

OCT 05 2017

ORDINANCE NO. 661317

Robin A. Lowder
Auditor of Hancock County

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 May 16, 2017, received a favorable recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Zoning Ordinance in order to adopt the McCord Pointe 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 R5 Zoning, shall apply.

SECTION 2. 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

Permitted Government Facilities, this applies only to the One Acre Site described below in Section 3(I)

SECTION 3. Development Standards. The McCord Pointe development shall have two (2) single family residential components as shown on the Preliminary Planned Unit Development Plan/Concept Plan attached hereto as "Exhibit B". One will be a "maintenance included" ranch

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style home community identified as Area A on “Exhibit B”, and the other will primarily be a two (2) story family neighborhood community identified as Area B on “Exhibit B”.

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

- | | |
|---------------------------------------|---|
| 1. Maximum Number of Lots | 85 lots |
| 2. Minimum Lot Area | 7,500 square feet |
| 3. Minimum Lot Width at Building Line | 60 feet |
| 4. Minimum Front Yard Setback | 25 feet |
| 5. Minimum Side Yard Setback | 5 feet |
| 6. Minimum Rear Yard Setback | 25 feet |
| 7. Minimum Livable Floor Area | 1,500 square feet (single story)
1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area | 900 square feet (multi story) |
| 9. Maximum Lot Coverage | 45% |
| 10. Maximum Height – Principal | 35 feet |

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

- | | |
|---------------------------------------|---|
| 1. Maximum Number of Lots | 135 lots |
| 2. Minimum Lot Area | 9,000 square feet |
| 3. Minimum Lot Width at Building Line | 70 feet |
| 4. Minimum Front Yard Setback | 25 feet |
| 5. Minimum Side Yard Setback | 7.5 feet |
| 6. Minimum Rear Yard Setback | 25 feet |
| 7. Minimum Livable Floor Area | 1,500 square feet (single story)
1,800 square feet (multi story) |
| 8. Minimum Ground Floor Living Area | 900 square feet (multi story) |
| 9. Maximum Lot Coverage | 40% |
| 10. Maximum Height – Principal | 35 feet |

C. Architectural Standards. The Architectural requirements for the Real Estate are attached as “Exhibit C”.

D. Perimeter Landscape Standards.

1. The developer shall establish an aesthetic landscape buffer along the north frontage of CR 1000 North, east frontage of CR 500 West, and south frontage of McCord Road. Said buffer shall consist of the following per 100 feet of frontage:

- (a) Three (3) evergreen trees averaging 5-6 feet in height.
- (b) One (1) ornamental tree with a minimum 2” caliper.
- (c) One (1) deciduous shade tree with a minimum 2” caliper.

(d) 3'-5' high continuous mounding shall be installed along the frontage of CR 500 West and McCord Road. 3'-5' high continuous mounding shall be installed along the frontage of CR 1000 North with the exception of the area along the retention pond referenced below.

2. The developer shall install a retention pond adjacent to CR 1000 North.

(a) The pond will have a decorative fountain that will be maintained by the homeowner's association.

(b) The developer will install 6" x 6" vehicular bollards spaced 7' apart between the pond and the right of way along CR 1000 North or an alternate vehicular barrier approved by the Town Engineer.

E. Tree Conservation Area. Tree conservation area shall be established as shown on "Exhibit D". Within the tree conservation area, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with the safety requirements of any governmental agency; or (2) to accommodate the installation of drainage utilities, street connections, walking path or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder 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 in the tree conservation area.

F. Amenity Center. The developer will install the following amenities within thirty (30) months of recording the plat for Section 1 of McCord Pointe:

(a) In ground swimming pool at least 1,800 square feet in size;

(b) Baby pool

(c) Pool house, including bathroom and changing facilities

(d) Playground

G. Multi-Use Paths. There will be an 8' wide asphalt perimeter path along the project frontage of CR 1000 North, CR 500 West, and McCord Road. There will be an 8' wide asphalt internal path system as generally depicted on the Concept Plan.

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 R5 Zoning shall be applicable to the Real Estate with the following exceptions:

- (a) **Primary Monuments** – The developer shall install entry monumentation including, but not limited to, brick or stone walls and/or columns, fencing, landscaping and sign lighting at each of the entries on CR 1000 North, CR 500 West and McCord Road.
 - (b) **Secondary Monuments** – Secondary monuments are internal identification monument signs, including columns, may be installed in addition to the primary monuments. The internal identification monument signs may be installed near the round a bout to identify Area A and Area B, and on the western perimeter of Area B along the connecting streets to Bay Creek East.
 - (c) As modified by the approved Preliminary Planned Unit Development Plan/Concept Plan.
- I. One Acre Site. The developer will reserve approximately one (1) acre in Area A with frontage along CR 500 West and adjacent to the site to the south to be transferred to the Town of McCordsville within three (3) years from the date the plat for Section 1 of McCord Pointe is recorded. Should the Town not request the site to be transferred, the developer will reserve the right to plat the site as building lots.
- J. Model Home. The model home constructed in Area B shall be one of the four largest square footage floor plans offered by the builder at the time the model home permit is issued. If the builder constructs more than one model in Area B, there is no restriction on the size of the second model so long as the first model complies with the above requirement.
- K. Snow Removal. The Homeowner’s Association for McCord Pointe shall be responsible for snow removal of all internal streets.
- L. McCord Road Entrance. The developer agrees to amend the Preliminary Plan to reflect the deletion of the McCord Road entrance, installing a stub street into Area B and changing the proposed McCord Road entrance into a cul-de-sac.

SECTION 4. 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.

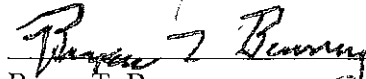
SECTION 5. Introduced and filed on the 13th day of June, 2017. A motion to consider on First Reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

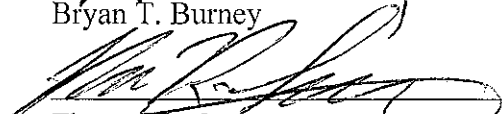
Duly ordained and passed this 13th day of June, 2017 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:


Larry J. Longman, President


Bryan T. Burney


Thomas R. Strayer


Branden D. Williams


Barry A. Wood

Voting Opposed:

Larry J. Longman, President

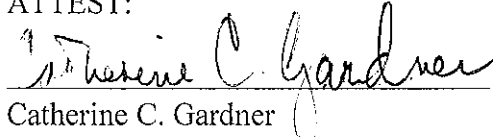
Bryan T. Burney

Thomas R. Strayer

Branden D. Williams

Barry A. Wood

ATTEST:


Catherine C. Gardner
Clerk Treasurer

This instrument was prepared by Ronald R. Pritzke, 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. -- Ronald R. Pritzke

“EXHIBIT A”

Quitclaim Deed (Inst. No.: 2017-001483)

PARCEL I (Brown)

The land referred to in this Commitment, situated in the County of Hancock, State of Indiana, is described as follows:

The North Half (1/2) of the Northeast quarter (1/4) of Section Thirteen (13), Township Seventeen (17) North, Range Five (5) East, except Thirty-one (31) acres of uniform width off of the entire West side thereof, containing forty-nine (49) acres, more or less.

Excepting therefrom:

A part of the North Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, in Vernon Township, Hancock County, Indiana, more particularly described as follows:

BEGINNING at the Northeast Corner of the Northeast Quarter of Section 13, Township 17 North, Range 5 East; thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) along the North line thereof 1007.12 feet; thence South 00 degrees 00 minutes 00 seconds West 40.00 feet; thence South 87 degrees 04 minutes 12 seconds East 1008.43 feet to the East line of the Northeast Quarter of Section 13; thence North 00 degrees 00 minutes 00 seconds East 91.55 feet along the East line of the aforementioned section to the POINT OF BEGINNING.

Quitclaim Deed (Inst. No.: 14-005645)

PARCEL II (Smoot)

A part of the West Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, Hancock County, Indiana, containing 47.918 acres, more or less.

Beginning at a point on the North line of the South-Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, said point being South 85 degrees 43 minutes and 30 seconds West 1,522.4 feet from the Northeast corner of the Southeast Quarter of said Northeast Quarter, and running thence South 00 degrees 39 minutes 16 seconds East 1,269.6 feet to the centerline of McCord Road; thence South 48 degrees 59 minutes 10 seconds West 784.2 feet along said centerline; thence North 41 degrees 00 minutes 50 seconds West 581 feet; thence South 48 degrees 59 minutes 10 seconds West 150 feet; thence South 41 degrees 00 minutes 50 seconds East 581 feet to said centerline of McCord Road; thence South 48 degrees 59 minutes 10 seconds West 268.75 feet along said centerline of road; thence North 79 degrees 07 minutes 20 seconds West 263.6 feet to the West line of the Southeast Quarter; thence North 00 degrees 45 minutes 45 seconds West 600 feet to the Southwest corner of the Northeast Quarter of Section 13; thence North 00 degrees 44 minutes 10 seconds West 1,489.1 feet along the West line of said Northeast Quarter to a property line fence, North 85 degrees 38 minutes 50 seconds East 1,023 feet; thence South 01 degrees 32 minutes 12 seconds East 168.95 feet to said North line of the South Half of the Northeast Quarter; thence North 85 degrees 43 minutes 30 seconds East 155 feet to the Point of Beginning.

EXCEPTING THEREFROM:

“EXHIBIT A”

That portion of the above described property conveyed by Quitclaim Deed recorded July 16, 2003, as Instrument Number 030014823, in the Office of the Recorder of Hancock County, Indiana, described as follows:

Part of the Northeast Quarter and part of the Southeast Quarter of Section 13, Township 17 North, Range 5 East, Hancock County, Indiana, described as follows:

Commencing at a Harrison Survey Monument, found in the County Road, which Marks the Northwest corner of the Northeast Quarter of Section 13; thence South 00 degrees 14 minutes 27 seconds West (assumed bearing), with the West line of the Northeast Quarter, 1368.14 feet to an iron pin with cap engraved "Larrison 20000230" and the Point of Beginning of the parcel herein described; thence South 89 degrees 45 minutes 33 seconds East, 360.00 feet to an iron pin with cap engraved "Larrison 20000230"; thence South 00 degrees 14 minutes 27 seconds West, 1211.36 to an iron pin with cap engraved "Larrison 20000230"; thence North 89 degrees 45 minutes 33 seconds West, 160.36 feet to an iron pin with cap engraved "Larrison 20000230" which marks the Northeast corner of the 2.000 acre parcel described in Deed Volume 84 Page 5138 (for reference, an iron pin with cap engraved "Manship" was found South 67 degrees 32 minutes 19 seconds East, 3.28 feet); thence South 49 degrees 49 minutes 23 seconds West, into the above captioned Southeast Quarter, 150.00 feet to an iron pin with cap engraved "Larrison 20000230" which marks the Northwest corner of said 2.000 acre parcel (for reference, an iron pin with cap engraved "Manship" was found North 64 degrees 45 minutes 33 seconds East, 3.30 feet); thence South 40 degrees 10 minutes 37 seconds East, 581.00 feet to an iron survey nail with washer engraved "Larrison 20000230" in the County Road, which marks the Southwest corner of said 2.000 acre parcel; thence South 49 degrees 49 minutes 23 seconds West, in said County Road, 266.66 feet to an iron Survey nail with washer engraved "Larrison 20000230" (for reference, an iron pin with cap engraved "Manship" was found North 78 degrees 15 minutes 14 seconds West, 19.45 feet); thence North 78 degrees 15 minutes 14 seconds West, 264.43 feet to a point on the West line of the Southeast Quarter (for reference, an iron pin with cap engraved "Manship" was found South 78 degrees 15 minutes 14 seconds East, 1.48 feet); thence North 00 degrees 14 minutes 27 seconds East, with the West line of the Southeast Quarter and with the West line of the Northeast Quarter, 1871.10 feet to the Point of Beginning, containing 14.384 acres, more or less.

ALSO:

A part of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, Hancock County, Indiana, described as follows:

Commencing at a Harrison Survey Monument, found in the County Road, which marks the Northwest corner of the Northeast Quarter of Section 13; thence South 00 degrees 14 minutes 27 seconds West (assumed bearing), with the West line of the Northeast Quarter, 1368.14 feet to an iron pin with cap engraved "Larrison 20000230" and the Point of Beginning of the parcel herein described; thence South 89 degrees 45 minutes 33 seconds East, 360.00 feet to an iron pin with cap engraved "Larrison 20000230"; thence South 00 degrees 14 minutes 27 seconds West, 1211.36 to an iron pin with cap engraved "Larrison 20000230"; thence North 89 degrees 45 minutes 33 seconds West, 360.00 feet to a point on the West line of the Northeast Quarter; thence North 00 degrees 14 minutes 27 seconds East, with said West line, 1211.36 feet to the Point of Beginning, containing 10.011 acres, more or less.

Property Address: West McCord Road, McCordsville, Indiana

“EXHIBIT A”

Tax Id. No.: 30-01-13-800-017.000-016

Legal Description (Brown)

Parcel 1

Apart of the North Half of the Northeast Quarter of Section 13, Township 17 North, Range 5 East, Vernon Township, Hancock County, Indiana being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 13; thence South 01 degrees 17 minutes 20 seconds West (assumed bearing) 44.35 feet along the East line of said Northeast Quarter to the Northwest corner of the Northwest Quarter of Section 18, Township 17 North, Range 6 East; thence South 00 degrees 08 minutes 28 seconds West 47.11 feet along said East line to the POINT OF BEGINNING of this description; thence South 00 degrees 08 minutes 28 seconds West along said East line 1,240.42 feet to the Southeast corner of North Half of said Northeast Quarter; thence South 86 degrees 35 minutes 26 seconds West 1,522.29 feet along the South line of said North Half to a Northeast corner of the parcel owned by Harold H. Smoot as recorded in Instrument No. 140005645, dated: June 25, 2014 in the Office of the Recorder, Hancock County, Indiana; thence the next two (2) courses are along a North and an East line of said Smoot parcel: (1) South 86 degrees 35 minutes 26 seconds West 154.92 feet; (2) North 00 degrees 13 minutes 42 seconds East 169.38 feet to a Northeast corner of said Smoot parcel; thence North 00 degrees 13 minutes 42 seconds East 1,155.00 feet to the North line of said Northeast Quarter; thence North 86 degrees 19 minutes 58 seconds East 669.45 feet along said North line to the Northwest corner of the 1.52 Acre parcel owned by Hancock County, Indiana as recorded in Inst. No. 9407604, dated: July 12, 1994 in the Office of the Recorder, Hancock County, Indiana; thence along the West and South lines of said 1.52 acre parcel by the next two (2) courses: (1) South 03 degrees 40 minutes 02 seconds East 40.00 feet; (2) North 89 degrees 15 minutes 46 seconds East 1,001.46 feet to the Place of Beginning, containing 49.492 acres, more or less.

Legal Description (Smoot)

Parcel 2

A part of the Northeast Quarter and part of the Southeast Quarter of Section 13, Township 17 North, Range 5 East, Vernon Township, Hancock County, Indiana being more particularly described as follows:

Commencing at the Southeast corner of the North Half of the Northeast Quarter of said Section 13; thence South 86 degrees 35 minutes 26 seconds West (assumed bearing) 1,522.29 feet along the South line of the North Half of said Northeast Quarter to the Northwest corner of the property owned by Cindy Callaway per Personal Representatives Deed as recorded in Inst. No. 89-007239, dated: November 30, 1989 in the Office of the Recorder of Hancock County, Indiana and the POINT OF BEGINNING of this description; thence South 00 degrees 13 minutes 35 seconds West 1,268.73 feet along the West line of the Callaway parcel to the centerline of McCord Road; thence South 49 degrees 57 minutes 15 seconds West 784.47 feet along the centerline of McCord Road to the northeasterly line of the 2 acre parcel owned by William G. and Brenda L. Eldridge as recorded in Inst. No. 84-005138, dated: November 16, 1984 in said Recorders Office; thence North 40 degrees 06 minutes 06 seconds West 580.24 feet along said northeasterly line to the North most corner of said 2 acre parcel; thence North 89 degrees 46 minutes 18 seconds West 202.24 feet to the West line of said Northeast Quarter; thence North 00 degrees 13 minutes

“EXHIBIT A”

42 seconds East 1,427.61 feet along said West line to the Southwest corner of a 3.96 acre parcel owned by Harold Smoot and Anna Faye Smoot as recorded in Inst. No. 73-5373, dated: October 16, 1973 in said Recorders Office; thence North 86 degrees 19 minutes 58 seconds East 150.00 feet along the South line of said 3.96 acre parcel to the West line of the 5.48 acre parcel owned by Harold Smoot as recorded in Instrument No.14-5645, dated: June 25, 2014 in said Recorders Office; thence the next two (2) courses are along the West and South lines of said 5.48 acre parcel: (1) South 00 degrees 13 minutes 42 seconds West 0.51 feet; (2) North 86 degrees 19 minutes 58 seconds East 296.00 feet to the West line of the 14.277 acre parcel owned by Guardian Fire Systems, Inc. as recorded in Instrument No. 2010-007086, dated: August 16, 2010 in said Recorders Office; thence the next two (2) courses are along the West, and South lines of said 14.277 acre parcel: (1) South 00 degrees 13 minutes 42 seconds West 1.15 feet; (2) North 86 degrees 34 minutes 27 seconds East 577.84 feet to the West line of the 49 acre parcel owned by the Trust Agreement of Robert T. Brown & Julia A. Brown, dated December 15, 1998 as recorded in Inst. No.: 2017-001483, in the Office of the Recorder, Hancock County, Indiana; thence South 00 degrees 13 minutes 42 seconds West 169.38 feet along said West line to the South line of the North Half of the Northeast Quarter of said Section 13; thence North 86 degrees 35 minutes 26 seconds East 154.92 feet along said South line to the Place of Beginning, containing 43.473 acres, more or less.