

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

**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 McCordsville, Indiana, has, after receiving a \_\_\_\_\_ recommendation from the McCordsville Advisory Plan Commission on a request to initially zone property from Hancock County R2.5 to Medium Intensity Industrial (I-2);

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

**SECTION 1.** The real estate more particularly described in the attached Exhibit A is hereby rezoned to the I-2 zoning designation.

**SECTION 2. Permitted Uses.** The permitted uses are those uses listed in McCordsville Zoning and Subdivision Control Ordinances for the I-2 zoning district, including research and development, and as limited or otherwise permitted by the Commitments attached hereto as Exhibit B.

**SECTION 3. Development Standards.** The Town of McCordsville Zoning Ordinance, as amended, Subdivision Control Ordinance, as amended, and any other applicable Town Ordinance, as amended, shall apply to this property upon the effective date of this Ordinance.

**SECTION 4. Commitments.** In addition to the terms and regulations of this Ordinance and the other applicable Town of McCordsville Ordinances, the Commitments attached hereto, as Exhibit B, apply to the Real Estate.

**SECTION 5.** 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 6.** Introduced and filed on the \_\_\_\_ day of \_\_\_\_\_, 2022. 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 \_\_\_\_\_, 2022 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:

\_\_\_\_\_  
Thomas R. Strayer

\_\_\_\_\_  
Larry J. Longman

\_\_\_\_\_  
Gregory J. Brewer

\_\_\_\_\_  
Chad D. Gooding

\_\_\_\_\_  
Branden D. Williams

Voting Opposed:

\_\_\_\_\_  
Thomas R. Strayer

\_\_\_\_\_  
Larry J. Longman

\_\_\_\_\_  
Gregory J. Brewer

\_\_\_\_\_  
Chad D. Gooding

\_\_\_\_\_  
Branden D. Williams

ATTEST:

\_\_\_\_\_  
Staci A. Starcher  
Clerk Treasurer

This instrument was prepared by Ryan Crum.

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. Ryan Crum

## Exhibit A

## EXHIBIT B

### COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE TOWN OF MCCORDSVILLE, INDIANA ZONING ORDINANCE

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in the Town of McCordsville, Hancock County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

#### LEGAL DESCRIPTION:

See EXHIBIT "A" ATTACHED HERETO  
(the "Subject Property")

#### STATEMENT OF COMMITMENTS:

1. The following uses (as described or defined in the Town of McCordsville Zoning Ordinance) shall be prohibited on the Subject Property:
  - a) Agricultural, farm implement sales or service. Storage, shipment, and distribution of agricultural parts and equipment is permitted. \*
  - Auto, Parts Store. Storage, shipment, and distribution of auto parts is permitted. \*
  - Auto, Major Service
  - Auto, rental
  - Auto, sales or lease
  - Auto, storage
  - Auto, truck or bus rental, sales, or service. Storage, shipment, and distribution of parts is permitted.
  - Boat or boat trailer sales or service
  - Boat storage, outdoor
  - Collection Point, recycling
  - Collection Point, Donations; permitted if fully enclosed.
  - Convenience store with gas service or sales
  - Distribution Center, Unenclosed (excluding bottled gas)
  - Dry cleaning &/or Laundry, Commercial or Industrial. Storage, shipment, and distribution of supplies and materials is permitted in conformance with applicable environmental regulations.
  - Financial Institution, Payday Loan; provided a bank, credit union or other similar Financial Institution shall be permitted.
  - Gas Station
  - Lumber yard. Enclosed fabrication, storage, and shipment of building components is permitted.
  - Parking as primary use
  - Penal or correctional facility
  - Post office with on-store storage of delivery vehicles
  - Retail Print Shop or Copy Center; Prohibited such as FedX, Kinko's, PIP, etc. Commercial or Industrial, or wholesale printing permitted if enclosed.
  - RV sales or service

RV storage, outdoor

Sexually Oriented Business

Tattoo and/or piercing parlor

Truck Stop – a refueling and/or retail store that is designed to cater to semi-trucks. These facilities are typically designed to allow for truck turning movements and have dedicated truck fuel pumps.

Outdoor storage of any material, equipment, product, inventory, or the like is strictly prohibited. Outdoor storage shall mean the storage of anything outside of a 100% enclosed structure; provided, however, outdoor storage of operable and plated vehicles, trucks, and trailers shall be permitted in association with a distribution or warehouse land use.

Other uses specifically identified as Prohibited in the I-2 Zoning District as of the date of adoption of these commitments.

2. The following use shall be permitted only as a Special Exception on the I-2 zoned portion of the Subject Property:

Bottling, beverages

Contractor, commercial

Manufacturing, medium

Self-storage or mini-warehouse

Utility facility

Other uses specifically identified as Special Exceptions in the I-2 Zoning District as of the date of adoption of these commitments, except for any use specifically prohibited above.

3. No semi-trucks/trailers shall be parked/stored closer than 400 feet from the west right-of-way line of CR 700 W and/or the north property line. No semi-trucks/trailers shall be parked/stored closer than 300 feet from the north right-of-way line of CR 500N.

4. No primary structure may be located closer than 400 feet from west right-of-way line of CR 700 W and/or the north property line. No primary structure may be located closer than 300 feet from the north right-of-way line of CR 500N.

5. The half-width rights-of-way for CR 700W, as identified in the Town's Thoroughfare Plan, is 50 feet. This shall be dedicated to the Town.

6. The half-width rights-of-way for CR 500N, as identified in the Town's Thoroughfare Plan, is 50 feet. This shall be dedicated to the Town.

7. Buffering/screening shall be required as detailed below:

- a. Along the south property line an undulating mound, no less than six feet in height, shall be provided. Buffer plantings consistent with those required for a large buffer-yard shall be provided. The perimeter landscape area shall be no less than fifty (50) wide. The perimeter landscape area may include detention/retention so long as the required mounding and plantings are provided.

- b. Along the north property line mounding no less than six feet in height shall be provided. This mounding shall also feature a six-foot-tall privacy fence (on top of the mounding) consistent with the requirements of the Zoning Ordinance, and plantings consistent with those required for a large buffer-yard. The perimeter landscape area shall be no less than seventy-five (75) wide. The perimeter landscape area may include detention/retention so long as the required mounding and plantings are provided.

c. Along the west property line an undulating mound, no less than six feet in height shall be provided. Buffer plantings consistent with those required for a large buffer-yard shall be provided. The perimeter landscape area shall be no less than seventy-five (75) wide. The perimeter landscape area may include detention/retention so long as the required mounding and plantings are provided.

8. Any wet detention/retention facility along a perimeter roadway shall include an illuminated fountain.

9. B-directional amplification shall be required for all buildings to aide in emergency response radio signals in and out of the buildings. The petitioner commits to working with the Town of McCordsville and Buck Creek Fire Department on the details of this system.

10. Developer shall widen and reconstruct CR 500N along the entire frontage of the development to include 12' lanes and 3' paved shoulders. The widening may be along the north side lane of CR 500 North if right of way along the south side is not able to be acquired. The pavement section for CR 500N shall match McCordsville's town standards for collectors or alternatively approved pavement section by the Town Engineer. This work may be phased at the direction of the Town Engineer.

11. Developer shall widen (but not reconstruct) CR 700W along the entire frontage of the development to include 12' lanes and 3' paved shoulders. The widening may be along the east side lane of CR 700W if right of way along the west side is not able to be acquired. The pavement section for CR 700W shall match McCordsville's town standards for collectors or alternatively approved pavement section by the Town Engineer. This work may be phased at the direction of the Town Engineer.

12. Developer shall install entrance improvements for all entrances that include an acceleration taper, deceleration lane and taper, and passing blister/left-turn lane, as determined by the Town Engineer. Construction of the approach shall include one inbound lane and two outbound lanes.

13. No building shall feature overhead doors or docks which directly face the north property line unless there is another primary structure between the docks/doors and the north property line.

14. A fifteen (15) foot wide tree preservation easement (TPE) shall be placed along the east property line, adjacent to the existing woods. The Town and the petitioner will develop language for this TCE at the Development Plan stage. Any trees or vegetation conserved shall not count towards nor relieve any buffering or screening requirements.

15. A twenty (20) foot wide tree conservation easement (TCE) shall be placed along the north property line. The Town and the petitioner will develop language for this TCE at the Development Plan stage. Any trees or vegetation conserved shall not count towards nor relieve any buffering or screening requirements.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Town of McCordsville Plan Commission or the Town of McCordsville Town Council only after the conduction of a public hearing with proper notice given to all interested parties conducted by the Town of McCordsville Plan Commission or Town of McCordsville Town Council.

COMMITMENTS contained in this instrument shall be effective upon the approval of Petition # PC-22-016 pursuant to the Town of McCordsville Zoning Ordinance, and shall continue in effect until modified or terminated by the Town of McCordsville Plan Commission or the Town of McCordsville Town Council.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of McCordsville Plan Commission;
2. The Town of McCordsville Town Council;
3. The Town of McCordsville BZA;
4. Adjoining and abutting landowners.

IN THE EVENT it becomes necessary to enforce all or any of these Commitments, and where enforcement is by a governmental entity, the entity shall recover its litigation costs and expenses, including attorney's fees. In all other instances of enforcement by an adjoining landowner, the prevailing party shall pay all costs incurred or on behalf of the prevailing party, which shall include, court costs, reasonable attorney fees reasonable litigation expenses. and damages.

The undersigned hereby authorizes the Town of McCordsville to record this Commitment in the Office of the Recorder of Hancock County, Indiana, upon final approval of petition # PC-22-016.

IN WITNESS WHEREOF, owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Printed: \_\_\_\_\_

Printed \_\_\_\_\_

**(Owner)**

\_\_\_\_\_

By \_\_\_\_\_

Printed \_\_\_\_\_

Title \_\_\_\_\_

**(Acknowledgment)**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_)

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the Owner of the real estate described above, who acknowledges the execution of the foregoing instrument.



Witness my hand and Notarial Seal this  
\_\_\_\_\_ day of \_\_\_\_\_, 2022

Signature \_\_\_\_\_

Printed \_\_\_\_\_

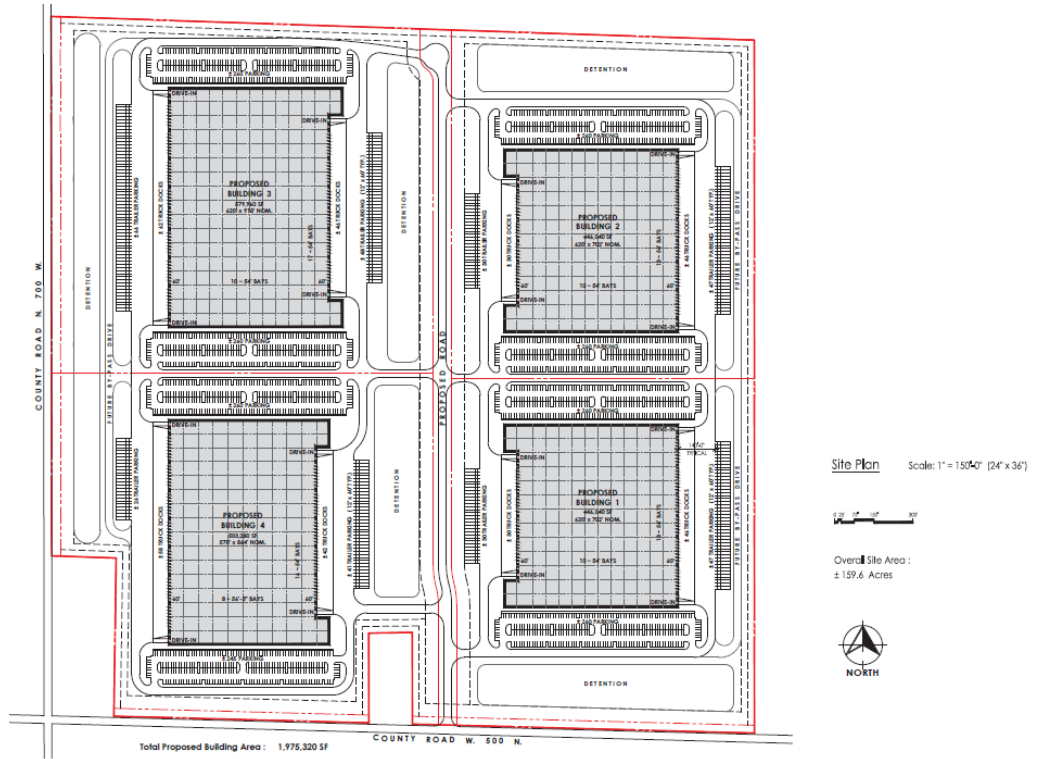
County of Residence \_\_\_\_\_

My Commission expires: \_\_\_\_\_

*This instrument was prepared by Ryan Crum.*

*I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Ryan Crum*

## EXHIBIT C



**McCordsville Industrial Park** COUNTY ROAD W. 500 N. & COUNTY ROAD N. 700 W. - HANCOCK COUNTY, INDIANA

18 JULY 2022

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