

**ORDINANCE NO.
121019A**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE,
HANCOCK COUNTY, INDIANA AMENDING ORDINANCE NO. 121410, AS AMENDED,
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 (“The Meadows at Sagebrook 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-19-015, after a public hearing held on the 19th day of November, 2019, to the Town Council with a favorable recommendation by a vote of 5-2 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 “The Meadows at Sagebrook District” (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 4 (R4) as stated in the Ordinance #121410 adopted in January of 2011, (the “Underlying Zoning District”). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance 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
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 Section III.: Zoning Districts 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.

Zoning District Standards. The purpose of this section is to provide detached single-family Dwellings with an average lot size of approximately 8,200 Square Feet. The number of individual residential platted Lots shall not exceed 140.

1. Minimum Lot size. The minimum Lot size shall be 6,240 square feet.
2. Lot Widths. All Lots in the District shall have a minimum width of fifty-two (52') feet measured at a point twenty-five (25') feet from the Street Right-Of-Way.
3. Minimum Lot Frontage. The minimum Lot Frontage shall be thirty (30') feet measured between Side Lot Lines at the Street Right-Of-Way.
4. Front Yard Set Back. The minimum Front Yard Setbacks shall be thirty (30') feet measured from the Street Right-Of-Way.
5. Side Yard Set Back. The minimum side yard Setbacks for all Lots shall be five (5') feet with an aggregate minimum distance between Dwellings of ten (10') feet. The minimum Street side yard Setback for corner lots shall be a minimum of fifteen (15') feet.
6. Rear Yard Set Back. The minimum rear yard Setbacks shall be fifteen (15') feet from the Rear Lot Line.
7. Maximum Building Height. The maximum building height shall be thirty-five (35') feet for a primary Structure.
8. Minimum Square Footage. Except as provided for below, all Dwellings in the District shall be subject to the following minimum finished living space requirements. Dwellings with Multiple stories shall have a ground floor area of 900 square feet:

Single-Story Dwellings	1,500 sqft.
Multi-Story Dwellings	1,800 sqft.

Section 6. Development Standards. The standards of Section III.: Zoning Districts Standards in the Zoning Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

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 a twelve (12") 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. Front Elevation. All Dwellings shall have brick, masonry, stone or a combination thereof on at least fifty percent (50%) of the principal Elevation (excluding windows, doors, garage doors, and areas above roof line). Craftsman Elevations which include a front porch, shall have a minimum masonry of at least thirty percent (30%). Garage returns shall be a three (3') feet brick wainscot.
4. Corner Lots. Those Lots indicated with a (o) shall require a minimum of three (3) different finish Facade styles from the list below for each side Elevation. This requirement excludes Dwellings with a hip roof whereas the requirement may be two (2) different finish Facade

styles. A three (3') feet brick or stone wainscot is required as one of the finished Facade styles. Should a full first floor brick wrap is selected, said brick shall satisfy the intent of this requirement. Finished Facade Styles may include but are not limited to Brick, Stone, Horizontal Siding, Bat and Board Siding, Tudor Style Siding and Cedar Shake Siding. Dwellings built on Corner Lots shall include a minimum of one (1) window per story of a minimum size of two (2') feet by four (4') feet on the side of the Dwelling facing the Street. These windows shall include shutters where the brick wainscot does not interfere.

5. Perimeter Lots. All Lots indicated with a (*) and/or abutting County Road 700 West shall have a rear gable in the form of one of the following: Enclosed sunroom, screened in porch, a covered back porch with a minimum of 8"x8" columns, rear bump of at least ten (10') feet in width by four (4') feet in depth. If a first-floor brick wrap is chosen, a gable is not required on the rear Elevation.
6. Siding. Siding materials shall include by are not limited to masonry, wood, cement fiber board, stucco, shakes, board and batten, E.I.F.S. and vinyl siding materials (minimum thickness of 0.046 inches). Colors of all exterior materials shall be chosen by the builder and approved by the applicable governmental architectural review committee, if applicable.
7. 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 fifteen (15%) percent of the Dwellings in the Subdivision with the same front Elevation.
8. 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.
9. 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.
10. 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.
11. Character Exhibits. Elevations, attached hereto as **Exhibit E, Character Exhibits**, are incorporated as a compilation of images designed to capture the intended quality of Structures to be constructed in the District. Although the exhibits do not necessarily represent final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of Structures that are required to be constructed and that contribute to the District's intent and vision. It is not the intent to limit the architectural styles shown in Exhibit D, but to encourage diversity in architectural styles of Dwellings within the District.
12. Driveways. All Dwellings in the District shall have concrete driveways.

13. Landscaping. All Dwellings in the District shall include a minimum of one (1) ornamental tree and one (1) shade tree in the Front Yard, with corner lots to include an additional one (1) tree in the Street side yard, with all being a minimum two (2") inch caliper at time of planting. Dwellings shall feature one (1) ornamental tree and/or evergreen tree in the rear yard. All Dwellings in the District shall include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed. If the garage protrudes more than eight (8') feet forward of the front Facade an additional four (4) shrubs shall be planted. All shrubs or bushes will be at least eighteen (18") inches in height at the time of planting.
14. Garages: All Dwellings in the District shall have a minimum two-car garage with a minimum of twenty-two (22') feet in width measured from the exterior of the garage. 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 either side elevation of the garage. The maximum protrusion distance of the garage shall be sixteen (16') feet from the front façade. There shall be no requirement for side load garages. Decorative garage doors shall be an option for buyers but are not required.

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, with the exception of the frontage county roads. 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. Street Signage. The Developer shall be responsible for the cost of and the placement of all Street signage as required by the Town.
3. On-Street Parking. On Street parking shall be limited to one side of the Street. No parking Signs shall be installed to indicate which side of the Street is prohibited.
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.
5. Tree Preservation Easement. A Tree Conservation Easement (T.C.E.) shall be located along certain areas of the perimeter of the development for the purpose of maintaining the existing healthy, non- evasive trees and shrubs. Said Easement is designed to provide a natural barrier surround the development from existing Dwellings and property. 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.

6. Common Area Landscaping. The Common Area(s) located along County Road 700 West and County Road 600 North shall contain undulating mounds to include trees and shrubs. Common Areas located within The Meadows shall include a mixture of deciduous and evergreen trees as depicted in **Exhibit D, Landscape Plan.**
7. Common Area Ponds. Common Area Pond #1 as depicted on **Exhibit B, Preliminary Development Plan.** shall have artificial fishing structures installed in multiple areas in the pond to provide habitat for fish. The structures will be maintained by the HOA. Both pond #1 and pond #2 will have low maintenance landscaping and woody shrubs installed along the pond banks to help deter geese from exploiting the pond bank areas.
8. Amenities. Amenities as depicted in **Exhibit D, Landscape Plan.** will include in Common Area “D”, a playground structure and a picnic structure with grilling area. Along the trail surrounding “Pond #1” will include three (3) benches spread out along the trail. The Common Area/”Trail Head” will include a six (6) space parking lot with striping and a picnic structure with picnic tables. Although the amenities exhibits do not necessarily represent final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of Structures that will be constructed and that contribute to the Amenities intent and vision.
9. Prohibited Structures. No other detached Structures or above ground pools shall be permitted in the District.
10. Fence and Wall Standards. No fences or walls shall be allowed in any drainage and/or utility Easements on Lots. All lots which have a house positioned at the minimum 5’ side-yard setback, fences shall not be closer to the front property than the rear corner of the home.
11. 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).
12. Homeowner’s Association. The subdivision shall be managed by a professional homeowner’s association management company that shall maintain all common areas.
13. Builder Signage. The builder shall have the right to place a community marketing Signs at each entrance of the community off of the County Roads. 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.

14. Right-of-Way Dedication. The petitioner commits to dedicating Right-of-Way at the time of secondary Plat. The required dedication shall be a 40' half width right-of-way along 700W and 35' half width right-of-way along 600N.
15. Snow Plowing: The homeowner's association shall be responsible for all snow removal on internal streets.
16. Model Home: 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, this requirement shall only apply to one (1) model.

PASSED AND ADOPTED THIS 14th day of January, 2020.

MCCORDSVILLE TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Thomas R. Strayer

Thomas R. Strayer

Barry A. Wood

Barry A. Wood

Gregory J. Brewer

Gregory J. Brewer

Larry J. Longman

Larry J. Longman

Branden D. Williams

Branden D. Williams

ATTEST:

Cathy Gardner, Clerk-Treasurer

This instrument was prepared by Gregg Morelock, Attorney at Law.

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. – Gregg Morelock

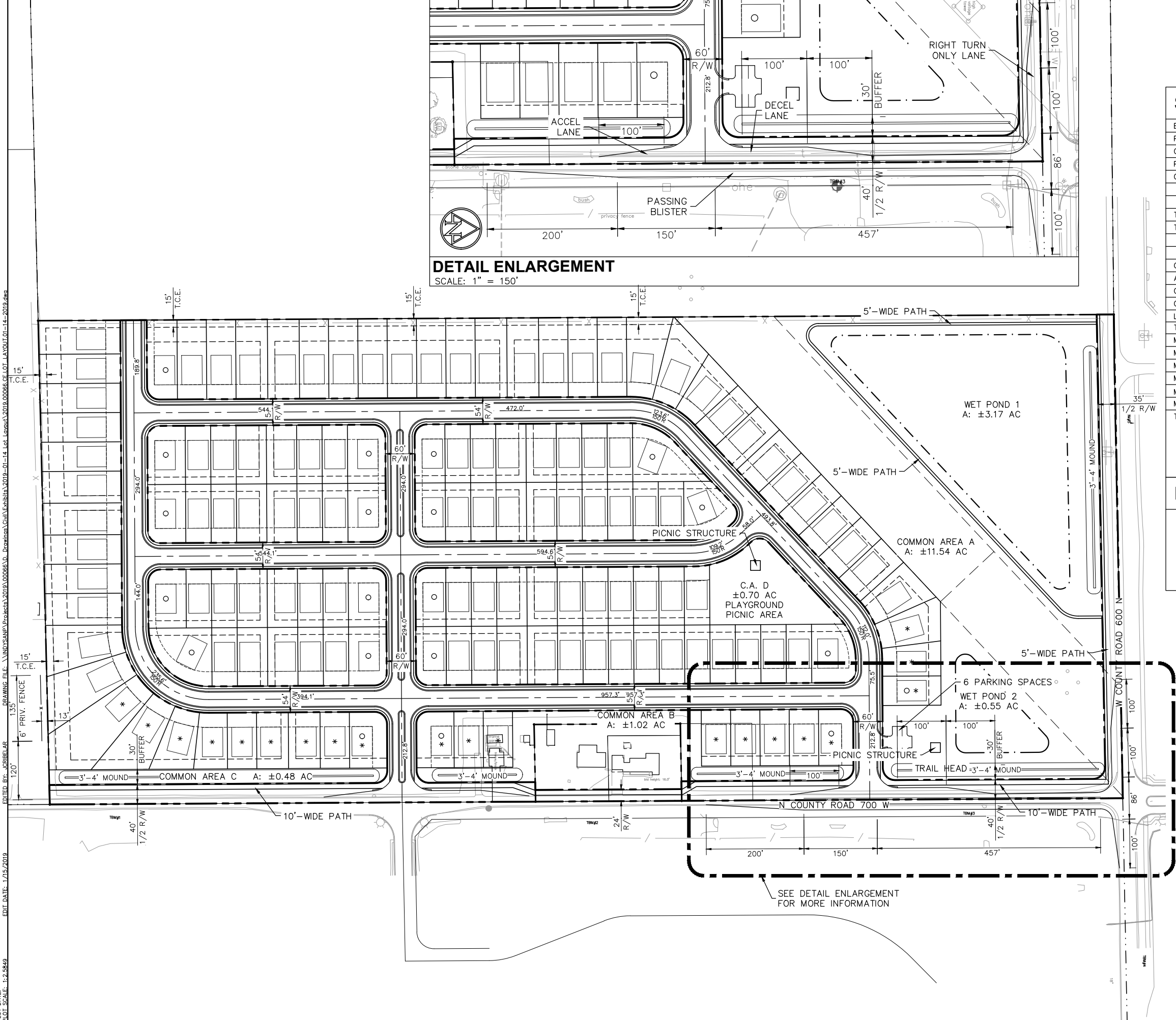
EXHIBIT A

LEGAL DESCRIPTION

BEGINNING at a mag nail at the northeast corner of said Northeast Quarter; thence South 0 degrees 19 minutes 54 seconds East 902.64 feet along the east line of said Northeast Quarter (basis of bearings is the Indiana Geospatial Coordinate System, Hancock Zone) to a mag nail at the northeast corner of Tract II as described in Instrument Number 201508761, on file in the Office of the Recorder of Hancock County, Indiana; thence South 88 degrees 52 minutes 48 seconds West 158.00 feet along the north line of said Tract II and the north line of Tract I as described in said Instrument Number 201508761 to a 5/8-inch diameter rebar with a cap stamped "Structurepoint - 0094" set flush (hereafter referred to as "set rebar") at the northwest corner of said Tract I, the following two (2) courses are along the west and south lines thereof; 1)thence South 0 degrees 19 minutes 54 seconds East 299.25 feet to a set rebar; 2)thence North 88 degrees 52 minutes 48 seconds East 158.00 feet to mag nail on the east line of said Northeast Quarter, the following two (2) courses are along the east and south lines thereof; 1)thence South 0 degrees 19 minutes 54 seconds East 994.34 feet to a mag nail; 2)thence South 88 degrees 37 minutes 15 seconds West 990.83 feet to a rebar set at the southwest corner of Tract III as described in said Instrument Number 201508761; thence North 0 degrees 19 minutes 54 seconds West 2,201.66 feet along the west line of said Tract III to a mag nail on the north line of said Northeast Quarter; thence North 89 degrees 22 minutes 45 seconds East 108.12 feet to a brass plug at the southeast corner of the Southeast Quarter of Section 34, Township 17 North, Range 5 East; thence North 88 degrees 52 minutes 48 seconds East 882.63 feet along said north line to the POINT OF BEGINNING. Containing 48.924 acres, more or less.

EXHIBIT B

**PRELIMINARY
DEVELOPMENT
PLAN**



EDITED BY: JCBRELAR
DRAWING FILE: \\INDYSAMP\Projects\2019\00066\0 - Drawings\Civil\Exhibits\2019-01-14 Lot Layout\2019.00066.CE.LOT LAYOUT.01-14-2019.dwg
PLOT DATE: 1/15/2019
PLOT SCALE: 1"=200'



SCALE: 1"=200'

SITE DATA TABLE

EXISTING SITE ZONING:	R2.5
PROPOSED SITE ZONING:	PUD
GROSS AREA:	±50.00 AC
PROPOSED PUBLIC RIGHT-OF-WAY:	±10.16 AC (20.3%)
COMMON AREA:	±13.49 AC (27.0%)
NORMAL POOL POND AREA:	±3.72 AC (7.4%)
POWER LINE EASEMENT AREA:	±4.10 AC (8.2%)
TOTAL LOT AREA:	±26.35 AC (52.7%)
TOTAL LOTS:	139
52'-WIDE LOTS:	78
60'-WIDE LOTS:	60
GROSS DENSITY:	2.8 LOTS/ACRE
AVERAGE LOT SIZE:	8,260 SF
COUNTY ROAD 600 N FRONTAGE:	991 LF
COUNTY ROAD 700 E FRONTAGE:	1,896 LF
LOCAL ROAD LENGTH:	6,382 LF
TYPICAL BUILDING PAD SIZE:	42'x60'
MIN. INTERIOR LOT SIZE:	52'x120'
MIN. EXTERIOR LOT SIZE:	60'x120'
MIN. LOT AREA:	6,240 SF
MIN. FRONT YARD:	30'
MIN. SIDE YARD (50'/60'):	5'
MIN. REAR YARD:	15'
TYPICAL R/W WIDTH:	70' (COUNTY ROAD 600 N) 80' (COUNTY ROAD 700 W) 60' (LOCAL ROAD) 54' (LOCAL SUBDIVISION)
PASSING BLISTER, ACCEL/DECEL LANES REQUIRED	

LEGEND

- * REAR REQUIREMENT
- CORNER LOT REQUIREMENT



ARBOR HOMES
9225 HARRISON PARK CT
INDIANAPOLIS, IN 46216



UNIVERSAL
PROPERTIES SITE

62ND STREET & N
COUNTY ROAD 700 W

CERTIFIED BY

ISSUANCE INDEX

DATE:
11/12/2019
PROJECT PHASE:
CONCEPTUAL

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2019.00066

YIELD PLAN

EX1

EXHIBIT C

ADJACENT ZONING MAP



Surrounding Zoning Map — Marion County

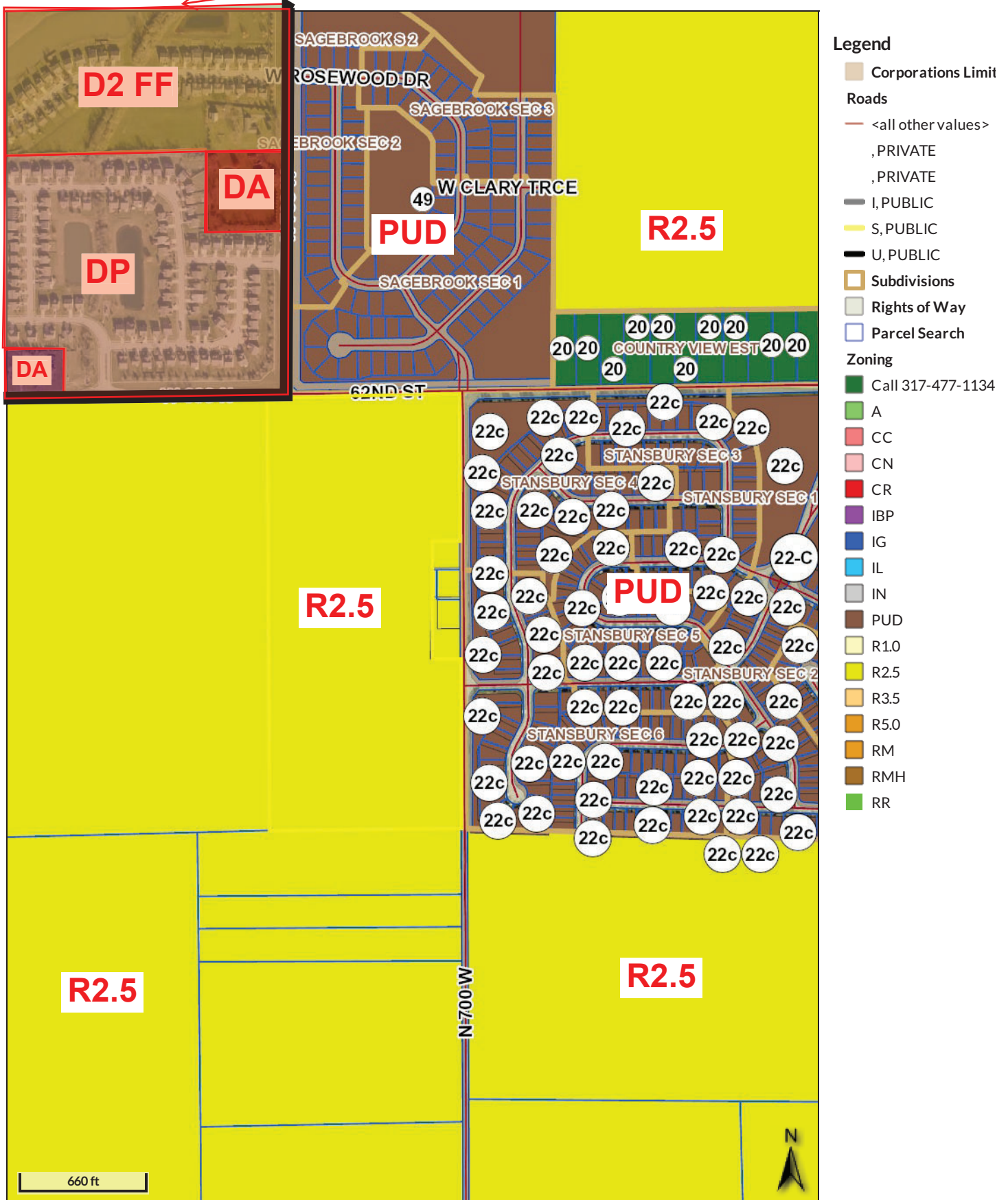


EXHIBIT D

LANDSCAPE RENDERING

PLOT DATE: ----
PLOT SCALE: 1:2.5849
EDIT DATE: 1/15/2019
EDITED BY: JCRIBELAR
DRAWING FILE: \\INDYSANP\Projects\2019\00066\0_Drawings\Civil\Exhibits\2019-01-14 Lot Layout\2019.00066.CE.LOT_LAYOUT.01-14-2019.dwg

EXHIBIT E

CHARACTER
EXHIBITS









