



Memorandum

Date: December 8, 2020
To: Town Council
From: Ryan Crum, Director of Planning
Re: Zoning Ordinance Updates

Zoning and Subdivision Control Ordinances are living, breathing documents that need updates and amendments over time. We typically do one round of updates a year in the fall. Attached, as Exhibit A, is a draft of the proposed updates. Following discussions, staff is requesting approval from Town Council.

Sincerely,

Ryan Crum, AICP, CPM
Director of Planning & Building
Town of McCordsville

LEGEND

Black text represents existing language.

Red text represents proposed language.

~~Black strike-out text represents existing language that is proposed to be removed.~~

Pink/purple text represents changes since the November Council meeting.

Exhibit A

Town Center Overlay

Section 5.01

Existing: The overlay districts listed below are hereby established to provide additional development standards that respond to the unique characteristics of the properties to which they apply. Overlay districts applicable to the Town of McCordsville include the Highway Corridor Overlay District and Airport Overlay District.

Proposed: The overlay districts listed below are hereby established to provide additional development standards that respond to the unique characteristics of the properties to which they apply. Overlay districts applicable to the Town of McCordsville include the Highway Corridor Overlay District, ~~and~~ Airport Overlay District, ~~and~~ **Town Center Overlay.**

Section 5.03

Existing: None

Proposed: **(A) Purpose and Intent**
The purpose and intent of the Town Center Overlay District is to promote mixed-use, walkable development, while creating a District that is unique and authentic. This District shall command the highest standards of development to stimulate substantial capital investments, encourage efficient land use, promote coordinated development, and permit an innovative, cohesively designed District.

(B) Applicability
The Town Center Overlay District shall apply to all development sites, buildings, structures, and any other improvements that are visible to the public and/or which affect the physical development of land.

(C) Boundary
The boundary of the Town Center Overlay District is as illustrated on the Official Zoning Map.

(D) Exemptions

All Single-family residential uses shall be exempt from the requirements of the Town Center Overlay District.

(E) Uses

All uses permitted in an underlying base zoning district shall be permitted in the Town Center Overlay District. All special exception uses in an underlying base zoning district shall be special exceptions in the Town Center Overlay District.

(F) Development Standards

Unless otherwise specified, the following Development Standards shall apply to developments within the Town Center Overlay District.

- (1) The minimum building height shall be two stories, with the following exception:
 - a. Commercial out-lot buildings within 200 feet of the centerline of SR 234 and/or W. Broadway (US 36) may be single-story.
- (2) The amount of off-street parking located between the street and the front façade of the building shall not exceed 10% of the total number of off-street parking spaces provided, with the following exception:
 - a. This restriction shall not apply to any commercial out-lot use within 200 feet of the centerline of SR 234 and/or W. Broadway (US 36).
- (3) All development shall be consistent with the Town Center Master Plan, as amended by the Town Center Drainage Study.

Street Lighting

Section 6.12(D)(1)

- Existing: Street lighting shall be installed every 125' on center, directly across the street from existing or planned street lights, in all new developments adjacent to CR 600 W from CR 600 N to CR 900 N and through the incorporated Town on Broadway. Refer to Section 5.02, Highway Corridor Overlay District, of this Ordinance.
- Proposed: Street lighting shall be installed every 125' on center, directly across the street from existing or planned street lights, in all new developments **through the incorporated Town on** adjacent to CR 600 W from CR 600 N to CR 900 N and through the incorporated ~~Town~~ on Broadway. Refer to Section 5.02, Highway Corridor Overlay District, of this Ordinance. **Additionally, a streetlight shall be installed at all intersection along the perimeter of proposed development project. The type of streetlight to be installed shall be determined by the Town Engineer.**

Appendix C, Lighting Specifications

- Existing: *Remove all text, replace illustrations*

Proposed: All lighting shall be consistent with the Concept Drawings enclosed herein and shall conform to the Town's Standards and Specifications.

Section 6.12(c)(5)

Existing: The light fixture column shall comply with Appendix C, Lighting Specifications. Equal fixture shall be considered by the Board of Zoning Appeals as a development standards variance.

Proposed: The light fixture column shall comply with Appendix C, Lighting Specifications. Equal fixture shall be considered by the **Plan Commission during the Development Plan process.** ~~Board of Zoning Appeals as a development standards variance.~~

Farm Animals

Section 4.18

Existing: None

Proposed: **Purpose:** The intent of this Section is to permit the use and enjoyment of horses and farm animals at rates that are appropriate for the health, welfare, and safety of the animals, neighboring property owners, and the public. This type of agriculture use should also be conducted in a manner that protects the values and aesthetic of the community.

- (A) The keeping of horses is permitted in the R-1, R-2, and R-3 Zoning Districts only, with the following requirements:
 - (1) The minimum property size shall be two (2) acres for the first horse, and an additional acre for each horse thereafter.
 - (2) Pasture areas shall be properly fenced, provided that any fencing in a front yard does not exceed five (5) feet and is transparent.
- (B) The keeping of farm animals such as chickens, ducks, goat, sheep, pigs, cows, or other animals as determined by the Director, may be permitted on a property of at least five (5) acres in the R-1, R-2, & R-3 Zoning Districts. Furthermore, farm animals shall be classified into two (2) categories, small farm animals and large farm animals. Farm animals who have not reached mature adulthood shall not count against any animal quantity restrictions. For the purpose of this Section, small farm animals are chickens, ducks, pygmy goats, and the like. Large farm animals are cows, pigs, sheep, goats, llamas, donkeys, and the like. Farm animal quantities shall be limited as follows:
 - (1) The keeping of small farm animals shall be limited to three (3) small farm animals per acre.
 - (2) The keeping of large farm animals shall be limited to one (1) large farm animal per acre.

- (3) Structures, kennels, stalls, coops, pens, and other elements to house farm animals on the immediate surrounding property controlling the movement of those farm animals shall be considered confinement areas and limited in size. Confinement areas shall be limited to 10% coverage of the total lot area of the property. Confinement areas shall not be in a front-yard.
- (4) Small farm animal confinement areas shall be a minimum of fifty (50) feet from any side or rear property line.
- (5) Large animal confinement areas shall be a minimum of one hundred (100) feet from any side or rear property line. Pastures for cattle shall not be considered a confinement area. Fencing for cattle pasture shall be a minimum of ten (10) feet from any side or rear property, and thirty (30) front any front property line. Front-yard fencing shall be limited to five (5) in height.
- (C) Under no circumstance shall the provisions of this Section be interpreted to allow a Confined Animal Feeding Operation, or the like. These standards do not apply to an existing legal, non-conforming farm animal use.

Article XII. Definitions.

Existing: Farm Animal: Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

Proposed: Farm Animal: Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained. Examples of farm animals include, but are not limited to cows, sheep, goats, pigs, chickens, llamas, etc. Exotic or wild animals shall not be considered farm animals.

Outdoor Dining

Section 4.19

Existing: None

Proposed: Purpose: Outdoor dining areas are encouraged for all restaurants and businesses serving food and drinks. The following standards shall apply to all outdoor dining areas:

- (A) Outdoor dining areas shall be adjacent to their occupied space.
- (B) Outdoor dining shall be accessed through the primary occupied space.
- (C) The dining area shall be enclosed by a fence or wall enclosure that is complementary to the architecture of the primary structure and shall be no less than 30 inches and no more than four (4) feet tall.
- (D) Shall maintain a minimum five (5) foot sidewalk around the perimeter of the outdoor dining area that leads to entrances, parking, or other points of interest for pedestrians.

- (E) Landscaping in the form of planter beds, large pots, hanging baskets, or the like shall be incorporated, subject to the approval of the Zoning Administrator.

Property Identification

Section 4.20

Existing: None

Proposed: The purpose and intent of this Section is to require property identification for buildings within the Town for public safety and emergency response purposes and set enforcement provisions for failure to display said identification. These standards are not considered a sign as described in the Town Sign's Ordinance.

- (A) The assigned street address of a building shall be displayed in such a manner so that the numerals can readily be seen from the street. The size of the numerals shall comply with the applicable standards required by the Building Code. However, the minimum numeral height for a non-residential building shall be six (6) inches, or as otherwise required by the Fire Marshall.
- (B) Any dwelling or commercial building that abuts an alley or secondary access that could be used by motor vehicles shall not only display the premises identification on the front but shall also display its premises identification visible from the alternate access to the property.
- (C) Any structure with a main entrance that is not directly accessible or visible from any roadway or parking lot shall also display the premises identification at the main entrance.
- (D) Any structure for which there exists a ground or monument sign shall also display the premises identification on the ground or monument sign.
- (E) When the numerals representing premises, identification are removed or become illegible, such numerals shall be renewed or replaced by the owner or occupant of the building within ten (10) business days.
- (F) The provisions of this Article requiring premises identification shall apply to all existing residential and non-residential structures within the Town.
- (G) The surface area devoted to these provisions does not count toward the sign area allocations in the Town's Sign Ordinance.

Public Art

Section 4.21

Existing: None

Proposed: The Town encourages the incorporation of public art in all development and projects. Public art should aim to have the highest aesthetic standards by enabling artists to create original and sustainable artwork, with attention to design, materials, construction, and location. The following criteria should describe the public art sought by the Town.

- (A) Public art shall be in keeping with the best practices in maintenance and conservation.
- (B) Public art should generate visual interest by creating focal points, meeting places and landmarks that will enhance the Town's image.
- (C) Public art should enliven and enhance the unique quality of sense of place, within the development or community.
- (D) Public art should foster common currency for social and economic exchange between residents and attract visitors by ensuring that they have access to visual 'clues' that will help them navigate and embrace a potentially unfamiliar environment.
- (E) Public art is expected to be integrated into the overall design of the larger civic context in which it is placed.
- (F) Public art should illuminate the character, community, geography, history and environment found in the Town.
- (G) Public art in privately owned developments should be fully integrated into the development's design, in the most accessible and visible locations.
- (H) Artwork in retail ~~streets and~~ developments will need to be reviewed in relation to signage and store frontage to make sure it will not impact the visibility or access to the business.
- (I) Attention should be paid to how the artwork will appear amidst mature landscaping.
- (J) Special care should be made to avoid locations where public art may be damaged, such as in the portion of right-of-way dominated by vehicles.
- (K) All public art to be erected shall be approved by the Town Council.

Parking Lot Landscaping

Section 6.10(B)(4)(c)

Existing: None

Proposed: Median Landscape Island: A landscaped median island shall be provided every six (6) single parking rows. Said median island shall be a minimum of six (6) feet wide (back of curb to back of curb). The median island may also serve as the location for a sidewalk connecting the parking and use/building served by the parking area. In such a case, the sidewalk must be a minimum of six (6) feet wide, and the median island expanded to a width of eleven (11) feet. Landscaping shall consist of a mixture of grass and mulched planting beds. A mixture of trees, shrubs, ornamental grass, and perennial flowers shall be planted, subject to the approval of the Zoning Administrator. Median islands may be consolidated, or intervals expanded in order to preserve existing trees.
Flexibility shall be granted for accessibility/maneuvering of large commercial vehicles.

Section 6.10(B)(4)(b)

Existing: Planting areas shall be reasonably dispersed throughout the parking area. Not less than five percent of the parking lot shall be landscaped. Landscape buffers and landscaping

adjacent to buildings and on the periphery of the parking lot shall not be included toward the interior parking lot planting requirements. Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation aisles within parking lots. One shade tree per 2,400 square feet of surface area is required. One shrub per 500 square feet of surface area is required. No parking space shall be further than 60 feet from the trunk of a shade tree. Existing shade trees over 12 inches in caliper may be used to fulfill these requirements.

Proposed: Planting areas shall be reasonably dispersed throughout the parking area. Not less than five percent of the parking lot shall be landscaped. Landscape buffers and landscaping adjacent to buildings and on the periphery of the parking lot shall not be included toward the interior parking lot planting requirements. Landscaping shall be specifically provided at the ends of parking rows and as a means of separating parking from major circulation aisles within parking lots. One shade tree per 2,400 square feet of surface area is required. One shrub per 500 square feet of surface area is required. No parking space shall be further than 60 feet from the trunk of a shade tree. Existing shade trees over 12 inches in caliper may be used to fulfill these requirements. **Any parking area that exceeds the Town's Parking quantity regulations shall increase the interior landscaping areas by the same percentage, subject to the approval of the Zoning Administrator. Interior landscape areas may be consolidated, or intervals expanded in order to preserve existing trees.**

Preferred Planting Guide

Section 6.10(H)

Existing: None

Proposed: **All landscape installations shall review the McCordsville Preferred Planting Guide. This guide is not exhaustive and inclusive of all appropriate selections; therefore, proposals for additions and/or substitutions to the guide may be submitted to the Zoning Administrator for consideration. However, any species which is listed as invasive or having poor characteristics shall be avoided and will not be counted towards any landscape requirements.**

Residential Front-yard Fencing

Section 6.09(D)(2)

Existing: Front-yard fences and walls

a) Height The minimum height of all front yard fences and walls associated with a residential use shall be two feet. The maximum height shall be four feet.

b) Materials All front yard fences and walls shall be constructed out of wrought iron, wood, stucco, brick, stone, or combination thereof, provided the heavier material is located on the bottom.

Proposed: Front-yard fences and walls

a) Height The minimum height of all front yard fences and walls associated with a residential use shall be two feet. The maximum height shall be four feet.

b) Materials All front yard fences and walls shall be constructed out of wrought iron, wood, stucco, brick, stone, or combination thereof, provided the heavier material is located on the bottom. Furthermore, any portion of a fence above two (2) feet from grade, shall have a maximum opaqueness of 50%. Front-yard fences in neighborhood common area or on privately-owned properties greater than one (1) acre shall be permitted up to six (6) feet in height, so long as materials are limited to wrought iron (aluminum), brick, and/or natural stone.

Temporary Signage

Section 7.05

Existing: Section 7.05 would be replaced in its entirety by the proposed language. The existing language is not included herein due to its length but can be found on the Town's website.

Proposed: In addition to the signs permitted by this Article the following temporary signage may be permitted as described and restricted below. A permit shall be required each time a temporary sign is to be used, unless otherwise denoted herein. All temporary signs shall meet the following requirements:

(A) Temporary signs are permitted in all Zoning Districts as detailed herein.

(1) Types of Temporary Signs permitted:

(a) Ground Sign: A free-standing sign constructed of rigid materials intended to be displayed for a designated period.

(b) Wall Sign: A hanging, or mounted sign, usually to a building, constructed of vinyl, fabric, or similar material intended to be displayed for a designated period. Such signs are not to be attached to fences, balconies, railings, or grounds.

(2) Temporary signs shall not be illuminated.

(3) Sign Standards:

(a) Residential lots less than three (3) acres in size shall be permitted to display one (1) Ground Sign per frontage, at a time. Ground Signs are limited to five (5) feet in height and six (6) square feet in sign area. Ground Signs on such properties are considered exempt signs and do not require a permit.

- (b) Residential lots three (3) acres or larger shall be permitted to display one (1) Ground Sign per frontage, at a time. Ground Signs are limited to eight (8) feet in height and thirty-two (32) square feet in sign area. Ground Signs on such properties require a temporary sign permit.
- (c) Non-residential lots less than one (1) acre in size shall be permitted to display one (1) Ground Sign per frontage, at a time. Ground Signs are limited to six (6) feet in height and twelve (12) square feet in sign area. Ground Signs on such properties require a temporary sign permit.
- (d) Non-residential lots one (1) acre or larger in size shall be permitted to display one (1) Ground Sign per frontage, at a time. Ground Signs are limited to eight (8) feet in height and thirty-two (32) square feet in sign area. An additional Ground Sign shall be permitted to be displayed so long as the sign does not face a public right-of-way or adjacent property and is located at least fifty (50) feet from any property line. This additional sign is permitted to be constructed of non-rigid material. Ground Signs on such properties require a temporary sign permit.
- (e) In addition to the allowances above, for non-residential lots, such non-residential lots, which also feature a non-residential primary structure(s) shall be permitted one (1) Wall Sign per occupied tenant space on the ground floor, but under no circumstance shall more than three (3) Wall signs be displayed on one property at a time. Wall Signs are limited to twenty-four (24) square feet in sign area and require a sign permit.
- (f) Subdivision entrance common area lots shall be permitted to display one (1) Ground Sign per frontage, at a time. Ground Signs are limited to eight (8) feet in height and thirty-two (32) square feet in sign area. Ground Signs on such properties require a temporary sign permit.
- (g) Residential properties featuring a model home shall be permitted to display one (1) additional Ground Sign meeting the size limitations detailed above. Both Ground Signs may be permitted to remain on the property until the model home is no longer available for viewing by the public.
- (h) Setbacks: Ground Signs greater than twelve (12) square feet shall be required to be setback a minimum of five (5) feet from the right-of-way. Ground Signs twelve (12) square feet or less shall be required to be setback a minimum of two (2) from the right-of-way. No signage shall be located in the vision clearance triangle or allowed to restrict driver views as determined by the Town Engineer.
- (i) Time Limits: Ground sign displays shall be limited to the duration of the requested advertisement period, but under no circumstance shall exceed twelve (12) months. A ground sign permit may be extended administratively for up to an additional twelve (12) months by the Zoning Administrator. Any further extensions require the approval of the Board of Zoning Appeals. Wall signs display shall be limited to thirty (30) days. A wall sign permit may be extended administratively for up to an additional thirty (30) days by the Zoning Administrator. Any further extensions require the approval of the Board of Zoning Appeals.

(j) Removal: Temporary signs must be removed upon conclusion of their permitted display duration and may not be issued another permit for a minimum of 30 days, unless otherwise approved by the Zoning Administrator.

(k) Conversion to a Permanent Sign: No sign manufactured, designed, or otherwise intended for use as a temporary sign shall be used as a permanent sign.

(l) Any non-residential tenant, who has been issued a new certificate of occupancy from the Town, shall be granted an additional temporary ground sign for a period up to 30 days. This additional sign allowance must occur within 90 days of the certificate of occupancy being issued and may be displayed at the same time other permitted temporary signage is displayed. Sign size shall be limited as set forth above in sub-sections c & d.

Exempt Signage

Section 7.02(L)

Existing: None

Proposed: Ground Sign, as detailed in Section 7.05(A)(3)(a).

Section 7.02(G)

Existing: Each property in any residential zoning district and the Old Town zoning district is entitled to yard signage. Such signage shall be limited to three square feet in sign area, and no more than four feet in height, as measured from grade level. Such sign shall be allowed to be displayed no more than three times per calendar year. Each time said sign is displayed is limited to no more than thirty-five consecutive days. All such signs shall be placed a minimum of five feet from any property line or right-of-way line. In no instance shall such a sign be placed within an existing or planned right-of-way or private street. Such sign shall not be illuminated. Additionally, any residential property of less than one acre that is for-sale/lease is permitted an additional yard sign, in compliance with the standards noted above, until the transaction closes.

Proposed: A free-standing sign constructed of lightweight and/or non-durable materials intended to be displayed for a short period. All properties may display ~~Each property in any residential zoning district and the Old Town zoning district is entitled to a~~ Yard signage. Such signage shall be limited to three square feet in sign area, and no more than four feet in height, as measured from grade level. **No more than one such sign, per frontage, shall be displayed at one time.** Such sign shall be allowed to be displayed no more than three times per calendar year. Each time said sign is displayed is limited to no more than thirty-five consecutive days. All such signs shall be placed a minimum of **two (2)** ~~five~~ feet from any property line or right-of-way line. In no instance shall such a sign be placed within an existing or planned right-of-way or private street. Such sign shall not be illuminated. Additionally, any residential property of less than one acre that is

for-sale/lease is permitted an additional yard sign, in compliance with the standards noted above, until the transaction closes.

Permanent Signage

Section 7.08(l)

Existing: None

Proposed: **Pedestrian Blade Signs**
In addition to signage permitted elsewhere in this Ordinance, multi-tenant commercial buildings may feature pedestrian-oriented blade signage on the ground floor with the following restrictions:
(1) One (1) sign per tenant.
(2) Max sign area of four (4) square feet
(3) Maximum projection from the building façade of three (3) feet
(4) Min. eight (8) feet from grade
(5) Non-illuminated

Buffer-yards

Section 6.11

Existing: (A)(2) Buffer Yard Requirement: Where a commercial office, commercial neighborhood, public/semi-public, or multifamily use directly abuts a single-family or two family residential use, or an industrial use directly abuts a commercial use the subject property shall provide a landscape buffer 20 feet wide planted with five trees and 10 ornamental shrubs per 100 lineal feet of buffer yard, and undulating mounding of at least three feet in height between the conflicting uses and residential uses. Where an industrial use or commercial regional use directly abuts any residential use, or public/semi-public use the subject property shall provide a landscape buffer 30 feet wide planted with eight trees and 10 ornamental shrubs per 100 lineal feet of buffer yard, and mounding of at least three feet in height with a minimum six foot fence constructed on top of the mounding between the conflicting uses. Said fence shall be constructed of 100% brick and/or stone, or brick or stone columns with wood or wood-like composite material between the columns. 100% of the required shrubs and at least 50% of the required trees must be located between the fence and the residential, institutional, or public/semi-public use. It shall be the responsibility of the new land use creating the incompatibility to construct and maintain the landscape buffer. This buffer yard can be waived by the Administrative Officer if the property owner of the neighboring lower-intensity use requests, in writing to the Administrative Officer, to not have the buffer yard constructed along their property line.

Proposed: (A)(2) Buffer Yard Requirement: Where a commercial office, commercial neighborhood, public/semi-public, or multifamily use directly abuts a single-family or two family residential use, or an industrial use directly abuts a commercial use the subject property shall provide a landscape buffer 20 feet wide planted with five trees and 10 ornamental

shrubs per 100 lineal feet of buffer yard, and undulating mounding of at least three feet in height between the conflicting uses ~~and residential uses~~. Where an industrial use or commercial regional use directly abuts any residential use, or public/semi-public use the subject property shall provide a landscape buffer 30 feet wide planted with eight trees and 10 ornamental shrubs per 100 lineal feet of buffer yard, and mounding of at least ~~three~~ **five (5)** feet in height with a minimum six foot fence constructed on top of the mounding between the conflicting uses. Said fence shall be constructed of 100% brick and/or stone, or brick or stone columns with wood or wood-like composite material between the columns **(spaced no more than fifty (50) foot on center)**. 100% of the required shrubs and at least 50% of the required trees must be located between the fence and the residential, institutional, or public/semi-public use. It shall be the responsibility of the new land use creating the incompatibility to construct and maintain the landscape buffer. **Where an industrial use is not immediately adjacent to a single-family or two-family use, but is separated from said residential use by only public right-of-way, the industrial land use shall provide a landscape buffer 30 feet wide planted with eight trees and 10 ornamental shrubs per 100 lineal feet of buffer yard, and mounding of at least five (5) feet in along the adjoining right-of-way.** This buffer yard can be waived by the Administrative Officer if the property owner of the neighboring lower-intensity use requests, in writing to the Administrative Officer, to not have the buffer yard constructed along their property line.

Industrial Architecture

Section 6.04(H)(2)

- Existing: Exterior siding shall be stone, brick, E.I.F.S., and/or pre-cast concrete (painted or pigmented). The ARC may permit a portion of the building to covered in metal so long as the building design includes a minimum of a 3 foot tall masonry wainscot. The ARC may also approve buildings with architectural metal panels if the architectural style of the structure warrants the use.
- Proposed: Exterior siding shall be stone, brick, E.I.F.S., and/or pre-cast concrete (painted or pigmented). ~~The ARC may permit a portion of the building to covered in metal so long as the building design includes a minimum of a 3 foot tall masonry wainscot.~~ The ARC may also approve buildings with architectural metal panels if the architectural style of the structure warrants the use.

Appendix C – Lighting Drawings



