

ORDINANCE NO. 081225H

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 121410, AS AMENDED, OF THE CODE OF
ORDINANCES OF THE TOWN OF McCORDSVILLE, INDIANA**

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Zoning Ordinance No. 121410, as amended, and has adopted as a part of the Code of Ordinances of the Town of McCordsville, Indiana; and

WHEREAS, upon the recommendation of staff regarding the best practices for regulating development, and the procedures and process for review and approval of development; and

WHEREAS, the Town Council of McCordsville, has, after a public hearing was held on July 15, 2025, received a favorable recommendation from the McCordsville Advisory Plan Commission; and

WHEREAS, the Town Council has found that such amendments are in the best interest of the health, safety, and welfare of the citizens of the Town of McCordsville, Indiana.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Zoning Ordinance No. 121410, as amended, are hereby amended as described in Exhibit A, attached hereto.

This ordinance was duly ordained and passed on this 12th day of August, 2025 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of ___ in favor and ___ opposed. This Ordinance becomes effective immediately.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Gregory J. Brewer

Gregory J. Brewer

Scott Jones

Scott Jones

Dr. Bryan Burney

Dr. Bryan Burney

Chad D. Gooding

Chad D. Gooding

Dr. John Price

Dr. John Price

ATTEST:

Stephanie Crider, Clerk-Treasurer

This Ordinance was prepared by: Beth Copeland, Copeland Law LLC; 11650 Olio Rd., Suite 1000-184, Fishers, IN 46037; Telephone: (317) 691-6461.

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. Beth Copeland

Exhibit A

§ 154.162 Planned-Unit Development Ordinance, sub-section (D) shall be amended as follows:

(D) PUD Ordinance Data

The PUD Ordinance may take the form of a booklet filed electronically. The following shall be included in the PUD Ordinance submission:

(2) Site Description A description of the property involved, including:

- c) The legal description of the subject property and common address of the site; and
- d) The proposed name of the development (if applicable).

(3) Common Holdings Map A map of any property adjacent to the property subject to the PUD Ordinance owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the PUD Ordinance.

(4) Sewerage Verification A letter verifying that proper waste disposal will be available to the property. A letter from the McCordsville Sewer Utility shall be included verifying that the proposed development shall be served, if requested by the Town Engineer.

(5) Existing Site Conditions

Aerial imagery of the subject site, with the following information superimposed on the imagery:

b) Easements

All existing easements and an indication of their purpose.

c) Topography

A topographic survey of the area with contour lines a maximum of two feet apart.

d) Natural Features

The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees that are able to be preserved (with greater than an eight inch DCH).

e) Historic Features

An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.

f) Right-of-Way

Dimensioned measurements depicted existing rights-of-way either on the subject parcel or immediately adjacent.

g) Utilities

Any utilities or utility facilities existing on the subject property.

h) Other Significant Features

Any other significant feature(s) that may influence the design of the development.

(6) Proposed Development

A Concept Plan of the proposed development of the property, including:

a) Street Systems

The layout and design of proposed street systems (including on-street parking, sidewalks, etc);

b) Land Uses

The land use areas and number of acres within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);

c) Open Space

The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other common areas);

d) Landscaping

The conceptual design of landscaping, buffering, and/or screening proposed for the development, wooded areas to be preserved;

e) Natural Features

Any natural features that will be preserved, conserved, or impact the overall site design shall be shown. A tree inventory may be required at the discretion of the Zoning Administrator, Plan Commission, or Town Council.

f) Historic Features

Any historic features that will be preserved, conserved, or impact the overall site design shall be shown.

g) A Concept Plan which complies with Section 2.02 of the Subdivision Control Ordinance and provides all necessary information for consideration as a Primary Plat, may be considered a Primary Plat. If the Plan Commission finds the Concept Plan meets the requirements for a Primary Plat, provides a favorable recommendation on the PUD Ordinance, and the Town Council adopts the PUD Ordinance, the Concept Plan shall be considered the approved Concept Plan and Primary Plat for the applicable Real Estate.

In the case that the Plan Commission finds the Concept Plan not in-compliance, but otherwise provides a favorable recommendation on the PUD Ordinance, the petition shall be required to file a Primary Plat and follow the procedures of Section 2 of the Subdivision Control Ordinance. If the Plan Commission offers a negative recommendation or no recommendation on the PUD Ordinance, and the Town Council approves the PUD Ordinance, the Primary Plat shall be required to be re-filed with the Plan Commission and a new public hearing date set. If the Town Council denies the PUD Ordinance, regardless of the Plan Commission's action on the petition both the PUD Ordinance and the Primary Plat shall be considered denied.

(7) Development Requirements

Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.).

(8) Written Commitments

A description of any written commitments that are being proposed as part of the development that are not encapsulated within the PUD Ordinance.

(9) Covenants

A description of any private covenants and restrictions that will be established for the development, may be required at the rezone stage if requested by the Zoning Administrator.

j) Drainage

A detailed drainage concept meeting the requirements of the Town Engineer.

(10) Project Phasing

A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.

(11) Supplemental Information

Any other information requested by the Administrative Officer, Plan Commission, or Town Council to aid in the review of the PUD Ordinance. This may include, but is not limited to: topic areas such as traffic; utilities; tree preservation; flood hazards; and architectural design standards.

(E) First Reading at Town Council

Following the Administrative Officer's determination that a proper PUD rezoning filing has been made, and all necessary supporting documents and information has been made available to the Department, in accordance with required filing procedures and schedules, the petition shall be placed on a Town Council agenda for First Reading.

(F) Technical Advisory Committee Review

The Concept Plan shall be reviewed by the Technical Advisory Committee. This shall be completed after a PUD has its First Reading, and before a Second Reading.

(G) Concept Plan Requirements

Planned Unit Developments shall be required to comply with the McCordsville Subdivision Control Ordinance (per IC 36-7-4-1513) and the provisions of Section 10.09, Development Plan Review, or this Ordinance. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision Control Ordinance or Site Development Plan processes. The Concept Plan and/or Site Development Plan may be filed simultaneously for review by the Plan Commission.

(H) Public Hearing Notification

Notification for the scheduled public hearing regarding the PUD Ordinance shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.

(I) Plan Commission Public Hearing

The Plan Commission will, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of a complete PUD Ordinance application), review the application and required supporting information.

(1) Representation

Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.

(2) Presentations

The Plan Commission shall consider a report from the Administrative Officer and/or Technical Review Committee and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.

(3) Possible Action

The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The PUD Ordinance shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, forwarded with no recommendation or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.

a) Favorable Recommendation

The PUD Ordinance application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below.

b) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below.

c) No Recommendation

The application may be forwarded with no recommendation only if it is found that the application includes aspects that the Commission is not able to evaluate.

d) Continued

The application may be continued based on a request by the Administrative Officer or petitioner. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

i) Additional legal notice shall not be required unless specified by the Plan Commission.

ii) The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

(4) Certification of Recommendations

The Plan Commission shall certify its recommendation by resolution to the Town Council within ten (10) business days of its decision. The Administrative Officer, or his or her designee, shall forward to the Town Council appropriate copies of the Plan Commission certified decision.

(J) Town Council Meeting

The Town Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

(1) Legal Notice Legal Notice of action on the ordinance shall be provided consistent with Indiana law.

(2) Possible Action

The Town Council may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by this Section. The Town Council also may approve with modifications per IC 36-7-4-1512: such as impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.

a) Failure to Act If the Town Council fails to act within the 90-day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning petitions of IC 36-7-4-608.

b) Denial If a PUD district ordinance (rezoning) is denied by the Town Council a one-year waiting period shall be imposed prior to the filing of a new Preliminary Plan for the same development.

c) Reject or Amend If the Town Council rejects or amend the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five days in which to consider the rejection or amendment and report to the Town Council as follows:

i) If the commission approves the amendment or fails to act within the forty-five-day period, the ordinance stands as passed by the Town Council as of the date of the filing of the commission's report of approval with the Town Council or the end of the forty-five-day period.

ii) If the commission disapproves the rejection or amendment, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within forty-five days after the commission certifies its disapproval. If the Town Council fails to confirm its action, then the ordinance takes effect in the manner provided by IC 36-7-4-606(f).

d) Approval If the Town Council approves the rezoning, the land is officially rezoned upon the recording of the rezoning ordinance and any written commitments. The Official Zoning Map must be amended to reflect the zoning change, the date of approval by the Town Council, and the ordinance number. (K) PUD Ordinance Decision Criteria

In reviewing the Planned Unit Development Ordinance petition, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

(1) Requirements and Intent

The extent to which the proposal fulfills the requirements and intent of this Article and the Subdivision Control Ordinance.

(2) Planning Documents

The Comprehensive Plan and any other applicable, adopted planning studies or reports.

(2) Characteristics

The current conditions and the character of current structures and uses in each zoning district.

(3) Desired Use

The most desirable use of which the land in each district is adapted.

(4) Property Values

The conservation of collective property values throughout the Town of McCordsville.

(5) Growth Management

Responsible growth and development.

(7) Overlay Requirements

Consistency with the requirements of all applicable overlay districts.

(L) Expiration of PUD Ordinance

The Development Plan filing shall occur within 18 months of the date of PUD Ordinance approval. If no Development Plan filing has occurred within that period, the PUD Ordinance approval shall expire. An extension may be granted upon request to the Plan Commission at their discretion without the need for a public hearing. If the project is phased and was part of the PUD Ordinance, the petitioner may submit partial Development Plans which correspond to the phases involved.