

TOWN OF FORTVILLE, INDIANA

ORDINANCE NO. 2018-1A

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-7B REGARDING THE
FORTVILLE OVERLAY DISTRICT**

RECITALS

1. The Town Council of the Town of Fortville (“Council” and “Town,” respectively) finds it necessary to update some use and development regulations contained within the Fortville Overlay District for the purpose of preserving and enhancing the small-town historic character within the area of the Overlay District, and;
2. Such use restrictions will prohibit undesired and incompatible uses, therefore, protecting and enhancing property values and quality-of-life for residents within the Town, and;
3. Allowing a certain increase in maximum lot coverage will allow residents on smaller, urban lots to be able to better utilize their property without negatively impacting public health, safety, and welfare, while avoiding costly and time-consuming Variance reviews, and;
4. Allowing a smaller lot size, compatible with historic standards, will help to foster properly-scaled infill development enhancing the small-town historic character, and;
5. Allowing for detached garages, or no garages, while clarifying and enhancing design requirements will enhance the small-town historic character of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Title XV Land Usage, Chapter 152 Zoning Code, Article 4.7 Fortville (F-OL), of the Code of Ordinances for the Town shall be amended as follows:

(C) Land Use: All uses permitted in the underlying zoning district(s) are permitted in the Fortville Overlay District. All uses that are Special Exceptions in the underlying zoning district(s) are Special Exceptions in the Fortville Overlay District. The following newly-established uses, as defined by the Zoning Ordinance, are prohibited (legal nonconforming uses may continue in accordance with Article 8.4 Nonconforming Uses):

- a. Auto Repair and Body Shop
- b. Automobile/Motorcycle Sales, Lease, Service
- c. Gas Station
- d. Hotel/motel
- e. Vehicle Detailing/Accessory Shop
- f. Contractor’s Storage Yard
- g. Contractor’s Warehouse
- h. Outdoor Advertising Signs

- i. Supply Yard
- j. Farm Implement Sales and Service
- k. Mobile Homes
- l. Mobile Homes Sales
- m. Livestock Auction
- n. Recreational Vehicle Parks
- o. Slaughter Houses
- p. Used Car Sales
- q. Adult Uses
- r. Confined Feeding Operations
- s. Heavy Industrial

SECTION 2. Title XV Land Usage, Chapter 152 Zoning Code, Article 4.7 Fortville (F-OL), of the Code of Ordinances for the Town shall be amended to add the following text:

- (E) c. Maximum Lot Coverage (including all hard surfaces): The Maximum Lot Coverage in the R3.5 zoning district shall be sixty percent (60%).
- d. Minimum Lot Area: The Minimum Lot Area in the R3.5 zoning district shall be the typical lot area utilized in the existing Secondary Plat covering the area in question, or 11,000 SF, whichever is less.
- e. Minimum Lot Width (measured at front setback/build-to line): The Minimum Lot Width in the R3.5 zoning district shall be the typical lot width utilized in the existing Secondary Plat covering the area in question, or 80', whichever is less.
- f. Garages: A garage is not required if nearby on-street parking is permissible. However, if constructed, whether detached or attached to the principal structure, it must meet the following criteria:
 - i. Conform to the required Setbacks;
 - ii. Conform to the Maximum Lot Coverage;
 - iii. Be compatible with the materials and colors of the principal structure; and
 - iv. Conform to the Residential Design Standards of the Zoning Ordinance.

SECTION 3. Any Chapter, Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

SECTION 4. If any provision of the Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 5. Any ordinance or provisions thereof that are inconsistent with this Ordinance are hereby superseded. In the event of a conflict with the underlying Zoning Ordinance, this Ordinance shall prevail.

SECTION 6. This Ordinance shall be in in full force and effect upon passage and publication as required by law.

Introduced and filed on the 2nd day of January, 2018.

The Hancock County Area Plan Commission offered a unanimously Positive Recommendation at their meeting on the 23rd day of January, 2018 after conducting a Public Hearing on the matter.

Duly ordained and passed on the 5th day of February, 2018 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

AYE		NAY
	Michael Frischkorn, President	
	Robert Holland, Vice President	
	Bill Hiday, Councilman	
	Tim Hexamer, Councilman	
	Lenzy Hendrix, Councilman	

ATTEST:

Melissa Glazier
Clerk-Treasurer

Prepared by: Adam Zaklikowski, AICP, Planning Administrator

Approved by: Alex Intermill, Town Attorney, Bose McKinney & Evans, LLP