

**ORDINANCE NO. 041123D**

**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

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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.

**ORDINANCE NO. 071123**

**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 May 16, 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, Planned-Unit Development Ordinance No. 121322A, Planned-Unit Development Ordinance No. 110921, Planned-Unit Development Ordinance No. 101122B, Planned-Unit Development Ordinance No. 110921A, Planned-Unit Development Ordinance No. 041321A, and Planned-Unit Development Ordinance No. 091322C, are hereby amended as described herein.

SECTION 1. Applicability of Ordinance. Except as modified by this Ordinance, all other provisions of Zoning Ordinance No. 121410, as amended, Planned-Unit Development Ordinance No. 121322A, Planned-Unit Development Ordinance No. 110921, Planned-Unit Development Ordinance No. 101122B, Planned-Unit Development Ordinance No. 110921A, Planned-Unit Development Ordinance No. 041321A, and Planned-Unit Development Ordinance No. 091322C shall remain in effect with the adoption of this Ordinance.

SECTION 2. Development Standards. Each Ordinance, listed above, shall be amended as described below:

- A. Section 154.076(B)(3) of Zoning Ordinance 121410, as amended, shall be replaced in its entirety with the following language: *Garage location/orientation.* Two-car garages, a minimum of 22 feet in width, or 20 feet in width with an additional four-foot-deep by eight-foot-long storage area (within the garage), shall be required for all dwellings. Garages may be front-loading, side-loading, courtyard-loading, rear-loading, and/or detached. Any front-loading garage, attached or detached, which is located less than 20 feet behind the front elevation of the home, shall feature a decorative garage door. Any front-loading garage that protrudes eight feet or more in front of the front elevation, shall feature at least one window on each side elevation of the garage. **The ARC may approve an architectural feature, in lieu of window on the side elevation closest to the front door.** These windows

shall not count towards any other window requirement. No front-loading garage shall protrude more than ten feet in front of the front elevation. Garage protrusion shall be measured by determining the distance between the farthest protruding front facade of the garage and the widest portion of the front facade of the front elevation. Front-loading garages shall not exceed 45% of the width of the front elevation. Detached garages must be separated from the primary structure a minimum of ten feet. For any three-car or larger garage that faces a street, at least one of the bays must have a separate door and be off-set a minimum of two feet from the other bays. At least 25% of all lots within a residential subdivision shall feature a home that does not have a front-loading garage. All decorative garage doors shall be approved by the Architectural Review Committee. These regulations do not apply to multi-family residential developments.

- B. Number 28 of Exhibit C of the Alexander Ridge PUD Ordinance No. 121322A shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet or more in front of the front elevation shall feature at least one (1) window on the side of the garage nearest the front door. **The ARC may approve an architectural feature, in lieu of the window.** This window shall not count towards any other window requirement. No front-loading garage shall protrude more than ten (10) feet in front of the front elevation of the home. Garage protrusion shall be measured by determining the distance between the farthest protruding façade of the garage and the widest portion of the front façade of the home. Any such garage shall also feature a minimum of eight (8) shrub plantings along the façade of the garage facing the side property line.
- C. Number 8 of Exhibit C of the Colonnade PUD Ordinance No. 110921 shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet or more in front of the front elevation shall feature at least one window on the house side elevation of the garage. **The ARC may approve an architectural feature, in lieu of the window.** These windows shall not count towards any other window requirement. No front-loading garage shall protrude more than ten (10) feet in front of the front elevation. Garage protrusion shall be measured by determining the distance between the farthest protruding front facade of the garage and the widest portion of the front facade of the front elevation. Any front-loading garage that protrudes a minimum of eight feet in front of the front elevation shall feature a minimum of eight shrubs along the foundation of side elevation (nearest the side-yard property line) of the garage.
- D. Number 15(a) of Exhibit C of the Jacobi Farms PUD Ordinance 110921A shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet or more in front of the front elevation shall feature at least one window on each side elevation of the garage. **The ARC may approve an architectural feature, in lieu of window on the side elevation closest to the front door.** These windows shall not count towards any other window requirement. No front-loading garage shall protrude more than ten (10) feet in front of the front elevation. Garage protrusion shall be measured by determining the distance between the farthest protruding front facade of the garage and the widest portion of the front facade of the front elevation. Any front-loading garage that protrudes a minimum of eight feet in front of the front elevation shall feature a minimum of eight

shrubs along the foundation of side elevation (nearest the side-yard property line) of the garage.

- E. Number 23 of Exhibit C of the Snider PUD Ordinance No. 101122B shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet or more in front of the front elevation shall feature at least one (1) window on the house side elevation of the garage. **The ARC may approve an architectural feature, in lieu of the window.** This window shall not count towards any other window requirement. No front-loading garage shall protrude more than ten (10) feet in front of the front elevation. Garage protrusion shall be measured by determining the distance from the farthest protruding front facade of the garage and the widest portion of the front facade of the front elevation. Any front-loading garage that protrudes a minimum of eight (8) feet in front of the front elevation shall feature a minimum of eight (8) shrubs along the foundation of the side elevation (nearest the side-yard property line) of the garage.
- F. Number 26 of Exhibit C of the Summerton PUD Ordinance No. 041321A shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet or more forward of the front facade (including a front covered porch) shall contain at least one window on the front door side of the garage. **The ARC may approve an architectural feature, in lieu of the window.** This window shall not count towards any other window requirement. Unless approved by the ARC, no front-loading garage shall protrude more than ten (10) feet forward of the front facade (including a front covered porch).
- G. Number 22 of Exhibit C of the Sycamore Drive PUD Ordinance No. 091322C shall be replaced in its entirety with the following language: Any front-loading garage that protrudes eight (8) feet to twelve (12) feet forward of the dwelling shall have at least one (1) window on the house side elevation of the garage. **The ARC may approve an architectural feature, in lieu of the window.** This window shall not count towards any other window requirement. No front-loading garage shall protrude more than twelve (12) feet in front of the front elevation. Garage protrusion shall be measured by determining the distance from the farthest protruding front facade of the garage and the widest portion of the front facade of the front elevation.

This ordinance was introduced and filed on the 11<sup>th</sup> day of July, 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

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

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

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Bryan Burney

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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



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 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 14<sup>th</sup> day of November, 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 12<sup>th</sup> day of December, 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 January 1, 2024.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

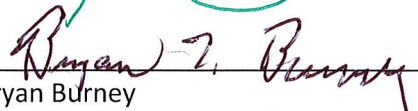
Voting Opposed:

  
\_\_\_\_\_  
Gregory J. Brewer

\_\_\_\_\_  
Gregory J. Brewer

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

\_\_\_\_\_  
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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

§153.200 shall be amended to read:

### **§153.200 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 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
- (C) Impact Fees. The Town has adopted a Park Impact Fee. Park Impact Fees will be charged and collected in the manner prescribed in the Park Impact Fee Ordinance and in accordance with State Statute.
- (D) Inspection Fees. Inspection Fees shall be charged and collected as described in the Fee Schedule.
- (E) 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.

§ 154.206(A) shall be amended to read:

**§ 154.206(A) Improvement Location Permit**

No structures or site improvements 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)** Placement or replacement of manufactured or mobile homes;
- (3)** Parking lot construction or alteration;
- (4)** Removal of required trees and plants within buffer yards and landscaping areas required by this Ordinance;
- (5)** Mineral extraction;

- (6) Telecommunication towers, buildings, and antenna; and
- (7) Any work requiring erosion control by state and local codes not already required to get a permit elsewhere;
- (10) Any construction or site modifications that are not designed to be occupied or attached to a structure that is designed to be occupied; and
- (11) Any other work deemed to require by the Zoning Administrator or Building Commissioner.

The opening paragraph of § 154.207 shall be amended as follows. § 154.207 A and B shall remain as written.

**§ 154.207 Temporary Use Permit**

All allowable temporary uses of land and/or a temporary structure of 200 square feet or more must obtain a temporary use permit. A temporary use permit expires after a period of 90 days. For all permitted temporary uses, the following information shall be required to be submitted with any request for a temporary use permit.

§ 154.061(B)(2)(2)(b) shall be amended as follows:

§ 154.061(B)(2)(2)(b) Time Limits. 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.

- (1) 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.
- (2) No extensions of the time limits described in this subchapter shall be granted for any temporary use or structure known to violate any requirements of this chapter 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 chapter at the time the extension was sought.

§ 154.061(C)(3)(a) shall be amended as follows:

§ 4.02(C)(3)(a) Temporary Model Homes. Temporary model homes shall be permitted in any residential development provided they comply with the following provisions:

1. 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.

2. Signs. Signs shall be placed in a manner consistent with the intersection sight visibility standards of this chapter and in compliance with §§ 154.140 through 154.148, Sign Standards, of this chapter.

3. 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.

4. 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 the 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.

5. 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.

6. 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.

7. Timeline. A model home may be permitted from the date the subdivision has provided proper emergency access to the model home lot from a perimeter street, and complied with all other aspects of this chapter, until the last certificate of occupancy is issued for the individual lots within the subdivision or five years has passed from the issuance of the permit for the model home, whichever is less. The Administrative Officer may grant two one-year extensions; any subsequent extensions may be granted by the Board of Zoning Appeals.

§ 154.066(F) shall be amended as follows:

§ 154.066(F) Waste Containers. All dumpsters and other waste containers shall be screened consistent with § 154.120, 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.

§ 154.076(B)(1)(b) shall be amended as follows:

§ 154.076(B)(1)(b): Residential development within a project may not exceed the gross density of the identified on Chapter 154, 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.

§ 154.060(D)(4) shall be amended as follows:

§ 154.060(D)(4) Solar Panels

(a) Solar panels may be permitted in all commercial zoning districts, industrial zoning districts, public/semi-public zoning district, Town Center zoning district, and commercial/industrial zoned areas of PUD zoning districts with the following restrictions:

1. Solar panels shall only be roof-mounted;
2. Solar panels are only permitted on flat roofs;
3. Solar panels must be completely screened by parapet walls. Solar panels and their associated components must not be visible from any other property or street;
4. Solar panels shall be designed and installed so as to allow proper access to and around the roof structure for emergency personnel.
5. The panels, components, and equipment shall be matte black.

(b) Solar panels may be permitted in all residential zoning districts, Old Town zoning district, and residentially zoned areas of PUD zoning districts with the following restrictions:

1. Solar panels shall only be roof-mounted;
2. Solar panels which are mounted to roof plane facing a street or are visible from a street or roadway, shall be limited to a symmetrical panel grouping. This shall be interpreted to mean the panels shall form a perimeter that is 4-sided, such as a square or rectangle. There may be more than one (1) symmetrical panel grouping
3. Solar panels shall project no more than a maximum of ~~18~~ 6 inches above the roof plane and be parallel to the roof plane;
4. Solar panels shall not project about the maximum structure height of applicable zoning district;
5. Solar panels shall only be mounted to a primary residential structure; accessory buildings shall not be used for solar panels;
7. Solar panels are subject to private restrictions (i.e., HOA covenants); however, the town's permit process will not include such reviews. Any enforcement of private restrictions shall be the responsibility of the applicable private parties;
8. Solar panels shall be designed and installed so as to allow proper access to and around the roof structure for emergency personnel.
9. Solar panels shall be designed and located to avoid glare or reflection onto adjacent properties and roadways. They shall not interfere with traffic or create a safety hazard.

§ 154.111(B)(1) shall be amended as follows:

§ 154.111(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 fascia 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.

§ 154.113(A)(4)(a) shall be amended as follows:

§ 154.113(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). 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.

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§ 154.121 shall be amended as follows:

§ 154.121 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) *Streetlights.* Street lighting shall comply with the following design criteria and be required as described herein:

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



(2) Light column foundations shall extend no more than four inches above finish grade, unless otherwise approved by the Zoning Administrator, and shall be installed in accordance to the Building Code and/or manufacturer specifications.

(3) Luminaire light source shall be composed of high-power LEDs, or Light Emitting Diodes.

(4) 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 the equipment as well as all operational cost of the equipment.

(5) Record drawings shall be provided in digital format to the Town Manager upon completion of installation of the lighting system, said format to use the Auto-Cad software program or its approved equivalent.

(6) Streetlighting shall be placed away from the street on the backside of the curb a minimum of one and one-half feet. If there is not a curb, the lighting shall be placed one and one-half feet off of the roadside of the sidewalk or multi-use path.

(7) At the time a subdivision or development is transferred from the builder/developer to the HOA, the streetlights and all their components shall be owned fee simple. Streetlight leases may not be transferred to an HOA.

(8) Notwithstanding other requirements of this section all streetlight units shall include a pole, luminaire, and all other necessary parts and equipment, and shall be placed at a minimum at all intersections, curves, cul-de-sacs, and entrances to any development.

(9) All luminaires shall have a full cutoff light fixture and meet the Backlight, Uplight, and Glare ratings, commonly referred to as BUG rating, specified below. The metrics for determining compliance with these ratings shall be determined using the testing procedures and requirements identified by the Illuminating Engineering Society (IES), and confirmation of compliance with the ratings shall be provided by the lighting vendor, lighting manufacturer, or other lighting professional.

(a) Backlight (B): Equal to or less than four (4);

(b) Uplight (U): Zero (0);

(c) Glare (G): Equal to or less than two (2).

(10) Streetlights, shall be required along CR 900N, CR 750N (W Broadway to eastern-end of Town Center), CR 600N, CR 600W (from the railroad tracks to CR 750N), W Broadway (from CR 750N to SR 234), and SR 234 (from SR 67 to the eastern-end of Town Center) as further described below:

(a) Streetlights shall be placed every 125 feet on center, directly across the street from existing or planned streetlights;

(b) If a median is present, the Town Council may elect to allow streetlighting to be placed within the median, at similar spacing. The Council may require dual luminaires on such streetlights to ensure appropriate lighting levels, or elect to use a streetlight with a mast arm(s);

(c) Streetlights shall have a maximum mounting height of eighteen (18) feet;

(d) All poles, bases, and components shall be black;

(e) All luminaires shall be LED;

(f) Direct-burial poles shall be prohibited;

(g) Streetlights shall be as shown in Exhibit A, or as otherwise approved by the Plan Commission.

(11) Streetlights, shall be required along CR 600W (from CR 1000N to the railroad tracks and from CR 750N to the southern corporate limits) and W Broadway (from CR 700W to CR 750N and from SR 234 to the eastern corporate limits) as further described below:

(a) Streetlights shall be placed every 125 feet on center, directly across the street from existing or planned streetlights;

(b) If a median is present, the Town Council may elect to allow streetlighting to be placed within the median, at similar spacing, or in addition to the streetlight noted above. The Town Council may require dual luminaires on such streetlights to ensure appropriate lighting levels, or elect to use a streetlight with a mast arm(s);

(c) Streetlights shall have a maximum mounting height of thirty (30) feet;

(d) All poles, bases, and components shall be black;

(e) All luminaires shall be LED;

(f) Direct-burial poles shall be prohibited;

(g) Streetlights shall be as shown in Exhibit B, or as otherwise approved by the Plan Commission.

(12) Streetlights shall be required along all new (public) Local streets as further described below:

(a) Streetlights 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.

(b) Streetlights shall have a maximum mounting height of eighteen (18) feet;

(b) All poles, bases, and components shall be black;

(c) All luminaires shall be LED;

(d) Direct-burial poles shall be prohibited;

(e) Streetlights shall be as shown in Exhibit A, or as otherwise approved by the Plan Commission.

(13) If streetlighting is not required along a roadway, a streetlight shall be installed at all intersections along the perimeter of proposed development project. The type of streetlight, for perimeter intersections, shall be determined by the Plan Commission.

(D) *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.

(E) *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, floodlighting, and the like) 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.

(F) *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 ten 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.

(G) *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.

(H) *Sight lighting.* Lighting for parking lots and other on-site lighting not addressed elsewhere in this chapter shall be as follows:

(1) All light fixtures shall be fully recessed into the fixture housing;

(2) All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design;

(3) All lighting fixtures and poles shall be decorative and compatible with the architecture of the building;

(4) The maximum mounting height for free-standing lighting fixtures is 25 feet;

(5) Shielding may be required by the Administrative Officer to prevent glare and other lighting concerns on adjacent properties and for the benefit of the motoring public;

(6) Required pedestrian facilities in Town Center or Old Town must be illuminated with pedestrian scaled lighting;

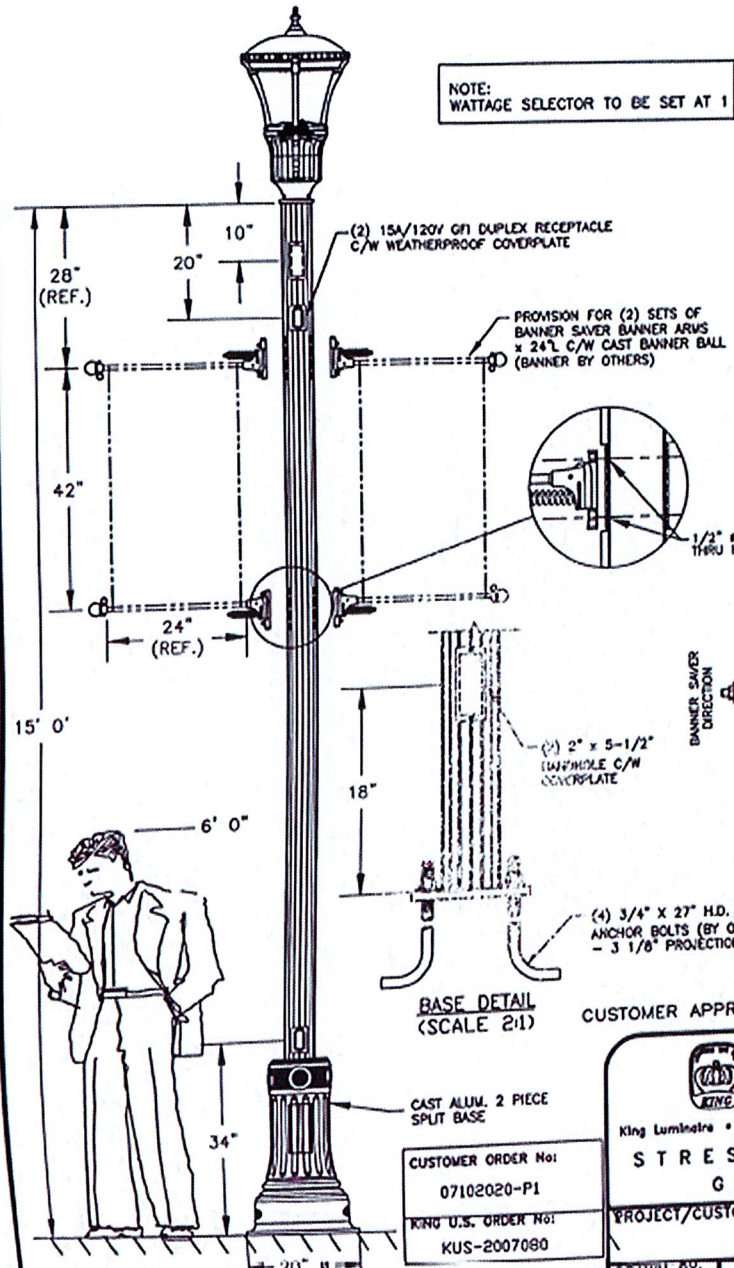
(7) Light levels at property lines (except along rights-of-way) are limited to 0.3 footcandles. If a neighboring property is used for or zoned residential the light level is further limited to 0.1 footcandles.

(8) 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.

Chapter 154, Appendix C: Lighting Drawings shall be amended to include Exhibits A and B below:

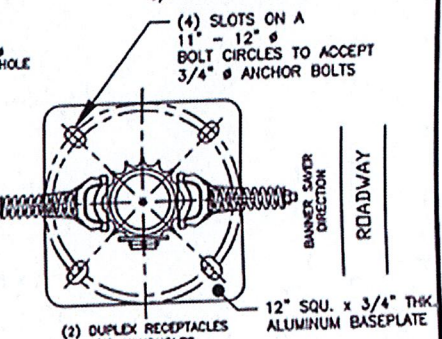
Exhibit A

REV.	ALTERATION	DATE	BY
A	MTG. S/F BS-SM TO REPLACE BA-1	07/20/20	A.A.
B	WATTAGE SELECTOR ADDED	08/04/20	V.V.



**LUMINAIRE SPECIFICATIONS**  
 CATALOGUE NO.: K595-P4NL-III-90(SSL)-7030  
 -120:277-K24-PE-4K-BK-#1-WS  
 QUANTITY: 1  
 OPTICAL SYSTEM: FLAT ARRAY, NO LENS  
 IES CLASS.: TYPE III  
 WATTAGE: 90W  
 SOLID STATE LIGHTING  
 INPUT VOLTAGE: 120:277V  
 CCT: 4000K  
 POLE ADAPTOR: K24  
 PAINT: TEXTURED BLACK  
 OPTIONS: #1 FINAL C/WTWISTLOCK RECEPTACLE (PHOTO-EYE INCLUDED) & WATTAGE SELECTOR

**POLE SPECIFICATIONS**  
 CATALOGUE NO.: KSB19-FE-A-15'-(2)DR S/F BS-SM  
 QUANTITY: 1  
 MATERIAL: FLUTED EXTRUDED ALUM. SHAFT  
 CAST ALUM. 2 PC BASE  
 SHAFT DIA: 5 1/4"  
 POLE HEIGHT: 15' 0"  
 ANCHOR BOLTS: (4) 3/4" x 27" (BY OTHERS)  
 BOLT CIRCLE: 11" - 12" Ø  
 TENON SIZE: 3" O.D. x 3" LG  
 PAINT: TEXTURED BLACK  
 OPTION: DUPLEX RECEPTACLE S/F BANNER SAVER BANNER ARMS



**BASEPLATE DETAIL**  
 (SCALE 3:1)

CUSTOMER APPROVAL & DATE: *Zh* 8.4.20

King Luminaire • StressCrete • Est. 1953

**STRESSCRETE GROUP**

PROJECT/CUSTOMER: MCCORDSVILLE STREET LIGHT

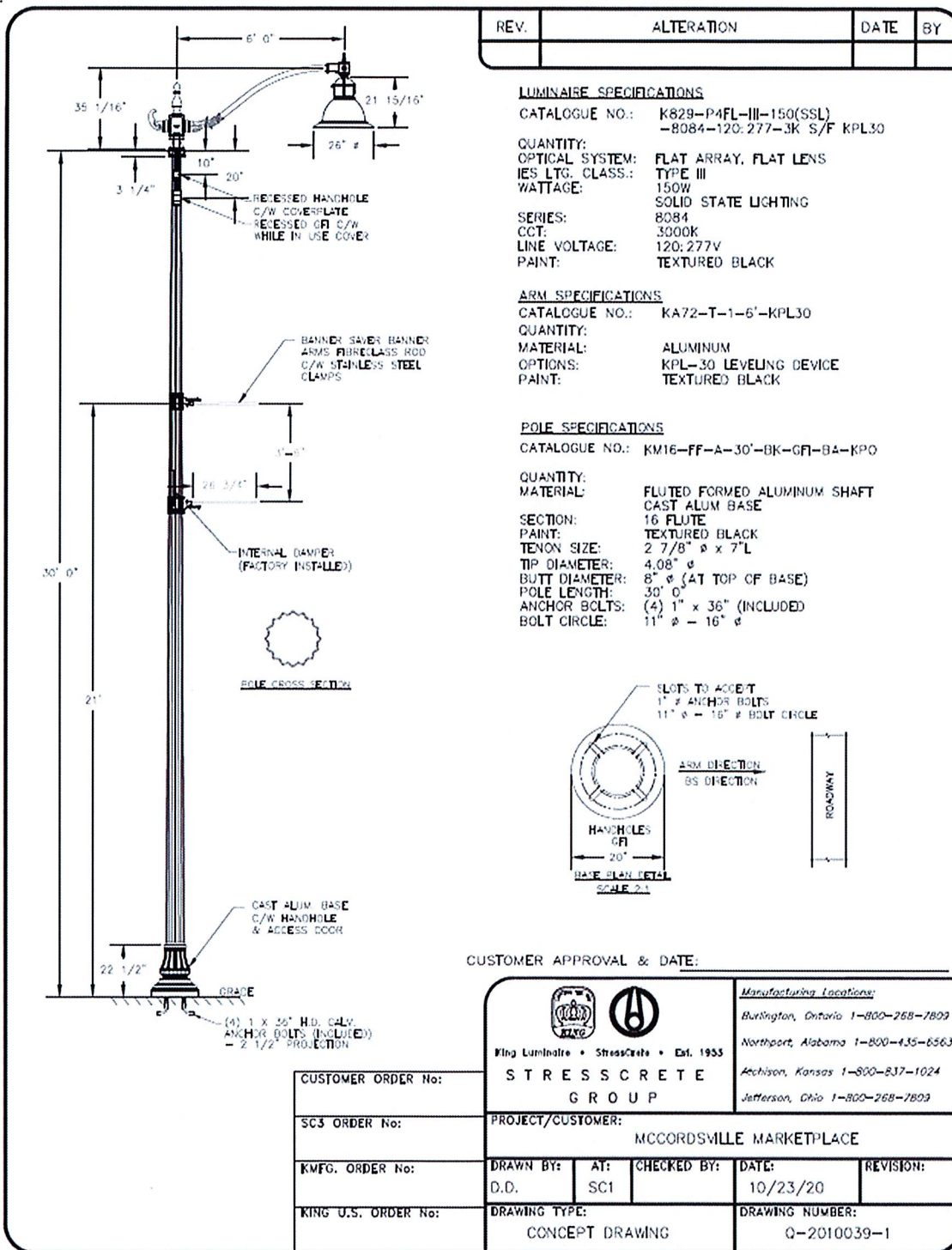
Manufacturing Locations:  
 Burlington, Ontario 1-800-268-7809  
 Northport, Alabama 1-800-435-6563  
 Alchison, Kansas 1-800-837-1024  
 Jefferson, Ohio 1-800-268-7809

CUSTOMER ORDER No:  
 07102020-P1  
 KING U.S. ORDER No:  
 KUS-2007090

DRAWN BY: D.D.	AI: SCI	CHECKED BY:	DATE: 03/24/20	REVISION: B
DRAWING TYPE: APPROVAL DWG.			DRAWING NUMBER: Q-2003040-1	

**Notes:**  
 Although rare, oscillating loads severe enough to cause damage can occasionally occur in structures of all types. Because they are influenced by many factors not provided to StressCrete, these loads are unpredictable. The users maintenance program should include observation for excessive vibration & examination for any structural damage. The StressCrete warranty specifically excludes fatigue failure or similar phenomena resulting from induced vibration, excitation or resonance associated with the eccentric rotation of dished equipment.

Exhibit B



§ 154.228 shall be amended as follows:

§ 154.228 Violation Procedures

(A) *General procedures.* Unless otherwise provided for by this chapter, there shall be a minimum of a three step procedure for the prosecution of violations of this chapter. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Administrative Officer at his or 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 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.

(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.

(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) *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, 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.

(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 or 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 chapter, 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 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.

(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 Board of Zoning Appeals (BZA) or its designees that have been established as written commitments in recordable form;

(c) All commitments made in accordance with I.C. 36-7-4 et al; and

(d) All conditions imposed in accordance with I.C. 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 I.C. 36-7-4 et al. or any ordinance adopted under I.C. 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 chapter.

(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 and any other cost incurred directly or indirectly by any employee or elected official of the town 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 I.C. 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 I.C. 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.

(b) *Specified parties.* Any other specially affected property owner(s) who was designated in the written commitment.

The following terms and definitions shall be added to § 154.005:

**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 shall be amended to include the following land uses into the Zoning Districts as identified below:

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.