

ORDINANCE 15, 2004

AN ORDINANCE AMENDING THE
MOORESVILLE ZONING ORDINANCE

WHEREAS, the Mooresville Plan Commission held a public hearing July 22, 2004 concerning an amendment to the Mooresville Zoning Ordinance;

WHEREAS, the Mooresville Plan Commission found that the definition of "nightclub" should be added to the Mooresville Zoning Ordinance and a Zoning District assigned to this zoning use;

WHEREAS, the Mooresville Plan Commission recommends the following definition be added to Chapter 1 - Terminology, under Section 1.4, General Definitions as follows:

"Nightclub - a club, both private and public, that is 2,500 sq. feet or greater, provides entertainment and may or may not serve food, drinks or beverages."

Further, that Section 3 of the Mooresville Zoning Ordinance "Authorized Uses and Requirements" should add under Section XVI "Amusement and Recreation Services" nightclub permitted in the B-3 District by Special Exception only.

NOW, THEREFORE, the Mooresville Town Council, being duly advised, now ordains that the Mooresville Zoning Ordinance be amended to add the following:

"Nightclub - a club, both private and public, that is 2,500 sq. feet or greater, provides entertainment and may or may not serve food, drinks or beverages."

Further, that Section 3 of the Mooresville Zoning Ordinance "Authorized Uses and Requirements" should add under Section XVI "Amusement and Recreation Services" nightclub permitted in the B-3 District by Special Exception only.

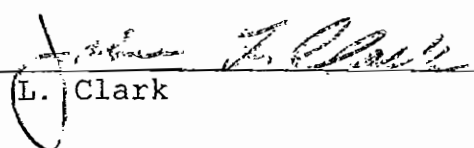
All other provisions of the Mooresville Zoning Ordinance shall remain unchanged with only these additions to it representing the Amendment being passed by this Ordinance.

This Amendment to the Mooresville Zoning Ordinance shall be effective immediately upon passage.


Dated this 3rd day of August, 2004.

MOORESVILLE TOWN COUNCIL

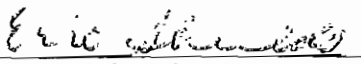
Troy Bryant



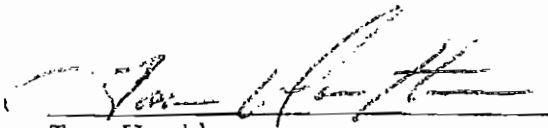
John L. Clark



Toby Dolen




Eric Shields



Tom Warthen

Attest:



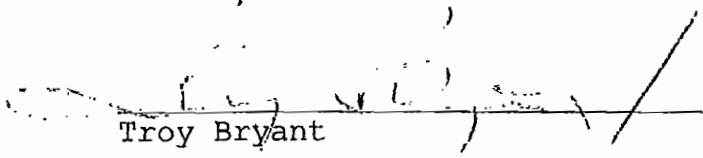
Sandra Perry, Clerk-Treasurer

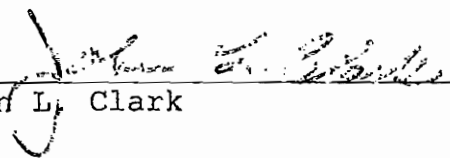
ORDINANCE 20, 2004

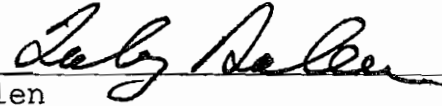
AN ORDINANCE AMENDING THE
TOWN OF MOORESVILLE'S ZONING ORDINANCE

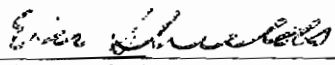
See Attached Exhibit "A"

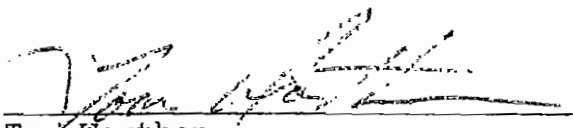
MOORESVILLE TOWN COUNCIL


Troy Bryant

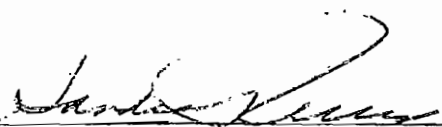

John L. Clark


Toby Dolen


Eric Shields


Tom Warthen

Attest:


Sandra Perry, Clerk-Treasurer

AMENDMENT TO ZONING ORDINANCE

TABLE 3(a)

RESIDENTIAL USES AND REQUIREMENTS

Minimum lot size per residential use - 2 acres in Districts A (agricultural), R-1A, R-1B, R-1C, R-1D, R-2 and R-3

In addition, each lot must have an approved site for two (2) complete septic systems. Each system must have the approval of the County Board of Health with the alternate site being required for a new system in the event of failure of the first system. Each lot shall have a soil analysis and site approval by the County Board of Health. Each system shall be designed and approved by the Morgan County Board of Health for a minimum of a three (3) bedroom home on each of the sites. Each of the septic sites shall be preserved by way of a recorded easement as a septic site that cannot have any land disturbed and shall remain and be preserved as stated in the recorded easement along with all perimeter drain outlets which must be shown and included in the easement area.

ZONING CLASSIFICATION DETERMINATION
BY THE
MOORESVILLE BOARD OF ZONING APPEALS

The Mooresville Board of Zoning Appeals finds that the existing Ordinance does not have a classification for paintball shooting range and business use. This use has been determined by the Mooresville Board of Zoning Appeals to be an allowable use for indoor purposes in a B-2 or B-3 classification and by Special Exception in an Agricultural District or an I-1 through I-3 District. For outdoor businesses, it will be an allowable use in a flood plain and by Special Exception in the Agricultural District.

Dated this 10th day of March, 2011.

MOORESVILLE BOARD OF ZONING APPEALS

Neil P. Allman

Alan Kramer

Alan Kramer

Ann A. Whaley

Ann A. Whaley

Michael Young

Michael Young

ZONING CLASSIFICATION DETERMINATION
BY THE
MOORESVILLE BOARD OF ZONING APPEALS

The Mooresville Board of Zoning Appeals finds that the existing Ordinance does not have a classification for solar energy providers, defined as providers of energy through solar panels for the purpose of selling energy to other energy companies. This use shall be allowed in all districts by Special Exception.

Dated this 10th day of February, 2011.

MOORESVILLE BOARD OF ZONING APPEALS

Neil P. Allman

Alan Kramer

Alan Kramer

Ann A. Whaley

Ann A. Whaley

Michael Young

Michael Young

ORDINANCE 5, 2011

AN ORDINANCE AMENDING THE
ZONING ORDINANCE OF MOORESVILLE, INDIANA

WHEREAS, the Town Council is the legislative body for the Town of Mooresville;

WHEREAS, pursuant to Indiana Code, Zoning Ordinances are approved by the Mooresville Town Council and the existing "Zoning Ordinance of Mooresville, Indiana" is periodically reviewed by the Mooresville Plan Commission with recommendations for amendments being made to the Town Council for approval;

WHEREAS, the Mooresville Plan Commission held public hearings on March 24, 2011 and June 23, 2011 concerning proposed amendments to the Zoning Ordinance of Mooresville, Indiana pertaining to Chapter 11 "Remedies and Penalties" and further "Permits and Requirements" for the format of filings for Planned Unit Developments, Plats, Minor Plats and Replats pursuant to the Subdivision Control Ordinance and Zoning Ordinance;


WHEREAS, at the meeting of March 24, 2011 the Mooresville Plan Commission recommended to the Town Council that the format for the filings under any Planned Unit Developments, Plats, Minor Plats and Replats under the Subdivision Control Ordinance or Zoning Ordinance be provided to the Plan Commission in digital format for purposes of review along with a change in the Building Permits as set out in the attached Exhibit "A";

WHEREAS, at the meeting of June 23, 2011 the Mooresville Plan Commission approved and recommended for approval to the Town Council the Amendment set out in Exhibit "B" pertaining to Chapter 11 "Remedies and Penalties";


NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Mooresville that the Amendments to the Zoning Ordinance of Mooresville, Indiana and all Amendments thereto specifically changed by the Amendments set out in Exhibits "A" and "B" are hereby amended to reflect that the Zoning Ordinance of Mooresville, Indiana shall be amended as to those items set out in Exhibits "A" and "B" only and that any and all other Sections of the Zoning Ordinance of Mooresville, Indiana shall remain as written.

This Ordinance approved this 19th day of July, 2011.

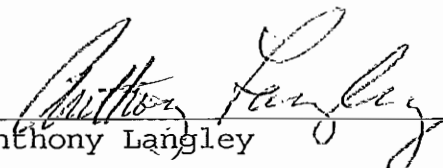
MOORESVILLE TOWN COUNCIL



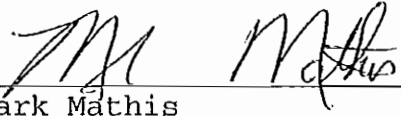
John L. Clark




Jeffrey M. Cook



Anthony Langley

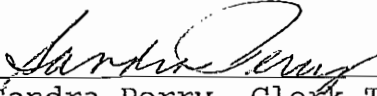


Mark Mathis



George Watkins

Attest:



Sandra Perry, Clerk-Treasurer

CHAPTER 11 – REMEDIES AND PENALTIES

Action on the violation of provisions of this ordinance and rights of injunction against such violation shall be as set out below and shall also include any and all remedies set out under Indiana Code 36-7-4 and all acts amendatory thereto.

A. PENALTIES

Any person or corporation or legal entity who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall for each and every violation of non-compliance be subject to, in addition to the remedies set out above, a fine of not less than \$10.00 or more than \$1,000.00 as determined by the Plan Commission after considering the nature and impact of the violation as it pertains to the public interest, damages or potential damages to the adjoining property owners or general public interest and the length of the violation after notice was provided siting the violation. Each day that such violation of non-compliance shall be permitted to exist after notice of the violation is given shall be a distinct and separate violation subject to an additional citation.

Violations shall be cited by the Town Building Inspector or any other entity directed by the Plan Commission to provide a citation showing the date, address, ordinance section number and violation of the ordinance, nature of the violation, time and manner and location to pay fine, a notice that each day is a new violation, name, address and phone number of person issuing the citation and right to appeal the violation. All appeals of fines should be appealed to the Morgan Circuit or Superior Courts.

Seeking a civil penalty as authorized in this Chapter does not preclude the Plan Commission or Board of Zoning Appeals (the designated enforcement entity) from seeking alternative and additional relief from the Court in the same action, or a separate action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of IC 36-7-4 or any ordinance adopted by the Town of Mooresville or action taken under IC 36-7-4.

Payments can be made directly to the Mooresville Clerk/Treasurer's Office, a citation not paid within thirty (30) calendar days of its issuance shall be deemed denied and the Plan Commission shall have the option of proceeding to a Court action to enforce the ordinance.

B. REMEDIES

The Plan Commission, the Board of Zoning Appeals, the Building Inspector, or any designated enforcement official, or any person or persons, firm or corporation, jointly or severally, may institute a suit for injunction in the Circuit or Superior Courts of Morgan County to restrain an individual or government unit from violating the provisions of this ordinance. The Plan Commission or Board of Zoning Appeals may also institute the suit for mandatory injunction directing an individual or corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance or the requirements thereof, or to enforce any other provision of this ordinance, and said violation being declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereinafter be abated under existing law.

Actions pursuant to the zoning ordinance do not preclude the Town pursuing any action under its common nuisance ordinance or any other Town ordinance which deems this to be a violation.

Rate Schedule

as of
July 1st, 2011

Exhibit "B"
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