**ORDINANCE NO. \_\_\_\_\_\_\_**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 121410, AS AMENDED, OF THE CODE OF ORDINANCES OF THE TOWN OF McCORDSVILLE, INDIANA**

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Zoning Ordinance No. 121410, as amended, and has adopted as a part of the Code of Ordinances of the Town of McCordsville, Indiana; and

WHEREAS, upon the recommendation of staff regarding the best practices for regulating development, and the procedures and process for review and approval of development; and

WHEREAS, the Town Council of McCordsville, has, after a public hearing was held on October 17, 2023, received a \_\_\_\_\_\_\_\_\_\_ recommendation from the McCordsville Advisory Plan Commission; and

WHEREAS, the Town Council has found that such amendments are in the best interest of the health, safety, and welfare of the citizens of the Town of McCordsville, Indiana.

**THEREFORE BE IT ORDAINED** by the Town Council of the Town of McCordsville, Indiana that Zoning Ordinance No. 121410, as amended, are hereby amended as described in Exhibit A, attached hereto.

This ordinance was introduced and filed on the \_\_\_day of \_\_\_\_\_\_\_\_\_, 2023. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_ in favor \_ opposed pursuant to I.C. 36-5-2-9.8.

This ordinance was duly ordained and passed on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2023 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of \_\_ in favor and \_\_ opposed. This Ordinance becomes effective immediately.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative: Voting Opposed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gregory J. Brewer Gregory J. Brewer

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Larry J. Longman Larry J. Longman

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Bryan Burney Bryan Burney

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Scott Jones Scott Jones

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Branden D. Williams Branden D. Williams

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Stephanie Crider, Clerk-Treasurer

This instrument was prepared by Gregg Morelock, Attorney at Law.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. – Gregg Morelock

**Exhibit A**

Article X. – shall be amended as follows:

**Section 10.01 Petition & Permit Application Types**

1. 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 Amendment

(5) Subdivisions, Primary Plat

(6) Subdivisions, Secondary/Final Plat

(7) Re-plat

(8) Plat Vacation

(9) Right-of-way Vacation

(10) Amendment to Commitments

(11) Exception to a Subdivision Control Regulation

(12) Development Plan

(13) Zoning Ordinance Amendment

(14) Subdivision Control Ordinance Amendment

(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. Extension to Special Exception Use
3. Extension to Development Standards Variance

(2) Improvement Location Permit

(3) Sign Permit

(4) Temporary Use Permit

(5) Occupancy Permit

(6) Change in Use Permit

(7) Building Permit (inclusive of decks, pools, patios, and other permits as described herein and in the Town of McCordsville Fee Schedule)

(8) Right-of-way Permit

1. Impact Fees

The Town has adopted a Park Impact Fee and Park Impact Fees will be charged and collected in the manner prescribed in the Park Impact Fee Ordinance and in accordance with State Statute.

1. Inspection Fees

Inspection Fees shall be charged and collected as described in the Fee Schedule.

1. All Other Fees, Fines, & Penalties

All other fees, fines, and penalties shall be charged and collected as described by ordinance and in the Fee Schedule.

(F) Application Materials

All applications may be obtained from the Town of McCordsville website or by contacting the Planning & Building Department. Fees, in accordance with the Town of McCordsville Fee Schedule, shall be paid to The Town of McCordsville at the time all petition applications and permits are invoiced by the Town.

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 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.

Article IV. – shall be amended as follows:

**Section 4.02(B)(1)(b) Time Limit:** Any temporary structure used for or in support of permitted primary or other use may be permitted for up to ninety (90) days in a calendar year, or as listed on the permit, whichever is less, unless otherwise specified by this Article. This limit shall apply to all temporary structures on a property. Temporary structure used for a permitted primary *Religious-Place of Worship* or *School* (public or private) use may be permitted for up to two (2) years.

**Section 4.02(B)(2)(b)(i) Extensions:** An extension of up to thirty (30) days may be granted by the administrative officer in any given calendar year, without the need for a public hearing. The Board of Zoning Appeals may grant subsequent extensions after a public hearing is held. For *Religious-Place of Worship* or *School* uses the Administrative Officer may approve a one-time extension for up to two additional years. The Board of Zoning Appeals may grant subsequent extensions after a public hearing is held. The Board or Administrative Officer may impose reasonable conditions as part of its approval.

Section 4.02(C)(a) Temporary Model Homes

(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 inthe driveway or may be a small parking lot with a maximum of six (6) parking spaces located adjacent to the model home and behind the sidewalk. Such a parking lot shall be hard surface. 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. If parking is provided via a small parking lot, a row of shrubs must be provided around the perimeter.

Section 4.06(F) Waste Containers: All dumpsters and other waste containers shall be screened consistent with Section 6.11, Buffering and Screening Standards, of this Ordinance. Waste containers shall not be interpreted as a trash can, which shall be permitted without the need for screening or buffering.

Section 4.17(B)(1)(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. The applicant must meet all other development standards of the residential zoning classification and the requirements of this Ordinance.

Article VI. – shall be amended as follows:

**Section 6.02 (B)(1) Residential Districts:** Balconies, stoops, stairs, chimneys, bay windows, and roof eaves/overhangs (a maximum of twelve (12) inches measured from exterior material to fasica board) shall be permitted to extend within a minimum front yard setback to a maximum of 10 feet. Hedges, garden walls, or fences may be built on property lines or as a continuation of building walls.

Section 6.04(A)(4)(a): A single front elevation (denoted as “S” in illustration below) shall not be repeated unless it is separated by at least two (2) different front elevations on either side of the subject elevation (S) and three (3) different front elevations across the street (shown as “1” in the illustration below), as detailed in the Illustration below. Elevations denoted as “2” in the illustration below may be the same front elevation; however, the Town encourages builders to utilize a different color package if the same elevation is chosen. The ARC shall have the right to determine that certain elevations are considered the same elevation, even if they are named differently by the builder. This determination shall be made by the ARC in a public meeting.

Diagram

Description automatically generated with medium confidence

Section 11.04 – Violation Procedures

(A)(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 fifteen (15) days from the date of the Notice of Violation. The Notice of Violation shall be mailed via Certified Mail, Return Receipt Requested by the Administrative Officer, or his or her designee, or may be hand-delivered by Town staff, who will execute an affidavit certifying delivery. If the violation is abated within the specified time frame, the matter will be closed and the landowner will not incur any fines or penalties.

(A)(2): Notice of Penalty for Violation: If a violation is not abated within the specified time frame in the Notice of 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, or may be hand-delivered by Town staff, who will execute an affidavit certifying delivery. The property owner(s) in violation will have a fifteen (15) days from the date of the Notice of Penalty to pay all applicable penalty and correct the violation. If the Administrative Officer, or his or her designee, determines that the violation has not been corrected within the specified time-frame, the Administrative Officer may apply additional penalty and/or any other enforcement action authorized by this Ordinance.

(A)(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 Board of Zoning Appeals (BZA) 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.

(B)(3) Payment: The payment of any violation shall be by cash, cashier’s check, or credit card and shall be delivered to the Administrative Officer, his or her designee, or paid through the online permit system, who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.

(D) Legal Remedies: The Administrative Officer via the Board of Zoning Appeals (BZA) 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.

(D)(1)(b): All agreements with the Board of Zoning Appeals (BZA) or its designees that have been established as written commitments in recordable form;

Definitions

Retail, Bargain: A retail establishment that specializes in selling any of the following: goods at reduced prices; a wide range of retail goods at a specific price point that is approximately one dollar ($1.00); inexpensive items usually priced at one dollar or a few dollars; repurposed or second-hand goods.

Restaurant, Fast Casual: 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. However, unlike fast food, the food is not prepared prior to the customer ordering.

Co-Working Space: A commercial establishment functioning as an office for those who are self-employed or working for different employers. The space shall offer communal office equipment and features, and space for creative thought, knowledge and ideas to be shared.

Appendix A: Official Schedule of Land Uses

Add Retail, Bargain as a Special Exception in the CN, TC, & CR Zoning Districts.

Add Co-Working Space as a Permitted Use in the PBO, CN, & TC Zoning Districts, and as a Special Exception in the OT & CR Zoning Districts.

Add Restaurant, Fast Casual as a Special Exception in the CN & TC Zoning Districts, and as a Permitted Use in the CR Zoning District.