

ORDINANCE NO. \_\_\_\_\_

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

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

WHEREAS, the Town Council of McCordsville, Indiana, has, after a public hearing was held on \_\_\_\_\_, 2021, received a \_\_\_\_\_ recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt the Summerton Planned-Unit Development (PUD) Ordinance.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Ordinance No. \_\_\_\_\_ 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

SECTION 3. Development Standards. The Summerton 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”.

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

- |                                       |   |
|---------------------------------------|---|
| 1. Maximum Number of Lots             | 171 lots  |
| 2. Minimum Lot Area                   | 7,200 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          | 15 feet   |
| 7. Minimum Livable Floor Area         | 1,500 square feet (single story)<br>1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area   | 900 square feet (multi story)                                       |
| 9. Maximum Lot Coverage               | 60%   |
| 10. Maximum Height – Principal        | 35 feet   |

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

- |                                       |   |
|---------------------------------------|---|
| 1. Maximum Number of Lots             | 116 lots  |
| 2. Minimum Lot Area                   | 8,450 square feet   |
| 3. Minimum Lot Width at Building Line | 65 feet   |
| 4. Minimum Front Yard Setback         | 25 feet   |
| 5. Minimum Side Yard Setback          | 7.5 feet  |
| 6. Minimum Rear Yard Setback          | 15 feet   |
| 7. Minimum Livable Floor Area         | 1,500 square feet (single story)<br>1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area   | 900 square feet (multi story)                                       |
| 9. Maximum Lot Coverage               | 50%   |
| 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 “1” along the east frontage of CR 500 West, south frontage of CR 900 North and the west frontage of McCord Road as depicted on Exhibit D. 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) Three (3) deciduous shade tree with a minimum 2” caliper.
- (d) Six (6) shrubs.

(e) 3'-5' high continuous mounding

2. The developer shall install a landscape buffer "2" along the adjacent parcels as depicted in Exhibit "D". Said buffer shall consist of evergreen trees spaced 40 feet on center and shall be a minimum of 6 feet in height.

3. The developer shall install a landscape buffer "3" along the adjacent parcels as depicted in Exhibit "D". Said buffer shall consist of the following per 100 feet:

(a) Two (2) evergreen trees minimum of 6 feet in height.

(b) Two (2) shade trees with a minimum 2" caliper

(c) 3'-5' high continuous mounding measured from the elevation of the shared property line and also being no less than 3' above the developed pad elevation of the adjacent lot.

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

(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

F. Multi-Use Paths. There will be a 10' wide asphalt perimeter path along the project frontage of CR 900 North and an 8' wide asphalt perimeter path along the project frontage of CR 500 West. There will be a 10' wide asphalt internal path along North Fork Dry Branch creek as generally depicted on the Concept Plan attached as Exhibit B and an 8' wide asphalt internal path system as generally depicted on the Concept Plan attached as Exhibit B. The developer shall attempt to secure trail easements across the outparcels along CR 900 North and CR 500 West. If secured, the cost of any trail easement and/or extensions not on the Real Estate will be a credit towards Park Impact Fees. A path crossing of the regulated drain easement adjacent to CR 500 West shall be required. In the event the County Drainage Board, IDNR or other regulatory agency will only approve a free span pedestrian bridge structure, the developer shall not be required to install the pedestrian creek crossing.

G. 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 900 North and CR 500 West.
  - (b) As modified by the approved Preliminary Planned Unit Development Plan/Concept Plan attached as Exhibit B.
- I. 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.
- J. Snow Removal. The Homeowner’s Association for Summerton shall be responsible for snow removal of all internal streets.
- K. Tree Conservation Area. Developer shall endeavor to conserve existing trees along property lines and the existing legal drain, subject to allowances for drainage improvements and other requirements of the Town of McCordsville, the Hancock County Drainage Board, and/or a public utility. In these conservation areas, 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.

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. Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2021. A motion to consider on First Reading on the day of introduction was offered and sustained by a vote of \_\_\_ in favor and \_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of \_\_\_ in favor and \_\_\_ opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

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Barry Wood, President

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Barry Wood, President

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Branden Williams

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Branden Williams

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Tom Strayer

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Tom Strayer

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Larry Longman

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Larry Longman

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Greg Brewer

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Greg Brewer

ATTEST:

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Staci Starcher  
Clerk Treasurer

This instrument was prepared by

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.

## “EXHIBIT A”

Part of the Southeast Quarter of Section 13, Township 17 North, Range 5 East of the Second Principal Meridian, Vernon Township, Hancock County, Indiana, based upon a survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering Job Number 2020-235-S, dated January 7, 2021, more particularly described as follows:

BEGINNING at the southeast corner of said Southeast Quarter, marked by a railroad spike found per Hancock County Surveyor reference ties; thence North 00 degrees 15 minutes 05 seconds East (assumed bearings per ALTA/NSPS Land Title Survey recorded as Instrument Number 201805353 in the Office of the Recorder of Hancock County, Indiana) along the east line of said Southeast Quarter a distance of 1614.25 feet to the southeast corner of John W. Snider's Minor Subdivision, the plat of which is recorded in Plat Cabinet B, Slide 135 as Instrument Number 930004787 in said Recorder's Office, the following three (3) courses being along the south, west, and north lines of said subdivision; (1) thence North 89 degrees 44 minutes 55 seconds West a distance of 290.40 feet; (2) thence North 00 degrees 15 minutes 05 seconds East a distance of 150.00 feet; (3) thence South 89 degrees 44 minutes 55 seconds East a distance of 290.40 feet to said east line of said Southeast Quarter; thence North 00 degrees 15 minutes 05 seconds East along said east line a distance of 898.28 feet to the northeast corner of said Southeast Quarter, marked by a railroad spike found per Hancock County Surveyor reference ties; thence South 86 degrees 47 minutes 20 seconds West along the north line of said Southeast Quarter a distance of 1350.46 feet to the northwest corner of the East Half of said Southeast Quarter; thence South 00 degrees 15 minutes 05 seconds West along the west line of said East Half of said Southeast Quarter a distance of 666.57 feet to the southeast corner of Daniel Madison Minor Subdivision, a Replat of Lot 3, Steve Collins 2nd Minor Subdivision, the plat of which is recorded in Plat Cabinet C, Slide 319 as Instrument Number 130003329 in said Recorder's Office; thence South 86 degrees 41 minutes 58 seconds West along the south line of said Daniel Madison Minor Subdivision and along the south line of Steve Collins' Minor Subdivision, the plat of which is recorded in Plat Cabinet B, Slide 329 as Instrument Number 970005177 in said Recorder's Office a distance of 1092.49 feet to the centerline of McCord Road; thence South 49 degrees 57 minutes 15 seconds West along said centerline a distance of 337.74 feet to the west line of said Southeast Quarter; thence South 00 degrees 15 minutes 04 seconds West along said west line a distance of 1785.43 feet to the southwest corner of said Southeast Quarter, marked by a railroad spike found per Hancock County Surveyor reference ties; thence North 86 degrees 54 minutes 55 seconds East along the south line of said Southeast Quarter a distance of 1124.27 feet to the southwest corner of a tract of land described in Instrument Number 090012517 in said Recorder's Office, the following two (2) courses being along the west and north lines of said tract; (1) thence North 00 degrees 15 minutes 10 seconds East a distance of 243.00 feet; (2) thence North 86 degrees 54 minutes 55 seconds East a distance of 226.00 feet to said west line of said East Half of said Southeast Quarter; thence North 00 degrees 15 minutes 05 seconds East along said west line a distance of 52.67 feet to the northwest corner of a tract of land described in Instrument Number 201706617 in said Recorder's Office, the following two (2) courses being along the north and east lines of said tract; (1) thence North 86 degrees 54 minutes 55 seconds East a distance of 299.00 feet; (2) thence South 03

degrees 05 minutes 05 seconds East a distance of 295.17 feet to said south line of said Southeast Quarter; thence North 86 degrees 54 minutes 55 seconds East along said south line a distance of 648.07 feet to the southwest corner of the John Young Jr. Minor Subdivision, the plat of which is recorded in Plat Cabinet B, Slide 14 as Instrument Number 870004267 in said Recorder's Office, the following three (3) courses being along the west, north, and east lines of said Subdivision; (1) thence North 03 degrees 05 minutes 05 seconds West a distance of 290.40 feet; (2) thence North 86 degrees 54 minutes 55 seconds East a distance of 150.00 feet; (3) thence South 03 degrees 05 minutes 05 seconds East a distance of 290.40 feet to said south line of said Southeast Quarter; thence North 86 degrees 54 minutes 55 seconds East along said south line a distance of 236.00 feet to the POINT OF BEGINNING, containing 138.001 acres, more or less.

## EXHIBIT B





## **“EXHIBIT C”**

### **Summerton** **Architectural Standards**

All homes shall include the following at a minimum:

1. Dimensional shingles;
2. Main roof pitch of 6:12 or greater, ancillary roofs may be less than 6:12. The Architectural Review Committee may approve a home with a lesser roof pitch if the home design warrants a change;
3. All siding shall be brick, stone, wood, cement fiber board or stucco;
4. Vinyl siding is prohibited;
5. A minimum of fifty percent (50%) of the homes constructed in Area A shall have a front elevation of at least fifty percent (50%) brick or stone, exclusive of windows, doors, garage doors and areas above a roof line. The remaining homes may have less than fifty percent (50%) brick or stone provided they contain a minimum of a 30” high brick or stone wainscot and contain a minimum of two (2) of the following siding materials on the front elevation; horizontal lap siding, vertical siding, board and batten and/or shake.
6. A minimum of seventy-five percent (75%) of the homes constructed in Area B shall have a front elevation of at least fifty percent (50%) brick or stone, exclusive of windows, doors, garage doors and areas above a roof line. The remaining homes may have less than fifty percent (50%) brick or stone provided they contain a minimum of a 30” high brick or stone wainscot.
7. All front elevation returns shall be required to match the front elevation masonry in style and height.
8. Unless approved by the ARC, the front elevation of any ranch home shall contain at least one (1) gable;
9. The front elevation of any two-story home shall contain one (1) two-foot or greater step back and one (1) gable;
10. Minimum roof overhang of eleven inches on all sides of a house as measured from the exterior wall material to the fascia board;
11. The rear elevation of homes on lots identified on Exhibit 1 as “Rear Façade Treatment” shall contain one (1) two-foot or greater step back and one (1) gable;
12. The rear elevation of homes on lots identified on Exhibit 1 as “Rear Façade Treatment” shall contain at least one (1) of the following (i) four sided 1<sup>st</sup> floor brick wrap, (ii) four sided brick wainscot wrap, (iii) screened-in porch, (iv) three season room, (v) morning room or (vi) covered porch (porch columns to have decorative trim at top and bottom providing a minimum of 8” by 8” outside dimensions).
13. There shall be no more than 10 percent of the same front elevation in the subdivision;
14. The same front elevation shall not be repeated unless it is separated by 3 homes on either side of the subject home and three immediately across the street from the subject home;
15. Exterior chimneys for fireplaces shall be made entirely of brick or stone;
16. Unless approved by the ARC, the front porch columns shall be a minimum of six inches by six inches;

17. All ranch homes shall contain a minimum of one (1) window on all four sides with the exception of a corner lot which shall contain a minimum of two (2) windows on the street facing side façade. A grouping of multiple accent windows shall count as one (1) window;
18. All two-story homes shall contain a minimum of two (2) windows on all four sides with the exception of a corner lot which shall contain a minimum of three (3) windows on the street facing side façade. A grouping of multiple accent windows shall count as one (1) window;
19. With the exception of large picture windows, casement windows and small accent windows which do not open, all windows on the front façade and the street facing façade of a corner lot, shall have shutters, mullions or window grids;
20. Unless adjacent to brick or stone wrap, all windows, doors and corners shall have a minimum nominal one inch by six inch wood or vinyl surround, shutters, decorative trim, or headers;
21. All homes shall contain a minimum of a two car garage with a minimum width or depth of twenty-two (22) feet;
22. Front-loading garages shall contain a decorative garage door similar to those depicted on Exhibit 2;
23. Front-loading garages shall be offset from the front elevation of the home a minimum of two (2) feet;
24. For any 3 car garage that faces a street, at least one of the bays must have a separate door and be recessed a minimum of two (2) feet from the other bays;
25. For front-loading garages the garage doors shall not comprise greater than 45 percent of the width of the front elevation for a two (2) car garage and 50 percent for a three (3) car garage;
26. Any front-loading garage that protrudes eight (8) feet or more forward of the front façade (including a front covered porch) shall contain at least one window on the front door side of the garage. This window shall not count towards any other window requirement. Unless approved by the ARC, no front-loading garage shall protrude more than ten (10) feet forward of the front façade (including a front covered porch).
27. At least 10% of all lots within Area B on Exhibit 3 shall contain non front-loading garages;
28. All homes shall include mailboxes with uniform design;
29. All homes shall be landscaped with a minimum of one (1) deciduous tree, two (2) ornamental trees and twelve (12) shrubs planted along the front foundation of the primary structure and sod in the front yard;
30. All homes on corner lots shall also include a minimum of one (1) deciduous tree, one (1) ornamental tree, twelve (12) shrubs planted along the foundation of the primary structure and sod in the side yard facing the side street;
31. All homes on corner lots and homes on Lots 1, 84, 172, 242, 210 and 211 shall include a minimum 30" high masonry wainscot on all four sides of the home;
32. All fencing within Area A and Area B shall be black wrought iron or black wrought iron in appearance. Provided, however, wood fencing shall be allowed to screen smaller areas, such as patios or hot tubs;
33. All fencing within Area A shall be limited to the rear yard of the lot and no fence shall be forward of the rear corners of the home;

# Exhibit 1



## Exhibit 2





Exhibit 3



# EXHIBIT D



— = Buffer “1”

— = Buffer “2”

— = Buffer “3”