

**ORDINANCE NUMBER: 061102**

**AN ORDINANCE TO AMEND THE MCCORDSVILLE OVERLAY DISTRICT, A PART  
OF THE HANCOCK COUNTY, INDIANA, AREA ZONING ORDINANCE**

**WHEREAS**, the Hancock County Plan Commission has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by CR White Development, LLC; and,

**WHEREAS**, the Plan Commission has sent its favorable recommendation to the McCordsville Town Council:

**NOW, THEREFORE BE IT ORDAINED** by the Town Council of the Town of McCordsville, Hancock County, Indiana, meeting in regular session, that the Overlay District for said Town and the Official Overlay Map of said District are hereby amended as follows:

**SECTION I**

That the subject real estate located at the south east corner of 600 West and 900 Noth, all of which is located within the jurisdiction of the Town of McCordsville, Hancock County, Indiana, is hereby rezoned from the R-2.5 classification to the PD-R classification, as designed in said Hancock County Area Zoning Ordinance, and said real estate is more particularly described in "Exhibit A" – as follows:

**EXHIBIT A**

"I, the undersigned Registered Land Surveyor, do hereby certify that I conducted a boundary survey under my direct supervision and to the best of my professional knowledge, information and belief this drawing is an accurate representation of that survey of the following described real estate:

**Overall Legal Description**

A part of the Northwest quarter of Section 24, Township 17 North, Range 5 East in Vernon Township, Hancock County, Indiana; said part being more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Northwest quarter; thence South 02 degrees 03 minutes 48 seconds West (assumed bearing) along the West line of said Northwest quarter a distance of 237.66 feet to the Northwest corner of a 36.87 acre tract of land described in Instrument No. 01-04604 in the Office of the Recorder of said Hancock County and said point being the POINT OF BEGINNING of this description; thence North 89 degrees 12 minutes 23 seconds East along the Northerly boundary of said 36.87 acre tract and being parallel with the North line of said Northwest quarter a distance of 724.00 feet to a Northeasterly corner thereof; thence South 04 degrees 38 minutes 4 seconds West along the Easterly boundary of said 36.87 acre tract a distance of 459.00 feet to a Northeasterly corner thereof; thence North 89 degrees 12 minutes 23 seconds East along a Northerly boundary of said 36.87 acre tract and being parallel with the North line of said Northwest quarter a distance of 274.63 feet to the Southerly extension of the East line of a 2.76 acre tract of land described in Instrument No. 98-8396 in the Office of said Recorder; thence North 02 degrees 03 minutes 48 seconds East along said Southerly extension and along said East line a distance of 676.19 feet to the Southeasterly line of a 1 acre tract of land described in said Instrument No. 98-8396; thence North 33 degrees 47 minutes 32 seconds East along said Southeasterly line a distance of 23.02 feet to the North line of said Northwest quarter; thence North 89 degrees 12 minutes 23 seconds East along said North line a distance of 358.38 feet to the Northeast corner of the West half of said Northwest quarter; thence South 02 degrees 05 minutes 21 seconds West along the East line of said West half a distance of 695.18 feet to the Northeast corner of aforesaid 36.87 acre tract thence North 89 degrees 12 minutes 23 seconds East along the Easterly extension of the North line of said 36.87 acre tract and being parallel with the North line of said Northwest quarter a distance of 1,348.12 feet to the East line of said Northwest quarter; thence South 02 degrees 06 minutes 53 seconds West along said East line a distance of 1,943.64 feet to the Southeast corner of said Northwest quarter; thence South 89 degrees 28 minutes 02 seconds West along the South line of said Northwest quarter a distance of 2,343.47 feet to the Easterly boundary of a 2.049 acre tract of land described in Instrument No. 97-9585 in the Office of said Recorder (the next two {2} calls are along the Easterly boundary and the Northerly boundary of said 2.049 acre tract); 1.) thence North 02 degrees 03 minutes 48 seconds East, parallel with the West line of said Northwest quarter, a distance of 253.49 feet to a Northeast corner thereof; 2.) thence South 89 degrees 28 minutes 02 seconds West, parallel with the South line of said Northwest quarter a distance of 350.44 feet to the West line of said Northwest quarter; thence North 02 degrees 03 minutes 48 seconds East along said West line a distance of 2,135.28 feet to the POINT OF BEGINNING. Containing 131.081 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

EXCEPT: There is excepted out of the afore described 131.081 acre tract of land the following described real estate conveyed to Hancock County, Indiana per Instrument No. 20-08304 and Instrument No. 20-05310

in the Office of the Recorder of Hancock County Indiana.

A part of the Northwest quarter of Section 24, Township 17 North, Range 5 East in Vernon Township, Hancock County, Indiana; said part being more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Northwest quarter; thence South 02 degrees 03 minutes 48 seconds West along the West line of said Northwest quarter a distance of 237.66 feet to the Northwest corner of a 36.87 acre tract of land described in Instrument No. 01-04604; thence North 89 degrees 12 minutes 23 seconds East along the North line of said 36.87 acre tract a distance of 15.02 feet to the Northwest corner of a 1.260 acre tract of land conveyed to Hancock County, Indiana per Instrument No. 20-05310 in the Office of the Recorder of Hancock County Indiana; thence South 02 degrees 03 minutes 48 seconds West along the Westerly boundary of said 1.260 acre tract and along the Westerly boundary of 0.661 acre tract of land conveyed to Hancock County Indiana per Instrument No. 20-08304 in the Office of said Recorder and being parallel with the West line of said Northwest quarter a distance of 2,135.35 feet to the Northerly boundary of a 2.049 acre tract of land described in Instrument No. 97-9585 in the Office of said Recorder; thence North 89 degrees 28 minutes 02 seconds East along said Northerly boundary a distance of 37.53 feet to the Easterly boundary of aforesaid 0.661 acre tract; thence North 02 degrees 03 minutes 48 seconds East along said Easterly boundary and along the Easterly boundary of aforesaid 1.260 acre tract and being parallel with the West line of said Northwest quarter a distance of 1,745.27 feet to an Easterly corner of said 1.260 acre tract; thence North 04 degrees 42 minutes 20 seconds East along the Easterly boundary of said 1.260 acre tract a distance of 391.57 feet to the Northerly boundary of aforesaid 36.87 acre tract; thence South 89 degrees 12 minutes 23 seconds West along said Northerly boundary a distance of 55.61 feet to the Point of Beginning. Containing 1.919 acres, more or less. Subject to all legal highways, rights-of-way, easements and Restrictions of record.

Containing after said exception 129.162 acres, more or less.

Certified: March 21, 2002

Curtis David Ison, Registered  
Land Surveyor, LS910036

## **SECTION II**

That the preliminary development plan attached hereto (in the Clerk/Treasurer's Office) as "Exhibit B", the Development Guidelines attached hereto as "Exhibit C" – as follows:

### **EXHIBIT C**

#### **Development Standards**

##### **McCordsville Overlay Ordinance.**

Except as modified by these development standards, the project shall comply with the Town of McCordsville Overlay Ordinance (the "Overlay Ordinance") dated December 20, 2001.

##### **Lot and Yard Requirements.**

Area	Minimum Lot Width at the Building Line	Minimum Side Yard Setback	Minimum Sq. Footage	
			1-story	2-story*
Area A	90' wide	10'	1,700	1,900
Area B	80' wide	8'	1,500	1,800
Area C	60' wide	7'	1,200	1,600

\*Minimum square footage refers to the square footage of the entire 2-story home and not to the square footage of the first floor of the 2-story home.

##### **Garage Door Locations/Orientation.**

The paragraph replaces entirely the Overlay Ordinance's provisions regarding Garage Locations/Orientation. All homes shall have either 2 – or 3 – car garages. All homes in Area A shall have side-load garages. Twenty percent (20%) of the home in Area B and C shall have side-load garages. All homes located on corner lots in Areas A, B and C shall have side-load garages. All other homes in Areas B and C may have

garage doors facing the street, but front-load garages may not extend more than 13 feet in front of the primary elevation of the home without prior approval by the Town's Planning and Zoning Committee. For homes with front-load 2-car garages, the width of the garage door may not consist of more than forty percent (40%) of the width of the entire front elevation. If a home has a front-load 3-car garage, then the 3rd-car garage shall not be included in this calculation, but the 3rd-car garage shall be offset at least 2 feet from the front elevation of the 2-car garage.

#### Architectural Standards.

All single family residential buildings in this project shall meet the Architectural Standards for Residential Districts identified in Section 7.1-303(e), subject to the following modifications, which replace the identified Paragraphs of the Overlay Ordinance:

5. All homes in Area A shall have, at a minimum, an area equal to 50% of the exterior wall surface of the first floor of each residence to be masonry. All homes in Areas B and C, are encouraged, but will not be required, to have an area equal to 50% of the exterior wall surface of the first floor of each residence to be masonry. All homes in Areas A, B and C shall have at least 50% of the front façade of all residential buildings, exclusive of windows, doorways (other than garage doors) and bays, to be masonry. In making this calculation, garage doors shall be included as part of the front façade.
6. In Area A, all chimneys will be brick, and in Areas B and C all chimneys will be brick on the homes located on corner lots where the chimney faces the public street.
17. A single elevation shall not be repeated across the street or next door.
18. The pitch of the largest square footage roof must be 6/12 or greater. Front gables shall be 8/12.
19. There shall not be more than 15% of the houses in the subdivision with the same elevation.
21. All homes on corner lots shall include on the side elevations facing the street at least 50% of the first floor façade, exclusive of windows, doorways, garage doors and bays, to be masonry. All homes adjacent to Lake One shall include shutters on all operable windows on the rear elevations facing the lake. All homes abutting the south property line of the project between the woods and Mount Comfort Road shall include shutters on all operable windows on the rear elevations facing the South property line. The two homes adjacent to County Road 900 North at the North entrance shall have on the side elevation facing 900 North at least 50% of the side façade, exclusive of windows, doorways (other than garage doors) and bays, to be masonry.

#### Walking Paths.

Walking paths along 600 West shall be 10' wide asphalt paths. Walking paths located within the interior of the subdivision shall be 6' wide asphalt paths, except for the paths located within the nature preserve, which shall be 6' wide mulch paths.

#### Sidewalks.

Sidewalks shall be located on both sides of the interior streets, except no sidewalk will be located between the frontage road along 600 West and the common area.

#### Builder.

If Dura Builders is a builder in Area C of the project, then the homes built by Dura will be substantially similar in architectural features, designs and quality to the homes presented to the Town Council as examples of the homes Dura intends to build. This provision, however, is not intended to prevent Dura from developing and building new and additional home designs. In addition, if Dura is one of the builders in the project, then at least one of Dura's model homes shall include a side load garage.

#### Homeowner's Association.

The project will have a professionally managed homeowner's association.

**SECTION III**

Introduced and filed on the 11<sup>th</sup> day of June 2002. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8

Duly ordained and passed this 9<sup>th</sup> day of July 2002 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN  
OF McCORDSVILLE, INDIANA**

**Voting Affirmative:**

**Voting Opposed:**

**ATTEST:**

**Max Meise**

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**Bruce Rickman**

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**Catherine Gardner  
Clerk-Treasurer**

**Barry Wood**

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**Bruce Rickman**

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**James C. Orem**

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Prepared by: Steven D. Hardin, Attorney-At-Law  
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