

**ORDINANCE NO. 041123**

**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 March 21, 2023, received a favorable 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 11<sup>th</sup> day of April, 2023. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 4 in favor 1 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

\_\_\_\_\_  
Larry J. Longman

\_\_\_\_\_  
Larry J. Longman

\_\_\_\_\_  
Bryan Burney

\_\_\_\_\_  
Bryan Burney

\_\_\_\_\_  
Scott Jones

\_\_\_\_\_  
Scott Jones

\_\_\_\_\_  
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

*This Legend is intended to describe the changes below, not to be part of the Ordinance. This text box will be deleted on the executed version.*

**LEGEND**

Black Text: Denotes existing language in the Zoning Ordinance

Red Text: Changes proposed and recommended by the Plan Commission

Blue Text: Changes proposed following comments received at 1<sup>st</sup> Reading

**Exhibit A**

**Article XII. Definitions**

Tobacco Store *(existing definition that is being retained)*

A business selling tobacco in various forms and the related accoutrements per Indiana State Laws regarding sale of tobacco products.

**Vape/Smoke Shop**

A retail shop specializing in the selling of tobacco products, glassware, hemp products (ie. CBD), electronic cigarettes, electronic smoking devices, liquid nicotine, liquid nicotine containers, vapor product, vaporizers, and/or other similar products.

**Smoke Shop**

~~A retail shop specializing in the selling of tobacco products, glassware, and/or hemp products, like CBD. They may also include vape products, as defined in this Article.~~

**Cigar Shop**

A retail shop primarily selling cigars, and tobacco products for use in cigar smoking. A majority of sales from such a shop shall be sales from cigars which are already rolled and packaged as a final product. Other permitted sales shall be tobacco for use in cigars or tobacco pipes, and accessories used in cigar smoking. The sale of electronic cigarettes, electronic smoking devices, liquid nicotine, liquid nicotine containers, vapor product, vaporizers, glassware, hemp products, including CBD, and/or other similar products shall be prohibited incidental and constitute the minority of retail sales. Such an establishment may allow on-site consumption of cigars but shall not permit the sale or on-site consumption of food or alcohol. If smoking is permitted on-premises the establishment must provide proper ventilation for indoor air quality. For the purposes of administering and enforcing this Ordinance the phrase "Cigar Shop" shall not be interpreted to be the same as Cigar Bar, Tobacco Store, or Vape/Smoke Shop.

**Cigar Bar**

An establishment specializing in serving cigars for consumption on the premises, along with serving of alcohol and food for consumption on the premises. Such an establishment may also sell or offer cigar accessories to aid in the on-premises consumption of cigars. Such an establishment must provide proper

ventilation for indoor air quality. For the purposes of administering and enforcing this Ordinance the phrase “Cigar Bar” shall not be interpreted to be the same as Cigar Shop, Bar, Tavern, or Night Club.

#### **Appendix A. Schedule of Uses**

Tobacco Store is permitted as a Special Exception land use in the ~~CR~~, I1, & I2 Zoning District.

Smoke Shop & Vape Shop will be added to the schedule of uses as a Special Exception land use in the I1, & I2 Zoning Districts.

Cigar Shop will be added to the schedule of uses as a Special Exception land use in the CN, CR, I1, & I2 Zoning Districts.

Cigar Bar will be added to the schedule of uses as a Special Exception land use in the CN, CR, I1, & I2 Zoning Districts.