

McCORDSVILLE TOWN COUNCIL
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONE MAPS OF THE TOWN OF
McCORDSVILLE, INDIANA

WHEREAS, the Town of McCordsville, Indiana ("Town") adopted the McCordsville Zoning Ordinance, which provides for the administration of zoning regulations within the Town;

WHEREAS, a proposal to amend the Town's zone maps was initiated by D& D Vail Trust;

WHEREAS, the Town's Plan Commission published notice of a public hearing, in accordance with Indiana Code § 5-3-1, on the aforementioned zone map amendment, and subsequently held a public hearing under Ind. Code § 36-7-4-604 and Ind. Code § 36-7-4-608 on February 18, 2025;

WHEREAS, during the February 18, 2025 meeting, the Town's Plan Commission certified its findings and made a favorable recommendation to the Town Council for said amendment to the Town's zone maps;

WHEREAS, the Town, through its Town Council, has found that it is in the best interests of the health, welfare, and safety of the Town's citizens to amend the Town's zone maps as indicated below;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE TOWN OF MOORESVILLE, INDIANA THAT:

(1) The above recitals are incorporated herein by reference.

(2) The land described in Exhibit "A", namely +/- 159 acres of real property located near the northwest corner of CR 500W and CR 600N, Parcel # 30-01-36-400-012.000-016 and Parcel # 30-02-31-300-009.001-016, shall be rezoned from Hancock County Agriculture (AG) to Residential-One (R-1), as that zoning classification is defined in the Zoning Ordinance, and shall be subject to all conditions and requirements applicable to the R-1 zone. Exhibit "A" is incorporated into this Ordinance by reference.

(3) Prior provisions of the Zoning Ordinance are repealed only to the extent inconsistent with the terms of this Ordinance. Provisions consistent with this Ordinance and not repealed remain in full force and effect.

(4) This Ordinance shall take effect upon adoption in accordance with Indiana law.

ADOPTED BY THE COUNCIL OF THE TOWN OF MOORESVILLE, INDIANA
this ____ day of _____, 2025.

Gregory J. Brewer, President

Scott Jones, Vice President

Dr. Bryan Burney, Member

Chad D. Gooding, Member

Dr. John Price, Member

ATTEST:

Stephanie Crider, Clerk Treasurer

Exhibit A

COMMITMENT CONCERNING USE AND DEVELOPMENT OF REAL ESTATE

Document Cross Reference Instrument No. _____.

WHEREAS, the Town of McCordsville, Indiana (the “Town”) of Hancock County, Indiana is subject to the McCordsville Zoning Ordinance (the “Zoning Ordinance”);

WHEREAS, the Property Owner filed a rezoning ordinance with the Plan Commission and Town Council.

WHEREAS, the Property Owner requested the Council consider approval of the Ordinance subject to the following commitment (the “Commitment”);

NOW THEREFORE, the Town makes the following Commitment to the Town regarding the use and development of the Real Estate:

Section 1. Commitment. The Real Estate shall be subject to the following Commitment:

- 1) **Permitted Uses.** In addition to those uses permitted in the Residential-One (R-1) Zoning District, an agricultural land use, as defined below, shall be permitted on the Real Estate
 - (a) **Agriculture:** An operation which consists of the following uses, individually or in combination: the production of grain, forest or tree production, and cultivating of soil for the growing of crops. Uses accessory to agricultural operations on the site may also be permitted.

Section 2. Modification of Commitment. This Commitment shall continue and be in effect until modified or terminated in writing. This Commitment shall only be modified or terminated by the Council.

Section 3. Subsequent Ordinances. This Commitment may be superseded if the Town Council adopts differing standards that affect the relevant zoning district.

Section 4. Effective Date. This Commitment shall be effective upon the Council’s approval of the Petition.

Section 5. Recording. This Commitment shall be recorded with the Office of the Recorder of Hancock County, Indiana within thirty (30) days of the Council’s approval of the Petition.

Section 6. Enforcement. This Commitment may be enforced by the Town.

Section 7. Binding on Successors. This Commitment shall be binding upon (i) each owner of the Real Estate and (ii) upon each owner’s successors, assigns and grantees with respect to the portion of the Real Estate owned by such successor, assign and grantee and during such successor’s,

assign's and grantee's ownership, unless modified or terminated by the Council pursuant to the requirements herein. Notwithstanding the provisions of this Section 7, this Commitment shall terminate as to any part or parts of the Real Estate for which the zoning district or classification is later changed after the Effective Date.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, [Developer name] has caused this Commitment to be executed as of the dates identified below.

“Developer” [Name]

Signature: _____

Print: _____

Title: _____

Date: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, who acknowledged the execution of the foregoing document on behalf of XXXX.

Witness my hand and Notarial Seal this ____ day of _____, 2024.

My Commission Expires: _____
 _____ (Signature)

My County of Residence: _____
 _____ (printed name) Notary Public

This instrument was prepared by Beth A. Copeland, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204-2023

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 A. Copeland*

Exhibit A

(LEGAL DESCRIPTION)