

ORDINANCE NO. 111020_

ORDINANCE AMENDING 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 amended, as the Town of McCordsville Zoning Ordinance; and

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted the Villages at Brookside PUD Ordinance No. 052305, as amended by Ordinance No. 030910, Ordinance No. 041211, and Ordinance No. 060915; and

WHEREAS, the Town Council of McCordsville, Indiana, has, after a public hearing was held on October 20, 2020, received a favorable recommendation from the McCordsville Advisory Plan Commission requesting an amendment to the Villages at Brookside PUD Ordinance No. 052305, as amended, in order to adopt certain changes to said PUD Ordinance;

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Ordinance No. 052305, as amended, is hereby amended as follows:

SECTION 1. This Amendment Ordinance applies to the real estate (the “Real Estate”) more particularly described in the attached Exhibit A.

SECTION 2. Applicability of Ordinance. Except as modified by this Ordinance, all other provisions of the PUD Ordinances 052305, 030910, 041211, and 060915 shall remain in effect with the adoption of this Ordinance. All provisions and representations of the PUD Ordinances listed above that conflict with the provisions of this Ordinance are hereby rescinded and shall be superseded by the terms of this Ordinance.

SECTION 3. Permitted Uses

The Land Uses for the Real Estate shall be as follows:

Sub-area F1:

Permitted

- Bakery
- Coffee shop
- Fuel station with convenience store
 - For the purposes of this Ordinance, a convenience store must comply with the definition contained herein.
- Restaurant, fast food
- Restaurant, drive-in
- Restaurant, fast casual
- Retail, small scale

Prohibited

- Automotive sales, service, storage, and/or leasing
- Carwash

- RV sales, service, storage, and/or leasing
- Boat sales, service, storage, and/or leasing
- Truck sales, service, storage, and/or leasing
- Mobile home sales, service, storage, and/or leasing
- Firearm sales or service
- Fireworks sales or storage, permanent; however, fireworks sales may occur in permanent retail establishments as a portion of their sales not exceeding 5% of overall sales
- Junkyard/salvage yard
- Nightclub
- Tattoo and/or piercing parlor
- All other uses not identified as Permitted.

Sub-area F2:

Permitted

- Animal clinic/hospital w/out outdoor kennel
- Bakery
- Coffee shop
- Co-working space
- Daycare
- Doggy daycare
- Fire station
- Fitness/yoga studio
- Health or day spa
- Medical hospital, center, or complex
- Personal services
- Professional Office
- Restaurant, fast food
- Restaurant, drive-in
- Restaurant, fast casual
- Restaurant, fast food
- Retail, small scale
- Retail, medium scale
- Virtual reality studio

Special Exception

- Liquor store

Prohibited

- Automotive sales, service, storage, and/or leasing
- Carwash
- RV sales, service, storage, and/or leasing
- Boat sales, service, storage, and/or leasing
- Truck sales, service, storage, and/or leasing
- Mobile home sales, service, storage, and/or leasing
- Firearm sales or service

- Fireworks sales or storage, permanent; however, temporary stores may be permitted, and fireworks sales may occur in permanent retail establishments as a portion of their sales not exceeding 5% of overall sales
- Junkyard/salvage yard
- Nightclub
- Tattoo and/or piercing parlor
- All other uses not identified as Permitted.

SECTION 4. Development Standards.

The Development Standards for the Real Estate shall be as follows. Any standards which are not addressed by this Amendment Ordinance shall fall back to the underlining zoning district, which shall be Neighborhood Commercial (CN).

1. Minimum Setbacks:
 - a. Area F1:
 - i. Front-yard setback (along 600W and 900N): 50'
 - ii. Front-yard setback (along internal street): 30'
 - iii. Side-yard setback: 5'
 - iv. Rear-yard setback: 20'
 - b. Area F2:
 - i. Front-yard setback (along 600W): 50'
 - ii. Front-yard setback (along internal street): 30'
 - iii. Side-yard setback: 5'
 - iv. Rear-yard setback: 20'
 - v. Setback from southern property line: 50' (inclusive of buffer-yard)
2. Minimum Lot Requirements:
 - a. Area F1:
 - i. Lot Size: 1.5 acres
 - ii. Lot Width: 100'
 - iii. Lot Coverage: 65%
 - b. Area F2:
 - i. Lot Size: 1 acre
 - ii. Lot Width: 100'
 - iii. Lot Coverage: 65%
3. Minimum Buffer-yard Requirements
 - a. Area F1:
 - i. Western Property Line: 30'
 - b. Area F2:
 - i. Western Property Line: 30'
 - ii. Southern Property Line: 30'

- c. Thirty-foot (30') Wide Buffer-yards shall feature: undulating mounding a minimum of five feet (5') in height, with seven (7) trees and ten (10) shrubs per one hundred (100) lineal feet.
 - ci. Buffer-yards shall not overlap with drainage or easements that would prevent or limit the installation of required mounding or plantings.
 - cii. The location of the western buffer-yard may be moved westward if necessitated by the development of a fire station immediately west of F1 without the need to amend this Ordinance. The goal of both the western and southern buffer-yards is to buffer and screen non-residential uses from residential uses.
 - ciii. A vehicular access point, except for access to a lot used exclusively for a fire station, shall not connect areas F1 or F2 to the remaining acreage of Parcel F, unless approved by the Plan Commission.
4. Minimum Architectural Standards
- a. Area F1
 - i. Section 6.04(C)(1)(c) regarding exterior materials shall apply and be further regulated as noted herein:
 - 1. Primary exterior materials shall be limited to brick, natural stone, and glass. Accent materials may include EIFS and metal, if approved by the Architectural Review Committee (ARC).
 - 2. The front, rear, and one (1) side elevation shall feature a minimum 50% brick/natural stone elevation as required, by the Zoning Ordinance; however, the remaining side elevation shall only be required to feature a brick/natural stone wainscot.
 - ii. Section 6.04(C)(1)(j) shall not apply to a convenience store, located on Area F1, meeting the definition of such a store stated herein.
 - iii. Fuel station canopy posts shall be wrapped with brick to a min. height equal to the height of the fuel dispensers. The brick portion of the columns shall be topped with a limestone cap.
 - iv. The overall design, aesthetics, and architectural character of any convenience store and fuel station canopy shall be similar Exhibit D.
 - v. Any convenience store's main entrance shall feature an extended height parapet wall and three-dimensional cornice with cornice detail.
 - vi. Any fuel station canopy shall feature a three-dimensional cornice.
 - vii. The Zoning Ordinance's 4-sided architecture requirement shall apply; however, one (1) side elevation shall be permitted to not have the same level of architectural detailing as the other elevations.
 - viii. The Zoning Ordinance's wall plane articulation requirements shall apply; however, one (1) side elevation shall be permitted to have one wall plane with canopies as the permitted articulation feature.
 - ix. The roof access ladder may be permitted on the exterior of the building, so long as it is location on the west building elevation.

- x. All other architectural standards shall apply per Article V & VI of the Town's Zoning Ordinance, as amended, and applicable to the Neighborhood Commercial Zoning District, as amended.
 - b. Area F2: All architectural standards shall apply per Article V & VI of the Town's Zoning Ordinance, as amended, and applicable to the Neighborhood Commercial Zoning District, as amended.
- 5. Minimum Landscaping Standards
 - a. Parking lots between buildings shall be separated by a minimum of ten (10) foot wide landscaped medians.
 - b. Foundation plantings shall be required as denoted on the attached Exhibit F.
 - c. All other landscape standards shall be as required by Article VI of the Town's Zoning Ordinance, as amended.
- 6. Minimum Lighting Standards
 - a. All internal streets lights and free-standing site lighting shall mimic the style of the streetlights in the Villages at Brookside; however, these lights shall not be required to feature a wooden post.
 - b. Street lighting, consistent with the style installed by Traditions at Brookside, shall be required along 900N, for every two hundred and fifty (250) lineal feet of frontage.
 - c. All under-canopy lighting shall be recessed into the canopy. The fixtures or their housing shall not protrude more than three-fourths (3/4) of an inch below the canopy ceiling. Said lighting fixtures shall include wattage selectors and the petitioner shall commit to reducing the wattage at the Town's request if the lighting is deemed (by the Town) too bright for neighboring residential properties.
 - d. All other lighting standards, including, but not limited to the streetlighting required along CR 600W, shall be per the Town's Zoning Ordinance, as amended.
- 7. Minimum Road Standards
 - a. There shall be a maximum of two road cuts onto CR 900N. For the purposes of this requirement, a road cut solely for the emergency vehicles leaving/returning from a fire station shall not count against the two (2) cut maximum.
 - b. There shall be a maximum of two (2) full access road cuts onto CR 600W. However, the north entrance may be limited in the future with construction of a splitter island or median at the Town's discretion. This limitation does not constitute allowance of an additional full access road cut elsewhere on the Real Estate. The south entrance, onto CR 600W, will be the main entrance and will be permitted as a full access road cut.
 - c. All full access roads cut shall be designed with one (1) inbound lane and (2) outbound lanes. Additionally, the northernmost cut onto CR 600W shall have a median feature, generally as shown on the Conceptual Site Plan. The southernmost cut onto CR 600W shall feature median entrance.
 - d. All internal streets will be private streets.
 - e. The following traffic improvements shall be installed.

- i. All access points (excluding an access point exclusively for emergency vehicles): a 150' acceleration lane taper and a 100' deceleration lane with a 150' taper.
 - ii. A left turn lane along CR 600W for the north and south entrances.
 - f. Right-of-way necessary for the construction of a future roundabout at the intersection of CR 600W and CR 900N, as well as any right-of-way required by the Town's Thoroughfare Plan, shall be dedicated to the Town at time of platting.
 - g. All other road standards shall be per the applicable Ordinances of the Town of McCordsville.
8. Minimum Pedestrian Standards
- a. A pedestrian connection shall be stubbed to the residual acreage to the west. This sidewalk stub shall be near the middle of the site, to keep the majority of the residual acreage within a one quarter ($\frac{1}{4}$) mile walking distance of all portions of the "Real Estate".
 - b. The perimeter trail along 600W shall be concrete and ten (10') feet in width.
 - c. The sidewalk along 900N and the path along 600W may be installed within the Real Estate's front-yard setbacks and protected with pedestrian access easement.
 - d. All other pedestrian standards shall be per the Town's Zoning Ordinance, as amended.
9. Minimum Signage Standards
- a. All wall signage, except fuel pricing, shall be either externally illuminated, non-illuminated, or reverse-channel illuminated. Logo cabinets which are reverse channel illuminated may also be internally illuminated.
 - b. Fuel pricing signage shall be internally illuminated LED.
 - c. All ground signage included in the development shall include similar design features and/or materials, as determined by the Zoning Administrator.
 - d. Signage shall be permitted on three (3) sides of a fuel center canopy, so long as the remainder of the canopy fascia is a neutral color complimentary to the architectural design and colors of the primary structure. Signage on the long side of the canopy shall not exceed twenty-two (22) SF and signage on either short side of the canopy shall not exceed forty-one (41) SF (each). Additionally, there shall be no more than one (1) sign per permitted side.
 - e. Signage on fuel pumps shall not exceed 7.5 SF per dispenser.
 - f. All internally illuminated ground sign cabinets shall be illuminated with routed-out lettering so that only the sign content is illuminated.
 - g. The frontage along CR 900N may feature a maximum of two (2) ground signs; with the condition that one of the two signs shall be used as signage for Area F2.
 - h. Grounds signs along CR 600W shall be allowed as regulated by the Town's Sign Ordinance, with the exception that if the developer chooses multiple ground signs, instead of the Unified Center option, one (1) of the permitted ground signs shall be permitted to a height of eight (8) feet.

- i. In addition to wall signage permitted by the Town's Sign Ordinance, a convenience store meeting the definition of this Ordinance, and which is located in F1, shall be permitted a maximum of ten (10) wall signs, as designed and located as generally shown on the buildings rendering exhibit, and further limited as noted below:
 - i. The maximum number of signs on the east elevation shall be four (4) signs, totaling no more than 136 SF, with the signage located above the main entry counting as one sign. One (1) of the three (3) signs shall be changeable copy, oriented towards those already on-site, be no higher than nine (9') feet from grade, and be non-illuminated or externally illuminated by recessed lighting set inside the building's masonry.
 - ii. The maximum number of signs on the north elevation shall be three (3) signs, totaling no more than 96 SF. Of these three signs, one (1) shall be a sign painted directly on the building façade, illuminated externally, and one (1) sign shall be changeable copy, oriented towards those already on-site, be no higher than nine (9') feet from grade, and be non-illuminated or externally illuminated by recessed lighting set inside the building's masonry.
 - iii. The maximum number of signs on the west elevation shall be three (3) signs, totaling no more than 118 SF. Of these signs, (1) shall be a digital menu board, located no higher than nine feet (9') from grade, and the other two (2) signs shall be changeable copy signs, oriented towards those already on-site, be no higher than nine feet (9') from grade, and be non-illuminated or externally illuminated by recessed lighting set inside the building's masonry.
 - iv. One sign shall be permitted on the south elevation. This sign shall be non-illuminated or externally illuminated. It shall not exceed 40 SF.
- ii. Any permitted drive-thru shall be permitted the following signage:
 - i. One (1) menu-board not to exceed twenty-four (24) SF in sign area, unless a digital menu board is mounted to the building in which case an additional menu board is not permitted.
 - ii. One (1) pre-order menu board not to exceed twelve (12) SF in sign area. This pre-order menu board shall be ground-mounted.
 - iii. All drive-thru signage/menu-board shall be internally illuminated LED and be constructed with a masonry base (brick or stone (not CMU)) complimentary to the primary structure or be attached to the primary structure.
 - iv. All drive-thru signage/menu boards shall be screened from nearby residentially zoned properties with the use of landscape plantings, whose height at maturity will block the view of the signage. Buildings or walls may also be used as a screen, as approved by the Zoning Administrator.
- iii. No ground signs, except pre-order and drive-thru menu boards, may be within one hundred and fifty (150) feet of each other.

- l. The rear elevation of any multi-tenant commercial buildings in areas F2 may feature rear signage, limited to one (1) such non-illuminated sign, no larger than ten (10) SF, per tenant.
- m. Tenants in a multi-tenant commercial building may include one (1) projecting pedestrian blade sign for each tenant. Each blade sign shall be limited to four (4) SF, a maximum projection of three feet (3') from the building façade, min. eight feet (8') from grade, and non-illuminated. Pedestrian blade signs shall not count against any other permitted signage.
- n. All other signage standards shall be per Article VII of the Town's Zoning Ordinance, as amended.

10. Miscellaneous Standards

- a. Areas F1 & F2 shall share a common development name. This name shall be represented on a Development Monument. This common name shall include the wording "at Brookside".
- b. In addition to all other signage standards herein, the developer of F1/F2 shall install a Development Monument at the SWC of the 600W/900N intersection featuring the common development name. This signature feature shall be installed in lieu of the requirement for a Public Space(s) as required in the Highway Overlay. This feature shall be oriented towards the intersection, provide a visual impact, and include design features similar in style and materials to the ground signage for the Villages at Brookside residential subdivision. The Town's perimeter landscape standards would not apply in the area encompassed by the signature feature; however, some low-level landscaping shall be installed to highlight the feature. Illustrative examples of signature features are included in Exhibit C.
- c. The site shall be designed to incorporate outdoor dining spaces.
- d. A gas station with convenience store meeting the requirements of this Ordinance shall be permitted to operate 24-hours a day and have a drive-thru window without the need for a Special Exception. This drive-thru window shall not have a speaker box.
- e. In addition to the allowance above in subsection (d), two (2) additional business may be permitted to feature a drive-thru window, without the need for a Special Exception. These businesses shall not be 24-hour business, and both may feature a speaker box. However, only one such drive-thru may be for a fast-food establishment. For the purposes of this standard, fast casual and coffee shops are not considered fast food. Said speaker box is required to comply with the Town's Noise Ordinance.
- f. Outdoor sales are limited to a convenience store, as described by this Ordinance, and located on Area F1. Such sales shall be limited in size and screened from view with a masonry wall (matching the primary structure) as shown in Exhibit E.

SECTION 5. Definitions

For the purposes of this Ordinance the following words or terms are defined herein. All other words or terms shall utilize the definition or explanation provided within the Villages at Brookside PUD, as amended, or the Town of McCordsville Zoning Ordinance, as amended. In the case of a conflict, this Ordinance shall supersede.

1. Convenience Store: A commercial establishment of at least 7000 square feet, which sells pre-packaged foods and other goods, as well as an on-site kitchen, where fresh food is prepared following orders made by customers. Such a facility shall have an indoor and outdoor seating area for customers choosing to consume food on-site.
2. Restaurant, fast casual: A commercial establishment where customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or which are able to be taken to a table or counter to be consumed. However, unlike fast food, the food is not prepared prior to the customer ordering.
3. Co-working space: A commercial establishment functioning as an office for those who are self-employed or working for different employers. The space shall offer communal office equipment and features, and space for creative thought, knowledge and ideas to be shared.
4. Development Monument: A structure designed to promote and attract attention to the development, while adding character and uniqueness. The signature feature may include the development's name but shall not include any other signage. Development Monument shall be designed to feature low wall masonry and other accent materials that are complimentary to the overall development, but not specific business(s).

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 10th day of November 2020. A motion to consider on 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 _____, 2020 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:

Voting Opposed:

Barry A. Wood

Barry A. Wood

Thomas R. Strayer

Thomas R. Strayer

Gregory J. Brewer

Gregory J. Brewer

Larry J. Longman

Larry J. Longman

Branden D. Williams

Branden D. Williams

ATTEST:

Staci A. Starcher
Clerk Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 6 West South Street, 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. Gregg H. Morelock.

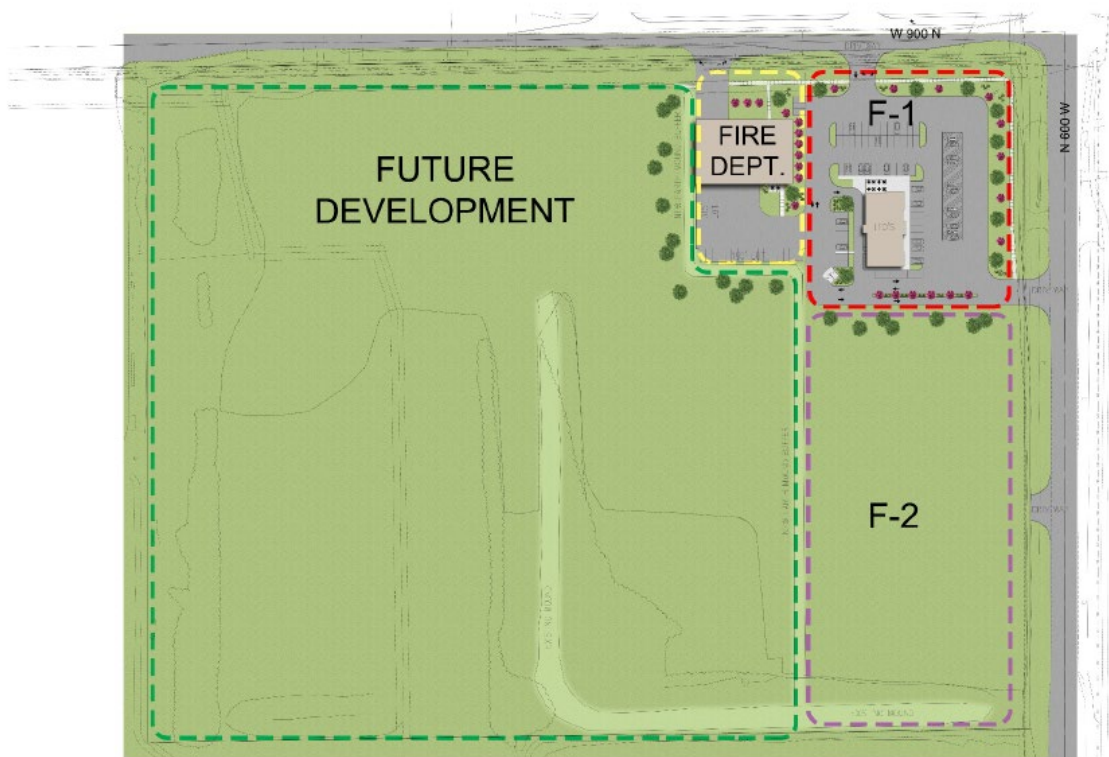
Exhibit A – Legal Description

PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 17 NORTH, RANGE 5 EAST, VERNON TOWNSHIP, HANCOCK COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 07 MINUTES 23 SECONDS WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1081.62 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 42 SECONDS WEST A DISTANCE OF 54.50 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 14 MINUTES 42 SECONDS WEST A DISTANCE OF 399.21 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 23 SECONDS EAST A DISTANCE OF 1039.25 FEET TO THE SOUTH BOUNDARY OF COUNTY ROAD 900 NORTH PER INSTRUMENT NUMBER 201904454, AS RECORDED IN THE HANCOCK COUNTY RECORDER'S OFFICE; THENCE ALONG SAID SOUTH BOUNDARY THE FOLLOWING TWO COURSES: 1) SOUTH 85 DEGREES 01 MINUTE 57 SECONDS EAST A DISTANCE OF 25.48 FEET; 2) NORTH 89 DEGREES 15 MINUTES 25 SECONDS EAST A DISTANCE OF 350.59 FEET TO THE WEST BOUNDARY OF COUNTY ROAD 600 WEST PER INSTRUMENT NUMBER 2008303, AS RECORDED IN SAID RECORDER'S OFFICE; THENCE ALONG SAID WEST BOUNDARY THE FOLLOWING THREE COURSES: 1) SOUTH 17 DEGREES 40 MINUTES 28 SECONDS EAST A DISTANCE OF 22.31 FEET; 2) SOUTH 00 DEGREES 07 MINUTES 23 SECONDS WEST A DISTANCE OF 229.66 FEET; 3) SOUTH 03 DEGREES 27 MINUTES 12 SECONDS EAST A DISTANCE OF 262.98 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 23 SECONDS WEST A DISTANCE OF 522.91 FEET TO THE PLACE OF BEGINNING.

CONTAINING 9.355 ACRES, MORE OR LESS.

Exhibit B - Conceptual Site Plan



A New Site Layout for:
Leo's Market & Eatery
McCordsville, Indiana
2020



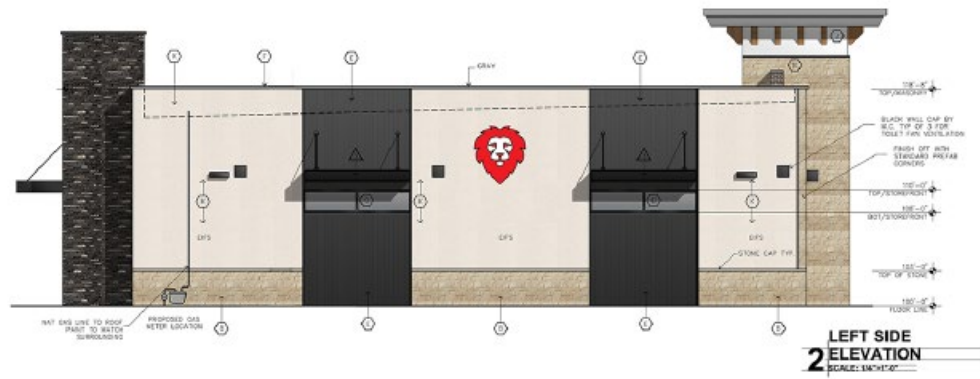
Exhibit C – Illustrative Examples of Development Monuments







Exhibit D – Illustrative Fuel Station & Convenience Store Architectural Elevations



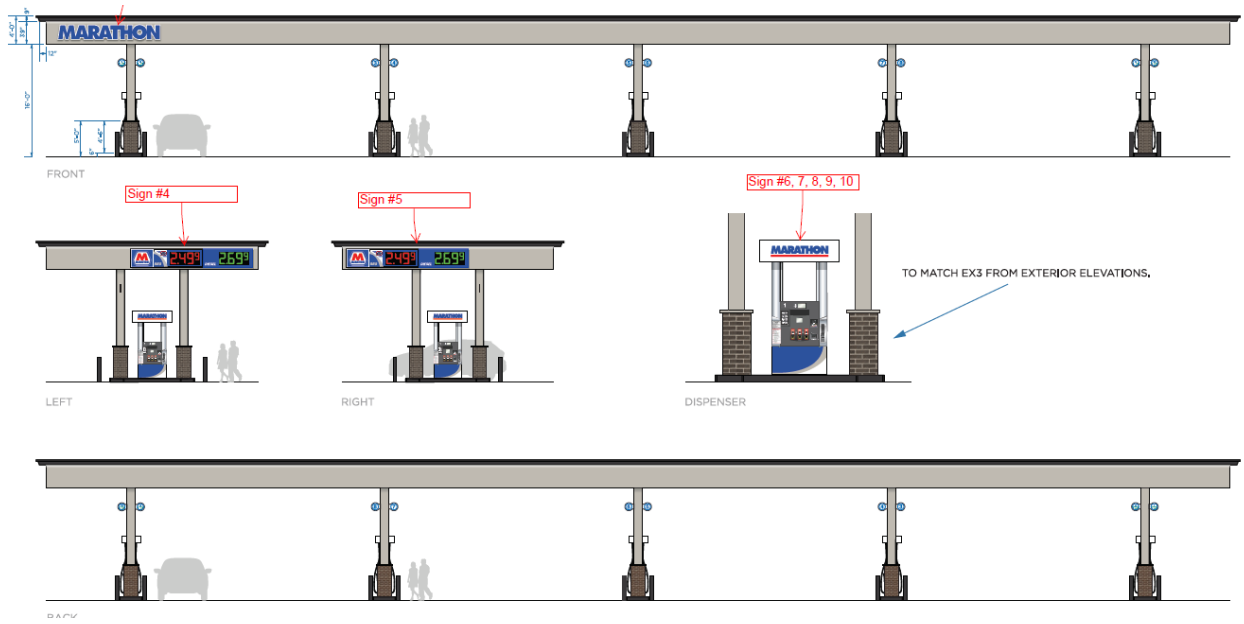




Exhibit E – Illustrative Outdoor Sales Screen Wall



Exhibit F – Foundation Plantings



-  = Potted and hanging basket plantings.
-  = In-ground landscape planting beds.