodeling, taking apart or rebuilding or selling the same, or the buying selling of parts of second hand recreational vehicles or tires, or the assembling of second hand

recreational vehicles parts; or (d) repair and servicing of recreational vehicles provided said repair and servicing is conducted as an incidental service.

Recreational Vehicle Storage, Outdoor

A secure outdoor facility for the storage of recreational vehicles.

Refuse Dump

A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Registered Architect

An architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Land Surveyor

A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Landscape Architect

A landscape architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer

An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood

The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway

The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Religious, Place of Worship

The use of a building or property, or some combination thereof, by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. The phrase "religious place of worship" includes synagogue, temple, mosque or any other like facility used for worship and religious activities.

Repair Services

Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

Replat

Any change in a final plat of an approved or recorded subdivision.

Research and Development Facility

A facility primarily engaged in the development and acquisition of information, specialized technology or to introduce ideas into the business in order to improve competitiveness and profitability. For the purpose of administering and enforcing this Ordinance, the phrase "research and development facility" shall include "laboratories".

Residence

See Dwelling

Zoning Ordinance

Residential District

An area used primarily for dwellings.

Residential Treatment Center

Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home.

Residential/Institutional Facility for the Developmentally Disabled or Mentally Ill

A residential facility which provides residential services for mentally ill individuals, as defined by IC 12-28-4-7, as amended from time to time.

Restaurant

A structure in which the principal use is the preparation and sale of food and beverages.

Restaurant, Drive-in

A facility and its adjacent parking area wherein the primary function is to offer for sale food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating within the restaurant.

Restaurant, Eat-In

A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales typically constitute more than fifty percent of the gross sales receipts.

Restaurant, Fast Food

A commercial establishment where customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or which are able to be taken to a table or counter to be consumed.

Retail Uses

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

Retail Uses, Large Scale

Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

Retail Uses, Medium Scale

Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

Retail Uses, Small Scale

Retail uses that tend to serve a local area and include establishments such as video stores, delicatessens, bakeries, gift shops, and ice cream shops.

Retirement Facility

A residential structure containing multi-family dwelling units designed for and occupied by senior citizens. Such facilities may include common gathering and dining facilities, but typically do not include nursing or medical care.

Retreat Center

A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Reverse Gable

Roof sections that extend in the opposite direction from the normal gable construction. These are usually miniature additions that allow homeowners to include windows and peaks in an otherwise flat roof slope.

A reverse gable roof reverses the direction of the gable, versus the gable structure itself, making the roof a secondary construction attached to the main roof of the house.

Rezoning

An amendment to the Official Zoning Map which has the effect of removing property from one zoning district and placing it in a different zoning district.

Riding Stable

An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding.

Right-of-Way

Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-Way Line

The limit of publicly owned land encompassing a public facility, such as a street or an alley as measured in the Thoroughfare Plan.

Road

See Street

R-O-W

See Right-of-Way

Runway

The surface of an airport used for landing and take-off of aircraft.

Runway, Non-precision Instrument

A runway that has an electronic approach guidance system utilizing navigational aids that provide horizontal course alignment guidance and position location, but not electronic descent guidance which authorizes aircraft to execute non-precision approaches with visibility minimums down to and including 3/4 mile.

Runway, Precision Instrument

A runway that has an electronic approach system utilizing navigational aids that provide electronic descent guidance in addition to the course alignment guidance of a non-precision instrument runway which authorizes aircraft to execute precision approaches with visibility minimums of 3/4 mile or less.

Runway, Visual

A runway that is used only under Visual Flight Rules (VFR) and/or for circle to land instrument flight procedures.

Sales, Incidental

Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal

Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Sanitary Landfill

The designated area where non-hazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Satellite Dish/Antenna

An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

Zoning Ordinance

School, Commercial (Trade or Business)

A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as technology, cosmetology, accounting, data processing, and computer programming and repair. The terms commercial, trade or business schools are intended to include vocational schools and career centers.

School, Nursery

A school for children between the ages of three (3) and five (5) years of age, staffed by qualified teachers and other professionals who encourage and supervise educational play rather than simply providing childcare.

School, Pre-K through 12

A public, private, or parochial institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the State of Indiana school laws and/or regulations, including pre-school, kindergarten, elementary school, and junior and senior high schools.

School, University or College

An institution, public or private, for post-secondary education offering courses in general, technical, or religious education. This use typically operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, or sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution.

Scrap Metal Yard

A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Seasonal Hunting/Fishing Facility

A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

Seed Sales, Distribution, and Storage

An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.

Self Service Laundry

A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

Self Storage or Mini-warehouse, Commercial

Facilities that rent spaces or units within a permanent building, for the temporary or long-term storage of personal items. These businesses generally have lease agreements with customers and have hours of operation during which customers may access their stored items.

Services, Personal and Professional

See Professional Services

Setback

The horizontal distance between a structure and a lot line or right-of-way line.

Sewage Treatment Plant

Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Sexually Oriented Business

Any commercial activity whether conducted intermittently or continuously, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Sexually oriented businesses typically include, but are not limited to the following:

- a) Adult Bookstore – meaning any establishment having as a preponderance of its stock in trade or its dollar volume in trade any merchandise for sale, trade or lease which are distinguished or characterized by their emphasis on adult matter;
- b) Adult Cabaret – meaning a nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, strippers, or similar entertainers, whether professional or amateur, where such performances are distinguished or characterized by an emphasis on, or by exposure of, adult matter;
- c) Adult Live Entertainment Arcade – meaning any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography and where performances are distinguished or characterized by an emphasis on, or by exposure of, adult matter;
- d) Adult Motel – meaning any motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, DVD's , digital or physical slides or other photographic reproduction which are distinguished or characterized by an emphasis upon the depiction or description of adult matter;
- e) Adult Motion Picture Theater - meaning any establishment, to which the public is permitted or invited, used for presenting films, motion pictures, video cassettes, DVD's , digital or physical slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on adult matter; or
- f) Adult Service Establishment – meaning any building, structure, premises or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving adult matter.

Shade Tree

See Tree, Shade

Shipping Service, Retail

A commercial establishment whereby items can be shipped via various carriers on a custom order basis for individuals or businesses.

Shoe Repair Shop

An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range

Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor)

A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor)

A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Mall

A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

Zoning Ordinance

Shrub, Ornamental

A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

Side Lot Line

A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the front and rear lot lines.

Side Yard

See Yard, Side

Sight Visibility Triangle

Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming traffic on crossing streets and roadways.

Sign

Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting. In no instance shall this Ordinance be interpreted as considering any flag as a sign.

Sign Permit

A permit issued by the Administrative Officer on behalf of the Advisory Plan Commission that must be obtained before temporary and permanent signs are erected.

Sign Setback

The distance between any property line or right-of-way and the nearest portion of any sign at or above grade level.

Sign, Abandoned

A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located on or conducted on the property where the sign is displayed.

Sign, Animated

A sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign shall be considered to be an animated sign.

Sign, Area

The entire face of a sign including the message surface and any framing or trim, but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

Sign, Awning

A sign incorporated into, or attached to an awning.

Sign, Banner

A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

Sign, Billboard

See Sign, Off-Premise

Sign, Changeable Copy

A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects which may be changed or rearranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs typically display a static message rather than a message that imitates movement.

Sign, Directional

Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

Sign, Double-Faced

A sign designed and/or used to display a message on the outer surface of two identical and opposite parallel planes.

Sign, Electronic Message Board

A sign or portion thereof that display electronic information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area itself. Electronic message board signs typically include computer programmable, microprocessor controlled electronic displays. For the purposes of administering and enforcing this Ordinance, the phrase "electronic message board" shall also include projected images or messages onto a building or other object.

Sign, Entry Feature

A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, or manufactured home park.

Sign, Face

The area or display surface used for the message.

Sign, Free-Standing

A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

Sign, Ground

A street sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes Freestanding Signs and Monument Signs.

Sign, Height

The highest point measured from adjacent street grade level to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

Sign, Illuminated

A sign lighted by or exposed to artificial lighting either by internal or external illumination.

Sign, Monument

A sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood or other material, which is intended to serve as an entry feature or focal point.

Sign, Mural

A sign painted onto the side of a building, wall, ground, or structure.

Sign, Off-Premise

A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and other outdoor advertising and directional signs located on private property.

Sign, Opinion

A sign which does not advertise a product, good, business, or service and which expresses an opinion or point of view, such as a student achievement announcement, a political, religious, or other sentiment, or support or opposition to a candidate or proposition for a public election.

Zoning Ordinance

Sign, Pole

A free-standing sign, usually double-faced, mounted on a round pole, square tube or other fabricated member without any type of secondary support; a free-standing sign with a visible support structure.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; and balloons used as signs.

Sign, Poster

Any sign made of cardboard, metal, plastic or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

Sign, Projecting

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Pylon

A free-standing sign, other than a pole or ground mounted sign, which is secured permanently to the ground by one or more supports. A pylon sign differs from a pole sign in that the support structure (i.e. pole or poles) of a pylon sign is not visible.

Sign, Real Estate

A temporary sign that relates to the sale, lease or rental of property or structures, or to construction activity on a site.

Sign, Sandwich Board

A free-standing sign located at grade level constructed in such a manner as to form an "A" by separating to opposite and parallel sign faces by supporting structural members.

Sign, Searchlight

A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

Sign, Temporary

An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Sign, Unified Development

A single sign structure with one or more sign faces indicating the presence of multiple tenants on a property being constructed or managed as a single development. Such developments include, but are not limited to: shopping centers, office parks, and industrial parks.

Sign, Vehicle

A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

Sign, Wall

A sign attached to or painted on the exterior wall of a structure.

Sign, Window

A sign affixed to a window or placed immediately behind a window pane so as to attract the attention of persons outside of the structure.

Signable Area

A two-dimensional area that describes the largest square, rectangle, or parallelogram on the facade of a building which is free of architectural details.

Site Development Plan

The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of Improvement Location Permits on the site consistent with the requirements of the IC 36-7-4-1400 series.

Site Improvement

The erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing, or remodeling of any new or existing structure or any part thereof and any activity for which an improvement location permit is required.

Skating Rink

An establishment that provides facilities for patron skating.

Sorority, Educational

A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

Sorority, Social

A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also Private Club.

Special Exception

A use that would not be appropriate generally or without restrictions throughout the zoning district, but if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, and general welfare.

Special Exception, Use

See Use, Special Exception

Special Flood Hazard Area (SFHA)

Those lands within the jurisdiction of the Town of McCordsville that are subject to inundation by the regulatory flood. The SFHAs of the Town are identified on the Flood Insurance Rate Map of Hancock County prepared by the Federal Emergency Management Agency.

Sporting Goods Shop

An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Spot Zoning

The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

Spotlight

A fixture designed to direct a narrow intense beam of light on a desired area.

State

The State of Indiana.

Stationary Shop

An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

Stockade Fence

A wooden fence made of half round posts with pointed tops.

Stop-Work Order

A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor

See Outdoor Storage

Zoning Ordinance

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank

The usual boundaries, not the flood boundaries, of a stream channel.

Street

A partially or fully improved public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street Frontage

The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street Intersecting

Any street that joins another street at an angle, whether or not it crosses the other street.

Street Intersection

The point of crossing or meeting of two or more streets.

Street Orientation

The direction of the architectural front façade of a building in relation to the street.

Street Vista

A view framed by buildings at the termination of the axis of a thoroughfare.

Street, Arterial

A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the town to travel to and from adjacent communities. The Town's arterial streets are identified on the Thoroughfare Plan within the McCordsville Comprehensive Plan.

Street, Collector

A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. The Town's collector streets are identified on the Thoroughfare Plan within the McCordsville Comprehensive Plan.

Street, Cul-de-sac

A street with a single common ingress and egress and with a turn-around at the end.

Street, Local

A street designed to provide vehicular access between individual properties and the collector and arterial street system. The Town's local streets are identified on the Thoroughfare Plan within the McCordsville Comprehensive Plan.

Street, Non-Residential

Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

Street, Private

Any street which is privately owned and maintained that is used to provide vehicular access to more than one property or dwelling unit.

Street, Public

A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential

Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

Structural Alterations

Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure

Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground. For parcels located within the airport overlay district as structure is also an object constructed or installed by man, including, but without limitation thereof buildings, towers, smokestacks, and overhead transmission lines.

Structure Height

The vertical distance measured from adjacent ground level to the highest point of the roof.

Studio, Art/Artist

An establishment for the conducting of one or more of the following activities: painting, sculpturing, jewelry making, weaving or other similar function defined as a fine art. For the purpose of this Ordinance, the phrase "art/artist studio" does not include "tattoo or piercing parlors", or "sexually oriented businesses".

Studio, Performing Arts

A facility for performing arts education and productions such as dance, aerobics, and pilates. For the purpose of this Ordinance, the phrase "performing arts studio" does not include "tattoo or piercing parlors", or "sexually oriented businesses".

Subdivider

Any person or other entity which initiates proceedings to create a subdivision. See also Developer.

Subdivision

The division of any lot, tract or parcel of land into two or more lots, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in one or more new building sites.

Sub-lots

Portions of a lot of record created in connection with the transfer of ownership of individual dwelling units in a two-family or multi-family dwelling.

Substantial Improvement

For the purpose of flood hazard area standards, substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not include improvements to structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

Supermarket

See Grocery Store.

Supply Yards

A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply Yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Surety

An amount of money or other negotiable instrument provided by a developer to the Town which guarantees that they will perform all actions required by the Town regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the Town to complete those requirements.

Zoning Ordinance

Swimming Pool

Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two feet in depth at any point for the purpose of recreation and entertainment of adults and children.

Tailor Shop

An establishment that alters and repairs clothing for patrons.

Tanning Salon

Any business which provides a service using artificial lighting systems or spray booths to produce a tan on a person's body. The phrase tanning salon may include the incidental sale of tanning products.

Tattoo and/or Piercing Parlor

A business providing tattooing and/or piercing services by licensed professionals under Indiana State Law.

Tavern

See Bar

Telecommunications

The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

Telecommunications Antenna

Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower

A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales

See Sales, Temporary Seasonal

Temporary Use

See Use, Temporary

Terminal Navigational Aids (NavAids)

Those facilities and equipment installed on or near the airport for the purpose of providing pilots with electronic guidance or visual reference to use in executing an approach to land at the airport.

Theater, Indoor

An indoor facility for audio and visual productions and performing arts. For the purpose of this Ordinance, the phrase "indoor theater" shall not include "tattoo or piercing parlors", or "sexually oriented businesses".

Theater, Outdoor

A type of theatre located outdoors consisting of a large outdoor screen, a projection booth, a concession stand and a large parking area for automobiles. Also known as a Drive-In Theater.

Thoroughfare Plan

The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

Tobacco Store

A business selling tobacco in various forms and the related accoutrements per Indiana State Laws regarding sale of tobacco products.

Tool and Dye Shop

An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography

The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Topping

The indiscriminate cutting back of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include "heading," "tipping," "hat-racking," and "rounding cover."

Tower

A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

Townhouse

A one-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

Trade or Business School

A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail

A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

Transit Station

A public facility designed and used as a destination stop for future regional public transportation systems including, but not limited to, commuter light-rail systems, pedestrian travel and bus rapid transit systems.

Tree

An object of natural growth.

Tree, Broadleaf

Trees having non-needle like leaves.

Tree, Deciduous

Trees and shrubs that shed their leaves annually.

Tree, Evergreen

Trees and shrubs that do not shed their leaves annually.

Tree, Ornamental

A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 35 feet.

Tree, Prohibited

A tree, as listed in this Ordinance that does not meet site-landscaping or performance standard requirements.

Tree, Shade

A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Zoning Ordinance

Truck Freight Terminal

An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Sales and Service

Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

Truck Stop

A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Undeveloped Land

Land in its natural state.

University (or college)

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Unnecessary Hardship

A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgment on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use

The purpose for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Classification

A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

Use, Change of

The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

Use, Existing

The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal

Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming

A use which does not comply with the use regulations of the zoning district in which it is located.

Use, Permitted

Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary

The main use of land or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

Use, Special Exception

A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Temporary

A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility Facility

A building or structure used for the offices, storage, distribution or transmission of utilities such as water, gas, electricity, or sewer.

Utility Substation

A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

Vacation

The termination or termination of interest in a plat, an easement, or a right-of-way or other public dedication.

Variance, Development Standards

A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use

See Use, Variance

Variety Store

A retail establishment that sells a multitude of consumer goods.

Vehicle

A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

Vehicle Detailing/Accessory Shop

An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle, Inoperable

A vehicle which, due to mechanical defect or failure, or incorrect or unapparent licensing, is not physically or legally able to be operated.

Veterinary Office (Animal Clinic)

An establishment for the care, observation, or treatment of domestic animals.

Video Store

An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

Vineyard or Orchard

A facility in which fruit is grown and grapes processed for retail and commercial sales or to be made into wine. The development may include incidental uses such as a retail shop, standard restaurant, bar or live entertainment.

Zoning Ordinance

Warehousing

An enclosed or unenclosed facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Warehousing, Petroleum Products

An enclosed facility for the secure storage, wholesale, and distribution of petroleum products, supplies, and equipment in order to minimize risk of fire and/or explosion.

Waste Disposal Facility

Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous

See Hazardous Waste

Water Tower

A tower or standpipe that functions as a reservoir providing water to the community.

Wellfield (Public Pumphouse)

An area of land that contains one or more existing or proposed wells for supplying water to a water utility.

Wetland

Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Wholesale Facility

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery

A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Yard

A space on a lot that is open and unobstructed

Yard Sale

See Garage Sale

Yard, Front

The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Yard, Rear

The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.

Yard, Side

The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.

Yard, Side (Aggregate)

The sum of the horizontal space between the foundation of a building and each side lot line, measured as the shortest distance between the foundation and the side lot line.

Yard, Side (Separation)

The sum of the distance of the horizontal space between a foundation and side lot line, plus the horizontal space between the foundation and shared side lot line of the structure on the immediately adjacent lot.

Zoning District

A section of the town for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map

See Official Zoning Map

Next Stop  *McCordsville*

Appendix A: Official Schedule of Uses

Primary Use	Land Use Matrix														
	Zoning District														
	R1	R2	R3	R4	R5	MF1	MF2	CN	CO	CR	I1	I2	P	OT	
Agricultural Industry, CFO or CAFO															
Agricultural, Crop Production (including tree farms)	S	S	S	S	S	S	S	S	S	S	P	P			
Agricultural, Farm Implement Sales or Service										P	P	P			
Agricultural, Grain Processing or Milling															
Agricultural, Grazing or Pasture Land	S	S	S	S	S	S	S	S	S	S	S	S			
Amphitheater										S			S	S	
Animal Shelter										S	S	S			
Animal, Clinic or Hospital (small animals) with outdoor Kennels										S	S	S			
Animal, Clinic or Hospital (small animals) without outdoor Kennels								S		P	P	P			
Animal, Grooming	S	S						P		P	P	P		S	
Animal, Kennel, Indoor (including doggy daycare)										S	S	S			
Animal, Kennel, Outdoor (including doggy daycare)												S			
Animal, Pet Store								S		P				S	
Animal, Riding Stables	S										S	S			
Animal, Veterinary, Large-animal										S	P	P			
Antique Shop						S	S	S		P				S	
Apparel and Accessories						S	S	P		P				S	
Apparel, Alterations/Tailoring						S	S	P		P	P			S	
Appliance Repair								S		P	P	S		S	
Appliance Store								S		P				S	
Arcade								S		S	S			S	
Assisted Living Facility			S	S	S	S	S	S		S					
Auditorium										S				S	
Automotive Parts Store (without on-site repair services)										P	P	P			
Automotive, Car Wash								S		P	P				
Automotive, Major Service (e.g. Body Shop)										S	P	P			
Automotive, Minor Service (e.g. Oil Changes and Tires & Detailing)										P	P	P			
Automotive, Recreational Vehicle Sales or Service										S	S	P			
Automotive, Rental (automobiles only)										S	P	P			
Automotive, Sales or Lease										S	P	P		S	
Automotive, Storage (does not include Rental Establishments)											S	S			
Automotive, Truck or Bus Rental, Sales or Service											S	S			
Bakery, Commercial										P	P	P			
Bakery, Retail					S	S	S	P	P	P				S	
Banquet Hall								S		P				S	
Bar or Tavern								S	S	S	S			S	
Barber or Beauty Shop					S	S	S	P	S	P				S	
Bed & Breakfast Establishment	S	S	S	S	S	S	S	P						S	
Bicycle Sales, Rental or Service					S	S	S	P	S	P	S	S		S	
Billiard Hall								S		S	S			S	
Boat or Boat Trailer Sales or Service										S	P	S			
Boat Storage, Outdoor											S	P			
Book Store (including stationary)					S	S	S	P	P	P			S	S	
Bottled Gas Storage or Distribution													S		
Bottling, Beverages (alcoholic or non-alcoholic)											S	P			
Bowling Alley								S		P	S				
Brewery, Industrial Brewery or Distillery													S		
Brewery, Micro-Brewery								S	S	P	S			S	
Camp, Public or Private (excluding RV campgrounds)													S		
Catering Facility								S	S	S	P			S	
Child Care Center					S	S	S	P	S	P	S		S	S	
Club or Lodge, Private or Public								S	S	S	S		S	S	
Coffee Shop				S	S	S	S	P	P	P	P			S	
Collection Center, Recycling													S		
Collection Point, Donations (excluding retail establishments with drop-off centers)								S	S	S	P	P	P	S	
Collection Point, Recycling								S	S	S	P	P	P	S	
Community Center	S	S	S	S	S	S	S	S	S	P			P	S	
Confectionery, Commercial (e.g. candy factory)								S		S	S	P		S	
Confectionery, Retail (e.g. candy shop)					S	S	S	P	S	P				S	
Conference Center								S	P	P	P	P	P	S	
Construction, Flooring Store										P	P	P		S	
Construction, Paint or Wall Covering Store										P	P	P		S	
Contractor, Commercial										S	S	P			
Convenience Store, with Gasoline Service or Sales								S	S	P	S	P			
Convenience Store, without Gasoline Service or Sales					S	S	S	S	P	P	S			S	
Data Processing Center										P	P	P	P		
Daycare	S	S	S	S	S	S	S	S	S	P			P	S	
Department or Discount Store, 10,000 sq. ft. or greater (gross floor area)									S	P	P				
Department or Discount Store, less than 10,000 sq. ft. (gross floor area)							S	S	P	P	P			S	
Distribution Center, Enclosed (excluding Bottled Gas)											S	P			
Distribution Center, Unenclosed (excluding Bottled Gas)												S			
Driving Range (with or without miniature golf course)										S	P		S		

Appendix A: Official Schedule of Uses

Primary Use	Land Use Matrix													
	Zoning District													
	R1	R2	R3	R4	R5	MF1	MF2	CN	CO	CR	I1	I2	P	OT
Dry Cleaning &/or Laundry, Commercial or Industrial										S	S	P		
Dry Cleaning &/or Laundry, Retail					S	S	S	P	P	P	P	P		S
Dwelling, Fraternity or Sorority						S	S						P	
Dwelling, Multi-family				S	S	P	P							S
Dwelling, Second Floor/Upper Level(s)					S	P	P	P	P	P				S
Dwelling, Secondary Suite	S	S	S	S	S	S	S	S						S
Dwelling, Single-family	P	P	P	P	P	S	S							P
Dwelling, Student Housing					S	S	S				P		P	S
Dwelling, Two-family			S	S	S	P	P	S						S
Electronics Store (excluding Department or Discount Stores)						S	S	P	P	P	P			S
Emergency Services Facility or Station	S	S	S	S	S	S	S	S	P	P	P	P	P	S
Farmer's Market, Permanent (enclosed only)						S	S	P	P	P				S
Financial Institution, Bank or Credit Union						S	S	P	P	P	P	P	S	S
Financial Institution, Payday Loan								S	S	S	S	S		
Fire Arm/Gun Sales													S	
Fireworks Sales, Permanent														
Fitness Center					S	S	S	S	P	P	P	P		S
Florist, Retail					S	S	S	P	P	P				S
Florist, Wholesaler											S	P	P	
Gallery, Art or Photo (excluding tattoo or piercing parlors)					S	S	S	P	P	P				S
Gas Station								S	S	P	S	P		
Golf Course (with or without driving range, may include country club)	S	S	S	S	S	S	S	S					P	
Government Facility (excluding Penal and Correctional Institutions)	S	S	S	S	S	S	S	S	P	P	P	S	P	S
Greenhouse, Commercial										S	P	P		
Grocery Store or Supermarket (stand-alone)						S	S	S	S	P	P			S
Group Home	S	S	S	S	S	S	S	S					P	
Gymnastics Center								S		P	P	P	S	
Health or Day Spa (excluding sexually oriented businesses)						S	S	S	P	P	P			S
Home Improvement, Retail (e.g. Hardware Store or Garden Shop)								S		P	P	P		
Hotel (excluding Extended Stay Hotels)								S	S	P	S			S
Hotel, Extended Stay								S	S	S	S			
Ice Cream Shop, Retail				S	S	S	P	P	P	S			P	S
Jewelry Store						S	S	P	P	P				S
Junkyard/salvage yard														
Library	S	S	S	S	S	S	S	S	P	P			P	S
Liquor Store								S	S	P				S
Lumber Yard											S	P		
Mail Order Store								S	S	P	P			
Mall, Shopping										P				
Manufacturing, Light											P	P		
Manufacturing, Medium											S	P		
Medical Hospital, Center or Complex 10,000 sq ft or greater (gross floor area)										P	S		P	
Medical or Dental Clinic less than 10,000 sq ft (gross floor area)						S	S	P	P	P	S		P	S
Miniature Golf Course (stand-alone)										P			S	
Mining or excavation														
Mobile Home Park (including Mobile Home Sales Offices)							S							
Monument Sales (excluding Manufacturing)												S		
Mortuary or Funeral Home (with or without cemetery)										S	S	S	S	
Motel										S	S	S		
Museum								S		P	P		P	S
Music Store						S	S	S		P	P			S
Nature Center	S	S	S	S	S	S	S	S	S	S			P	
Nature Reserve or Preserve (including Wildlife Sanctuaries)													P	
Newspaper or Magazine Stand					S	S	S	P	P	P	S			S
Night Club (excluding sexually oriented businesses)										S	S			
Novelty, Gift, Souvenir Store (excluding sexually oriented businesses)						S	S	P	P	P				S
Nursing Home						S	S			S	P		P	
Park	P	P	P	P	P	P	P	P	P	P	P		P	S
Parking Facility as a Primary Use (public or private)					S	S	S	S	S	S	S	S	S	S
Penal or Correctional Institution												S	S	
Pharmacy, Stand-alone						S	S	S	S	P	P			S
Philanthropic Institution or Facility								S	S	S	S		S	
Post Office with on-site storage of delivery vehicles									S	S	P	P	S	
Post Office without on-site storage of delivery vehicles						S	S	S	P	P	P	P	P	S
Print Shop or Copy Center, Commercial or Industrial										S	P	P		
Print Shop or Copy Center, Retail					S	S	S	P	P	P	P	P		S
Printing/Publishing Facility										S	P	P		
Professional Office						S	S	S	P	P	S			S
Radio or TV Station								S	S	S	P	S	S	S
Recreation Facility, Indoor									S		P	P	P	
Recreation Facility, Outdoor										S	S	S	S	

Appendix A: Official Schedule of Uses

Land Use Matrix														
Primary Use	Zoning District													
	R1	R2	R3	R4	R5	MF1	MF2	CN	CO	CR	I1	I2	P	OT
Recreational Vehicle Sales or Service											S	S		
Recreational Vehicle Storage, Outdoor											S	P		
Religious Place of Worship	S	S	S	S	S	S	S	S	P	P	P	S	P	S
Research & Development Facility (including Laboratories)									S		S	S		
Residential/institutional Facility for the Developmentally Disabled or Mentally Ill							S						S	
Restaurant, Drive-In								S	S	P	S			
Restaurant, Eat-in					S	S	S	S	S	P	P		S	S
Retirement Facility					S	S	S	S		S			S	
School, Commercial, Trade or Business									S	S	P	P	P	S
School, K-12 and including pre-school	S	S	S	S	S	S	S	S	S				P	
School, Nursery	S	S	S	S	S	S	S	P	S	P			S	S
School, University or College					S	S	S	S	S	S	P		P	
Self-Storage or Mini-warehouse										S	S	P		
Sexually Oriented Business												S		
Shipping Service, Retail						S	S	S	P	P	P	P		S
Studio, Art/Artist (excluding Tattoo Parlors and Sexually Oriented Businesses)	S	S	S	S	S	S	S	P		P				S
Studio, Performing Arts (e.g. Dance, Aerobics, and Pilates)					S	S	S	P	P	P	P		P	S
Tanning Salon								S		P	P			
Tattoo and/or Piercing Parlor												S		
Telecommunications Facility/Tower										S	S	S		
Theater, Indoor								S		P	P		S	S
Theater, Outdoor (i.e. drive-in)											S		S	
Tobacco Store										S	S	S		
Transit Station				S	S	S	S	S	S	S	S	S	S	S
Utility Facility	S	S	S	S	S	S	S	S	S	S	S	P	P	S
Vineyard or Orchard	S	S	S	S	S	S	S	S	S	S	P	P		
Warehousing, Enclosed											S	P		
Warehousing, Petroleum Products or other hazardous materials												S		
Warehousing, Unenclosed												S		
Winery	S	S						S		P	S	S		S

Appendix B: Bulk Use Standards Matrix

Bulk Use Standards Matrix														
Standard	Zoning District													
	R1	R2	R3	R4	R5	MF1	MF2	CN	CO	CR	I1	I2	P	TC
Density														
Max. Gross Residential Density (du/acre)	<1.0	1.99	2.49	2.99	3.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Area														
Min. Lot Area (sq ft)	43,560	23,000	14,000	11,000	7,500	4,000	6,000	23,000	43,560	2.5 acres	2 acres	3 acres	43,560	N/A
Max. Lot Area (sq ft)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100,000	N/A	N/A	N/A	N/A	N/A	100,000
Min. Living Area (sq ft)	1,200	1,200	1,200	1,200	1,100	1,000 ave.	1,000 ave.	720	950	950	N/A	N/A	N/A	720
Min. Ground Floor Living Area 1-story bldg (sq ft)	2,500	2,400	1,800	1,500	950	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Min. Ground Floor Living Area 2-story bldg (sq ft)	2,000	1,800	1,400	1,200	720	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Lot Width														
Min. Lot Width at Bldg Line (ft)	125	100	90	80	70	100	100	100	125	150	125	150	100	65
Setbacks														
Min. Front Yard Setback ¹ Local Rd (ft)	30	30	30	30	35	30	40	25	40	40	40	45	35	0
Min. Front Yard Setback ¹ Collector St (ft)	40	40	40	40	35	35	45	35	40	40	40	50	40	5
Min. Front Yard Setback ¹ Arterial St (ft)	50	50	50	50	45	40	50	50	50	50	50	50	50	10
Min. Side Yard Setback ² (ft)	20	15	15	10	10	25	30	10	15	15	25	50	15	10 (aggregate)
Min. Rear Yard Setback ² (ft)	20	25	25	25	25	50	50	20	20	30	40	50	25	10 (aggregate)
Lot Coverage														
Max. Lot Coverage (% of all impervious surfaces)	25%	35%	35%	35%	40%	60%	75%	65%	65%	75%	75%	75%	50%	N/A
Height														
Max. Principle Structure Height ³ (ft)	50	45	45	45	45	60	60	45	45	55	50	55	55	60
Max. Accessory Structure Height ³ (ft)	35	26	26	26	26	35	35	35	35	35	35	35	35	26
Misc.														
Max. No. of Primary Structures per lot	1	1	1	1	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

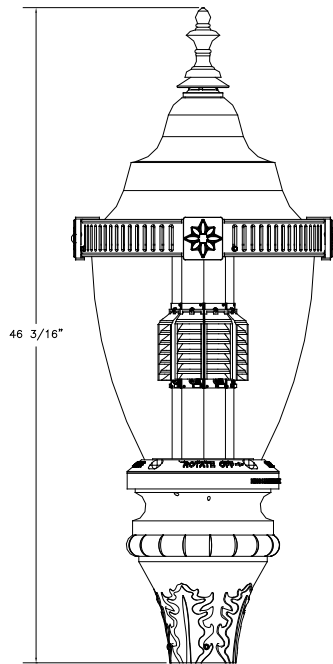
¹ Where no other building exists within 300 feet. Otherwise, the minimum front yard setback shall be equal to the average setback distance for existing buildings within 300 ft.

² Additional buffer yard requirements may apply

³ In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point of the structure, excluding necessary appurtenances.

Exhibit C – Lighting Specifications

Decorative Lighting Specification - K124R-BAAR



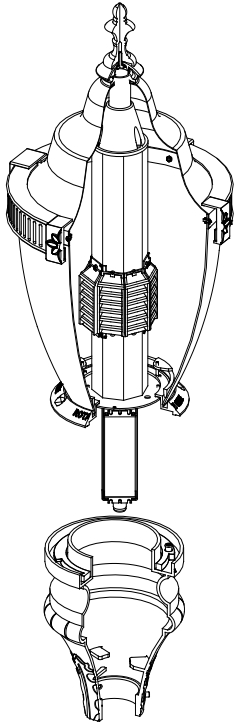
1. Lamps/Lamp Holder Lamps shall be an array of solid state light emitting diodes mounted to a multi-sided, vertical heat sink of highly conductive aluminum. The LED emitters are mounted to removable circuit boards such that they are in full thermal contact with the vertical heat sink. The vertical heat sink is open at the bottom and vented at the top to provide appropriate fluid cooling for the LED array. The emitters are arranged in various patterns on each face of the vertical heat sink to provide the required light distribution. The LED arrays include optical baffles constructed of polished aluminum extrusion optical grade ABS plastic with a vacuum metallised reflective surface or to control upright and light distribution. The LED emitters shall have an efficacy of not less than 80 lumens per watt.

2. Protective Globe The Protective Globe shall be moulded of either; rippled polycarbonate Miles Makrolon GP/OP Thermoplastic Polymer, or equiv., or rippled acrylic Acrylite Plus Acrylic Polymer, or equiv., having a minimum thickness of 0.125” with an overall diameter of 15.75” and an over-all height of 33.75”. An optional Spun Aluminum Top (as shown) with a minimum wall 0.06” thick and Decorative Ring may be included in the assembly.

The Luminaire Globe Assembly is a self contained unit consisting of the Globe itself, a rugged cast locking ring, and the LED light engine consisting of vertical heat sink tower, circuit boards, LED emitter arrays, and optical baffles. The LED light engine is of a modular design, and is able to be quickly removed from the globe assembly with out need to disassemble the globe assembly itself. The Globe Assembly is secured to the main housing by means of a spring-tensioned, Twist-Locking unit to allow tool-less removal of the Globe, while maintaining a secure seal between the Globe Assembly and the Main body of the luminaire, making the K124R suitable for an outdoor environment.

High performance protection against water or dust particle ingress is available by means of a non-porous, closed-cell Silicon Rubber O-Ring gasket which is highly efficient in sealing against particle ingress over a wide temperature range (-40°F to 310°F).

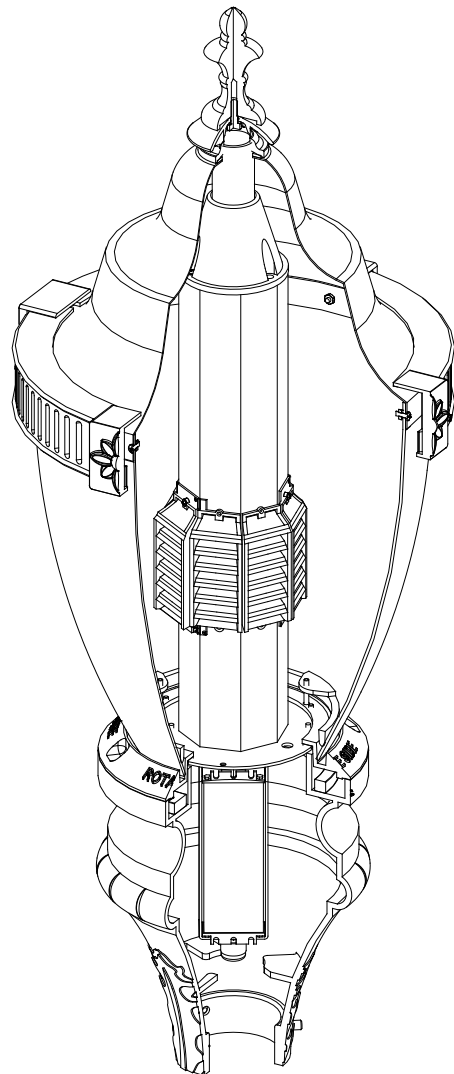
3.Driver The driver, or ballast, for the LED emitters shall be Class 2 electronic capable of input voltages from 120V through to 277V. The case shall be minimum IP66 seal rated. The driver shall have an input voltage and max wattage clearly identified. The ballast assembly will be mounted on a heavy duty fabricated aluminum mounting bracket to allow complete tool-less maintenance.



4. Luminaire Housing . All K124 cast components shall consist of a heavy grade A319 cast aluminium. The Main Body, or Capitol, acts as an enclosure for the ballast assembly and is of adequate thickness so as to give sufficient structural rigidity. The Capitol shall have an opening at the base Tenon Body to allow the luminaire to be mounted to a tenon of 3-1/2" maximum diameter. The Luminaire shall be locked in place by means of heavy duty, stainless-steel set-screws.

5. Wiring. All internal wiring and connections shall be completed so that it will be necessary only to attach the incoming supply connectors to Mate-N-Loc connectors or to a terminal block. Terminal blocks shall be certified to 250V, 70A and consist of three sets of terminals. They shall be rated to 250V and meet NEMA Specifications for Wiring Terminals. Mate-N-Loc shall be certified for 600V operation. Internal wire connectors shall be crimp connector only and rated at 1000V and 150°C. All wiring to be CSA certified and/or UL listed, type SFF-2, SEWF-2, or SEW-2 No. 14 gauge, 150°C, 600V, and color coded for the required voltage.

6. Miscellaneous. All exterior hardware and fasteners, wholly or partly exposed, shall be stainless-steel alloy. All internal fasteners shall be stainless-steel or zinc coated steel. All remaining internal hardware shall be stainless steel, aluminium alloy, or zinc coated steel.



The luminaire manufacturer must be ISO 9001:2000 certified and have been in the business of manufacturing outdoor lighting products for a minimum of ten (10) years.

Polyester Powder Coating – TGIC

Performance Tests (for smooth films only)

Testing performed on Bonderite 1000 panels electrostatically applied and properly cured in electric convection oven

Gloss Hatch Adhesion	
ASTM D3359.....	Excellent
Salt Spray Test	
ASTM B117.....	1,000 hours +
Humidity	
ASTM D2247, 100 degrees Fahrenheit, 100%	
RII.....	1,000 hours +
Conical Mandrel	
ASTM D1737.....	to 180 degrees, 1/8” mandrel
Impact Resistance, Direct	
ASTM D12794.....	up to 160 in lb
Pencil Hardness	
ASTM D3363.....	II Plus

Characteristics

Gloss:	50 to 100 Units
King Standard	50 Gloss Units

Specific Gravity: (ASTM D792)
1.2 to 1.8

Recommended film thickness:
Mils 1.5 to 4.0

Step 1

Consists of immersing the part(s) in a cleaner/phosphotizer bath. The bath is continually agitated and heated to 120 to 160F. This cleans and ensures both inside and outside surfaces are free of grease and other contaminants.

Step 2

Fresh water spray rinse.

Step 3

Immersing part(s) in an agitated rinse tank to ensure elimination of wash solutions. A sealer is also applied at this stage helping to ensure the part is sealed for prevention of flash rusting and provides a good tooth for adhesion when applying powder coat finish.

Step 4

Forced dry off of chemical treatment bringing metal to a minimum temperature of 250F.

Step 5

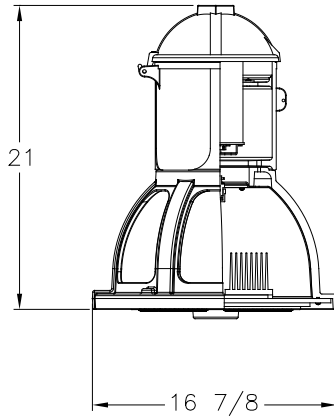
Electrostatically apply the polyester powder to a minimum of 1.5 mils to exterior exposed surfaces.

Step 6

After application of polyester powder coating, the finish is baked at 365-392F for a period of 12-14 minutes after reaching the designated temperature. Batch oven is cooled and parts are removed for further cooling prior to testing and packaging.

All metal parts shall be factory cleaned and painted with the king coat process—detailing available on request.

Decorative Lighting Specification - K800-FA



1. Light Source Luminaire light source shall be composed of 126 or 63 Cree XPE White high power LED's (light emitting diodes). The emitters shall be mounted to a metal core circuit board using SMT technology. The LED's and circuit boards shall then be mounted to a high performance heat sink which is vented to the outside ambient air to provide dynamic cooling to the system. The emitters shall be so constructed to provide a minimum system efficacy of 50 lm/w, while continuing to provide at least 70% of their initial light out put after a minimum of 50,000 hours continuous use.

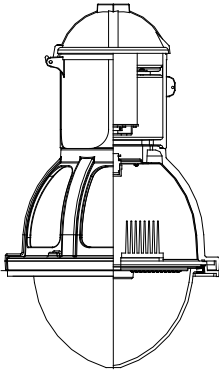
2. Internal Optics External light control shall consist of high precision refractive lenses mounted above the LED emitter arrays in such a way that uplight is reduced to achieve an of IESNA Full-Cutoff classification. The optical lenses controls shall control the vertical distribution of the light so that the vertical cutoff angle does not exceed 73 degrees while providing a max vertical candela angle of 65 degrees for maximum horizontal spacing. The lenses shall also control horizontal light distribution so that either IESNA Type III or Type V patterns are achieved.

3. Optional Clear Lens. The lens shall be made of #9000 clear borosilicate glass (fully annealed). It shall maintain a minimum thickness of .3" with an overall diameter of 14.12" and an overall height of 7.9". The reflector and lens combination must product an IES Type III or V Cut Off classification that has been verified by in independent certified photometric report. Downward street side lumen output shall be a minimum of 42.6% and house side lumen output shall be a minimum of 27.8% for a total minimum efficiency of 70.4%. Total upward efficiency shall not exceed .2%.

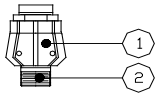
The lens is secured by means of a cast A319 aluminum refractor holding ring and shall allow the refractor to open at least 90 degrees from the horizontal and is tool less in design. The holding ring shall have a latching arrangement to prevent the refractor holding ring from falling and has been attested to meet a minimum of an IP65 Ingress rating (proof of testing must be provided upon request) A 5/16" closed cell Neoprene cord shall be semi recessed into the door assembly to ensure a water and dust resistant seal against the luminaire reflector. Additionally, a continuous circular gasket rated for 270 deg. F. must hold the lens into place within the cast ring assembly and assist in sealing the fixture.

4. Optional Deep Lens. The Decorative Deep Dish (RAD) Globe shall be moulded of rippled acrylic Acrylite Plus Acrylic Polymer, or equiv., having a minimum thickness of 0.090" with an overall diameter of 12 5/8"" and an over-all height of 13 1/2".

The luminaire manufacturer must be ISO 9001:2000 certified and have been in the business of manufacturing outdoor lighting products for a minimum of ten (10) years.



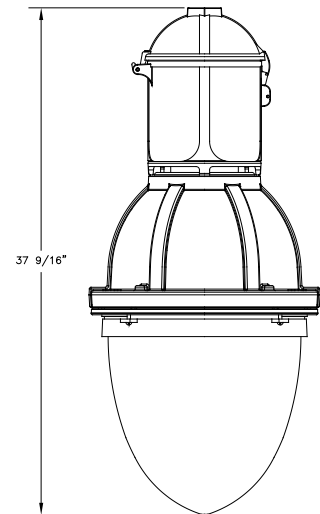
5. Driver CSA certified and/or UL listed, manufactured by “Magtech.”, or equivalent electronic driver. Driver shall supply correct DC voltage and current to maintain proper operation of the emitters. The driver shall be UL1310/UL48 Class 2 certified, and contain over-circuit, over-voltage, and over-power protection. The driver shall be able to connect to ac input voltages within the range of 90 to 277 vac. The driver shall have a min life expectancy of 100,000 hrs at or below full load at or below 25°C, with an operating temperature range from a min of -30°C to a max of at least 70°C. The driver casing shall have a minimum ingress protection rating of IP64.



6. Plumbizer. The plumbizer allows for plumbing of fixture and must be comprised of 2 components. The outer housing is a fully machined 6061-T6 aluminum enclosure and houses the internal plumbing nipple. The plumbing nipple must be a fully machined aluminum alloy 6061-T6 component with a yield strength minimum of 35000 lb/sq. in. with a minimum cross sectional area of 1.3 in. sq and a tensile strength of 45,000. A cast nipple or outer housing enclosure is not acceptable.

7. Cast Housing. The luminaire shall consist of a heavy Grade A319 cast aluminum ballast housing that acts as the enclosure for the ballast assembly of adequate thickness to give structural rigidity. It shall have an opening in the top that is tapped by means of a CNC to accept a 1 ¼” N.P.T. external threaded nipple (see level device requirements)

8. Wiring. All internal wiring and connections shall be completed so that it will be necessary only to attach the incoming supply connectors to Mate-N-Loc connectors or to a terminal block. Terminal blocks shall be certified to 250V, 70A and consist of three sets of terminals. They shall be rated to 250V and meet NEMA Specifications for Wiring Terminals. Mate-N-Loc shall be certified for 600V operation. Internal wire connectors shall be crimp connector only and rated at 1000V and 150°C. All wiring to be CSA certified and/or UL listed, type SFF-2, SEWF-2, or SEW-2 No. 14 gauge, 150°C, 600V, and color coded for the required voltage.



The luminaire manufacturer must be ISO 9001:2000 certified and have been in the business of manufacturing outdoor lighting products for a minimum of ten (10) years.

9. Miscellaneous. All exterior hardware and fasteners, wholly or partly exposed, shall be stainless-steel alloy. All internal fasteners shall be stainless-steel or zinc coated steel. All remaining internal hardware shall be stainless steel, aluminum alloy, or zinc coated steel.

10. Photometrics. Fixtures to be photometrically tested by a certified, third-party testing lab to IES LM-79 specifications. A photometric report tested to IES LM-79 and LM-63 standards must be made available.

11. Thermals. Fixtures to be tested by a DOE sanctioned test facility to determine the maximum In-Situ solder-point or junction-point temperatures of the LED emitters. This report is to be made available.

12. L70 and Lumen Depreciation. Manufacturer to supply a life expectancy value (L70) in operating hours. The minimum L70 value is to be 50,000 hrs. Either the LM-80 data used to calculate the L70 value, along with the calculations used to derive the value, or a statement from the emitter manufacturer listing the L70 value as determined by the In-Situ and LM-80 data, are to be made available.

13. Color rendering. The Correlated Color Temperature (CCT) to be available within the ranges of 4300K to 4750K (cool), or 5700K to 7000K (neutral). The Color Rendering Index (CRI) to be a minimum of 72 for cool, and 80 for neutral.

FINISH:

Specification Powder Coating (minimum Requirements)

Polyester Powder Coating – TGIC

Performance Tests (for smooth films only)

Testing performed on Bonderite 1000 panels electrostatically applied and properly cured in electric convection oven

Gloss Hatch Adhesion	
ASTM D3359.....	Excellent
Salt Spray Test	
ASTM B117.....	1,000 hours +
Humidity	
ASTM D2247, 100 degrees Fahrenheit, 100%	
RIL.....	1,000 hours +
Conical Mandrel	
ASTM D1737.....	to 180 degrees, 1/8" mandrel
Impact Resistance, Direct	
ASTM D12794.....	up to 160 in lb
Pencil Hardness	
ASTM D3363.....	II Plus

Characteristics

Gloss:	50 to 100 Units
King Standard	50 Gloss Units

Specific Gravity: (ASTM D792)
1.2 to 1.8

Recommended film thickness:
Mils 1.5 to 4.0

Step 1

Consists of immersing the part(s) in a cleaner/phosphotizer bath. The bath is continually agitated and heated to 120 to 160F. This cleans and ensures both inside and outside surfaces are free of grease and other contaminants.

Step 2

Fresh water spray rinse.

Step 3

Immersing part(s) in an agitated rinse tank to ensure elimination of wash solutions. A sealer is also applied at this stage helping to ensure the part is sealed for prevention of flash rusting and provides a good tooth for adhesion when applying powder coat finish.

Step 4

Forced dry off of chemical treatment bringing metal to a minimum temperature of 250F.

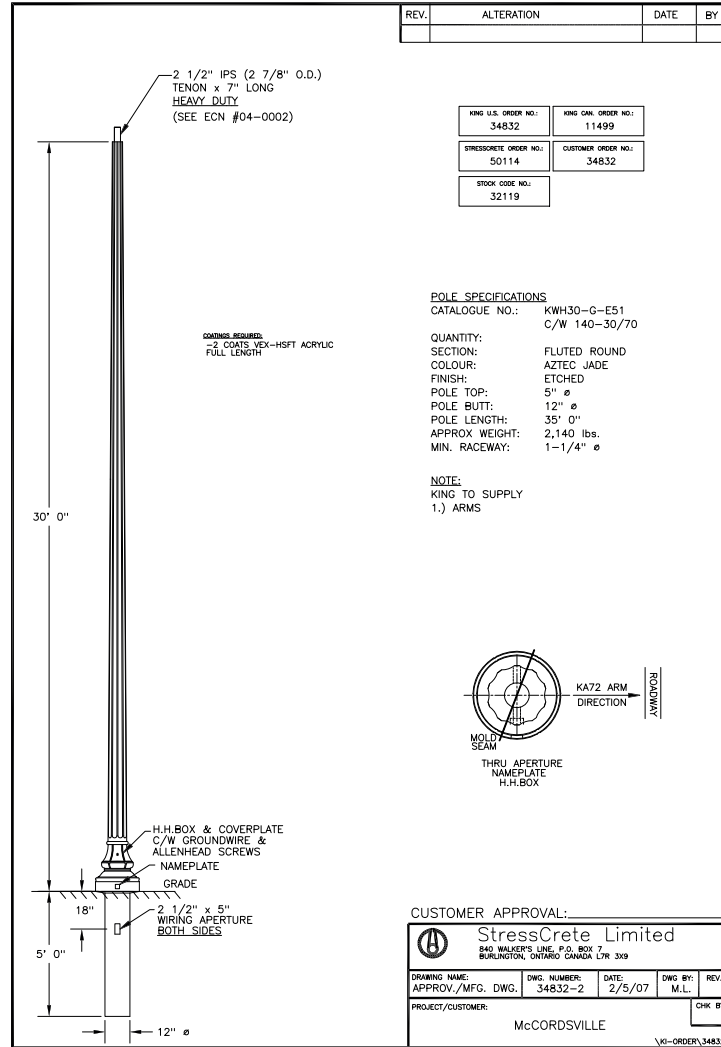
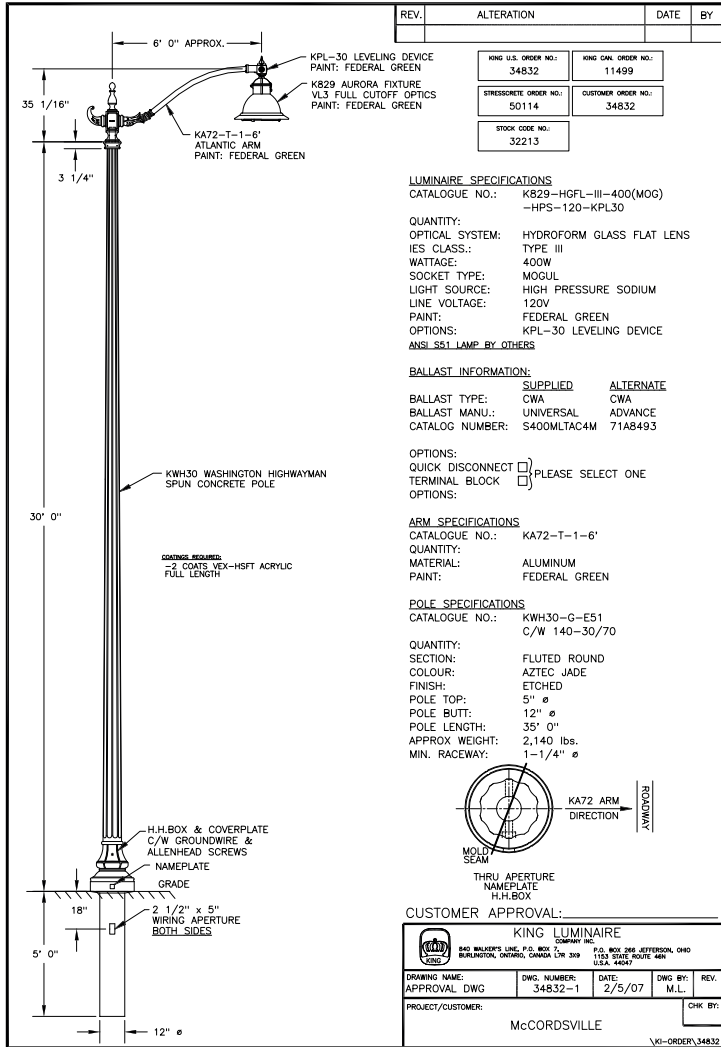
Step 5

Electrostatically apply the polyester powder to a minimum of 1.5 mils to exterior exposed surfaces.

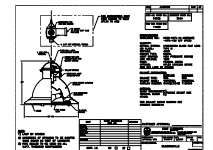
Step 6

After application of polyester powder coating, the finish is baked at 365-392F for a period of 12-14 minutes after reaching the designated temperature. Batch oven is cooled and parts are removed for further cooling prior to testing and packaging.

All metal parts shall be factory cleaned and painted with the king coat process—detailing available on request.



FOR ARM DWG. SEE 501B0019-7



REV.	ALTERATION	E.C.N.	DATE	BY
A	K124R WAS K118 FIXTURE		10/16/01	TB
B	KD13 WAS KD11.		10/22/01	TB
C	REMOVED WRS.		10/24/01	TB
D	KD12 WAS KD13		10/24/01	TB
E	ADDED COUPLINGS & PLATE FOR FLAGHOLDER		10/26/01	TB

KI-ORDER US. NO.
SS1412

CUSTOMER ORDER NO.:
SAMPLE

LUMINAIRE SPECIFICATIONS

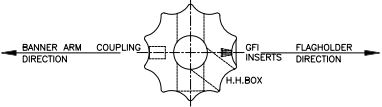
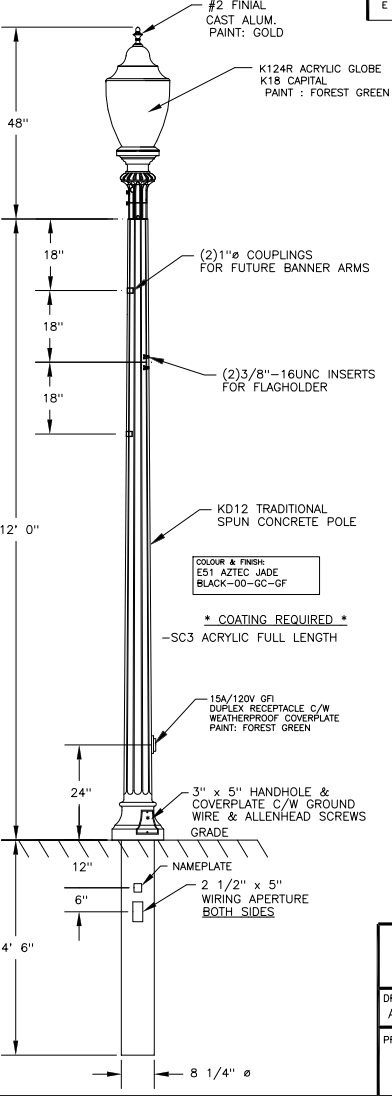
CATALOGUE NO.: K124R-SAR-V-150(MOG)
-HPS-120(MT)-K18-PE

QUANTITY:
GLOBE MAT'L: ACRYLIC
IES CLASSIFIC.: TYPE V
WATTAGE: 150W
LIGHT SOURCE: HIGH PRESSURE SODIUM
LINE VOLTAGE: 120V(MULTI TAP)
PAINT: FOREST GREEN
OPTIONS: PHOTO EYE

POLE SPECIFICATIONS

CATALOGUE NO.: KD12-G-E51 S/F BA & FH
C/W 140-35/35 & GF1

QUANTITY:
SECTION: FLUTED
COLOUR: AZTEC JADE
FINISH: ETCHED
POLE TOP: 5 1/8" FL/FL
POLE BUTT: 8 1/4" Ø
POLE LENGTH: 16' 6"
APPROX WEIGHT: 500 lbs.



TOP VIEW

CUSTOMER APPROVAL: _____

KING LUMINAIRE
COMPANY INC.
840 WALKER'S LINE, P.O. BOX 7, BURLINGTON, ONTARIO, CANADA L7R 3X9
P.O. BOX 266 JEFFERSON, OHIO 1153 STATE ROUTE 46N U.S.A. 44247

DRAWING NAME: APPROVAL DWG.	DWG NUMBER: SS1412-1	DATE: 10/03/01	DWG BY: T.B.	REV. E.
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PROJECT/CUSTOMER: **McCORDSVILLE**

TOWN HALL

REV.	ALTERATION	E.C.N.	DATE	BY
A	REVISED POLE LENGTH TO 13'.		10/22/01	TB
B	REVISED POLE LENGTH TO 12'.		10/24/01	TB
C	ADDED COUPLINGS & FLAGHOLDER		10/26/01	TB

STRESSCRETE ORDER NO.
21034

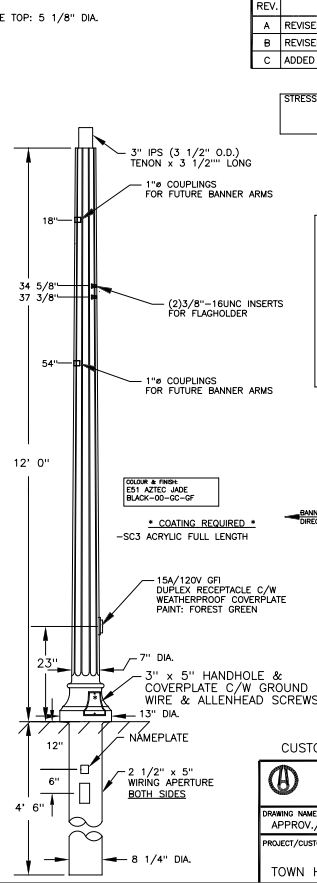
KI-ORDER US. NO.
SS1412

CUSTOMER ORDER NO.:
SAMPLE

SPECIFICATIONS

CATALOGUE NO.: KD12-G-E51 C/W
140-35/35

SECTION: FLUTED
COLOUR: AZTEC JADE
FINISH: ETCHED
POLE TOP: 5 1/8" DIA.
POLE BUTT: 8 1/4" DIA.
POLE LENGTH: 16' 6"
APPROX. WGT.: 500 lbs
QUANTITY:



TOP VIEW

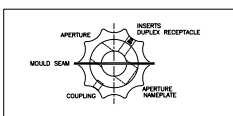
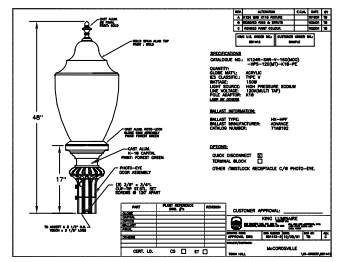
CUSTOMER APPROVAL: _____

StressCrete Ltd.
840 WALKER'S LINE, BURLINGTON, ONTARIO L7R 3X9
PHONE (905) 632-9301 FAX (905) 632-9118

DRAWING NAME: APPROV./MFG. DWG.	DWG NUMBER: SS1412-2	DATE: 10/03/01	DWG BY: T.B.	REV. C.
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PROJECT/CUSTOMER: **McCORDSVILLE**

TOWN HALL



Appendix D: Official Parking Schedule

For every...	...the following number of parking spaces is required...
Employees per shift: for each employee working on the largest shift (for multi-shift operations ample parking spaces to accommodate shift changes shall be provided	1
Business Vehicles: for each vehicle stored on-site	1
Dwelling units: for each dwelling unit on-site	2
...in addition to...	
Commercial Use	
Auto-oriented facility: for every 200 square feet in any car wash, repair, or modification facility	1
Dealerships: for each vehicle or mobile home on display at an auto/boat/RV/farm implement/manufactured home dealership (of an appropriate size, and to be used for the storage of each vehicle)	1
Hotel/Motel: for each sleeping unit in any hotel, motel or bed and breakfast	1
Retail, small: for every 300 square feet in a personal service business, beauty or barber shop, or dry-cleaners	1
Retail, medium: for every 300 square feet of gross floor area retail space in all convenience stores, gas stations, greenhouses, grocery stores, department stores, and other retail facilities	1
Retail, large: for every 400 square feet of gross floor area in all hardware, home improvement, furniture, and large appliance stores	1
Sales facility show rooms: for every 500 square feet in all auto/boat/RV/or farm implement sales facility show rooms	1
Self-storage facility: for every 5,000 square feet at a self-storage facility	1
Office Use	
Arts/public space: for every 300 square feet in any library, museum or gallery	1
Medical/dental office: for every 250 square feet of gross floor area in any medical or dental office or clinic	1
Professional office: for every 300 square feet in any administrative or professional business office or bank	1
Public/Institutional Use	
Airport: for every 5 hangar or tie-down spaces at an airport or heliport	1
College/university: for every 2 on-campus residents of a resident-student based college or university	1
Day care: for every 6 children, permitted by capacity, in any day care facility	1
Educational facility, after high school: for every 4 students for which a community college, business, vocational trade, or other commuter-based school is designed	1
Hospital/nursing home: for every 4 patient beds at a hospital or nursing home	1
Penal/correctional institution: for every 10 inmates for which a penal or correctional institution is designed	1
Elementary/middle school: for every classroom for which an elementary or middle school is designed. See also the Gathering Space requirement for additional requirements	2
High School: for every 20 students for which a high school is designed. See also the Gathering Space requirement for additional requirements	1
Recreation/Assembly Use	
Bowling alley: for every lane at a bowling alley	5
Camping facility: for every camp site or cabin at a camp ground	1

Appendix D: Official Parking Schedule

For every...	...the following number of parking spaces is required...
Gathering space, non-business: for every 3 seats in a restaurant, auditorium, gymnasium, stadium, grand stand, funeral home, church (or other place of worship), or movie theater	1
Golf course: for every 9 holes at any golf course	20
Nature area: for every 1/2 acre of area included in a nature area	1
Recreational facility, sports: for every field or court at a sports or recreation facility	20
Recreational facility, water based: for every 100 square feet of recreational area at a swimming pool greater than 24 inches, skating rink, or public lake	1
Recreational facility, other: for every 200 square feet of gross floor area in any fitness center, dance academy, health spa, private lodge or club, or entertainment center	1

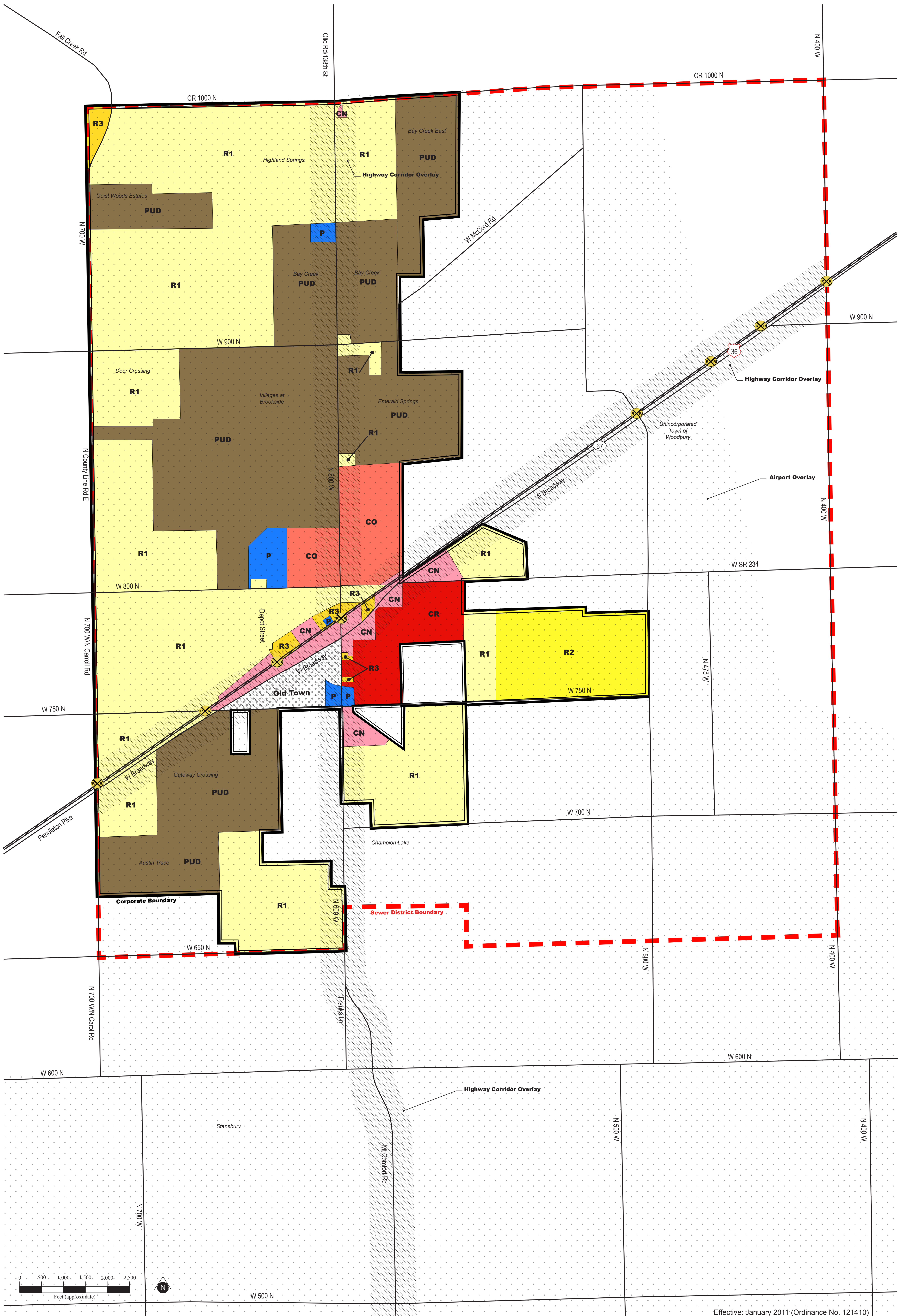
Appendix E: Sign Standards Matrix

Sign Standards Matrix							
Standards	Zoning District						
	R	MF	CN	CO	CR	I1	I2
Step 1 - Sign Area Calculations							
Building Frontage/Wall Sign Size Ratio (the total sign area permitted, per use)	Ground/ monument style only	1.5 square feet for each linear foot of building frontage	1.5 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage
Aggregate Sign Area (max.) (square feet)	32	100	200	200	200	200	200
Step 2 - Permitted Sign Types							
Wall Sign			P	P	P	P	P
Awning Sign			P	P	P	P	P
Projecting Sign, provided there is only one per business			P	P	P	P	P
Window Sign				P	P	P	P
Free-standing/Pylon Sign				S	S	S	S
Ground/monument Sign	P	P	P	P	P	P	P
Changeable Copy Sign				P	P	P	P
Electronic Message Board			P	P	P	P	P
Time & Temperature Sign Component				P	P	P	P
Step 3 - Determine General Sign Standards							
Maximum Wall Sign Size (square feet)			100	200	200	200	200
Maximum Projecting Sign Size (square feet)			24	24	24	24	24
Maximum Ground/Monument Sign Height (feet)	6	6	6	6	8	8	8
Maximum Free-standing/Pylon Sign Area (square feet)	32	32	32		50	50	50
Maximum Multi-tenant Joint Sign Area (square feet)				+25%	+25%	+25%	
Maximum Multiple-floor Sign Area (square feet) (separate tenant 1 square foot per 1 linear feet of frontage)			50	50	50	N/A	N/A
Maximum Window Sign Area Coverage			25%	25%	25%	25%	25%

THE TOWN OF McCordsville

Next Stop  McCordsville

Zoning Map



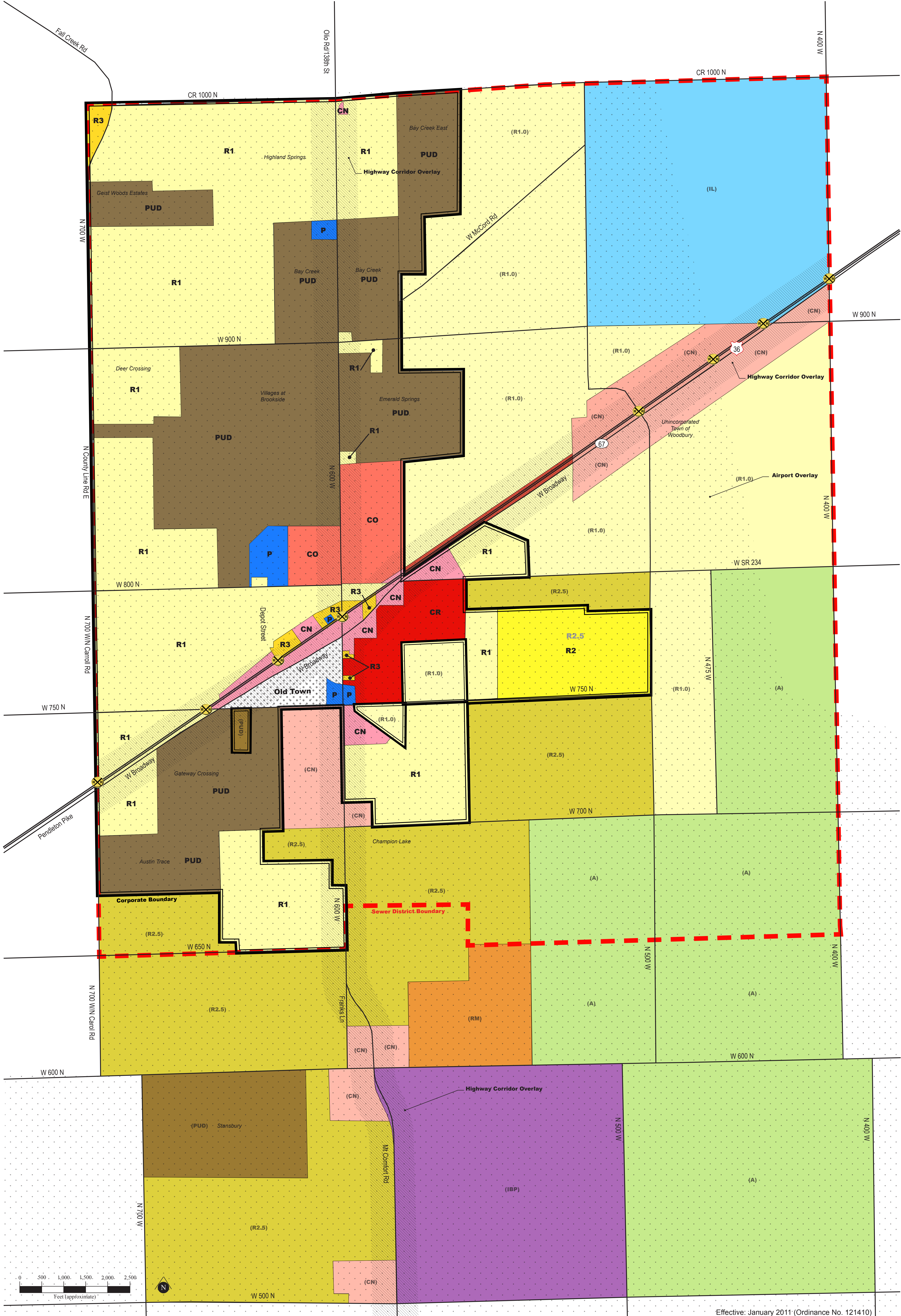
Legend

- R1 Residential
- R2 Residential
- R3 Residential
- R4 Residential
- R5 Residential
- MF1 Residential
- MF2 Residential
- CN Neighborhood Commercial
- CO Professional Business Office
- CR Regional Commercial
- I1 Low Intensity Industrial
- I2 Medium Intensity Industrial
- OT Old Town
- P Public/Semi-Public
- PUD Planned Unit Development
- Highway Corridor Overlay
- Airport Overlay
- Corporate Boundary
- Sewer District Boundary
- Roadway
- Railroad

THE TOWN OF McCORDSVILLE

Next Stop  McCordsville

Composite Zoning Map



Legend

- McCordsville Zoning Classifications
- R1 Residential**
 - R2 Residential**
 - R3 Residential**
 - R4 Residential**
 - R5 Residential**
 - MF1 Residential**
 - MF2 Residential**
 - CN Neighborhood Commercial**
 - CO Professional Business Office**
 - CR Regional Commercial**
 - I1 Low Intensity Industrial**
 - I2 Medium Intensity Industrial**
 - OT Old Town**
 - P Public/Semi-Public**
 - PUD Planned Unit Development**
 - Highway Corridor Overlay**
 - Airport Overlay**
 - Corporate Boundary**
 - Sewer District Boundary**
 - Roadway**
 - Railroad**
- Hancock County Zoning Classifications
- Agriculture (A)**
 - Residential: 1.0 (R1.0)**
 - Residential: 2.5 (R2.5)**
 - Residential: Multi-Family (RM)**
 - Commercial: Neighborhood (CN)**
 - Commercial: Regional (CR)**
 - Industrial: Light (IL)**
 - Industrial: Business Park (IBP)**
 - Planned Unit Development (PUD)**