

APRIL 16, 2021



## LIBERTY PONDS

PLANNED UNIT DEVELOPMENT

  
*Silverthorne*

DEVELOPER  
**SILVERTHORNE HOMES**  
9225 Harrison Park Court Indianapolis, IN 46216

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## **Statement of Intent:**

Silverthorne Homes (“Petitioner”) seeks to annex and rezone approximately 148.55 acres of land adjacent and congruent to the Town of McCordsville, Indiana. The property is zoned by Hancock County zoning as Agriculture. Silverthorne is proposing to rezone the property to PUD zoning. The property is located at the southeast corner of E 96<sup>th</sup> St and N 500 W. The property is adjacent to the McCord Pointe PUD to the west and Belmont Place to the north. The property is adjacent to agricultural/vacant land uses to the south, east, and west. The site features two overhead power easements, both on the east side of the property, creating a natural linear park of approximately 26 acres. The proposed development will include a maximum of 255 detached single-family Dwellings.

The proposed development (Liberty Ponds) is consistent with the goals and objectives of the Town of McCordsville Comprehensive Plan. Liberty Ponds is located on the north side of the Town and the property will be contiguous to the Town boundaries.

The proposed density, 1.8 units/acre, and product line of homes, Silverthorne Homes, is compatible with other communities in the surrounding area. Amenities will include a linear park which will feature an 8’ wide looped trail system among decorative mounding and natural grasses, a playground, and additional 8’ wide trail along Bee Camp Creek. In total there will be approximately 1.4 miles of trail.

**ORDINANCE NO.**

\_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE,  
HANCOCK COUNTY, INDIANA AMENDING ORDINANCE NO. \_\_\_\_\_, 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. \_\_\_\_\_ 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 (“Liberty Ponds 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 \_\_\_\_\_, after a public hearing held on the \_\_\_\_ day of \_\_\_\_\_, 2021, to the Town Council with a favorable recommendation by a vote of \_\_\_\_ in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and

**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 “Liberty Ponds 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 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 a minimum lot size of approximately 8,700 Square Feet. The number of individual residential platted Lots shall not exceed 255.

1. Minimum Lot size. The minimum Lot size shall be 8,700 square feet. A minimum of 30% of the lots shall be a minimum lot size of 10,000 square feet.
2. Lot Widths. All Lots in the District shall have a minimum width of sixty-five (65') feet measured at a point twenty-five (25') feet from the Street Right-Of-Way. A minimum of 30% of the lots shall be seventy-five (75') feet wide or greater.
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 six (6') feet with an aggregate minimum distance between Dwellings of twelve (12') 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	1,800 sqft.
Multi-Story Dwellings	2,000 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 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. 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 of a 30" high brick or stone wainscot 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.

4. Perimeter Lots. All Lots indicated with a (\*) 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.
5. Corner Lots. All lots indicated with a (o) shall have a brick or stone wainscot on the side façade facing the street.
6. 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.
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 ten (10%) 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. 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 side 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.
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 forty-five (45%) 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 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.

14. Garages: All Dwellings in the District shall have a minimum two-car garage with a minimum of twenty-two (22') feet in width or depth 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 one/either side elevation of the garage. The maximum protrusion distance of the garage shall be sixteen (16') 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.

Side load garages shall be required on half of the corner lots. Corner lots are identified on the concept plan with a (o).

All dwellings shall have decorative garage doors. Decorate garage doors are defined as having one of the following: hardware, windows, and/or separate garage bays.

**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. 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.
4. Common Area Landscaping. The Common Area(s) located along E 96<sup>th</sup> Street and North 500 West shall include seven (7) trees and (6) shrubs per one hundred (100) linear feet as depicted in **Exhibit D, Landscape Plan**. Upon the installation of the temporary lift station, 1 evergreen tree spaced 40' apart shall be planted along the perimeter of the lift station site.
5. 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.
6. Amenities. Amenities as depicted in **Exhibit D, Landscape Plan**, will include a linear park, approximately 26 acres, located on the east side of the community, along and within the two existing powerline easements. The linear park will include a looped trail, decorative mounding, natural grasses, and a playground. An additional trail will also run along Bee Camp Creek and will connect to the linear park. With the development of these amenities, the developer shall endeavor to conserve existing trees along property lines and the existing legal drain, subject to allowances for drainage improvements and other requirements of the Town



of McCordsville, the County Drainage Board, and/or a public utility. Trees and vegetation that are invasive, dead, diseased, or decaying are expect from conservation.

7. Prohibited Structures. No other detached Structures or above ground pools shall be permitted in the District.
8. Fence Standards. Fences shall be 4' wrought iron in style or a 6' vinyl privacy fence.
9. 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).
10. Homeowner's Association. The subdivision shall be managed by a professional homeowner's association management company that shall maintain all common areas.
11. Builder Signage. The builder shall have the right to place a community marketing Signs at each entrance of the community off of N 500 W and E 96<sup>th</sup> Street. An additional sign may be placed at the southeast intersection on N 500 W and E 96<sup>th</sup> Street. 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.
12. Right-of-Way Dedication. The petitioner commits to dedicating Right-of-Way at the time of secondary Plat. The required dedication shall be a 60' half width right-of-way along E 96<sup>th</sup> Street and a 48.5' half width right-of-way along N 500 W.
13. Snow Plowing: The homeowner's association shall be responsible for all snow removal on internal streets.
14. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MCCORDSVILLE TOWN COUNCIL

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Barry Wood, President

\_\_\_\_\_  
Barry Wood, President

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Barry Wood, President

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Branden Williams

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Branden Williams

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Branden Williams

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Tom Strayer

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Tom Strayer

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Tom Strayer

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Larry Longman

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Larry Longman

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Larry Longman

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Greg Brewer

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Greg Brewer

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Greg Brewer

ATTEST:

\_\_\_\_\_  
Staci Starcher, Clerk-Treasurer

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **LEGAL DESCRIPTION**

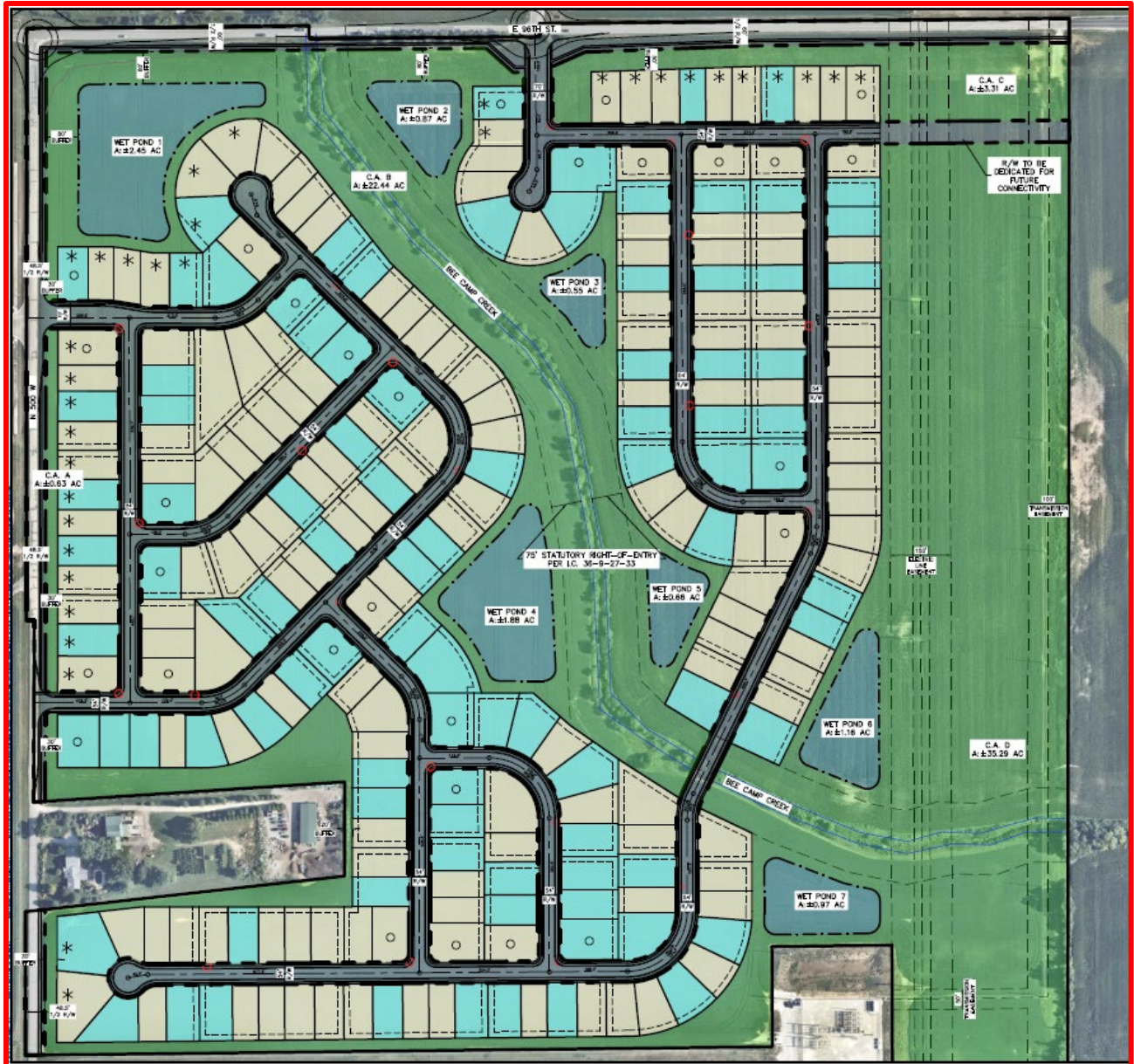
Swarts Property

Part of the Northwest Quarter of Section 18, Township 17 North, Range 6 East of the Second Principal Meridian, Hancock County, Indiana, being that 146.613-acre tract of land shown on the ALTA/NSPS Land Title Survey dated January 22, 2021, as last revised, by Michael J. Smith, PS #LS20500025 of American Structurepoint, Inc. under project number 2020.03087, more particularly described as follows:

BEGINNING at a Harrison Monument at the northeast corner of said Northwest Quarter; thence South 00 degrees 04 minutes 43 seconds West 2,655.65 feet along the east line of said Northwest Quarter (basis of bearings is the Indiana Geospatial Coordinate System, Hancock Zone) to a "DLDS" capped rebar at the southeast corner of said Northwest Quarter; thence South 89 degrees 21 minutes 20 seconds West 437.37 feet along the south line of said Northwest Quarter to a "FIRM 0107" capped rebar at the southeast corner of the parcel conveyed to Wabash Valley Power Association in Instrument Number 201712989, on file in the Office of the Recorder of Hancock County, Indiana, the following four (4) courses are along the east, north and west lines thereof; 1)thence North 00 degrees 12 minutes 15 seconds West 349.82 feet to a 5/8-inch diameter rebar with a cap stamped "ASI FIRM #0094" set flush (hereafter referred to as "set rebar"); 2)thence South 89 degrees 21 minutes 20 seconds West 300.00 feet to a "FIRM 0107" capped rebar; 3)thence South 00 degrees 16 minutes 16 seconds East 250.00 feet to a set rebar; 4)thence South 89 degrees 21 minutes 20 seconds West 1,863.77 feet to a mag nail found on the west line of said Northwest Quarter; thence North 00 degrees 07 minutes 09 seconds East 357.57 feet along said west line to a mag nail found at the southwest corner of the parcel conveyed to Dalchow in Instrument Number 201605591, on file in the Office of said Recorder, the following three (3) courses are along the south, east and north lines thereof; 1)thence North 83 degrees 37 minutes 51 seconds East 800.08 feet to a "FIRM 0064" capped rebar; 2)thence North 00 degrees 07 minutes 11 seconds East 234.77 feet to a "FIRM 0064" capped rebar; 3)thence South 86 degrees 17 minutes 58 seconds West 777.58 feet to a set rebar at the southeast corner of the parcel conveyed to the Town of McCordsville in Instrument Number 201802068, on file in the Office of said Recorder, the following four (4) courses are along the east and north lines thereof; 1)thence North 05 degrees 44 minutes 10 seconds East 152.11 feet to a set rebar; 2)thence North 00 degrees 07 minutes 09 seconds East 150.93 feet to a set rebar; 3)thence North 04 degrees 55 minutes 55 seconds West 150.23 feet to a set rebar; 4)thence North 89 degrees 58 minutes 41 seconds West 20.77 feet to a mag nail set on said west line; thence North 00 degrees 07 minutes 09 seconds East 189.22 feet to a Harrison Monument at the southwest corner of the North Half of said Northwest Quarter; thence North 00 degrees 03 minutes 25 seconds East 1,287.54 feet along said west line to a Harrison Monument at the northwest corner of said Northwest Quarter; thence North 89 degrees 26 minutes 20 seconds East 704.00 feet along the north line of said Northwest Quarter to a mag nail at the northwest corner of the parcel conveyed to Hancock County in Instrument Number 94-470, the following three courses are along the west, south and east lines thereof; 1)thence South 00 degrees 33 minutes 40 seconds East 32.50 feet to a set rebar; 2)thence North 89 degrees 26 minutes 20 seconds East 575.00 feet to a set rebar; 3)thence North 00 degrees 33 minutes 40 seconds West 32.50 feet to a mag nail set on the north line of said Northwest Quarter; thence North 89 degrees 26 minutes 20 seconds East 1,321.88 feet along said north line to the POINT OF BEGINNING. Containing 146.613 acres, more or less.

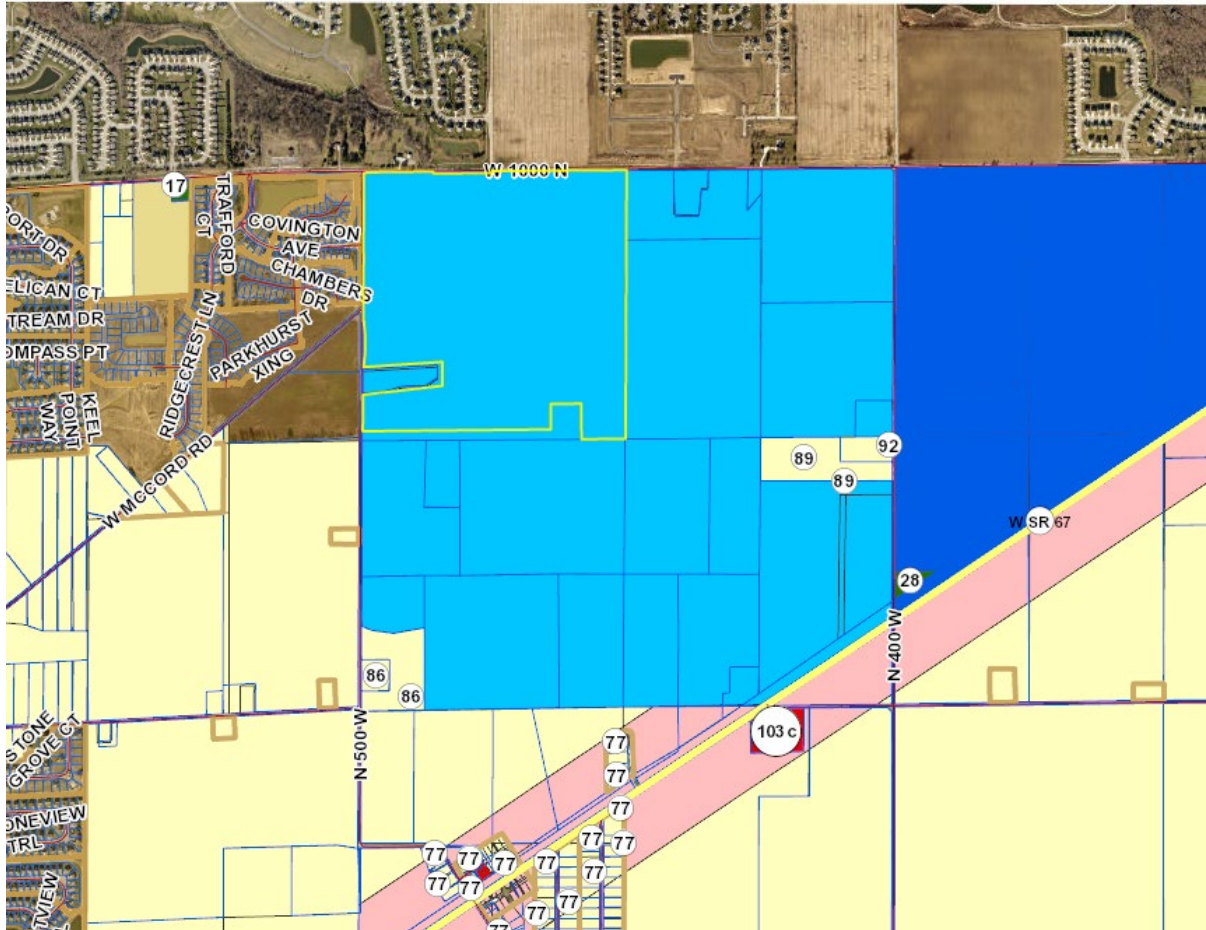
## EXHIBIT B

### PRELIMINARY DEVELOPMENT PLAN



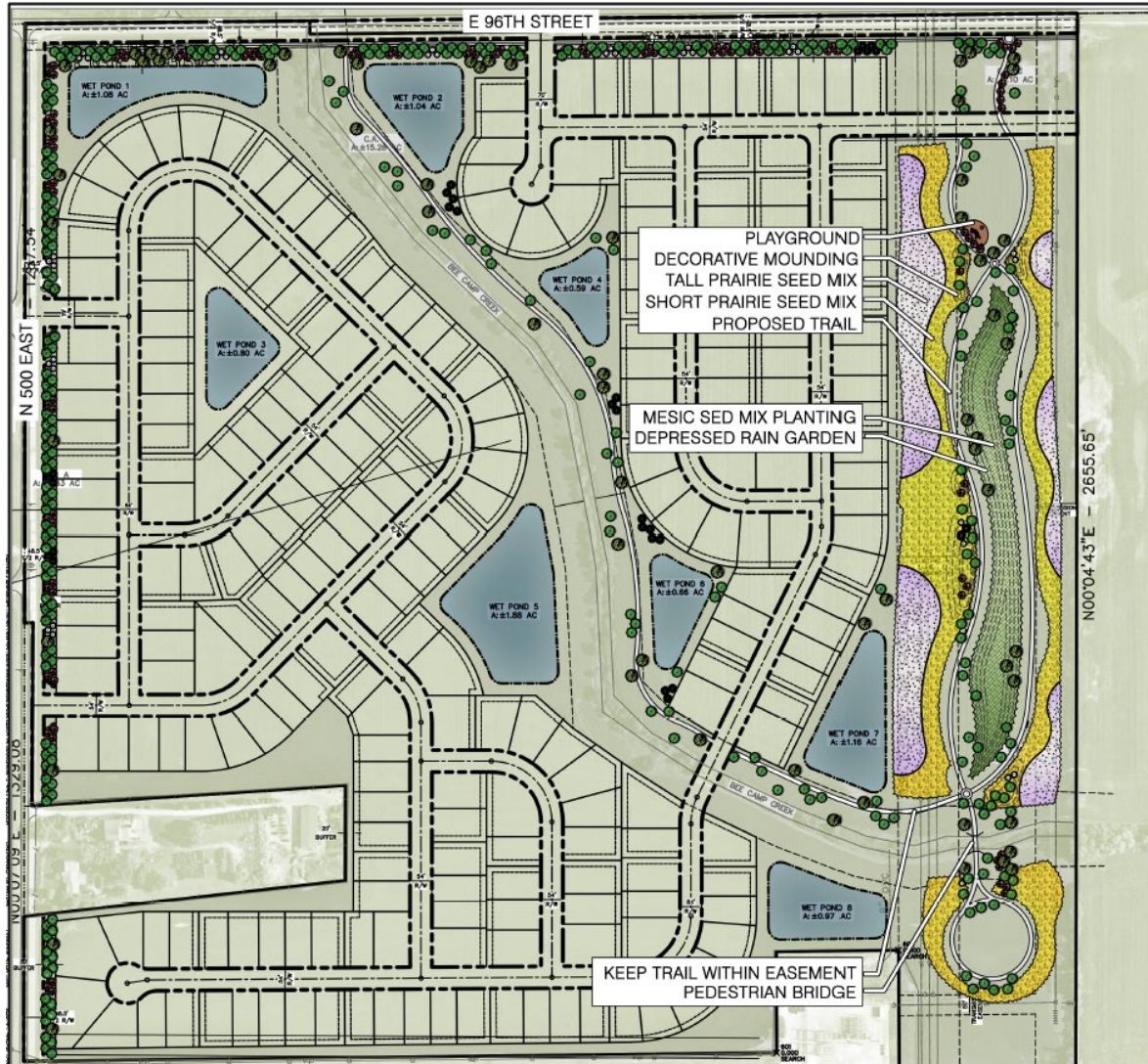


**EXHIBIT C**  
**ADJACENT ZONING MAP**



## EXHIBIT D

### LANDSCAPE RENDERING



Note: The landscaping plan will be overlayed onto the new concept plan

**EXHIBIT E**

**CHARACTER**  
**EXHIBITS**