

ORDINANCE NO. 052305

AN ORDINANCE TO AMEND 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 PD-M zoning designation filed by Sherwood Realty, LLC; and

WHEREAS, the Plan Commission has sent its recommendation to the McCordsville Town Council;

BE IT THEREFOR ORDAINED by the Town Council of the Town of McCordsville, Hancock County, Indiana meeting in regular session, that the text of the Hancock County Zoning Code and the Official Zoning Map are hereby amended as follows:

SECTION I

The real estate more particularly described in the attached Exhibit A (the “Real Estate”) is hereby rezoned to the PD-M designation. The 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 Hancock County Code and elsewhere.

SECTION II

Permitted Uses: The permitted uses for the Real Estate are described below and reference specific Real Estate Parcels (“Parcels”) as set out by “Exhibit B” – {Modifications of up to ten percent (10%) of the gross area of Parcel boundaries shall be permitted when individual phases are submitted for final approval.} attached hereto. B-1, B-2, B-3, and I-1 refers to the uses permitted within those districts as identified in the Hancock County Zoning Ordinance, however the following uses shall be prohibited in the business and industrial parcels: new and used automobile sales, service, or repair, hotels and motels, cleaning and laundry plants, outdoor advertising signs, public swimming pools, animal kennels, processing plants, airports, grain elevators, dairies, livestock auctions, slaughter houses, confined feeding operations, farm implement sales and services, junk yards, supply yards, stockyards, truck and railroad terminals, warehouses, wholesale business, mobile home parks and sales, recreational vehicle parks and sales, heavy industrial, manufacturing and agriculture.

A. Permitted Uses

Parcel	Land Use	Number of Dwelling Units
A	Single-family detached residential (1-story empty Nester/active adult)	111
B	Single-family detached residential	147
C	Attached residential (up to eight units per dwelling) (townhomes)	159
D	Single-family detached residential	62
E	Attached residential (2-units per dwelling) (condominiums)	N/A
F	B-1, B-2, B-3	N/A
G	B-1, B-2, B-3	N/A
H	B-1, B-2, B-3, I-1, mini-warehousing and boat storage {Mini-warehousing and boat storage shall only be permitted indoors or if screened from visibility off the property.}	N/A
I	Utility facilities, B-1, B-2, B-3, I-1	N/A

- B. **Special Exceptions:** Uses in the business and industrial parcels that are permitted as special exceptions by the Hancock County Zoning Ordinance shall continue to be special exceptions unless otherwise permitted or prohibited by this ordinance. The McCordsville Division of the Hancock County Board of Zoning Appeals shall have the power to authorize special exceptions as regulated by the Hancock County Zoning Ordinance.

SECTION III

Development Standards. Except as modified by these development standards and the preliminary development plant attached hereto as “Exhibit B”, all of which are adopted as part of this ordinance, or as otherwise approved by the McCordsville Planning and Zoning Committee (the “Committee”), the development shall comply with the Town of McCordsville Overlay Ordinance (the “Overlay Ordinance”) dated October 08, 2002, as amended.

A. Residential Standards

1. **Lot And Yard Requirements.** The following lot and yard requirements shall apply (replacing all lot,

yard and other bulk development requirements set forth in the Overlay and the Hancock County Zoning Ordinance).

Parcel	Min. Lot Width at Bldg. Line	Min. Side Yard	Min. Rear Yard	Min. Front Yard	Min. Square Feet Per Dwelling Unit
A	56'	5' / 12'	15'	25'	1400 1-story
B	65'	5' / 16'	15'	25'	1400 1-story / 1700 2-story
C	N/A	20'	20'	25'	1400
D	70'	5' / 18'	15'	25'	1400 1-story / 1700 2-story
E	N/A	20'	20'	25'	1240

Minimum Side Yard – Refers to set back / building separation.

Minimum Rear Yard – For Areas C and E, this standard refers to minimum space between buildings and/or any building and the parcel perimeter.

Minimum Front Yard – For Areas C and E, this standard refers to minimum space between buildings and/or between any building and the parcel perimeter.

Minimum square footage refers to the square footage of the entire 2-story home and not to the square footage of the 2-story home.

2. Architecture. All structures must, prior to application for a building permit, be first approved by the McCordsville Planning and Zoning Committee and either (i) comply with the McCordsville Overlay Ordinance, dated October 8, 2002, as amended, and with the exceptions noted in subsection 2(a); or (ii) otherwise be approved by the McCordsville Planning and Zoning Committee.

a. Additions / Modifications to the Overlay:

- 1) The front façade of all residential structures within Parcel A that have a livable floor area greater than 1,500 square feet shall have a minimum seventy-five (75) percent masonry exclusive of windows, doorways, and garage doors. In Parcel A, aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted.
- 2) Residential structures built upon corner lots shall have included with the construction a minimum of three (3) windows, each with a minimum size of three (3) feet by five (5) feet, on the side of the home facing the street.
- 3) The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service. For mailboxes that utilize posts, the posts shall be set in concrete. Uniform mailboxes as determined by the developer shall be required.
- 4) All homes on corner lots shall have on both side elevations a minimum 50% percent masonry exclusive of windows, doorways, and garage doors.
- 5) For lots within Area B that are adjacent to County Road 600W: All façades which face County Road 600W shall have on the elevations facing that road a minimum 50% percent masonry exclusive of windows, doorways, and garage doors. If the façade facing County Road 600W is a side elevation, then this masonry requirement shall apply to both side elevations of the home.
- 6) For lots within Area A that are adjacent to County Road 900N: All façades which face County Road 900N shall have one-hundred (100) percent masonry exclusive of windows, doorways and garage doors.
- 7) The homes will be substantially similar in quality and character as the homes included in the “Supplementary Illustrative Elevation Examples.” KB Home is the proposed builder for Parcel B and Parcel D, and KB Home’s elevations will be substantially similar in quality and character as the homes included in the “KB Home Illustrative Elevation Examples.” Any architectural elevations by KB Home must, prior to application for a building permit, be first reviewed by the McCordsville Planning and Zoning Committee and either (i) comply with the McCordsville Overlay Ordinance, dated October 8, 2002, as amended, and with the additions noted in subsection 2(a), above; or (ii) otherwise be approved by the

McCordsville Planning and Zoning Committee. Any architectural elevations by any other building must, prior to application for a building permit, be first reviewed by the McCordsville Planning and Zoning Committee and either: (i) comply with the McCordsville Overlay Ordinance, dated October 8, 2002, as amended, and with the additions noted in subsection 2(a), above; or (ii) otherwise be approved by the McCordsville Planning and Zoning Committee.

3. Garage Door Locations/Orientation. The Overlay Ordinance's provisions regarding Garage Locations/Orientation shall not apply.
 - a. On corner lots, the driveway shall be handed in the opposite side from the intersection of the street right-of-way line.
4. Homeowner's Association. The residential areas within the development shall have a professionally managed homeowner's association.
5. Street Width. Streets shall be 30' back of curb to back of curb.
6. Open Space. The project shall include open space as shown on the approved preliminary development plan ("Exhibit B").
7. Amenity Area. The development will include a central amenity area that will include, at a minimum, a pool, a playground and a basketball court. The amenity area shall also include a civic or community building (clubhouse) that shall be available to all property owners within the development. This building shall have a minimum ground floor area of 2,000 square feet and comply with the same architectural guidelines and covenants that are applicable to the residential structures within the development. The amenity area will be constructed within the first two years after the homes first are occupied.
8. Fire Department Review. The local Fire Department shall review and approve the water distribution system, including, but not limited to, hydrants, valves, sizing and pressure.
9. Parkway. The parkway, defined as the area between the back of curb and the sidewalk, shall, at a minimum, measure six (6) feet in width.
10. Pond Signs. "No Swimming and No Ice Skating" signs shall be posted at the ponds within the development.
11. Active Adult Features. Areas A, C and E shall include the following active adult features:
 - a. mandatory maintenance fee for lawn mowing, lawn maintenance and snow removal shall be part of the homeowner's association (HOA) dues;
 - b. no more than 3 bedrooms;
 - c. Area A shall include only 1-story residences; and
 - d. no playsets or sandboxes shall be allowed in any yard.
12. Lot Depth to Width Ratio. The depth to width ratio as required by Hancock County Ordinance §155.074(D) requiring that any single-family residential lot shall not exceed a three to one ratio shall not apply.

B. Commercial Standards

1. Lot and Yard Requirements. Parcels F, G, H and I shall comply with the Hancock County Zoning Ordinance's lot and yard requirements applicable to the B-1 district.
2. Building Setbacks. (i) Front 50 feet (ii) Side 10 feet (iii) Rear 20 feet.
3. Buffer to Residential Uses.
 - a. Retail Uses. Side and rear building setbacks for retail uses when adjacent to residential shall be a minimum of 95 feet with the required landscape buffer of 75 feet exclusive of driveways and parking areas. The buffer will consist of a eight-foot tall mound, a six-foot tall wood

fence placed upon the mound with masonry columns at the end and at corners, and a landscape screen of evergreen and deciduous plantings. Evergreen trees shall be spaced on 12-foot centers, seven feet in height at planting, with deciduous trees every 50 feet.

- b. Office Uses. Side and rear buildings setbacks for office uses when adjacent to residential uses shall be a minimum of 50 feet with the required landscape buffer of 50 feet, exclusive of driveways and parking areas, and will consist of a minimum of a six-foot tall mound, a six-foot tall wood fence placed upon the mound with masonry columns at the end and at corners and a landscape screen of evergreen and deciduous plantings. Evergreen trees shall be spaced on 20-foot centers, seven feet in height at planting, with deciduous trees every 50 feet along adjacent residential areas.

- 4. Lot Coverage. Lot coverage shall not exceed 75 percent and is inclusive of buildings, parking areas and all other impervious surfaces, which results in an open space requirement of 25 percent of the land area.

- 5. Building Height. Buildings are restricted to 35 feet maximum height or a maximum of two stories (Pitched roofs are measured at the mid-point.).

- 6. Parking Standards.

- a. Parking Ratios

Retail: Minimum of one space for every 300 gross square feet and a maximum of one space for every 250 square feet.

Office: Minimum of one space for every 225 net usable square footage, maximum of one space for every 200 square feet.

Restaurant: Minimum of one space for every three seats plus one for each employee on largest shift.

- b. Parking lot landscaping on the interior shall be required at a minimum of five percent of the total parking area. The interior parking lot landscaping is calculated as part of the 25 percent open space lot coverage area requirement.

- 7. Architectural Standards

- a. All structures within individual Parcel areas shall be constructed with similar design, materials and compatible architecture.

- b. All buildings shall screen all mechanical equipment including that which is mounted to the roof and/or ground.

- c. The exterior of all buildings adjacent to residentially zoned areas or occupied shall consist of a brick, masonry or stone façade or stucco materials with masonry surface appearance.

- d. Façades that have greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet.

- e. Where large retail structures contain additional, separately owned or leased stores that occupy less than 25,000 square feet of gross floor area and have separate, exterior customer entrances, the street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.

- f. Building façades shall include a repeating pattern that includes no less than three (3) of the following elements:

- Color change;
- Texture change;
- Material module change;

- An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.

g. Roof architecture

- 1) Roofs shall have some combination of the following features:
 - a). All roof areas shall restrict rooftop equipment such as HVAC units from public view. The Average height of such roof area shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;
 - b). Overhanging eaves, extending no less than three feet past the supporting walls;
 - c). Three or more roof slope planes.
- 2) Gasoline service station canopies shall have similar roof structures and materials as the principal structure.
- 3) Office uses, separate retail tenants, single story and buildings of less than 50,000 square feet must have pitched roofs to be more residential in character.
- 4) No more than 50 percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so the roof can be given articulation with different heights. The look of the building shall therefore be softened by the feel of the façade.

h. Materials and Colors

- 1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.
- 2) Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- 3) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- 4) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

i. Entryways

- 1) Each retail establish greater than 20,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - a). Canopies or porticos;
 - b). Overhangs;
 - c). Recesses/projections;
 - d). Arcades;
 - e). Raised corniced parapets over the door;
 - f). Peaked roof forms;
 - g). Arches;

- h). Architectural details such as tile work and moldings which are integrated into the building structure and design;
 - i). Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - 2) All building façades, which are visible from adjoining properties and/or public streets, shall comply with the requirements of a) through i).
- j. Pedestrian circulation
 - 1) Sidewalks shall be a minimum of five feet in width, however, where applicable, they shall be eight feet asphalt in conjunction with the Town's parks plan and to integrate with neighborhoods. Sidewalks shall be provided along all sides of the lot that abut a public street.
 - 2) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail structures on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.
 - 3) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting façade.
 - 4) Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
 - 5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- k. Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 12:00 midnight and 6:00 a.m. with the exception of snow removal.
- l. Architectural Approval Procedure: All structures must, prior to application for a building permit, be first approved by the Committee and either (i) comply with the standards set forth herein, or (ii) otherwise be approved by the Committee.

8. Signage

- a. All wall signage shall be reverse channel letter neon.
- b. All other signage requirements shall be in conformance with Section 7.1-306 of the Town of McCordsville Overlay Ordinance dated October 8, 2002, as amended.
- c. Ground signs shall be architecturally compatible.

9. Lighting

- a. Lighting shall be limited to 0.5-foot candles at the property line. This requirement is exempt when adjacent to public right-of-way.
- b. There shall be no greater than a 20 to 1 ratio of lighting with a ten-foot candle maximum on site.
- c. Light poles shall be limited to 30 feet in height.
- d. Light fixtures shall be decorative along the entrance drives and along public rights-of-way approved as part of the overall architecture, but overall site illumination into the atmosphere

shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180-degree angle of light.

10. Landscaping

- a. All landscaping not defined in this ordinance shall be required as per Section 7.1-307 Landscape Requirements of the Overlay Ordinance dated October 8, 2002, as amended.
- b. A 25-foot landscaping area shall be required between any adjacent street that is exclusive of driveways and parking areas. An entrance drive may cross this area at a 90-degree angle.
- c. One street tree is required every 50 feet along any adjacent street and can be placed within the 25-foot landscaping area.
- d. Any portion of the perimeter yards that is adjacent to a street shall be landscaped with a buffer screen of either a wall or fence of ornamental, block, brick, solid wood fencing or a compact hedge of evergreen and deciduous shrubs, at least 36 inches at time of planting or combination thereof. Said wall, fence or hedge shall be at least 36 inches in height and shall be so constructed to such a minimum height to restrict any view there through.

11. Accessory Uses

- a. Dumpster and trash compactors shall be enclosed by a masonry enclosure and gate.
- b. Accessory structures including trash dumpster and compactors are not permitted within any front yard or within any side or rear setback requirements.
- c. No permanent outdoor sales areas are permitted unless surrounded by a permanent structure consistent with material of the building.
- d. Permanent outdoor display areas are permitted provided that they are surrounded by a combination of a 2.5-foot tall masonry wall or wrought iron fencing or combination of the two.

12. Gas Station

Any gas station located within Area F shall be limited to a location along County Road 900 N.

13. Additional Access Point for Area E

An additional access point for Area E will be included on the final development plan.

14. Sales and Marketing Reports

Within ten (10) business days of January 1 and July 1 of each year, the developer shall submit to the Town a progress report that will include: (i) a listing of residential sales within the development within the preceding six (6) months; (ii) a listing of commercial sales within the development within the preceding (6) months; and (iii) a summary of the commercial prospects that have expressed an interest in the development within the preceding six (6) months and an undated summary of the commercial prospects for the development (i.e., current timetables, forecasts and promising leads).

SECTION IV

This ordinance shall be in full force and effects from and after its passage by the Town Council

ADOPTED BY THE Town Council of the Town of McCordsville, Indiana on this 23rd day of May, 2005

THE TOWN COUNCIL OF MCCORDSVILLE, HANCOCK COUNTY, INDIANA

AYE

NAY

Barry Wood

Barry Wood

Max Meise

Max Meise

Thomas Strayer

Thomas Strayer

Grant Adams

Grant Adams

Jennifer Williams

Jennifer Williams

ATTEST:

Cathy Gardner

Cathy Gardner, Clerk-Treasurer
The Town of McCordsville, Indiana

Approved by:

Gregory Morelock, Esq.
Town Attorney

Prepared by:

Steven D. Hardin, Esq.
Bingham McHale LLP
970 Logan Street
Noblesville, IN 46060

“EXHIBIT A”

LEGAL DESCRIPTION

A part of Section 23, Township 17 North, Range 3 East, Hancock County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 23; thence South 01 degrees 09 minutes 35 seconds West along the East line of said Northeast Quarter Section 2,626.54 feet to the Northeast corner of the Southeast Quarter of said Section 23; thence South 01 degrees 12 minutes 13 seconds West along the East line of said South east Quarter Section 1,312.43 feet to the Southeast corner of the Northeast Quarter of said Southeast Quarter Section; thence North 89 degrees 44 minutes 54 seconds West along the south line of said Quarter-Quarter Section 1,336.58 feet to the Northeast corner of the Southwest Quarter of said Southeast Quarter; thence South 01 degrees 10 minutes 06 seconds West along the East line of said Quarter-Quarter Section 1,311.98 feet to the Southeast corner of said Quarter-Quarter Section; thence North 89 degrees 43 minutes 47 seconds West along the South line of said Quarter-Quarter Section 238.35 feet; thence North 01 degrees 25 minutes 03 seconds East 210.00 feet; thence North 89 degrees 43 minutes 47 seconds West parallel to the aforesaid South line 410.83 feet; thence South 01 degrees 13 minutes 35 seconds West 210.00 feet to a point on the aforesaid South line; thence North 89 degrees 43 minutes 47 seconds West along said South line 687.28 feet to the Southwest corner of said Quarter-Quarter Section; thence North 01 degrees 07 minutes 59 seconds East along the West line of said Quarter-Quarter Section 1,311.54 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 23; thence North 89 degrees 50 minutes 16 seconds West along the South line of Said Quarter-Quarter Section 1,333.78 feet to the Southwest corner of said Quarter-Quarter Section; thence North 01 degrees 07 minutes 35 seconds East along the West line of said Quarter-Quarter Section 1,313.18 feet to the Northwest corner of said Quarter-Quarter Section; thence South 89 degrees 46 minutes 02 seconds East along the North line of said Quarter-Quarter Section 1,333.90 feet to the Southwest corner of the Southwest Quarter of the Northeast Quarter of said Section 23; thence North 01 degrees 07 minutes 59 seconds East along the West line of said Quarter-Quarter Section 1,314.66 feet to the Northwest corner of said Quarter-Quarter Section; thence South 89 degrees 44 minutes 13 seconds East along the North line of said Quarter-Quarter Section 576.97 feet; thence North 01 degrees 08 minutes 47 seconds East 1,314.36 feet to the North line of the Northeast Quarter of said Section 23; thence South 89 degrees 42 minutes 25 seconds East along said North line 2,098.72 feet to the place of beginning, containing 302.932 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

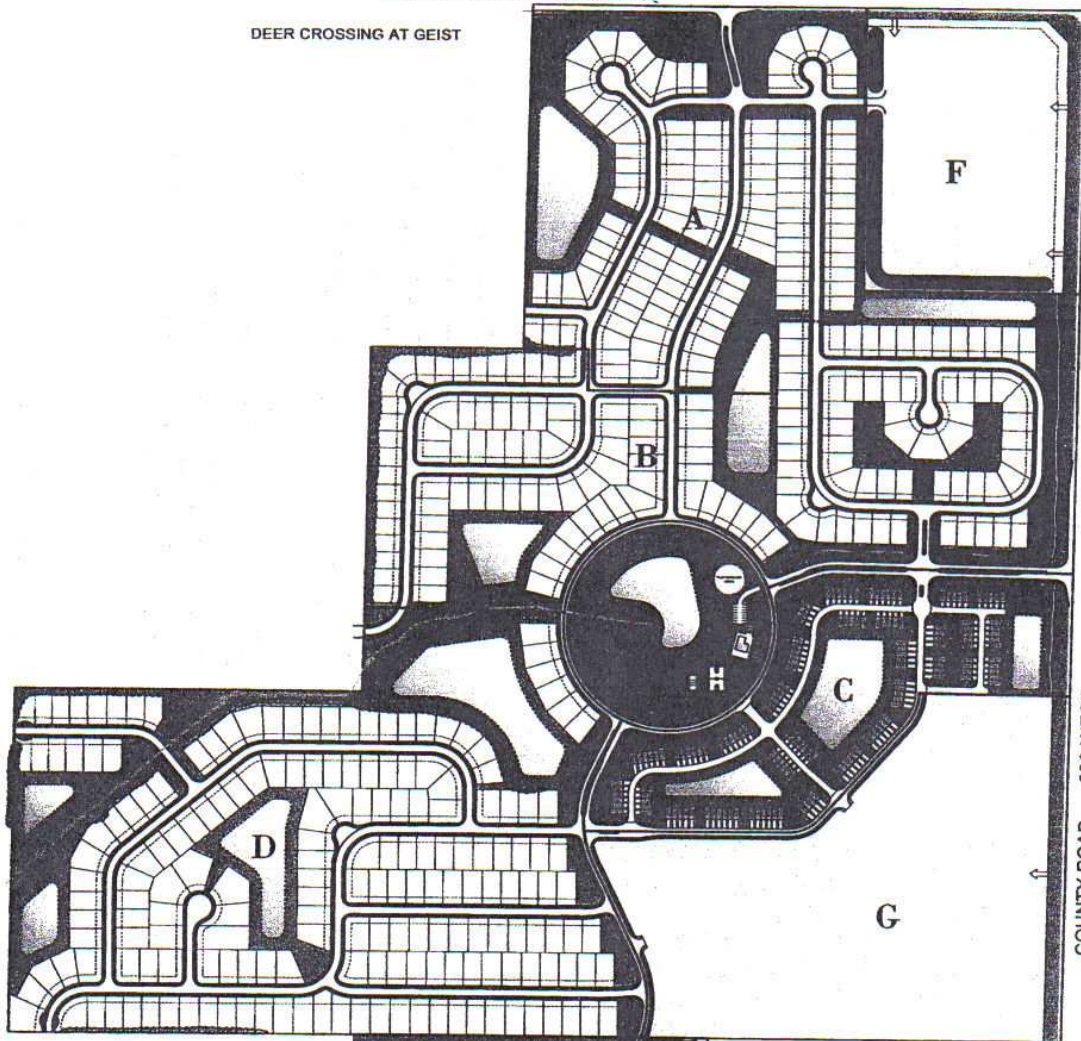
The Villages at BROOKSIDE

BAY CREEK AT GEIST

COUNTY ROAD 900 NORTH

DEER CROSSING AT GEIST

EMERALD SPRINGS



SINGLE FAMILY 70' LOTS

D = 74.73 Ac.±

SINGLE FAMILY 65' LOTS

B = 55.00 Ac.±

SINGLE FAMILY 56' LOTS

ACTIVE ADULT

A = 40.04 Ac.±

ATTACHED RESIDENTIAL

C = 23.33 Ac.±

E = 10.82 Ac.±

COMMERCIAL/UTILITY

F = 20.61 Ac.±

G = 39.42 Ac.±

H = 11.34 Ac.±

I = 16.10 Ac.±

★ AMENITY AREA

(11.54 Ac.±)

LEGEND

- LAKE AREA
- LOT AREA SINGLE FAMILY
- COMMERCIAL
- COMMERCIAL/UTILITY
- COMMON AREA
- STREETS
- SIDEWALKS
- WOODS



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