

# MEMORANDUM

**TO:** Carmel City Council  
**FROM:** Adrienne Keeling  
Department of Community Services  
**SUBJECT:** Z-629-17  
**DATE:** December 28, 2017

Please find information on the following item forwarded by the Plan Commission. This item will appear on your January 8<sup>th</sup> agenda.

**Forwarded with a favorable recommendation:**

**Ordinance Z-629-17 (Docket No. 17100033 OA): Short Term Residential Rentals**

The applicant seeks to amend the Unified Development Ordinance in order to add review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals. Filed by the Department of Community Services on behalf of the Carmel Plan Commission.

**Current Ordinance Interpretation:**

Since short term rentals, such as those advertised on AirBnb and similar websites, are not a specified use in the Zoning Ordinance, the current interpretation is that they are commercial in nature, and therefore, NOT permitted uses in our residential districts. Those who wish to rent out their homes for less than 30 days would be required to obtain a Use Variance from the Board of Zoning Appeals.

**Current Short Term Rental Activity:**

Since the city started tracking AirBnb and similar websites, the number of short term rentals has fluctuated from 26 – 80 active listings. At last check we have 37 active properties, with fewer than 12 in single family homes. While some of the fluctuation is likely contributed to seasonal popularity, we believe that code enforcement efforts have resulted in an overall reduction. Central Carmel has the most activity with 17, but many are located in multi-family and townhome units. West Carmel is also fairly active with 12; this area fluctuates the most.

**Discussion by the Legislature:**

Meanwhile, in their 2017 session, the State Legislature proposed a bill which would have effectively banned municipalities from regulating short term rentals. The bill failed, but the topic was assigned to an Interim Study Committee for discussion prior to the 2018 General Assembly. The Study Committee met throughout the month of October and heard testimony in favor of and opposed to local restrictions on short term rentals. Ultimately, the Study Committee's recommendation was that the policy of the state should be *to prevent any undue restrictions on the use of a person's primary residence as a short term rental.*

**This Proposed Ordinance:**

Knowing that the Legislature is likely to discuss this topic again in 2018, the proposed ordinance is an effort to bring forth standards and review for short term residential rentals in RESIDENTIAL zoning districts. To summarize, the ordinance proposes the following:

1. **Definitions:** The existing definitions for Bed & Breakfast, Dwelling and Tourist Home are revised. New definitions are added for Permanent Resident and Short Term Residential Rental Unit.
2. **Special Exception Approval in Residential Zoning Districts:** This draft creates a new "Special Exception" category in our UDO, which would require review and approval by a BZA Hearing Officer. The fee required for an initial Special Exception application would be set at \$100; renewal applications would be set at \$50.

3. **Short Term Rental Standards** would be inserted into the UDO as Section 5.72, to provide standards for Short Term Residential Rental Units (those rented out for less than 30 consecutive calendar days). These would be allowed by right in some Business districts, but only by Special Exception in Residential districts. (The amendment does not address whether they would be allowed in PUDs.)
4. **Eligibility** to apply for a Special Exception would be limited to “Permanent Residents”, that is, only homeowners or actual tenants of Dwelling units in Residential districts. This is intended to inhibit the sale of houses in established neighborhoods to investors – who never reside in the unit – and the subsequent conversion of those houses to “Tourist Homes”.
5. **Suspension:** The Mayor would have authority to suspend operation of these provisions for up to 30 dates a year (for example, during the Indy 500, an NCAA Final Four, a PGA or LPGA golf tournament, or a major convention in the community). No Special Exception would be needed during these dates.
6. **Administrative provisions** relating to Special Exceptions would be inserted into a new Section 9.08 of the UDO. These were drafted to be very similar to Special Uses. The term of a Special Exception approval would be for one year only, subject to renewal. All Special Exception applications (including renewals) would go to a BZA Hearing Officer. Decisions of a Hearing Officer would remain subject to appeal to the full BZA.
7. **Favorable Consideration:** As opposed to Special Uses, which are generally to be considered “favorably” by the BZA, Special Exceptions would not initially be “entitled to favorable consideration.” However, renewal applications would be entitled to favorable consideration unless they are opposed by DOCS.
8. **Criteria to be Considered:** The criteria for approval of a Special Exception would be similar (but not identical) to those for a Development Standards Variance. If a subdivision’s covenants and restrictions prohibited short term rentals, that would be a basis for denial.

**Plan Commission Summary:**

The Plan Commission and its Commercial Committee discussed the ordinance and worked to keep the language as succinct as possible by removing unnecessary or duplicative text. Much of the discussion revolved around the differences between the definitions of Bed & Breakfast Inn, Tourist Home and Short Term Residential Rental Unit. Also discussed was whether or not to require that the owner of a proposed Short Term Rental Unit carry a specific amount of liability insurance coverage. The Plan Commission ultimately recommended, while important, that it not be a specific zoning requirement. However, the Plan Commission did add a requirement to list primary and secondary emergency contact information on the application. The Plan Commission also agreed that further discussion should occur as to how this ordinance could apply to PUDs (or portions thereof) developed as single-family neighborhoods.

The information in this packet is arranged in the following order:

1. Proposed Ordinance Z-629-17
2. Certification (*expires March 21, 2018*).

**ORDINANCE Z-629-17**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA**

*An Ordinance adding standards for Short Term Residential Rental Units  
in the Unified Development Ordinance.*

**Synopsis:**

This ordinance adds review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals in the Unified Development Ordinance.

**WHEREAS**, the people of the City of Carmel desire to uphold the property rights of citizens of the City who own real property located in Residential Districts;

**WHEREAS**, a result of the unplanned conversion of Dwellings to business uses within Residential Districts and neighborhoods in the City, the quality of life of residents and neighborhood integrity may be negatively affected;

**WHEREAS**, the conversion of Dwellings to Tourist Homes or other transient uses impacts especially on property values in long established residential neighborhoods; and

**WHEREAS**, it is in the public interest that the conversion of Dwellings be reasonably regulated and that due process be provided to all affected property owners, in order to protect the rights of owners of buildings or subdivisions where conversions are proposed as well as to conserve property values in Residential Districts.

**WHEREAS**, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the unified development ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance D-2391-17, the Carmel Unified Development Ordinance is incorporated by reference into the Carmel City Code;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 17100033 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, December 19, 2017, it hereby adopts this Ordinance to amend the Carmel Unified Development Ordinance (Ordinance Z-625-17, as amended), to read as follows:

**Section I:** *Amend Article 11 by adding or amending the following definitions:*

**Bed and Breakfast Inn:** A private, owner-occupied business with two (2) to ten (10) guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the Bed and Breakfast Inn is operated primarily as a business. **A Dwelling that is occupied by a Permanent Resident where only one (1) guest room or group of rooms is made available to transients for compensation shall not be considered a Bed and Breakfast Inn.**

46 **Dwelling:** A Building, or portion thereof, used primarily as a place of abode for one or more **human**  
47 **beings Permanent Residents of the Dwelling**, but not including Hotels or Motels, lodging or Boarding  
48 Houses, **Bed and Breakfast Inns**, or Tourist Homes.

49  
50 **Home, Tourist:** A Building, **not occupied by a Permanent Resident**, in which **one (1) but not more**  
51 **than five (5)** guest rooms are used to provide or offer overnight accommodations to transient guests for  
52 compensation.

53  
54 **Resident, Permanent:** A natural person who occupies a Dwelling for at least sixty (60) consecutive  
55 days with intent to establish the Dwelling as his or her primary residence. A Permanent Resident may  
56 be an owner or a lessee.

57  
58 **Short Term Residential Rental Unit:** A Dwelling, or portion thereof, that is rented or leased to  
59 transient guests by a Permanent Resident of the Dwelling for a period of less than thirty (30)  
60 consecutive calendar days.

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63 **Section II:** Amend Section 1.29 by adding filing fees for the BZA Hearing Officer as follows:

- 64 • **Special Exception** **\$100.00**
- 65 • **Renewal of Special Exception** **\$50.00**

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68 **Section III:** Amend Article 2 by adding Short Term Residential Rental as a **Special Exception** for the  
69 following Residential Districts:

70  
71 2.03 S1 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
72 **Residential Special Exception – Short Term Residential Rental**

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74 2.05 S2 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
75 **Residential Special Exception – Short Term Residential Rental**

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77 2.07 R1 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
78 **Residential Special Exception – Short Term Residential Rental**

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80 2.09 R2 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
81 **Residential Special Exception – Short Term Residential Rental**

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83 2.11 R3 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
84 **Residential Special Exception – Short Term Residential Rental**

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86 2.13 R4 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
87 **Residential Special Exception – Short Term Residential Rental**

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89 2.15 R5 District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
90 **Residential Special Exception – Short Term Residential Rental**

91  
92 2.17 UR District Intent, Permitted Uses, Special Uses **and Special Exceptions**  
93 **Residential Special Exception – Short Term Residential Rental**

97 **Section IV:** Amend Article 2 by adding Short Term Residential Rental as a **Permitted Use** for the following  
98 *Non-Residential Districts:*

- 99
- 100 2.23 B3 District Intent, Permitted Uses, Special Uses  
101 Residential Permitted Use – **Short Term Residential Rental**
- 102
- 103 2.25 B5 District Intent, Permitted Uses, Special Uses  
104 Residential Permitted Use – **Short Term Residential Rental**
- 105
- 106 2.27 B6 District Intent, Permitted Uses, Special Uses  
107 Residential Permitted Use – **Short Term Residential Rental**
- 108
- 109 2.29 B7 District Intent, Permitted Uses, Special Uses  
110 Residential Permitted Use – **Short Term Residential Rental**
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- 112 2.33 C1 District Intent, Permitted Uses, Special Uses  
113 Residential Permitted Use – **Short Term Residential Rental**
- 114
- 115 2.35 C2 District Intent, Permitted Uses, Special Uses  
116 Residential Permitted Use – **Short Term Residential Rental**
- 117
- 118 2.37 UC District Intent, Permitted Uses, Special Uses  
119 Residential Permitted Use – **Short Term Residential Rental (upper floors only)**
- 120
- 121 2.39 MC District Intent, Permitted Uses, Special Uses  
122 Residential Permitted Use – **Short Term Residential Rental (2<sup>nd</sup> or higher floor only)**
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126 **Section V:** Amend Article 5 by adding a new Section 5.72: *Short Term Residential Use – Specific Standards:*

127

128 **5.72 US-26: Short Term Residential Rental Use-Specific Standards**

129 These Use-Specific Standards for Short Term Residential Rentals apply to the following districts:

130 **[INSERT ICONS FOR S1, S2, R1, R2, R3, R4, R5, UR]**

- 131 A. Purpose: It is the purpose of this Section to benefit the general public by minimizing adverse impacts  
132 on established residential neighborhoods in the City and the owners and residents of properties in these  
133 neighborhoods resulting from the conversion of residential properties to tourist and transient use.
- 134
- 135 B. Special Exception Eligibility: A Permanent Resident of a Dwelling located in a Residential District  
136 may use the Dwelling as a Short Term Residential Rental Unit if:
- 137 1. The Permanent Resident applies for and is granted a Special Exception, pursuant to Section 9.08  
138 hereof.
- 139 2. The Permanent Resident maintains a valid Registered Retail Merchant Certificate;
- 140 3. The Permanent Resident posts a clearly printed sign inside his or her Dwelling on the inside of the  
141 front door that provides information regarding the location of any fire extinguishers in the unit and  
142 building, gas shut off valves, fire exits, or pull fire alarms;
- 143
- 144

145 C. Required Information for Application: Both the initial application and any renewal application for a  
146 Special Exception permit shall contain the following:

- 147 1. Information sufficient to show that the applicant is the Permanent Resident of the Short Term  
148 Residential Rental Unit, and that the applicant has a Registered Retail Merchant Certificate.  
149 Permanent residency shall be established by showing that the Unit is listed as the applicant's  
150 residence on at least two (2) of the following: motor vehicle registration; driver's license; voter  
151 registration; tax documents showing the unit as the applicant's primary residence for a standard  
152 homestead credit; or utility bill. A renewal application shall contain sufficient information to show  
153 that the applicant is a Permanent Resident and has occupied the unit for at least two hundred  
154 seventy-five (275) days of the preceding calendar year.
- 155 2. Primary and secondary emergency contact information, including mailing address, phone number  
156 or email address. Upon approval of a Special Exception, emergency contact information shall be  
157 shared with the Carmel Police Department.

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159 D. Limitations: The term of a Special Exception permit granted to a Permanent Resident shall be one (1)  
160 year. The grant of a Special Exception permit provides an exception only to the other requirements of  
161 this Ordinance. It does not confer a right to lease, sublease, or otherwise use a Dwelling as a Short  
162 Term Residential Rental Unit where such use is not otherwise allowed by law, a homeowners  
163 association agreement or requirements, any applicable covenant, condition, and restriction, a rental  
164 agreement, or any other restriction, requirement, or enforceable agreement. Nothing in this Section  
165 shall relieve any person or facilitator of the obligations imposed by any and all applicable provisions  
166 of state law and the Carmel City Code, including but not limited to those obligations imposed by  
167 Indiana tax laws and rules. Further, nothing in this Section shall be construed to limit any remedies  
168 available under any and all applicable provisions of state law and the Carmel City Code.

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170 E. Suspension of Section: The Mayor may, subject to approval by resolution of the Council, suspend  
171 operation of this Section for not more than thirty (30) days per calendar year, during periods of time  
172 when major sporting activities or other special events, including, but not limited to the Indianapolis  
173 500, PGA Tournament, NCAA Tournament, or a large convention, are scheduled in the Central  
174 Indiana community. During these periods, a Permanent Resident may use his or her Dwelling as a  
175 Short Term Residential Rental Unit without obtaining a Special Exception permit.

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178 **Section VI: Amend Article 9 by adding a new Section 9.08: Special Exception:**

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180 **9.08 Special Exception**

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182 A. General Information: Special Exception approval by a Hearing Officer of the Board of Zoning  
183 Appeals shall be necessary prior to the establishment of a Special Exception, so cited by the district  
184 regulations herein, or the issuance of an Improvement Location Permit for said Special Exception. A  
185 Special Exception shall be considered as an exception to the uses allowed under the Unified  
186 Development Ordinance, and thus the original application for a Special Exception shall not generally  
187 be entitled to favorable consideration; however, an application for the renewal of a Special Exception  
188 shall generally be entitled to favorable consideration, so long as it is not opposed by the Director of  
189 Community Services. A Hearing Officer shall have discretion whether to approve or deny each Special  
190 Exception application, with his or her decision to be based on the special and unique conditions  
191 pertinent to the site, determined as a result of the review procedure established herein.

195 **B. Procedure:**

- 196 1. *Procedure Generally:* Whenever an application for a Special Exception within the planning  
197 jurisdiction is made, it shall follow the procedure set forth herein and shall conform to the  
198 regulations and requirements of the Unified Development Ordinance.
- 199 2. *Consultation with the Director of Community Services and Application:* Applicants shall meet with  
200 the Director of Community Services to review the zoning classification of their site, review copies  
201 of the regulatory ordinances and materials, review the Special Exception procedures, and examine  
202 the proposed exception and development of the property. The Director of Community Services  
203 shall aid and advise the applicant in preparing the application and supporting documents as  
204 necessary. The applicant shall then submit two (2) copies of the written application form and all  
205 necessary supporting documents and materials.
- 206 3. *Initial Review by the Director of Community Services: Docketing on Hearing Officer Agenda:*  
207 Following the receipt of the written application and necessary supporting documents and materials  
208 by the Director of Community Services, the Director shall then review the materials solely for the  
209 purpose of determining whether the application is complete and in technical compliance with all  
210 applicable ordinances, laws, and regulations, and therefore entitled to be forwarded to the Board of  
211 Zoning Appeals. If the materials submitted by the applicant are not complete or do not comply  
212 with the necessary legal requirements, the Director of Community Services shall inform the  
213 applicant of the deficiencies in said materials. Unless and until the Director of Community  
214 Services formally accepts the Special Exception application as complete and in legal compliance,  
215 it shall not be considered as formally filed for the purpose of proceeding to succeeding steps  
216 toward Special Exception approval as hereinafter set forth. Within thirty (30) days of the formal  
217 acceptance of the application by the Director of Community Services, the Director shall formally  
218 file the application by placing it upon the agenda of a Board of Zoning Appeals Hearing Officer,  
219 according to the Rules of Procedure of the Board of Zoning Appeals.
- 220 4. *Public Hearing:* Once the Director of Community Services has accepted and filed the application  
221 with a Hearing Officer, a docket number shall be assigned and a date and time set for a public  
222 hearing by the Hearing Officer, according to the Rules of Procedure of the Board of Zoning  
223 Appeals. The applicant shall be responsible for the cost and publication of any required published  
224 legal notification of the public hearing. The applicant shall also notify all interested parties and  
225 property owners as required by the Rules of Procedure of the Board of Zoning Appeals; however,  
226 notice by publication shall not be required for the renewal of a Special Exception. The conduct of  
227 the public hearing shall be in accordance with the Board of Zoning Appeals Rules of Procedure.
- 228 5. *Approval or Denial of the Special Exception Application:* Upon approval of a Special Exception,  
229 the Hearing Officer shall inform the applicant that the applicant may apply to the Director of  
230 Community Services for Improvement Location Permits (if necessary) or may commence the  
231 Special Exception if no permits are required. Failure of the Hearing Officer to inform the applicant  
232 of the time limits set forth in Section 5.72(D) shall not relieve the applicant of complying with said  
233 Section.
- 234 6. *Appeal of Hearing Officer Decision:* A decision of a Hearing Officer shall not be a basis for  
235 judicial review, but it may be appealed to the Board of Zoning Appeals. The Board of Zoning  
236 Appeals shall conduct a new hearing on the matter and shall not be bound by any Findings of Fact  
237 made by the Hearing Officer. A person who wishes to appeal a decision of the Hearing Officer  
238 must file the appeal with the Board of Zoning Appeals within five (5) days after the decision is  
239 made, as provided in I.C. 36-7-4-924.
- 240 7. *Time Limit for Re-Application:* A Special Exception application that is denied by a Hearing Officer  
241 or the Board of Zoning Appeals is ineligible to be placed again on an agenda for consideration  
242 until the legality of the decision is finally determined by a court, pursuant to judicial review

243 according to the Advisory Planning Law, or for a period of twelve (12) months following the date  
244 of the denial, whichever is later. In addition, whenever a Special Exception application is denied,  
245 the property involved in the application shall not be the subject of a different Special Exception  
246 application, or any use variance or rezone proposal, for a period of six (6) months following the  
247 date of the denial.  
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249 **C. Basis of Review:** A Hearing Officer, in reviewing a Special Exception application, shall give  
250 consideration to the particular needs and circumstances of each application and shall examine the  
251 following items as they relate to the proposed Special Exception:

- 252 1. Surrounding zoning and land use;
- 253 2. Access to public streets;
- 254 3. Driveway and curb cut locations in relation to other sites;
- 255 4. Parking location and arrangement;
- 256 5. Trash and material storage;
- 257 6. Necessary exterior lighting; and
- 258 7. Protective restrictions and/or covenants.

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260 **D. Basis of Approval or Rejection:** A Hearing Officer, in approving or rejecting a Special Exception  
261 application, shall base his or her decision upon the following factors as they relate to the above listed  
262 items (Section 9.08 (C)) concerning the proposed Special Exception:

- 263 1. The economic factors related to the proposed Special Exception, such as cost/benefit to the  
264 community and its anticipated effect on surrounding property values;
- 265 2. The social/neighborhood factors related to the proposed Special Exception, such as compatibility  
266 with existing uses in the vicinity of the premises under consideration and how the proposed Special  
267 Exception will affect neighborhood integrity; and
- 268 3. The effects of the proposed Special Exception on vehicular and pedestrian traffic in and around the  
269 premises upon which the Special Exception is proposed.

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271 **E. Special Exception Decisions; Commitment:** Pursuant to IC 36-7-4-1015, a Hearing Officer may, as a  
272 condition to any approval of an application for a Special Exception, require or allow the owner to make  
273 any or all of the following commitments concerning the use of the property:

- 274 1. That the Special Exception will fully comply with Section 5.72 Short Term Residential Rental  
275 Standards.
- 276 2. That the Special Exception will be limited to thirty (30), sixty (60), or ninety (90) days during a  
277 calendar year, at the discretion of the Hearing Officer.
- 278 3. If the Hearing Officer determines that a homeowners association or similar entity has established  
279 limitations or prohibitions that apply to the property, that the owner's implementation of the Special  
280 Exception will not result in the violation of any such limitations or prohibitions.

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283 **Section VII:** All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are  
284 hereby repealed.

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286 **Section VIII:** This Ordinance shall be in full force and effect from and after its passage and signing by the  
287 Mayor.  
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289 **ADOPTED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of  
290 \_\_\_\_\_ 2018, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

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293 **COMMON COUNCIL FOR THE CITY OF CARMEL**  
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297 Kevin D. Rider, President

296 \_\_\_\_\_  
297 Sue Finkam

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299 \_\_\_\_\_  
300 Jeff Worrell, Vice-President

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300 Anthony Green

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302 \_\_\_\_\_  
303 Laura D. Campbell

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303 H. Bruce Kimball

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305 \_\_\_\_\_  
306 Ronald E. Carter

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309 ATTEST:

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312 \_\_\_\_\_  
313 Christine S. Pauley, Clerk-Treasurer

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316 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
317 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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321 \_\_\_\_\_  
322 Christine S. Pauley, Clerk-Treasurer

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325 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
326 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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329 \_\_\_\_\_  
330 James Brainard, Mayor

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332 ATTEST:

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335 \_\_\_\_\_  
336 Christine S. Pauley, Clerk-Treasurer

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339 Prepared by:  
340 Adrienne Keeling, Planning Administrator, One Civic Square, Carmel, IN 46032

01/08/2018

**CERTIFICATION  
OF THE CARMEL PLAN COMMISSION'S RECOMMENDATION  
ON THE PETITION TO THE CITY OF CARMEL  
TO AMEND THE ZONING ORDINANCE  
PURSUANT TO INDIANA CODE 36-7-4-605**

**ORDINANCE  
Z-629-17**

**Ordinance Amendment  
Short Term Residential Rentals**

**To: The Honorable Common Council  
Of the City of Carmel  
Hamilton County, Indiana**

Dear Members:

The Carmel Plan Commission offers you the following report on the application (**Docket No. 17100033 OA**), petitioning to amend the Unified Development Ordinance in order to add review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals.

The Carmel Plan Commission's recommendation on the petition of the applicant is **'Favorable.'**

At its regularly scheduled meeting of December 19, 2017, the Carmel Plan Commission voted Ten (10) in Favor, Zero (0) Opposed, One (1) Absent to forward to the Common Council the proposed **Ordinance No. Z-629-17** with a **"Favorable Recommendation"**.

Please be advised that by virtue of the Plan Commission's **Favorable** Recommendation, pursuant to IC 36-7-4-607(e), the Council has ninety (90) days to act on this petition before it becomes effective as Certified by the Commission. Ninety days from the date of the Certification is Wednesday March 21, 2018.

CARMEL PLAN COMMISSION

BY: Brad Grabow  
Brad Grabow, President

ATTEST:

Lisa Motz  
Lisa Motz, Secretary  
Carmel Plan Commission  
Dated: December 21, 2017

2017 DEC 21 P 3:41



**ORDINANCE D-2407-18**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
ADDING CHAPTER 2, ARTICLE 4, SECTION 2-149 TO THE CARMEL CITY CODE**

**Synopsis: Establishes the City of Carmel Non-Reverting Events and Festivals Fund (Fund #923),  
which Fund shall be used to hold monies received and expended for City events and festivals.**

**WHEREAS**, the Common Council of the City of Carmel, Indiana is, pursuant to Indiana Code 36-4-6-18, authorized to pass ordinances and resolutions regarding the control of the City's finances and the appropriation of money; and

**WHEREAS**, the Common Council of the City of Carmel desires to establish a non-reverting fund (the "Fund") for the revenue and expenses associated with the operation of various City events and festivals; and

**WHEREAS**, the Fund may receive revenue from private sources, public sources, grants and the City may contribute to the fund itself; and

**WHEREAS**, monies from the Fund will be used to pay for the operation of City events and festivals; and

**WHEREAS**, the creation of the Fund is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: That Chapter 2, Article 4, Section 2-149 is hereby added to the Carmel City Code and shall read as follows:

**"Sec 2-149 Non-Reverting Events and Festivals Fund (Fund #923)**

(a) There is established a City of Carmel Non-Reverting Events and Festivals Fund.

(b) The funds contained in the Non-Reverting Events and Festivals Fund shall be received and deposited therein from all lawful sources in accordance with applicable law.

(c) The funds in the Non-Reverting Events and Festivals Fund shall only be used for the operation of City events and festivals.

Ordinance D-2407-18

Page One of Three

45 (d) Monies in the Non-Reverting Events and Festivals Fund shall not be transferred into  
46 the General Fund, except as provided by applicable law.

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48 (e) The Non-Reverting Events and Festivals Fund shall be administered by the  
49 Department of Community Relations and Economic Development.

50  
51 (f) The funds contained in the Non-Reverting Events and Festivals Fund shall be  
52 accounted for and maintained separate and apart from all other City funds, and shall  
53 be invested with the interest earned thereon deposited in the Non-Reverting Events  
54 and Festivals Fund.

55  
56 (g) In the event the Non-Reverting Events and Festivals Fund is terminated, all  
57 unexpended funds maintained therein shall be distributed to the City and deposited in  
58 the General Fund.”

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60 Section 3. That the remaining provisions of Carmel City Code Chapter 2, Article 4, are  
61 not affected by this Ordinance and remain in full force and effect.

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63 Section 4. This Fund shall be identified as fund (#923).

64  
65 Section 5. If any portion of this Ordinance is for any reason declared to be  
66 unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of  
67 this Ordinance so long as enforcement of same can be given the same effect.

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69 Section 6. This Ordinance shall be in full force and effect from and after its passage and  
70 signing by the Mayor.

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86 Ordinance D-2407-18  
87 Page Two of Three

91 PASSED by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of  
92 \_\_\_\_\_ 2018, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

93 COMMON COUNCIL FOR THE CITY OF CARMEL

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95 \_\_\_\_\_  
96 Kevin D. Rider, President Sue Finkam

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99 \_\_\_\_\_  
100 Jeff Worrell, Vice-President Anthony Green

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102  
103 \_\_\_\_\_  
104 Laura D. Campbell H. Bruce Kimball

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106  
107 \_\_\_\_\_  
108 Ronald E. Carter

109  
110 ATTEST:  
111  
112 \_\_\_\_\_  
113 Christine S. Pauley, Clerk-Treasurer

114  
115  
116 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
117 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

118  
119  
120 \_\_\_\_\_  
121 Christine S. Pauley, Clerk-Treasurer

122  
123 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
124 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

125  
126  
127 \_\_\_\_\_  
128 James Brainard, Mayor

129  
130  
131 \_\_\_\_\_  
132 Christine S. Pauley, Clerk-Treasurer

133 Ordinance D-2407-18  
134 Page Three of Three