

**ORDINANCE NO.
051022A**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE,
HANCOCK COUNTY, INDIANA AMENDING ORDINANCE NO. 121410, THE ZONING
ORDINANCE FOR THE TOWN OF MCCORDSVILLE, INDIANA**

WHEREAS, the Town Council of the Town of McCordsville, Indiana (the "Town Council"), has heretofore adopted Ordinance No. 121410 as the Town of McCordsville, Indiana Zoning Ordinance (the "Zoning Ordinance") pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the Town of McCordsville, Indiana (the "Town") is subject to the Zoning Ordinance; and

WHEREAS, the Town Advisory Plan Commission (the "Commission") considered a petition ("Shadow Grove PUD"), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Docket PC-22-002, after a public hearing held on the 19th day of April, 2022, to the Town Council with a favorable recommendation by a vote of 6-0 in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Town Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of McCordsville, Hancock County, Indiana, meeting in regular session, that the Subdivision Control Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1. The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "Shadow Trace PUD" (the "District").
2. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its Exhibits, and (ii) the provisions of the Zoning Ordinance, as amended and applicable to the Underlying Zoning District (as defined herein) or Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
3. The underlying Zoning District shall be Single Family Residential District 5 (R5) as stated in the Ordinance #121410 adopted in January of 2011, as amended (the "Underlying Zoning District"). Except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance, as amended, are applicable to the Underlying Zoning District shall apply.
4. Section ("Section") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Subdivision and Development Ordinance.
5. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning and/or Subdivision Control Ordinance.

Section 3. Preliminary Development Plan. The Preliminary Development Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Section VIII.: Planned Unit Developments. The Real Estate shall be developed in substantial compliance with the Preliminary Development Plan.

Section 4. Permitted Uses. The permitted uses, as defined by the Town of McCordsville Subdivision Control Ordinances, for the Real Estate are described below, all uses not listed below, shall be considered prohibited.

1. Single-Family Dwellings (Detached Dwellings, Townhouses, etc.)
2. All Accessory Uses and Temporary Uses in the Underlying Zoning District shall be permitted unless otherwise prohibited in this Ordinance.

Section 5. Zoning District Standards. The standards of Article III.: Zoning Districts Standards and Article VI: Development Standards in the Zoning Ordinance, as amended, shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

Development Standards	PUD
Max. Number of Lots	237
Min. Lot Area (SF)	10,000 SF
Min. Lot Width (ft)	75'
Min. Lot Depth (ft)	135'
Min. Front Yard Setback (ft)	30'
Min. Side Yard Setback (ft)	10'
Min. Rear Yard Setback (ft)	15'
Maximum Building Height (ft)	35'
Minimum Square Footage (single-story) (SF)	1,800 SF
Minimum Square Footage (multi-story) (SF)	2,000 SF

Section 6. Development Standards. The standards of Article III.: Zoning Districts Standards and Article VI: Development Standards in the Zoning Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance. All homes construction in the Shadow Trace PUD shall have the following minimum standards:

1. **Roof Pitch.** All Dwellings in the District shall feature a minimum of a 6:12 primary roof pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof Structures) shall not be considered primary roof for the purposes of the 6:12 pitch requirement above.
2. **Roof Overhang.** All Dwellings shall have a minimum of an eleven (11") inch gable overhang on Dwellings where the side consists of siding at the eave, and a minimum of an eight (8") inch gable overhang on Dwellings where the side consists of brick at the eave.
3. **Roof Colors:** Developer to offer 3 roof color options.
4. **Front Elevation.** A minimum of fifty percent (50%) of the homes shall have a front elevation of at least fifty percent (50%) brick or stone, exclusive of windows, doors, garage doors, and areas above a roof line. The remaining homes may have less than fifty percent (50%) brick or stone provide they contain a minimum brick or stone wainscot up to the lowest first floor windowsill and contain a minimum of two (2) of the following siding materials on the front elevation; horizontal lap siding, vertical siding, board and batten and/or shake. Front elevation returns shall match the front façade.
 - a. Any front elevation that features porch columns must have a minimum of 8-inch by 8-inch (8"x8") columns with detailing that matches the style of the house.
 - b. Any home that only features a brick/stone wainscot on the front elevation shall have a brick/stone wainscot on the side and rear elevations up to the lowest window sill.
 - c. Any homes with brick/stone on the front elevation that exceeds a wainscot shall wrap the corner onto the side elevations by 24 inches (24").
 - d. The front elevations of all homes shall contain one (1) two-foot (2') or greater step back and either two (2) ridgelines, or one (1) gable.
5. **Perimeter Lots.** All Lots indicated with a (o) on **Exhibit B, Preliminary Development Plan** shall contain a rear-facing gable and at least one (1) of the following: enclosed sunroom, screened-in porch, covered back porch with min. 8"x8" columns, rear bump-out of at least 10' in width by 4' in depth, or (v) other rear feature as approved by the Architectural Review

Committee. Additionally, the brick/stone on the front elevation shall wrap the sides and rear elevation at the same height as the front elevation. Other lots are encouraged to have rear features as described above but shall not be required to do so.

6. Corner Lots. All lots indicated with a (*) shall have a brick or stone wainscot on sides and rear elevations with two (2) additional building materials or one (1) material with a hip roof. Lots separated from the street by common area are considered corner lots. Other lots are encouraged to have rear features as described above but shall not be required to do so.
7. Siding. All siding shall be brick, stone, wood, cement fiber board or stucco. Vinyl siding is prohibited. Colors of all exterior materials shall be chosen by the builder and approved by the applicable governmental architectural review committee, if applicable.
8. Anti-Monotony. A single Dwelling Elevation shall not be repeated unless it is separated by at least three (3) different front Elevations along either side of the same street frontage. So far as to ensure that significant architectural features shall differentiate Dwellings within the District. There shall not be more than ten (10%) percent of the Dwellings with the same front Elevation.
9. Windows and Openings. Unless adjacent to masonry, all windows and openings shall have a nominal 1-inch by 6-inch (1"x 6") wood or vinyl surround. All ranch homes shall contain a minimum of three (3) windows on the front façade, and one (1) window on the side and rear facades, with the exception of a façade facing a public street which shall contain a minimum of two (2) windows. All two-story homes shall contain a minimum of two (2) windows on all four sides with the exception of a side façade facing a public street which shall contain a minimum of three (3) windows. A set of three (3) "bullet" windows a minimum of 1-foot by 1-foot (1'x1') each and/or a transom window a minimum of 1-foot by 4-foot (1'x4') may count as one (1) window. Double windows count as two (2) windows.
 - a. 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.
 - b. Any side-load or courtyard garage shall feature a minimum of two (2) windows facing the street.
10. Sod and Seedings. All Dwelling shall have sod installed for the Front Yard to the corner of the front Elevation. Dwellings built on Corner Lots shall have sod installed on sides having Street frontage to the corner of the street side elevation.
11. Maximum Lot Coverage for all Impervious Surface. The maximum Lot Coverage for all Impervious Surface shall be fifty-five (55%) percent of the total Lot.
12. Character Exhibits. At the March 29, 2002 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 D, 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 Section 6(12)(a) 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 Section 6(12), as determined by the ARC.
- 13. Driveways. All Dwellings in the District shall have concrete driveways.
- 14. Landscaping. All Dwellings in the District shall be landscaped with a minimum of one (1) deciduous tree, two (2) ornamental trees and twelve (12) shrubs planted along the front foundation of the primary structure. All homes on corner lots shall also include a minimum of one (1) deciduous tree, one (1) ornamental tree, twelve (12) shrubs planted along the foundation of the primary structure and sod in the side yard facing the side street.
- 15. Garages: All Dwellings in the District shall have a minimum two-car garage with a minimum of twenty (22') feet in width or depth measured from the exterior of the garage or at least a three (3) car garage.
 - a. Any front-loading garage that protrudes eight (8') feet or more in front of the front elevation shall feature at least one (1') window on one/either side elevation of the garage and 8 shrubs on the outside wall of the garage. The maximum protrusion distance of the garage shall be twelve (12') feet from the front façade. Garage protrusion shall be measured from the widest part of the front elevation. This may include the front porch. The maximum protrusion distance does not apply to courtyard/tandem style garages.
 - b. Side load garages shall be required on all lots identified with a (#). Side load garages shall also be required on 50 percent (50%) of the Area A: Silverthorne corner lots. Corner lots are identified on the concept plan with a (*).
 - c. All dwellings shall have decorative garage doors. Decorative garage doors are defined as having one of the following: hardware, windows, and/or separate garage bays.
 - d. For any three (3) car garage that faces a street, at least one of the bays must have a separate door and be recessed a minimum of two (2) feet from the other bays.
 - e. For the front-loading garages the garage doors shall not comprise greater than fifty percent (50%) of the width of the front elevation for a two (2) car garage and sixty percent (60%) for a three (3) car garage.
- 16. 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 the front elevation excluding gable areas.
- 17. Exterior chimneys for fireplaces shall be made entirely of brick or stone.
- 18. Basements will be offered on detached homes as long as soils are suitable.

Section 7. General Standards. The standards of the Subdivision Control Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

- 1. Street Width. Unless otherwise specified in **Exhibit B, Preliminary Development Plan**, all Streets within the District shall be designed with a Right-Of-Way of fifty-four (54') feet with a minimum Street width of thirty (30') feet from back of curb to back of curb. There shall be a six (6') feet wide planting strip from back of curb to front edge of sidewalk with a one (1') foot sidewalk Easement at the rear of the sidewalk.
- 2. Entrances: Entrance medians at least twelve feet (12') wide (back of curb to back of curb) shall be provided at all entrances except for the southwest entrance off W 650 N.

3. Street Signage. The Developer shall be responsible for the cost of and the placement of all Street signage as required by the Town. The street sign posts and tops shall be decorative.
4. Utilities. All utilities within the District shall be trenched and located behind the curb. This commitment is subject to the approval by the utilities that will serve the community. Private utilities shall be placed in the utility Easements and shall not be within the public Right-Of-Way.
 - a. A 4" yellow thermoplastic stripe shall be placed on the top of curb adjacent to any fire hydrant within the subdivision. This stripe shall extend 10' out from the hydrant.
5. Lighting. Streetlights shall be installed at each community entrance, intersection, cul-de-sacs, and along the internal streets consistent with the Town's standards except for the maximum spacing which shall be three hundred feet (300').
 - a. Streetlights shall be installed along Mt Comfort Road in accordance with the McCordsville Zoning Ordinance.
6. Open Space. Open space shall be as shown on **Exhibit B: Preliminary Development Plan**. There shall be a minimum of 35 acres of Open Space.
7. Perimeter Landscaping. Perimeter landscaping shall be installed along the perimeter of the subdivision, adjacent to perimeter streets as follows and as depicted in **Exhibit C, Landscape Plan**.
 - a. Along Mt Comfort Road, there shall be a minimum fifty foot (50') wide landscape area planted with seven (7) trees and six (6) shrubs per one hundred lineal feet (100'). This area shall also include undulating mounding at least three feet (3') in height.
 - b. Along W 650 N, there shall be a thirty foot (30') wide landscape area planted with seven (7) trees and six (6) shrubs per one hundred lineal feet (100').
8. Street Tree Lawns. Street tree lawns, at least ten-foot (10') in width, shall include street trees at a rate of 1 per fifty feet (50').
 - a. All other street tree lawns shall be at least six feet (6') in width, as required by the Zoning Ordinance.
9. Tree Preservation Area. Within the Tree Preservation Area, as identified on **Exhibit B, Preliminary Development Plan**, no trees with a diameter at breast height (DBH) in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, classified as an invasive plant species, is required to be removed in order to comply with safety requirements of any governmental agency, or is required to be removed to accommodate trail installation, utility extensions, utility access, drainage improvements, or other infrastructure (including, but not limited to, fencing). If a Protected Tree is damaged or otherwise removed by the owner of the Real Estate, except as permitted to be removed as listed above, then the owner of the Real Estate shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth.
10. Common Area Ponds. Common Area Pond #1 and #2 as depicted on **Exhibit B, Preliminary Development Plan**, will feature decorative fountains. All ponds and features will be maintained by the HOA.

11. Multi-Use Paths. A ten foot (10') wide asphalt perimeter path shall be installed along the project frontage of Mt. Comfort Road and W 650 N. Eight foot (8') wide asphalt paths internal to the development shall be installed as generally shown on **Exhibit B, Preliminary Development Plan.**
 - a. The Developer will make a good faith effort to acquire an easement in front of the two outparcels (one along Mt Comfort Road and one along W 650 N) with the intent to install a ten foot (10') wide asphalt perimeter path. Should the Developer not be successful in acquiring the easement, the perimeter path will be installed along the perimeter of the outparcels. If the perimeter path is installed along the perimeter of the outparcels, the development of the trail will take precedent over preserving trees along the outparcels. A perimeter path along the perimeter outparcels may be waived by the Town Engineer, if it is determined that it would cause issues with drainage or is simply not constructable.
12. Amenities. Amenities depicted in **Exhibit C, Landscape Plan,** include approximately 1.6 miles of walkable and bikeable trails, a pool, pool house, and playground. Within the existing 15.5 acres of preserved woodlands, the trail will loop residents adjacent to a pond stocked with fish.
13. Prohibited Structures. No other detached structures or above ground pools shall be permitted in the District. Pergolas and gazebos, however, are permitted.
14. Fence Standards. Fences shall be 4' wrought iron in style or a 6' vinyl privacy fence. Fences shall not be closer to the front property than the rear corner of the home. If the homeowner chooses to install a fence, and their lot is a perimeter lots along Mt Comfort Road, W 650N and W 600N the fence shall have 4' wrought iron in style.
15. Mailboxes. Dwellings in the District shall have individual mailboxes to be installed by the Developer for each Dwelling. Mailboxes will be installed along one side of the Street in accordance with the local United States Postal Service (USPS).
16. Homeowner's Association. The subdivision shall be managed by a professional homeowner's association management company that shall maintain all common areas.
17. Builder Signage. The builder shall have the right to place a community marketing Signs at each entrance of the community off of Mt Comfort Road, W 650N and W 600N. Each Sign shall be up to thirty-two (32') square feet in size. In addition to the above mentioned Signs, the builder shall have the right to place other ancillary marketing Signs within the community including but not limited to Signs in front of the model home(s) with business hours, phone number, website and etc. as well as Signs on each lot identifying the individual lots such as "Available/For Sale" or "Sold". Signs in front of each model may include one Sign up to nine (9') square feet with the name of the model style and other information along with two additional Signs each up to four (4') square feet with additional advertising information. In addition to Signs, builder shall have the right to install and maintain a US flag, Indiana state flag and company flag at the models.
18. Snow Plowing: The homeowner's association shall be responsible for all snow removal on internal streets.
19. Model Home: A model home will be constructed in each area. The model home shall be one (1) of the three (3) largest models offered by the builder, at the time the model permit is issued.

If the builder elects to build more than one (1) model in each subarea, this requirement shall only apply to one (1) model.

20. Traffic Calming. The developer shall work with the Town of McCordsville at the Development Plan stage to confirm traffic calming measure on streets internal to the development.
21. Primary Entry Signage. The developer shall install entry monumentation including, but not limited to, brick or stone walls and/or columns, landscaping, and sign lighting at either side and/or in the median of the entrances on Mt Comfort Road, and the eastern entrance on W 650 N. The height of the primary entry sign shall not exceed nine feet (9') in height as shown on **Exhibit E, Proposed Entry Monuments Exhibit.**
22. All truncated domes shall be black in color.
23. No home shall be rented for a period of at least 24 months from the date of the last sale or transaction. This language shall also be added to the HOA Covenants and Declarations.
24. Road Improvements:
 - a. Developer shall widen CR 650 North along the entire frontage of the development to include a 12' lane and 2' stone shoulder on the north side lane of CR 650 North.
 - b. Developer shall install entrance improvements including a left turn lane on 600 West, an acceleration taper, deceleration lane and taper. Construction of the eastbound approach shall include one inbound lane and two outbound lanes.
 - c. Developer shall install improvements at the intersection of 650 North and 600 West. Improvements shall include an eastbound left turn lane and right turn lane.
 - d. Developer shall install entrance improvements at both south entrances that include left turn lanes on 650 North, an acceleration taper, deceleration lane and taper. Construction of the southbound approaches shall include one inbound lane and two outbound lanes.

PASSED AND ADOPTED THIS 10 day of May, 2022

MCCORDSVILLE TOWN COUNCIL

Voting For

Voting Against

Abstain


Tom Strayer, President

Tom Strayer, President

Tom Strayer, President


Branden Williams

Branden Williams

Branden Williams


Chad Gooding

Chad Gooding

Chad Gooding


Larry Longman

Larry Longman

Larry Longman


Greg Brewer

Greg Brewer

Greg Brewer

ATTEST:


Staci Starcher, Clerk-Treasurer

LEGAL DESCRIPTION

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part of the West Half of the Northeast Quarter of Section 35, Township 17 North, Range 5 East, more particularly described as follow wit: Beginning at a point 106 2/3 rods West of the Southeast corner of the Northeast Quarter of Section 35, Township 17 North, Rang East; thence, West on the South line of said Quarter Section a distance of 911.47 feet to the Southwest corner of the same; thence North the West line of said Quarter Section to the Northwest corner of the same; thence East on the North line of said Quarter Section a stance of 918.04 feet to a point directly North of the place of beginning, thence South to the place of beginning, containing 55.04 acres ore or less.

EXCEPTING from said tract the following described land, to-wit: A part of the West Half of the Northeast Quarter of Section 35, wnship 17 North, Range 5 East, more particularly described as follows: Commencing at a point on the South line of said Northeast arter of said Section 35, which point is 16 feet East of the Southwest corner of said Northeast Quarter; run thence North parallel with West line of said Quarter Section a distance of 208 feet; thence run East and parallel with the South line of said Quarter Section a stance of 208 feet; thence South parallel with the West line of said Quarter Section 208 feet, thence West 208 feet to the place of ginning, containing in said tract after said EXCEPTION containing 54.05 acres, more or less.

EXHIBIT A - continued

LEGAL DESCRIPTION

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the Point of Beginning of the following described parcel of land being the Southeast corner along the east line of said Northeast Quarter section, on an assumed bearing of North 01 degree 07 minutes 50 seconds east along the east line of said Northeast Quarter a distance of 182.79 feet; thence South 89 degrees 56 minutes 27 seconds west a distance of 291.76 feet; thence North 01 degree 07 minutes 50 seconds east, parallel with said east line of the Northeast Quarter, a distance of 596.21 feet; thence South 89 degrees 56 minutes 27 seconds west a distance of 1,468.30 feet; thence South 01 degree 07 minutes 50 seconds west parallel with said east line of the Northeast Quarter a distance of 1,978.18 feet to the south line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds east along the south line a distance of 1,760.02 feet to the POINT OF BEGINNING of the above described parcel of land. All situate, lying and being in Vernon Township, Hancock County, Indiana, containing 75.95 acres, more or less.

EXCEPT that part taken by Order of Appropriation of Real Estate to Hancock County, recorded January 11, 1994 as Instrument No. 00412, Cause No. 30D01-9310-CP-250, described as follows:

part of the Northeast Quarter of Section 35, Township 17 North, Range 5 East, Hancock County, Indiana, described as follows: commencing at the southeast corner of said quarter section; thence North 0 degrees 24 minutes 05 seconds East 16.50 feet along the east line of said section to the prolonged north boundary of County Road 650 North; thence South 89 degrees 15 minutes 50 seconds West 100.00 feet along the prolonged boundary of said County Road 650 North to the west boundary of County Road 600 West and the point of beginning of this description; thence continuing South 89 degrees 15 minutes 50 seconds West 90.02 feet along the south boundary of County Road 650 North; thence North 42 degrees 10 minutes 59 seconds East 105.06 feet; thence North 8 degrees 31 minutes 53 seconds East 70.71 feet; thence North 0 degrees 24 minutes 05 seconds East 1,219.51 feet to the north line of the owner's land; thence North 89 degrees 12 minutes 42 seconds East 10.00 feet along said north line to the west boundary of County Road 600 West; thence South 0 degrees 24 minutes 05 seconds West 1,366.27 feet along the boundary of said County Road 600 West to the point of beginning and containing 0.401 acre, more or less

PRELIMINARY DEVELOPMENT PLAN

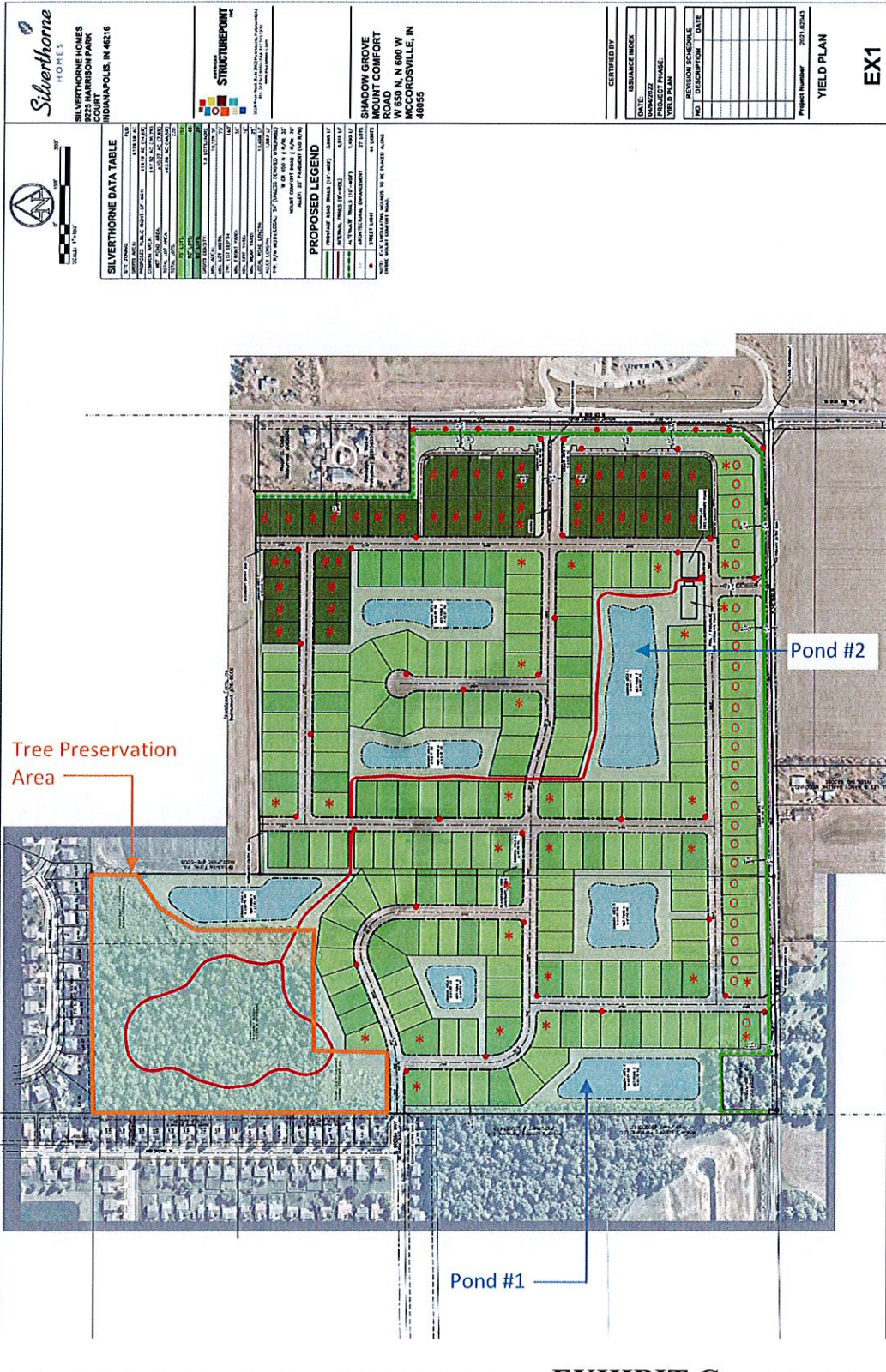
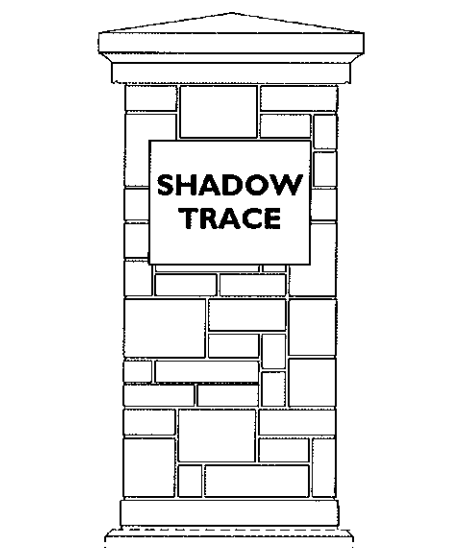
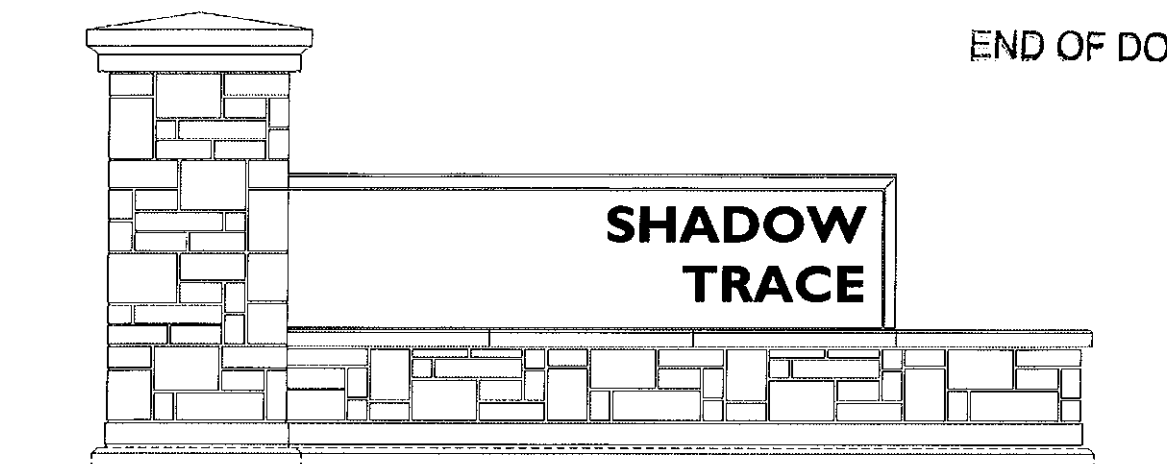


EXHIBIT C

LANDSCAPE PLAN

EXHIBIT E

END OF DOCUMENT



Secondary Entry Sign