

ORDINANCE NO. 061422B

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 _____, 2022, received a ____ favorable recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt the Rivendell 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 Development and Architectural 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 Town of McCordsville Zoning and Subdivision Control Ordinances, as amended. Where this Ordinance is silent regarding standards other than Development and Architectural standards, the standards from the McCordsville Zoning and Subdivision Control Ordinances, dated January 2011, as amended, applicable to R3 Zoning, shall apply.

Section 2. Definitions. Capitalized terms not defined in this PUD Ordinance shall have the meaning ascribed to them in the Town of McCordsville Zoning Ordinance.

- A. Minimum Home Size. The total square feet of a home, excluding garages, rear porches, front porches, basements, and any decks or patios.
- B. Stone. Shall not be interpreted to include concrete masonry units (CMU).

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:

Single-Family residential dwellings

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 Rivendell development shall have two (2) single family components as shown on the Preliminary Planned Unit Development Plan/Concept Plan attached hereto as "Exhibit B" with the following standards:

A. The Development Standards for Area A shall be as follows:

- | | |
|---|---|
| 1. Maximum Number of Lots | 213 Lots |
| 2. Minimum Lot Area | 12,000 Square Feet |
| 3. Minimum Lot Width at Building Line | 80 feet |
| 4. Minimum Front Yard Setback | 30 feet |
| 5. Corner Lot Min. Front Yard Setback | 25feet |
| a. Applicable to secondary frontage of corner lots. | |
| b. Front elevation remains 30 feet. | |
| 6. Minimum Side Yard Setback | 5 feet |
| 7. Minimum Rear Yard Setback | 15 feet |
| 8. Minimum Livable Floor Area | 2,100 square feet (single story)
2,400 square feet (multi-story) |
| 9. Maximum Lot Coverage | 45% |
| 10. Maximum Height-Principal | 35 feet |
| 11. Minimum Building Separation | 15 feet |

B. The Development Standards for Area B shall be as follows:

- | | |
|---|---|
| 1. Maximum Number of Lots | 62 Lots |
| 2. Minimum Lot Area | 8,775 Square Feet |
| 3. Minimum Lot Width at Building Line | 65 feet |
| 4. Minimum Front Yard Setback | 30 feet |
| 5. Corner Lot Min. Front Yard Setback | 25feet |
| a. Applicable to secondary frontage of corner lots. | |
| b. Front elevation remains 30 feet. | |
| 6. Minimum Side Yard Setback | 6 feet |
| 7. Minimum Rear Yard Setback | 15 feet |
| 8. Minimum Livable Floor Area | 1,700 square feet (single story)
2,200 square feet (multi-story) |
| 9. Maximum Lot Coverage | 50% |
| 10. Maximum Height-Principal | 35 feet |
| 11. Minimum Building Separation | 12 feet |

The Rivendell PUD will provide a minimum of 25% open space as defined on the PUD development plan and shall contain the required drainage facilities as part of the open space calculation. The gross density for the Rivendell PUD will not exceed 1.77 units per acre.

C. Architectural Standards:

The Architectural Standards for the Real Estate are attached as “Exhibit C”. The Architectural Review Committee may approve elevations that do not meet the architectural requirements outlined in “Exhibit C” if the Architectural Review Committee concludes the standards conflict with a historical architectural style.

D. Perimeter Landscaping Standards:

1. A Landscape buffer shall be provided along the right of way of CR 1000 North said landscape buffer shall be a minimum of fifty (50) feet wide and contain a minimum seven (7) trees and six (6) shrubs per one hundred (100) linear feet of frontage. A landscape buffer shall be provided along the right of way of CR 400 West and contain a minimum six (6) trees and six (6) shrubs per one hundred (100) linear feet of frontage. For additional details see landscape plans included with Preliminary PUD plans.
2. A decorative fountain will be installed in each of the ponds proposed in the neighborhood. The fountains in ponds 4, 5 and 6 will be illuminated.

E. Tree Conservation Area:

Tree Conservation Areas (“TCA” or “TCE”) shall be established along the South boundary of the Real Estate as easements shown on the Rivendell PUD plans. Within the TCA no trees with a diameter at breast height (DBH) of six inches (6”) or greater shall be removed by the developer, builder, town, 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: (1) comply with the safety requirements of any governmental agency, or (2) to accommodate the installation and/or maintenance of drainage improvements.

F. Multi-Use Paths:

The Developer will install a 10’ wide asphalt path along the project frontage of CR 1000 North and CR 400 West. The Developer will install additional 8’ wide asphalt pathways internal to the neighborhood as generally shown on the Site Plan.

G. Community Amenities:

In addition to the open space and trail network, Rivendell shall also include the following amenity features: (“Exhibit E”)

1. A pool with pool house
2. Play ground structure
3. Pickleball Court (2)
4. Volley ball court
5. Bocce ball court
6. Shuffleboard court (2)
7. Horseshoe court (2)
8. Pavilion with fire place

H. Lighting, Parking, Pedestrian Accessibility and Signage:

Standards of the Town's Zoning and Subdivision Control Ordinance regarding Lighting, Parking, Pedestrian Accessibility, and Signage applicable to R3 Zoning shall be applicable to the Real Estate with the following exceptions:

1. Primary Monuments: The developer shall install entry monumentation similar to the concept shown under "Exhibit D" and included in the Landscape plans.
2. The Street Lights for Rivendell shall be the Town's standard unit, shall be placed at the entrances of the community, interior intersections and along the internal streets consistent with the Town's standards defined under the Town of McCordsville's Zoning Ordinance except for the maximum spacing which shall be three hundred twenty (320) feet.

I. Model Homes:

Each Area shall be permitted up to two (2) model homes per builder, and at least one (1) model home constructed by each builder shall be one of the four largest square footage floor plans offered by the builder(s) at the time the model home permit is issued and one model home will feature a basement. If the builder constructs more than one model, there is no restriction on the size of the second model so long as the first model complies with the above requirement.

J. Anti-Monotony Standards:

A single front elevation shall not be repeated unless it is separated by at least three different front elevations along either side of the same street frontage. There shall not be more than 10 percent of the houses in the subdivision with the same front elevation.

K. Snow Removal:

The Homeowner's Association for Rivendell shall be responsible for snow removal of all internal streets.

L. Miscellaneous:

1. Block Standards: The maximum block length shall be 1,900 feet with a signed pedestrian crossing dividing the block length to a maximum 1,200 feet.
2. Lot Standards: Side lot lines may have non-radial or vary from right angles from the right of way.
3. The entrance drive from CR 1000 North (96th Street) will incorporate a median and 10 foot tree lawns on both sides of the street, as generally shown on the landscape plans.
4. The Town shall not be responsible for any maintenance of landscaping, signage or other features installed in the right-of-way. Examples of this are landscaped medians, cul-de-loops, or other islands.
5. **Rivendell will complete the road connection from the stub street from Haven's Pond to the proposed stub street in Rivendell across the proposed McCordsville Park parcel. These improvements will consist of approximately 440' of a 30' wide curbed street. Installation of sidewalks and utilities are not part of the committed improvements to be installed by the Rivendell development.**

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 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 _____, 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

Branden D. Williams

Gregory J. Brewer

Chad Gooding

Voting Opposed:

Thomas R. Strayer

Larry J. Longman

Branden D. Williams

Gregory J. Brewer

Chad Gooding

ATTEST:

Staci A. Starcher, Clerk-Treasurer

This instrument was prepared by Briane House, Pritzke & Davis, LLP, 728 N. State St., P.O. Box 39, Greenfield, IN 46140

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. – Briane House

“Exhibit A”

LEGAL DESCRIPTION

Rivendell – Overall Description

Part of the Northeast Quarter of Section 18, Township 18 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, being that 155.296-acre tract of land shown on the plat of an ALTA/NSPS Land Title Survey of said tract certified by Jonathan D. Polson, PS #LS21500011 as Banning Engineering project number 21270 (all references to monuments and course herein are as shown on said plat of survey) described as follows:

BEGINNING at the northwest corner of said northeast quarter, identified by a Harrison Monument; thence North 89 degrees 28 minutes 25 seconds East along the north line of said northeast quarter 481.00 feet to the northwest corner of the land of Paul Spitzner recorded as Instrument Number 100012379 in the Office of the Recorder of Hancock County (the following five (5) courses are along the west, south and east lines of said land of Paul Spitzner); 1) thence South 01 degree 43 minutes 31 seconds East 455.54 feet; 2) thence North 89 degrees 28 minutes 25 seconds East 235.20 feet; 3) thence North 06 degrees 02 minutes 50 seconds East 260.65 feet; 4) thence North 89 degrees 28 minutes 25 seconds East 60.00 feet; 5) thence North 00 degrees 41 minutes 35 seconds West 196.50 feet to the north line of said northeast quarter; thence North 89 degrees 28 minutes 25 seconds East along said north line 1,838.10 feet to the northeast corner of said northeast quarter, identified by a Harrison Monument; thence South 00 degrees 12 minutes 50 seconds West along the east line of said northeast quarter 1,324.65 feet to the southeast corner of the northeast quarter of said northeast quarter of Section 18; thence South 00 degrees 10 minutes 45 seconds West along the east line of said northeast quarter 970.71 feet to the northeast corner of the land of Mark Mills recorded as Instrument Number 201900660 in the Office of the Recorder of Hancock County (the following two (2) course are along the north and west lines of said land of Mark Mills); 1) thence South 89 degrees 21 minutes 34 seconds West 380.00 feet; 2) thence South 00 degrees 10 minutes 49 seconds West 355.00 feet to the south line of said northeast quarter; thence South 89 degrees 21 minutes 34 seconds West along said south line 2,267.71 feet to the southwest corner of said northeast quarter, identified by a 5/8" rebar with DLDS cap; thence North 00 degrees 04 minutes 43 seconds East along the west line of said northeast quarter 2,655.58 feet to the POINT OF BEGINNING, containing 155.296 acres, more or less.

LEGEND

- WATER
- CONCRETE
- PAVEMENT
- LOT 1-79
- LOT 80-119
- LOT 120-159
- USE ELEVATION TREATMENT LOT
- USE ELEVATION TREATMENT LOT

TITLE BLOCK

BANNING ENGINEERING
 853 COLUMBIA ROAD, SUITE 8101
 PLAINFIELD, IN 46168
 BUS: (317) 707-3700, FAX: (317) 707-3800
 E-MAIL: ebanning@banningengineering.com
 WEBSITE: www.banningengineering.com

PROJECT INFORMATION

Item	Spec	Revisions	Date
Design			
Drawn	PS		
Checked			
Scale	1" = 20'		
Date	11/10/10		

CONCEPTUAL SITE PLAN
 E. 96TH ST. & N. 400 W.
 EAST MCCORDSVILLE, INDIANA

"Exhibit C"

Rivendell **Architectural Standards**

All homes constructed in Rivendell shall have the following minimum standards:

1. Character Exhibits: At the April 19, 2022 meeting of the Town's Architectural Review Committee ("ARC"), the ARC reviewed and approved a set of home plan elevations that are on file with the Town's Planning and Building Department (the "Approved Elevations"). The exhibit attached hereto as **Exhibit F, Approved Elevations**, is a sampling and general representation of the Approved Elevations. The Approved Elevations are hereby incorporated and approved. Homes in the "Approved Elevations" do not need further review by the ARC except for anti-monotony purposes.
 - a. All homes not included in the "Approved Elevations" shall comply with the Development Standards set forth in this Ordinance. The Director of Planning and Building ("Director"), including his or her designees, shall review home elevations at the time of filing for a building permit for compliance. All homes shall go through an anti-monotony review with the ARC.
 - b. If a proposed home does not comply with Exhibit C of this Ordinance, then the proposed home may be submitted for review by the ARC. The ARC may approve an elevation if it is determined the elevation is similar in quality and character to the homes in the "Approved Elevations" and is consistent with the spirit and intent of the Architectural Standards, as determined by the ARC.
2. Dimensional Shingles. A variety of colors (minimum of 3) will be offered to Buyers.
3. Main Roof pitch of 6:12 or greater, ancillary roofs may be less than 6:12. The Architectural Review Committee may approve a home with a lesser roof pitch if warranted by the home design/styling.
4. Exhaust vents shall not be visible from the front elevation of the home. Additionally, no wall-mounted vent or louver shall be located on the first floor exterior of a front elevation (excluding gable areas).
5. All siding shall be brick, stone, wood, cement fiber board or stucco. Vinyl siding shall be prohibited, however vinyl soffits will be allowed.
6. All homes shall have a front elevation of at least fifty percent (50%) brick or stone, exclusive of windows, doors, garage doors and areas above the roof line. Brick or stone on the front elevation shall wrap around exterior corners by at least twenty four (24") inches. The Architectural Review Committee may approve a home with a lesser masonry if warranted by the home design/styling.
7. Return walls along the front elevation shall include brick or stone consistent with the brick on the front elevation.
8. The side elevation of all residences that abut an internal street, identified on Exhibit C-1 shall also provide a minimum 30" masonry wainscot wrap. **The 24" brick return described under item 6 will not apply on homes including a wainscot wrap.**
9. The front elevation of any home shall contain a minimum of one (1) two-foot or greater step back and either two (2) ridgelines or one (1) gable.

10. The rear elevation of homes, on lots identified on Exhibit “C-1”, shall contain at least one (1) gable and one (1) of the following: (i) four sides 1st floor brick wrap, (ii) four sides brick wainscot (min.30”) wrap, (iii) covered porch, (iv) screened-in porch, (v) 1st floor rear façade extension a min. of 4’ (café, gathering room, morning room, three season room, etc.), or other rear façade extension approved by the Architectural Review Committee.
11. For Lots identified on Exhibit “C-1” requiring rear features there shall be no more than three (3) consecutive single-story homes or three (3) consecutive two-story homes.
12. Any fencing proposed on the rear of the lots identified on Exhibit “C-1” requiring rear elevation standards shall be consistent black aluminum fence material.
13. Minimum roof overhang of twelve (12) inches on all sides of a house as measured from the wall structure to the fascia board.
14. There shall be not more than 10 percent of the same front elevation in the subdivision.
15. Exterior chimneys for fireplaces shall be made entirely of brick or stone.
16. Unless approved by the ARC, the front porch columns shall be a minimum of six inches by six inches.
17. Window Count:

All ranch homes shall contain a minimum of two (2) windows on the front façade and one (1) window on all side facades and three (3) windows on the rear facade with the exception of a side façade facing a public street which shall contain a minimum of two (2) windows. Windows on a side façade facing a public street including a side load garage may include sidelights or garage door windows toward the window count.

All two-story homes shall contain a minimum of four (4) windows on the front façade. Windows on the front façade may include sidelights and garage door windows. Double windows count as two windows. A minimum of two (2) windows on the side facades, and a minimum three (3) windows on the rear façade, with the exception of a side façade facing a public street which shall contain a minimum of three (3) windows. Windows on a side façade facing a public street including a side load garage may include sidelights and garage door windows toward the window count.
18. Window Treatment: With the exception of large picture windows, casement windows and small accent windows, which do not open, all windows on a façade facing a public street shall have shutters, mullions or window grids.
19. Window Trim: unless adjacent to masonry, all windows, doors and corners shall have a minimum nominal one-inch by six-inch (1”x6”) wood or vinyl surround, shutters, decorative trim, or headers.
20. All homes shall contain a minimum of a two-car garage with a minimum depth or width of twenty-one (22) feet.
21. Front-loading garages shall contain a decorative garage door similar to those depicted on Exhibit C-2.
22. For any front loading three-car garage, at least one of the bays must have a separate door and be recessed a minimum of two (2) feet from the other bays.
23. For front-loading garages the garage doors shall not comprise greater than 45 percent of the width of the front elevation for a two (2) car garage and 50 percent for a three (3) car garage.
24. All homes built on corner lots shall have side-loading garages. A minimum of eighty (80) homes including homes on corner lots will have side-loading garages.

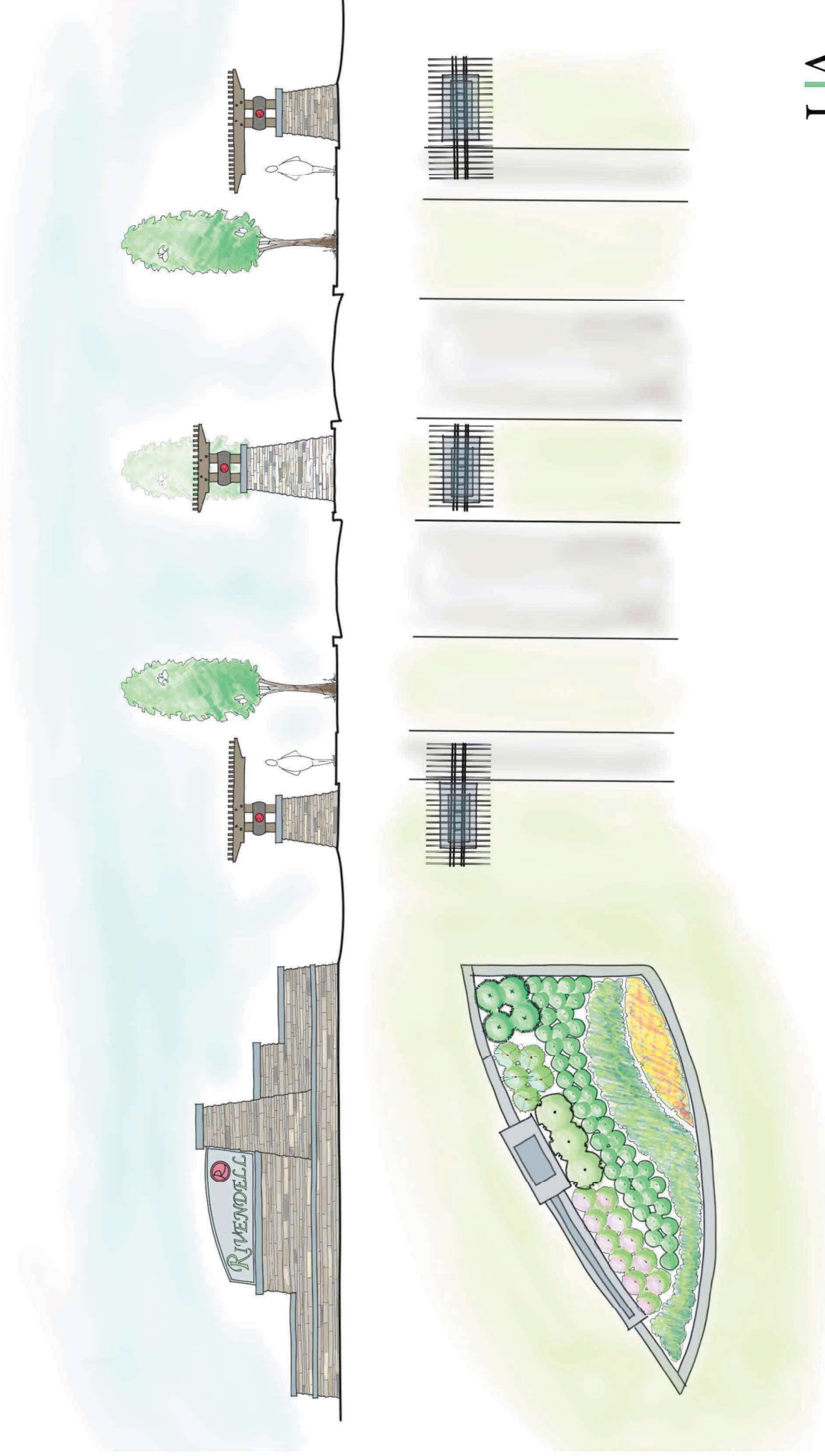
25. Any front-loading garage that protrudes eight (8) feet or more in front of the front elevation shall feature at least one window on each side elevation of the garage. These windows shall not count towards any other window requirement. No front-loading garage shall protrude more than twelve (12) feet in front of the front elevation. Garage protrusion shall be measured by determining the distance between the farthest protruding front façade of the garage and the widest portion of the front façade of the front elevation. Any front-loading garage that protrudes a minimum of eight feet in front of the front elevation shall feature a minimum of eight shrubs along the foundation of side elevation (nearest the side-yard property line) of the garage.
26. All homes shall have a decorative front door containing a transom or sidelight
27. All homes shall have two (2) dusk-to-dawn coach lights.
28. All homes shall include mailboxes with uniform design and will be installed and located per direction of the local United States Postal Service (USPS).
29. All homes shall be landscaped with a minimum of two (1) deciduous tree, one (1) ornamental tree and twelve (12) shrubs planted along the front foundation of the primary structure.
30. All homes shall have sod installed for the Front Yard to the corner of the front Elevation. Homes built on corner lots shall have sod installed on sides having street frontage to the corner of the street side elevation.
31. All lot fence construction shall be comprised of black wrought iron or other similar appearing material such as extruded aluminum or composite material.
32. All home styles shall be offered with a slab or basement foundations.
33. All truncated domes shall be black.

[illegible]

Exhibit C-2



"Exhibit D"



RIVENDELL - CONCEPTUAL ENTRANCE ELEVATION AND PLAN

McCordsville, IN | FEBRUARY 2022

Exhibit E

ILLUSTRATIVE OPEN SPACE EXHIBIT



Exhibit E

ILLUSTRATIVE OPEN SPACE EXHIBIT



Exhibit E

ILLUSTRATIVE OPEN SPACE EXHIBIT

