

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 a public hearing was held on _____, 2023, received a _____ recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt the Daniel's Vineyard 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 standards set forth in this Ordinance shall govern the development of the Real Estate, and these standards shall replace all the same standards set forth in the Town of McCordsville Zoning and Subdivision Control Ordinances, as amended. Where this Ordinance is silent regarding standards, the standards from the applicable Zoning District of the McCordsville Zoning and Subdivision Control Ordinances, dated January 2011, as amended.

Section 2. Intent. The PUD provides strict use design requirements which are compiled with the intent to produce a mixed-use PUD as described herein. The intent of the PUD is to allow the existing land uses to continue, under the regulations of this PUD, and allow for single-family residential development.

Section 3. 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:

- Art/Artist Studio
- Banquet Hall
- Boutique Hotel with Health/Day Spa, as defined herein
- Catering Facility
- Craft Spirits Distillery, as defined herein
- Crop production, as defined herein
- Event Center, as defined herein
- Farmers Market
- Ice Cream Shop
- Micro-brewery
- Restaurant, Eat-in
- Single-family Residential Dwellings

Specialty Meat & Seafood Market, as defined herein
Tasting Room, as defined herein
Vineyard
Winery

Prohibited Land Uses

All uses not specifically permitted above, and including a Bar, Tavern, & Nightclub

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 4. Development Standards. The development shall comply with the Preliminary Planned Unit Development Plan/Concept Plan attached hereto as "Exhibit C". Standards of the Town's Zoning and Subdivision Control Ordinance regarding Development and Bulk Standards shall be applicable to the Real Estate with the following exceptions:

A. The Lot & Yard Standards – Non-Residential Uses

1. Maximum Number of Lots/Blocks 1
 2. Perimeter Setbacks:
 - a. Minimum East Property Line Setback 30 feet for future improvements
10 feet for existing improvements
 - b. Minimum North Property Line Setback: 1,025 feet
 - c. Minimum West Property Line Setback: 850 feet (shall not apply to proposed parking expansion, as shown on the Concept Plan)
 - d. Minimum South Property Line Setback: 200 feet (shall not apply to proposed parking expansion, as shown on the Concept Plan)
 - e. Minimum Building Separation 25 feet
 3. Maximum No. of Accessory Structures* 4
- *Examples of accessory structures are gazebos, maintenance shops, pavilions, and the like. Sport courts, concrete pads without an overhead covering, trash enclosures, and the like shall not be considered accessory structures for the purpose of this quantity limitation.

B. The Lot & Yard Standards – Residential Uses

- a. Shall conform to the Residential – 1 (R-1) Zoning District

C. Architectural Standards:

Standards of the Town's Zoning and Subdivision Control Ordinance regarding Architectural Standards shall be applicable to the Real Estate with the exceptions of the standards listed in "Exhibit C".

D. Landscaping Standards:

Standards of the Town's Zoning and Subdivision Control Ordinance regarding Landscaping shall be applicable to the Real Estate with the following exceptions:

1. A minimum of a one hundred and fifty (150) feet deep Tree Conservation Area (TCA) shall be provided along the south property line. However, a parking lot expansion, as generally shown on the Concept Plan shall be permitted in the TCA. The parking lot expansion shall be no closer than thirty (30) to the south property line, and the Town's Perimeter Landscape and Buffer-yard Standards shall apply, except that mounding shall not be required.
2. A minimum of a one hundred and fifty (150) feet deep Tree Conservation Area (TCA) shall be provided along the north property line.
3. A minimum of a ten (10) feet deep Tree Conservation Area (TCA) shall be provided along the east property line.
4. A ground sign meeting the requirements of the Zoning Ordinance shall not be considered an improvement for the purposes of enforcing this perimeter landscape requirement.
5. Any new primary or accessory structures, parking areas, or other improvements within fifty (50) feet of the east property line shall install a Small Buffer-yard as described in the Zoning Ordinance.
6. If single-family residential development occurs it shall be buffered from the commercial uses on-site, in the form of a Small Buffer-yard. It shall be the responsibility of the residential development to install the required buffer-yard.

E. Pedestrian Accessibility:

Standards of the Town's Zoning and Subdivision Control Ordinance regarding Pedestrian Accessibility shall be applicable to the Real Estate with the following exceptions:

1. A paved pedestrian route from the outer limits of the parking area(s) back to the primary winery building shall be constructed.
2. The pedestrian bridge over the ditch crossing shall be completed with a free span bridge, as permitted by DNR.
3. Continental style crosswalk pavement markings shall be required at any entrance that intersects with the perimeter trail.

F. Lighting, Parking, and Signage:

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

1. Entry Features: A ground sign, compliant with the Town's signage standards, and in-keeping with the character and quality of Exhibit D shall be permitted. No other ground signs shall be permitted along CR 700W or CR 900N. This language shall not be interpreted to prevent directional and/or temporary event signs which have received a permit.
2. Additional parking shall be added to the subject property as noted on the Concept Plan. This parking area shall be permanent and hard surface. Additional temporary parking areas may be added following approval from the Town as part of a Special Event permit process.

G. Roadway:

Standards of the Town's Zoning and Subdivision Control Ordinance regarding Streets, Roadways, and Right-of-way shall be applicable to the Real Estate with the following exceptions:

1. The Town shall not be responsible for any maintenance or repairs on any alley, nor any roadway which is not built to town standards and/or not dedicated and accepted as public right-of-way.
2. The Town shall not be responsible for any maintenance on any landscaping, fencing, or signage located in public right-of-way.
3. A second entrance shall be installed for use during large events. This second entrance may be gravel, so long as it is hard surface from the right-of-way line to the street.

H. Miscellaneous

1. Section 4.17 shall not apply to the Real Estate.
2. Entrances shall be as shown approximately on the Concept Plan, so long as they are permitted by the local authority having jurisdiction for Carroll Road.
3. Decorative fountains shall be installed in all wet detention/retention facilities. Such fountains shall be illuminated.
4. In the event a single-family residential subdivision develops, the developer shall be required to create an owner's association that will manage and maintain the common spaces. This owner's association shall also be responsible for snow plowing of any internal streets, whether private or public.
5. Kiosks and vending machines are not permitted unless they are located within a building. Examples of such items are beverage/snack machines, automated machines, and the like. Open-air enclosures shall not be considered as being located within a building. This shall not apply to mail kiosks or package lockers. Mail kiosks shall feature masonry materials matching the primary structure(s).
6. Trash enclosure shall be 100% brick and/or stone. For the purposes of this standard CMU is not considered stone. The enclosure walls shall be at least one (1) foot taller than the tallest trash receptacle. The gate shall be opaque and constructed of metal framework but may have a wood exterior. There shall be pedestrian access to trash receptacle separate from the vehicle gate. These standards shall also apply to trash compactors. All enclosures shall be in keeping with the illustrative examples in Exhibit F.
7. Outdoor storage of materials, equipment, and the like is prohibited.

8. No home shall be rented for a period of at least thirty-six (36) months from the last date of transfer or sale, except when renting to a family member or in a case of financial hardship that is approved by the HOA. This language shall also be added to the HOA Covenants and Declarations.
9. Road Impact Fees: The developer agrees to pay any Road Impact Fees adopted and effective at the time of any building permit(s) that is issued.
10. Craft Spirits Distillery (the “distillery”) shall be located within the existing primary structure on the Real Estate or within a new primary structure conforming to all Town standards, and no function(s) of the distillery shall be located outside of the structure, with the exception of growing and harvesting of raw products used in the distillery process. This distillery shall meet the definition of a craft spirits distillery as defined herein.
11. All events, ticketed or private, occurring on the Real Estate may be located in a primary structure or on the grounds, and shall be subject to the following regulations:
 - a. All events shall be subject to the Town’s noise ordinance, as amended.
 - b. All required State and local permits shall be obtained for any events held on the property, which require a permit.
 - c. All events shall be organized, and crowd size limited to comply with any regulations of the State Department of Homeland Security and any requirements of local code official.
 - d. All events and their functions, except for parking, shall be limited to the Event Area denoted on the Concept Plan. For purposes of clarity, the Event Area, outside of an enclosed structure, shall be restricted as follows:
 - i. No closer than fifty (50) feet from the east property line.
 - ii. No closer than four hundred (400) from the west property line.
 - iii. No closer than one thousand and twenty-five (1,025) feet from the north property line.
 - iv. No closer than eight hundred (800) feet from the south property line.
 - e. Events located within a primary structure shall comply with the following:
 - i. The attendants shall not exceed the posted occupant load which has been determined by the McCordsville Building Commissioner and the Vernon Township Fire Marshal.
 - f. Events located on the grounds, but outside of a primary structure shall comply with the following:
 - i. Events shall be located only in approved areas. Those areas are denoted on Exhibit B.
 - ii. Events shall be required to receive a Special Event permit and comply with the regulations of the Special Event Permit Procedures. An event series may be permitted to receive a Special Event permit for the entire series so long as the event site plan, logistics, capacity, etc remain the same. The Town may conduct unannounced inspections to determine compliance with the site plan.
 - iii. The attendants shall not exceed the occupant load listed on the A&E Permit that is obtained from the State or for the required permit obtained from the Town of McCordsville.
 - iv. A public safety plan shall be filed with the Planning and Building Department. The plans shall address such items as emergency vehicle ingress and egress, fire protection, emergency egress or escape routes,

emergency medical services, public assembly areas and the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution, and the need for the presence of law enforcement, and fire and emergency medical services personnel at the event.

12. Drainage: Developer shall prepare and submit a revised drainage report and site plan that incorporates any new impervious area along with impervious areas included in previous development such as the stage, nearby areas (to the stage), and the two large agricultural accessory structures which were not included in the August 2018 drainage report prepared by Stoeppelwerth & Associates.
13. A pavilion, in keeping with the character and quality of Exhibit E shall be permitted to be located on the subject property in the location denoted on the Concept Plan. This pavilion may be used in conjunction with large events, such as concerts, however, music shall not be housed, located, or produced from within the pavilion.

I. Definitions:

1. Tree Conservation Easement (TCE): Within a TCE no trees with a diameter at breast height (DBH) of six inches (6") or greater shall be removed by the builder, developer, owner, or anyone acting on their behalf or at their request, unless the tree is damaged, diseased, an invasive species, dead, or must be removed in order to: (a) comply with the safety requirements of any governmental agency, or (b) to accommodate the installation and/or maintenance of drainage improvements, following a determination by the Town Engineer that the drainage improvements/maintenance are deemed necessary in this location. Any person or organization that removes a tree(s) in a manner inconsistent with easement language shall be required to replace the removed tree(s) with new planting(s) that are equal to or greater than the total DBH of the removed tree(s). The location of the new trees shall be determined by the Zoning Administrator. The minimum size of replacement trees shall be two inches (2") DBH for deciduous trees and eight feet (8') tall for evergreen trees.
2. Craft Spirits Distillery: a distillery producing alcoholic spirits such as, but not limited to whiskey, rum, vodka, gin, and agave. The maximum production from such a facility will be 100,000 gallons. The maximum production for on-site consumption shall be 50,000 gallons.
3. Event Center: A public or privately owned structure or area used for the purposes of public or private performances, private receptions or parties, or similar attractions that may generate heavy traffic. Accessory uses may include food preparation facilities, concessions, offices, and parks.
4. Crop Production: An operation which consists of the following uses, individually or in combination: the production of grain, cover crop, or grapes; forest or tree production; setting aside land in a government set-aside reserve program; uses accessory to agricultural operations on the site. The phrase "agricultural crop production" includes the phrase "tree farm".
5. Boutique Hotel: A hotel meeting the definition of "Hotel" in the Town's Zoning Ordinance, which also is limited to no more than one hundred (100) rooms and shall be considered a luxury hotel due to its smaller, upscale style and more personalized services and experience.

6. Specialty Meat & Seafood Market: A retail business specializing in the preparation and sale of meat and seafood. Other accessory retail sales may occur. Such an establishment shall have a small physical footprint and shall not be interpreted to be a convenience store or grocery store.
7. Tasting Room: A facility that is part of a brewer, winery, or distillery, where guests may sample the beer, wine, and/or spirits.

Section 6. 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 7. Introduced and filed on the ____ day of _____, 2023. A motion to consider on the 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 _____, 2023 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:

Gregory J. Brewer

Larry J. Longman

Bryan Burney

Scott Jones

Branden D. Williams

Voting Opposed:

Gregory J. Brewer

Larry J. Longman

Bryan Burney

Scott Jones

Branden D. Williams

ATTEST:

Stephanie Crider, 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

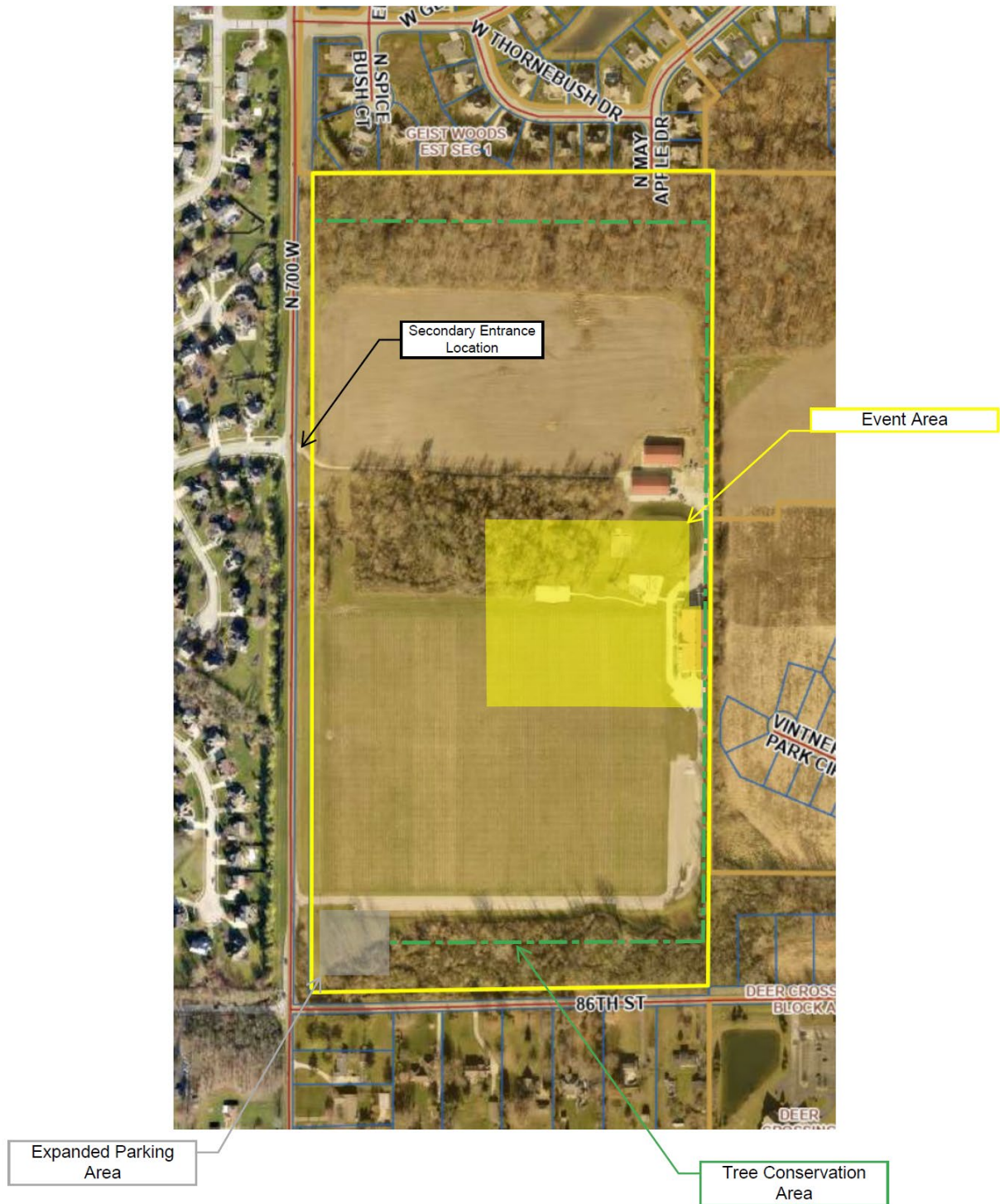
“Exhibit A”

LEGAL DESCRIPTIONS

Forthcoming

“Exhibit B”

Concept Plan



“Exhibit C”

Architectural Standards

All primary structures constructed on the Real Estate shall have the following minimum standards:

1. Colors shall be muted tones which are compatible with the surrounding structures. No fluorescent, neon, or other high intensity colors shall be used as a building color. Accent colors of brighter hues are permitted.
2. Vinyl siding is prohibited.
3. Satellite dishes and the like are prohibited on front elevations of buildings and shall not be visible from any public right-of-way.
4. Window A/C units and the like are prohibited.
5. The heavier material shall always be used below a lighter material.

In addition to the above standards, the following standards shall apply to each District as noted below:

Non-residential Uses

1. The existing winery building shall be considered a legal, conforming building.
2. Any future primary structures on-site shall be built to comply with the Town of McCordsville's Architectural Standards.
3. Enclosed accessory structures, are not required to meet the Town's Architectural Standards; however, exterior materials shall be limited to brick, stone, fiber cement, wood, or equivalent product(s) as determined by the ARC.

Single-family Residential Uses

1. All residential homes shall comply with the Town of McCordsville's Single-family Residential Architectural Standards.

“Exhibit D”

Illustrative Ground Sign Exhibit

UPDATED FRONT SIGN



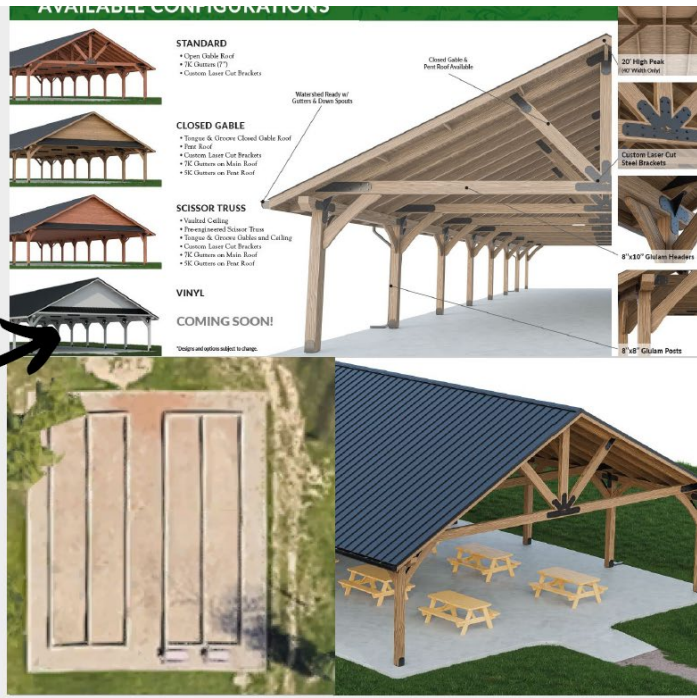
An Updated Sign featuring slate, stone, timber, and landscaping would adorn the southwest corner of the Daniel's Vineyard property.

“Exhibit E”

Illustrative Pavilion Exhibit

DANIEL'S FAMILY VINEYARD & WINERY OUTDOOR VENUE

Daniel's Vineyard has been known as a destination gathering place for our community and travelers. By adding a pavillion we would be able to accommodate weddings and parties looking for a more casual, outdoor covered space. The use of this structure would be for weddings, graduations, celebrations, corporate and social events.



“Exhibit F”

Commercial Buildable Area Exhibit

