

ORDINANCE NO. 101017-B

ORDINANCE AMENDING ORDINANCE NO. 121410, THE ZONING ORDINANCE FOR
THE TOWN OF McCORDSVILLE, INDIANA

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Ordinance No. 121410 as the Zoning Ordinance; and

WHEREAS, the Town Council of the Town of McCordsville, Indiana, on the 13th day of June, 2017 passed Ordinance No. 061317 known as the McCord Pointe Planned Unit Development (PUD) Ordinance which amended the aforementioned Ordinance No. 121410; and

WHEREAS, the developer of McCord Pointe Planned Unit Development has contracted to purchase additional real estate since the adoption of the McCord Pointe Planned Unit Development (PUD) Ordinance which necessitates the adoption of a new McCord Point Planned Unit Development (PUD) Ordinance; and

WHEREAS, the Town Council of McCordsville, Indiana, has, after a public hearing was held on September 19, 2017, received a no recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt the revised McCord Pointe Planned-Unit Development (PUD) Ordinance.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Ordinance No. 121410 is hereby amended as follows:

SECTION 1. The real estate more particularly described in the attached “Exhibit A” (the “Real Estate”) is hereby zoned to the PUD designation. The Development and Architectural standards set forth in this Ordinance shall govern the development of the Real Estate, and these standards shall replace all other standards set forth in the Town of McCordsville Zoning and Subdivision Control Ordinances, as amended. Where this Ordinance is silent regarding standards other than Development and Architectural standards, the standards from the McCordsville Zoning and Subdivision Control Ordinances, dated January 2011, as amended, applicable to R5 Zoning, shall apply.

SECTION 2. Permitted Uses. The permitted uses, as defined by the McCordsville Zoning and Subdivision Control Ordinances, for the Real Estate are described below, all uses not listed below, shall be considered prohibited.

Permitted Primary Uses:

Single-family residential dwellings

Permitted Accessory Uses, Incidental Uses, and Structures:

Those permitted pursuant to the Town Ordinance

Permitted Temporary Uses:

Those permitted pursuant to the Town's Zoning Ordinance

Permitted Government Facilities, this applies only to the Two Acre Site described below in Section 3(1)

SECTION 3. Development Standards. The McCord Pointe development shall have two (2) single family residential components as shown on the Preliminary Planned Unit Development Plan/Concept Plan attached hereto as "Exhibit B". One will be a "maintenance included" ranch style home community identified as Area A on "Exhibit B", and the other will primarily be a two (2) story family neighborhood community identified as Area B on "Exhibit B". The Development Plan/Concept Plan is subject to the Town Council of the Town of McCordsville, Indiana vacating the portion of McCord Road encompassed by said Plan.

A. The Development Standards for Area A shall be as follows:

- | | |
|---------------------------------------|---|
| 1. Maximum Number of Lots | 197 lots |
| 2. Minimum Lot Area | 7,500 square feet |
| 3. Minimum Lot Width at Building Line | 60 feet |
| 4. Minimum Front Yard Setback | 25 feet |
| 5. Minimum Side Yard Setback | 5 feet |
| 6. Minimum Rear Yard Setback | 25 feet |
| 7. Minimum Livable Floor Area | 1,500 square feet (single story)
1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area | 900 square feet (multi story) |
| 9. Maximum Lot Coverage | 45% |
| 10. Maximum Height – Principal | 35 feet |

B. The Development Standards for Area B shall be as follows:

- | | |
|---------------------------------------|---|
| 1. Maximum Number of Lots | 135 lots |
| 2. Minimum Lot Area | 9,000 square feet |
| 3. Minimum Lot Width at Building Line | 70 feet |
| 4. Minimum Front Yard Setback | 25 feet |
| 5. Minimum Side Yard Setback | 7.5 feet |
| 6. Minimum Rear Yard Setback | 25 feet |
| 7. Minimum Livable Floor Area | 1,500 square feet (single story)
1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area | 900 square feet (multi story) |
| 9. Maximum Lot Coverage | 40% |
| 10. Maximum Height – Principal | 35 feet |

C. Architectural Standards. The Architectural requirements for the Real Estate are attached as “Exhibit C”.

D. Perimeter Landscape Standards.

1. The developer shall establish an aesthetic landscape buffer along the north frontage of CR 1000 North, east frontage of CR 500 West, and south frontage of McCord Road. Said buffer shall consist of the following per 100 feet of frontage:

- (a) Three (3) evergreen trees averaging 5-6 feet in height.
- (b) One (1) ornamental tree with a minimum 2” caliper.
- (c) One (1) deciduous shade tree with a minimum 2” caliper.
- (d) 3’-5’ high continuous mounding shall be installed along the frontage of CR 500 West and the Area A frontage of McCord Road.

3’-5’ high continuous mounding shall be installed along the frontage of CR 1000 North with the exception of the area along the retention pond and the Two Acre Site referenced below.

2. The developer shall install a retention pond adjacent to CR 1000 North.

(a) The pond will have a decorative fountain that will be maintained by the homeowner’s association.

(b) The developer will install 6” x 6” vehicular bollards spaced 7’ apart between the pond and the right of way along CR 1000 North or an alternate vehicular barrier approved by the Town Engineer.

3. The developer shall install common areas adjacent to the relocated McCord Road west of CR 500 West in general accordance with the Concept Plan. These common areas shall be landscaped with, at a minimum, three (3) evergreen trees averaging 5-6 feet in height, one (1) ornamental tree with a minimum 2” caliper and one (1) deciduous shade tree with a minimum 2” caliper per 100 feet.

E. Tree Conservation Area. Tree conservation area shall be established as shown on “Exhibit D”. Within the tree conservation area, no trees with a diameter at breast height (“DBH”) in excess of six inches (6”) or more (the “Protected Trees”) shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with the safety requirements of any governmental agency; or (2) to accommodate the installation of drainage utilities, street connections, walking path or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of

combined equal or greater DBH subject to the availability of space for their healthy growth in the tree conservation area.

F. Amenity Center. The developer will install the following amenities within thirty (30) months of recording the plat for Section 1 of McCord Pointe:

- (a) In ground swimming pool at least 1,800 square feet in size;
- (b) Baby pool
- (c) Pool house, including bathroom and changing facilities
- (d) Playground

G. Multi-Use Paths. There will be an 8' wide asphalt perimeter path along the project frontage of CR 1000 North and CR 500 West. There will be a 5' sidewalk along the frontage of McCord Road. There will be an 8' wide asphalt internal path system as generally depicted on the Concept Plan.

H. Lighting, Parking, Pedestrian Accessibility and Signage. Standards of the Town's Zoning and Subdivision Control Ordinance regarding Lighting, Parking, Pedestrian Accessibility, and Signage applicable to R5 Zoning shall be applicable to the Real Estate with the following exceptions:

- (a) Primary Monuments – The developer shall install entry monumentation including, but not limited to, brick or stone walls and/or columns, fencing, landscaping and sign lighting at each of the entries on CR 1000 North and CR 500 West.
- (b) Secondary Monuments – Secondary monuments are internal identification monument signs, including columns, to be installed in addition to the primary monuments. The internal identification monument signs are to be installed near the round a bout to identify Area A and Area B, on the western perimeter of Area B along the connecting streets to Bay Creek East, and at the round a bout on McCord Road.
- (c) As modified by the approved Preliminary Planned Unit Development Plan/Concept Plan.

I. Two Acre Site. The developer will reserve approximately two (2) acres in the northeast corner of Area A to be transferred to the Town of McCordsville within three (3) years from the date the plat for Section 1 of McCord Pointe is recorded. Should the Town not request the site to be transferred, the developer will reserve the right to plat the site as building lots. The developer shall include the stormwater runoff from the Two Acre Site in the stormwater design of the pond

adjacent to the Two Acre Site. The user of the Two Acre Site is not obligated to install any type of landscape buffer on the site and the developer shall install landscaping along the south boundary of the Two Acre Site as a buffer for the residents in Area B consisting of, at a minimum, three (3) evergreen trees averaging 5-6 feet in height, one (1) ornamental tree with a minimum 2" caliper and one (1) deciduous shade tree with a minimum 2" caliper per 100 feet.

- J. Model Home. The model home constructed in Area B shall be one of the four largest square footage floor plans offered by the builder at the time the model home permit is issued. If the builder constructs more than one model in Area B, there is no restriction on the size of the second model so long as the first model complies with the above requirement.
- K. Snow Removal. The Homeowner's Association for McCord Pointe shall be responsible for snow removal of all internal streets.

SECTION 4. This Ordinance shall remain in full force and effect from and after its passage and posting as required by the law within the Town of McCordsville, Indiana.

SECTION 5. Ordinance No. 061317 is hereby repealed in its entirety and replaced by this Ordinance upon adoption of this Ordinance.


SECTION 6. Introduced and filed on the 10th day of October, 2017. A motion to consider on First Reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 10th day of October, 2017 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:



Larry J. Longman

Larry J. Longman



Barry A. Wood

Barry A. Wood



Bryan T. Burney

Bryan T. Burney



Thomas R. Strayer

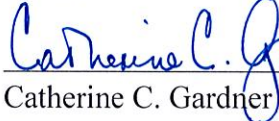
Thomas R. Strayer



Branden D. Williams

Branden D. Williams

ATTEST:



Catherine C. Gardner

Clerk Treasurer

This instrument was prepared by Ronald R. Pritzke, Pritzke & Davis, LLP, 728 N. State St.,
P. O. Box 39, Greenfield, IN 46140.

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. – Ronald R. Pritzke

“EXHIBIT A”

Legal Description Parcel 1 (Brown)

Apart of the North Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, Vernon Township, Hancock County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 13; thence South 01 degrees 17 minutes 20 seconds West (assumed bearing) 44.35 feet along the East line of said Northeast Quarter to the Northwest corner of the Northwest Quarter of Section 18, Township 17 North, Range 6 East; thence South 00 degrees 08 minutes 28 seconds West 47.11 feet along said East line to the POINT OF BEGINNING of this description; thence South 00 degrees 08 minutes 28 seconds West along said East line 1,240.42 feet to the Southeast corner of North Half of said Northeast Quarter; thence South 86 degrees 35 minutes 26 seconds West 1,522.29 feet along the South line of said North Half to a Northeast corner of the parcel owned by Harold H. Smoot as recorded in Instrument No. 140005645, dated: June 25, 2014 in the Office of the Recorder, Hancock County, Indiana; thence the next two (2) courses are along a North and an East line of said Smoot parcel: (1) South 86 degrees 35 minutes 26 seconds West 154.92 feet; (2) North 00 degrees 13 minutes 42 seconds East 169.38 feet to a Northeast corner of said Smoot parcel; thence North 00 degrees 13 minutes 42 seconds East 1,155.00 feet to the North line of said Northeast Quarter; thence North 86 degrees 19 minutes 58 seconds East 669.45 feet along said North line to the Northwest corner of the 1.52 Acre parcel owned by Hancock County, Indiana as recorded in Inst. No. 9407604, dated: July 12, 1994 in the Office of the Recorder, Hancock County, Indiana; thence along the West and South lines of said 1.52 acre parcel by the next two (2) courses: (1) South 03 degrees 40 minutes 02 seconds East 40.00 feet; (2) North 89 degrees 15 minutes 46 seconds East 1,001.46 feet to the Place of Beginning, containing 49.492 acres, more or less.

Legal Description Parcel 2 (Smoot)

A part of the Northeast Quarter and part of the Southeast Quarter of Section 13, Township 17 North, Range 5 East, Vernon Township, Hancock County, Indiana being more particularly described as follows:

Commencing at the Southeast corner of the North Half of the Northeast Quarter of said Section 13; thence South 86 degrees 35 minutes 26 seconds West (assumed bearing) 1,522.29 feet along the South line of the North Half of said Northeast Quarter to the Northwest corner of the property owned by Cindy Callaway per Personal Representatives Deed as recorded in Inst. No. 89-007239, dated: November 30, 1989 in the Office of the Recorder of Hancock County, Indiana and the POINT OF BEGINNING of this description; thence South 00 degrees 13 minutes 35 seconds West 1,268.73 feet along the West line of the Callaway parcel to the centerline of McCord Road; thence South 49 degrees 57 minutes 15 seconds West 784.47 feet along the centerline of McCord Road to the northeasterly line of the 2 acre parcel owned by William G. and Brenda L. Eldridge as recorded in Inst. No. 84-005138, dated: November 16, 1984 in said Recorders Office; thence North 40 degrees 06 minutes 06 seconds West 580.24 feet along

said northeasterly line to the North most corner of said 2 acre parcel; thence North 89 degrees 46 minutes 18 seconds West 202.24 feet to the West line of said Northeast Quarter; thence North 00 degrees 13 minutes 42 seconds East 1,427.61 feet along said West line to the Southwest corner of a 3.96 acre parcel owned by Harold Smoot and Anna Faye Smoot as recorded in Inst. No. 73-5373, dated: October 16, 1973 in said Recorders Office; thence North 86 degrees 19 minutes 58 seconds East 150.00 feet along the South line of said 3.96 acre parcel to the West line of the 5.48 acre parcel owned by Harold Smoot as recorded in Instrument No.14-5645, dated: June 25, 2014 in said Recorders Office; thence the next two (2) courses are along the West and South lines of said 5.48 acre parcel: (1) South 00 degrees 13 minutes 42 seconds West 0.51 feet; (2) North 86 degrees 19 minutes 58 seconds East 296.00 feet to the West line of the 14.277 acre parcel owned by Guardian Fire Systems, Inc. as recorded in Instrument No. 2010-007086, dated: August 16, 2010 in said Recorders Office; thence the next two (2) courses are along the West, and South lines of said 14.277 acre parcel: (1) South 00 degrees 13 minutes 42 seconds West 1.15 feet; (2) North 86 degrees 34 minutes 27 seconds East 577.84 feet to the West line of the 49 acre parcel owned by the Trust Agreement of Robert T. Brown & Julia A. Brown, dated December 15, 1998 as recorded in Inst. No.: 2017-001483, in the Office of the Recorder, Hancock County, Indiana; thence South 00 degrees 13 minutes 42 seconds West 169.38 feet along said West line to the South line of the North Half of the Northeast Quarter of said Section 13; thence North 86 degrees 35 minutes 26 seconds East 154.92 feet along said South line to the Place of Beginning, containing 43.473 acres, more or less.

Legal Description Parcel 3 (Callaway)

Apart of the South Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, Vernon Township, Hancock County, Indiana being more particularly described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 13; thence South 86 degrees 47 minutes 20 seconds West (assumed bearing) 1,350.46 feet along the South line of said Northeast Quarter to the Southwest corner of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 12 minutes 34 seconds East 191.56 feet to the centerline of McCord Road; thence South 49 degrees 42 minutes 10 seconds West 225.85 feet along said centerline to a Southeast corner of 47.918 acre parcel owned by Harold A. Smoot as recorded in Instrument No. 2014-005645 in the Office of the Recorder of Hancock County, Indiana; thence North 00 degrees 13 minutes 35 seconds East 1,268.73 feet along the east line of said 47.918 acre parcel to the North line of the South Half of said Northeast Quarter; thence North 86 degrees 35 minutes 26 seconds East 1,522.29 feet along said North line to the Northeast corner of said South Half; thence South 00 degrees 12 minutes 11 seconds West 1,329.10 feet along the East line of said Northeast Quarter to the place of beginning, containing 45.785 acres, more or less.