

Ordinance No. 2017-15

An Amendment to the Hendricks County Zoning Ordinance by Amending Chapter 7.13 (D) Special Event, (E) Other; Chapter 12.16, and the Plan Commission Fee Schedule

Whereas, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on August 12, 2008 and which became effective October 1, 2008

Whereas, the Hendricks County Area Plan Commission has recommended that the Fee Schedule be amended and the Zoning Ordinance be amended as to Chapter 7.13(D) Special Events; Chapter 12.16

Whereas, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA 01-17 and voted to forward a favorable recommendation to the County Commissioners;

Whereas, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

7.13 TEMPORARY USE AND STRUCTURE STANDARDS

Remove:

D. SPECIAL EVENT. Temporary sales for special events are required to obtain an Improvement Location Permit. See Section 12.10 Improvement Location Permit.

1. General Requirements

- a. A parking lot designated for a special event shall be permitted
- b. Temporary signs in connection with special events shall conform to the temporary sign requirements of Section Chapter 9: Sign Standards.

2. The sale of Christmas Trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, and tent sales shall be permitted for a maximum time of sixty (60) days and no more than 4 events per year.

3. Festivals, bazaars, carnivals, and similar temporary uses shall be permitted for a maximum of ten (10) days.

E. Other. Other similar uses deemed temporary by the Plan Commission and attached with such time period, conditions, and safeguards as the Commission may deem necessary.

Add:

D. SPECIAL EVENT. Definition. A Special Event is an activity, not incidental to the primary use, conducted outside over the course of an established 180 day period. An activity conducted for more than the established 180 day period in a 12 month span shall be considered permanent.

1. An event with components only in the 'By Right Permission' line of Table 7.19 are permitted to hold the event.
2. An event with at least one (1) component in the 'Administrative Review' line of Table 7.19 must follow the process outlined in Section 12.16 Special Event Review Process.
3. An event with at least one (1) component in the 'Plan Commission Review' line of Table 7.19 must follow the process outlined in Section 12.16 Special Event Review Process.
4. The Planning and Building Director can require any proposal to submit to either review process as they deem it necessary.
5. Exempt events. Events that occur at County owned facilities and/or take place on County right-of way (public events, marathons, and other similar activities) shall be exempt from this Ordinance and shall obtain permission from the Board of Commissioners.
6. A decision made under this section by the Plan Commission or Board of Zoning Appeals may be appealed to the Hendricks County Commissioners.

Table 7.19: Special Event Processes and Components						
		Components				
		Zoning District	Hours of Operation	Number of Vendors	Consecutive Days	Total Days in 180 Day Period
Processes	By Right Permission	Permitted	Sun-Thurs 7AM-8PM, Fri & Sat 7AM-10PM	<6	1 or 2	<10
	Administrative Review	Permitted	Sun-Thurs 7AM-9PM, Fri & Sat 7AM-11PM	6-24	More than 2	10-120
	Plan Commission Review	Special Exception <i>or</i> Not permitted	Hours beyond Administrative Review	24<	-	121-180

CHAPTER 12: PETITIONS, PERMITS, AND PROCEDURES

Add:

12.16 SPECIAL EVENT REVIEW PROCESS

- A. **Purpose.** The purpose of this chapter is to identify a procedure for the review and approval of Special Events
- B. **Applicability.** See Section Chapter 7.13(D) Special Events
- C. **By Right Permission.** All activities with no components exceeding the 'By Right Permission' line of Table 7.19 are permitted to hold the event without any additional review.
- D. **Application Requirements.** A complete submittal will include the following items:
 1. One (1) Application form

- a. This application form, when completed will contain general information including primary contact information, the name and location of the event, identification of all the property owners and event operators, the parcel number(s), existing zoning district, and must be signed by the property owner(s) or include written authorization for an agent.
2. One (1) letter of intent. This letter shall describe, in sufficient detail, the proposed event and all activities associated with the event.
3. One (1) Plot Plan which shall contain:
 - a. The location of all existing buildings and features
 - b. The location of all proposed buildings and features
 - c. Existing streets and alleys adjoining or within the lot
 - d. The distance between activities and property lines
 - e. The number and location of off-street parking and loading spaces
 - f. The type and source of sewage disposal, and type and source of water supply
 - g. Such matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance
 - h. The size, type, and location of all temporary signage
4. Any necessary approval by local agencies which shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
 - a. Emergency Service Providers
 - b. County Health Department
 - c. County Highway Department
 - d. Hendricks County Drainage Board
 - e. County Clean Water Department
 - f. Incorporated towns
5. Application Fee. The Special Event application must be accompanied by the payment of a fee as established by Section 12.15 Fees. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.

E. Special Event Review Procedure

1. Special Event Administrative Review: An event with at least one (1) component meeting the 'Administrative Review' line of Table 7.19, must submit an application as described in section D. above in addition to an application fee as required by the Hendricks County Fee Ordinance:
 - a. The Planning Staff will approve or deny the request, or determine that Plan Commission review is necessary.
 - 1) All decisions in this chapter are subject to the Appeals process Section Chapter 12.9
2. Special Event Plan Commission Review: An event with at least one (1) component meeting the 'Plan Commission' line of Table 7.19, must submit an application as described in section D. above in addition to an application fee as required by the

Hendricks County Fee Ordinance:

- a. Plan Commission Review. The Plan Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:
 - 1) Will not be a lasting negative effect on the community at the conclusion of the event;
 - 2) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
 - 3) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - 4) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
 - 5) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
 - 6) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
 - 7) Will be temporary and not be an alternative to a more stringent approval.
 - b. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice
 - c. A Public Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure as amended.
 - 1) Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Special Event Request application.
 - 2) The Plan Commission may impose conditions on the approval of a Special Event request if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become part of the record of approval.
- F. Record of Approval.** The Director shall maintain a record of all Administrative and Plan Commission Approvals.
- G. Failure to Obtain an Approval.** Failure to obtain an Approval shall be a violation of this Ordinance and punishable under Chapter 13: Violations and Enforcement

H. Event to be as provided in application, plan, and permit. Special event permits issued on the basis of plans and applications approved by the Plan Commission authorize only the activity and arrangement set forth in the approval, and no other arrangement or activity. Activity or arrangement contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Chapter 13: Violations and Enforcement.

Hendricks County Fee Schedule 2009

Located under the *Plan Commission* Heading, Add:

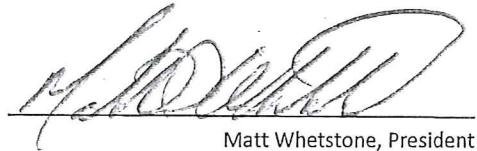
Special Event Review; \$630

Located under the *Administrative Fees* Heading, Add:

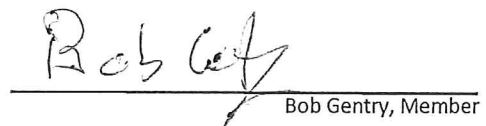
Administrative Special Event Review; \$150

APPROVED by the Board of Commissioners of Hendricks County, Indiana, this 25th day of April, 2017.

BOARD OF COMMISSIONERS


Matt Whetstone, President


Phyllis Palmer, Vice President


Bob Gentry, Member

Attest


Nancy Marsh, Auditor

4/19/2017