

ORDINANCE NO. 2022 - 8C

AN ORDINANCE AMENDING “HANCOCK GATEWAY PARK PLANNED UNIT DEVELOPMENT 1ST AMENDMENT” BEING THAT OF ORDINANCE 2021-3(E), AND ORDINANCE 2021-11-1A, AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA ZONING ORDINANCE, AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156, OF THE HANCOCK COUNTY CODE

This is an Ordinance (“Ordinance”) to amend the Zoning Ordinance of Hancock County, Indiana, enacted by the Hancock County Board of Commissioners pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the Hancock County Board of Commissioners enacted Ordinance No. 2021-3(E) on March 2, 2021 (“HANCOCK GATEWAY PARK PUD 1ST AMENDMENT Ordinance”); AND, subsequently enacted Ordinance No. 2021-11-A on November 30, 2021 (“HANCOCK GATEWAY PARK PUD 1ST AMENDMENT Amended Ordinance”)

WHEREAS, the Hancock County Area Plan Commission on the 26th day of July, **2022**, considered a petition (**Petition No. 22- 2280**), requesting an amendment to HANCOCK GATEWAY PARK PUD 1ST AMENDMENT Amended Ordinance with regard to: 1) Article 5.0 – PERMITTED USES AND DEVELOPMENT STANDARDS, Section 5.2; 2) Article 5.0 – PERMITTED USES AND DEVELOPMENT STANDARDS, Section 5.35- Development Standards Matrix;3) Article 7.0 Parking, Loading, Circulation, Section 7.1(A)(4) and Section 7.2(A)(5); 4) Article 13.0 Residential Guidelines, Section 13.3(A), Section 13.4(B)(4), Section 13.5(A)(2), Section 13.5(B)(3), Section 13.5(B)(5), Section 13.5((D)(6), Section 13.5(F)(3), (4) and (5), Section 13.9; 5) Article 13.0, Residential Guidelines, Section 13.10 Residential Development Standards and adding Section 13.51, Upper Level Design Standards.

WHEREAS, the Area Plan Commission forwarded **Petition No 22-²²⁸⁰** to the Board of Commissioners of Hancock County, Indiana with a favorable recommendation (-) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hancock County, Indiana, that HANCOCK GATEWAY PARK PUD 1ST AMENDMENT Amended Ordinance and the Hancock County Zoning Ordinance are hereby amended as follows:

Article 5.0 PERMITTED USES AND DEVELOPMENT STANDARDS – Shall be amended by:

- (A) adding the following uses and classifying said uses as a PERMITTED USE in the IC District only on Lot 5, Phase 1, Section 4, as per plat thereof recorded as Slide , Plat Cabinet , Instrument Number 22 in the Office of the Recorder of Hancock County, Indiana:

PERMITTED ONLY ON SAID LOT 5:

Pediatric Ambulatory Surgery Center
Pediatric Dentists, including those with ASC-based or office-based procedures requiring IV or General Anesthesia
Pediatric Oral Surgery
General Dentists with ASC-based or office-based procedures requiring IV or General Anesthesia on patients under the age of 18 years old
Dental Implant Practice

(B) by prohibiting the following uses on Lot 4, Phase 1, Section 3 of Hancock Gateway Park, as per plat thereof recorded as Slide 174, Plat Cabinet D, Instrument Number 202200983 in the Office of the Recorder of Hancock County, Indiana:

PROHIBITED USES ON SAID LOT 4:

Automatic Car Wash
Auto parts supply sales store (with or without on site repair)
Billiard room or arcade
Building Finishes Shop (paint, carpet, wallpaper, etc..)
Carry out Food and Beverages (not a part of a grocery store OR full service restaurant)
Drive-in Food and Beverage/Drive-in or Drive-thru restaurant or other facility
Electric repair shop
Liquor Store
Meat Market
Night Club
Restaurants with drive-thru
Telecommunications facility / tower
Testing Laboratories (medical)
Tobacco Shops

Article 5.0 PERMITTED USES AND DEVELOPMENT STANDARDS – Section 5.3 – Development Standards Matrix (Building Standards) shall be amended as follows:

(A) The maximum height of buildings on Lot 4, Phase 1, Section 3 of Hancock Gateway Park, as per plat thereof recorded as Slide 174, Plat Cabinet D, Instrument Number 202200983 in the Office of the Recorder of Hancock County, Indiana is reduced from ninety-five (95) feet to thirty (30) feet and remain subject to approval by the Controlling Developer.

Article 7.0 PARKING, LOADING, CIRCULATION - Section 7.1 Surface Parking Design Standards, Sub-Paragraph (A)(4) shall be amended by reducing the minimum parking space quantity for upper level residential and multi-family projects to 2 spaces per unit. This minimum quantity does not include the added quantity required for the commercial or other uses of mixed use structures, however, shared parking standards continue to apply as stated in the PUD Ordinance.

Article 7.0 PARKING, LOADING, CIRCULATION - Section 7.2 Parking Garage Standards, Sub-Paragraph (A)(5) shall be amended by reducing the minimum parking space quantity for upper level residential and multi-family projects to 2 spaces per unit. This minimum quantity does not include the added quantity required for the commercial or other uses of mixed use structures, however, shared parking standards continue to apply as stated in the PUD Ordinance.

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.3 Site Guidelines, Sub-Paragraph (A) Dusk to Dawn Lighting shall be amended by requiring said lights only on two-family dwelling structures/lots.

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.4 Lot Standards, Sub-Paragraph (B)(4) Building Setbacks shall be amended by adding the following standard:

- d. Minimum distance between buildings each over 3 stories shall be determined as per local and state fire codes.

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.5 Architectural Guidelines, Sub-Paragraph (A)(2) Height shall be amended as follows:

2. Multi-family maximum height principal building – seventy feet (70')

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.5 Architectural Guidelines, Sub-Paragraph (B)(3) Minimum Living Area per unit shall be amended as follows:

3. Multi-family dwelling minimum living area per unit shall be as follows:
 - a. Studio – 550 sf
 - b. 1 bedroom – 750 sf
 - c. 2 bedroom – 950 sf
 - d. 3 bedroom – 1200 sf

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.5 Architectural Guidelines, Sub-Paragraph (B)(5) Minimum Living Area per unit shall be amended as follows:

5. for Upper Level Residential Multi-family dwellings the minimum living area per unit shall be as follows:
 - a. Studio – 550 sf
 - b. 1 bedroom – 750 sf
 - c. 2 bedroom – 950 sf
 - d. 3 bedroom – 1200 sf

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.5 Architectural Guidelines, Sub-Paragraph (D)(6) Multi-family design elements shall be deleted and replaced as follows:

- a. The exterior elevation of all sides of Two Story or less structures, excluding windows, doors and roofs, shall be comprised of exterior materials made up of a minimum of fifty percent (50%) cultured stone, brick or stone
- b. The exterior elevation and architectural features of all sides of structures greater than two story and Upper Level Residential Multi-Family structures shall be substantially similar to one of the examples included in Exhibit A attached hereto and made a part hereof by reference. The final design standards including exterior elevations and material shall be determined by the Controlling Developer.

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.5 Architectural Guidelines, Sub-paragraph (F) (3), (4) and (5) Multi-family building components shall be deleted and replaced as follows:

3. Roof form and design for two story and less structures shall include, where appropriate varied pitches and ridge levels. Roof forms and design for structures greater than two story may include varied pitches and ridge levels, but may also be flat with, in which case must include top story architectural features as those shown in Exhibit A. When flat roofs are chosen, mechanical equipment may be roof mounted but shielded from being visible at pedestrian eye height at street level on all sides.

4. Any structure having a roof with a pitch, versus a flat roof, shall contain eaves with a minimum twelve (12) inch overhang.

5. Pitched roofs shall be covered with one of the following materials:

- a. clay tile
- b. slate
- c. dimensional shingles.

Article 13.0 RESIDENTIAL GUIDELINES - Section 13.9 Mechanical Equipment (Two-family and Multi-family) shall be amended by adding the following:

C. Structures greater than two-story and those which have flat rooftops shall place the mechanical equipment on the rooftops. The mechanical equipment shall be screened in a manner to prevent any parts of the equipment from being visible at pedestrian eye height at street level.

Article 13.0 RESIDENTIAL GUIDELINES – Section 13.10 Residential Development Standards shall be amended as follows:

For Multi-Family and Mixed Use Structures in the CR and INC Districts, the following standards shall be amended as follows:

MULTI-FAMILY AND MIXED USE	CR	INC
Minimum Lot Area	2,000 square feet	1,350 square feet
Minimum Front Yard Setback	25 feet	5 feet
Maximum Building Height	54 feet	70 feet
Maximum Permitted Density	21 units/ac	30 units/ac
Minimum Living Area Per Unit (MLA) see section 13.5(B)		see section 13.5(B)
Minimum Ground Floor Living Area – Multi-Family shall be deleted in both Districts		

Article 13.0 RESIDENTIAL GUIDELINES – Section 13.51 Additional Upper Level Residential Design Standards shall be added as follows:

- A) Upper Level Residential can be designed as an all multi-family residential structure with ground level garages below or be multi-family over retail, office or other permitted commercial uses. Upper Level Residential designs should develop as a contemporary design style of architecture similar to the style found in other structures in Hancock Gateway Park. Contemporary refers to a style of architecture that is being constructed in

Central Indiana and is sometimes referred to as “Modern Architecture”. Generally speaking, contemporary architecture is not traditional in nature. Modern construction methodology, sustainability and materials being used also delineate the trend of contemporary architecture. Key forms and building elements are defined by materials and textures. Heights and sizes of buildings may vary, but should be compatible in proportions of openings, composition and rhythm. Modern architecture often includes modern forms, sleek lines, symmetry, flat roofs, parapets, stucco and glass.

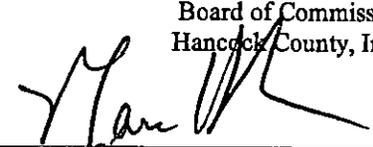
- B) **Pedestrian Friendly:** An important design feature in Upper Level Residential is the safe opportunities for pedestrian movement. Although motor vehicles and other modes of transportation are primary means for travel, site designs should maintain a pedestrian oriented site. Pedestrian areas include front yards with spaces to allow outdoor dining and exterior patios. In order to promote a pedestrian oriented site, Upper Level Residential developments should provide clearly marked crosswalks at intersections, drop off areas and major pedestrian corridors as well as safe pedestrian movement in parking lots. Each of these elements is created with variations in color, material, textures and paving patterns.

- C) **Connectivity:** Upper Level Residential Site plans and developments shall provide connections and cross access easements to adjacent properties, both as walkways and drives, which may be private or public ways. Primary site entrances for vehicles should be part of an arrival sequence and should provide a clear line of site and avoid conflicts with pedestrian movements. Where able developers will be required to provide shared access into adjoining tracts of lands and align entrances with those on opposite sides of roadways. Site plans should provide safe paths, minimize vehicular and pedestrian conflicts and establish logical circulation patterns with a hierarchy of street types.

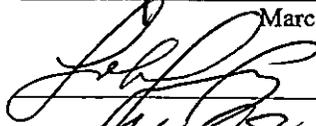
APPLICABILITY. Development of the Real Estate shall be governed by Hancock Gateway Park PUD 1ST AMENDMENT Ordinance, as amended, and as amended by this Ordinance. All other provisions of Hancock Gateway Park PUD 1ST AMENDMENT Ordinance shall remain in effect with the adoption of this Ordinance.

Adopted this 16th day of August, 2022

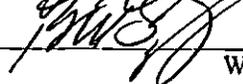
Board of Commissioners
Hancock County, Indiana



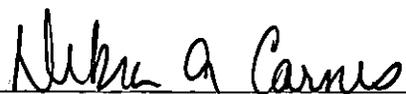
Marc Huber, President



John Jessup



William K. Spalding

Attest: 

Hancock County Auditor

EXHIBIT A
UPPER LEVEL RESIDENTIAL MULTI-FAMILY ILLUSTRATIONS

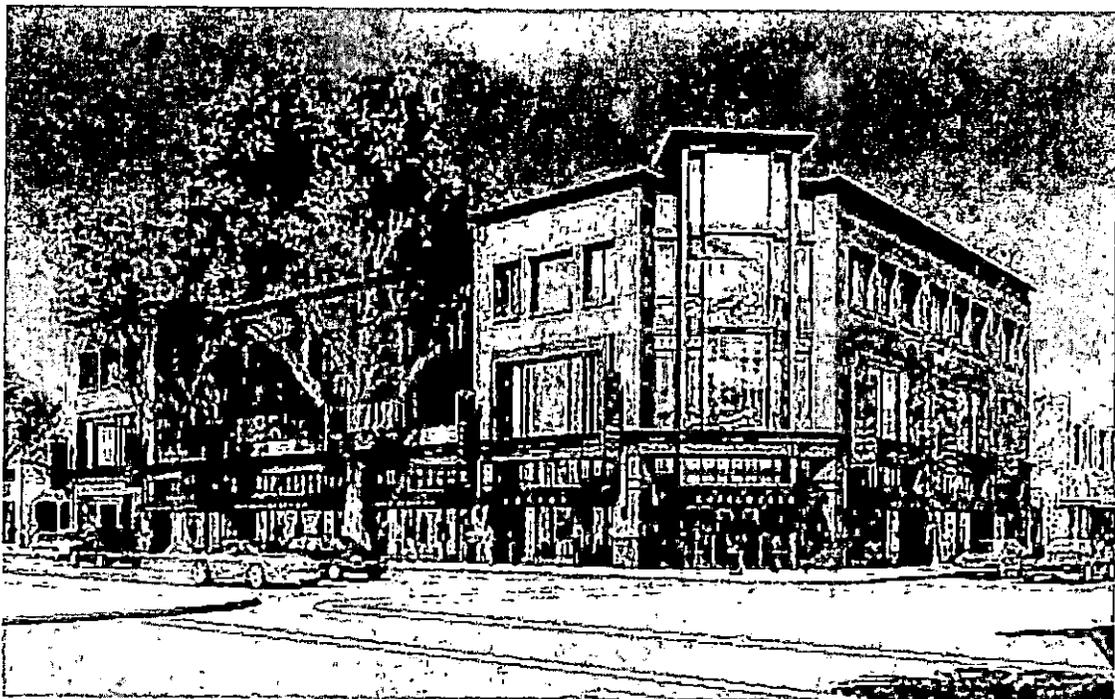


EXHIBIT A (CONTINUED)
UPPER LEVEL RESIDENTIAL MULTI-FAMILY ILLUSTRATIONS

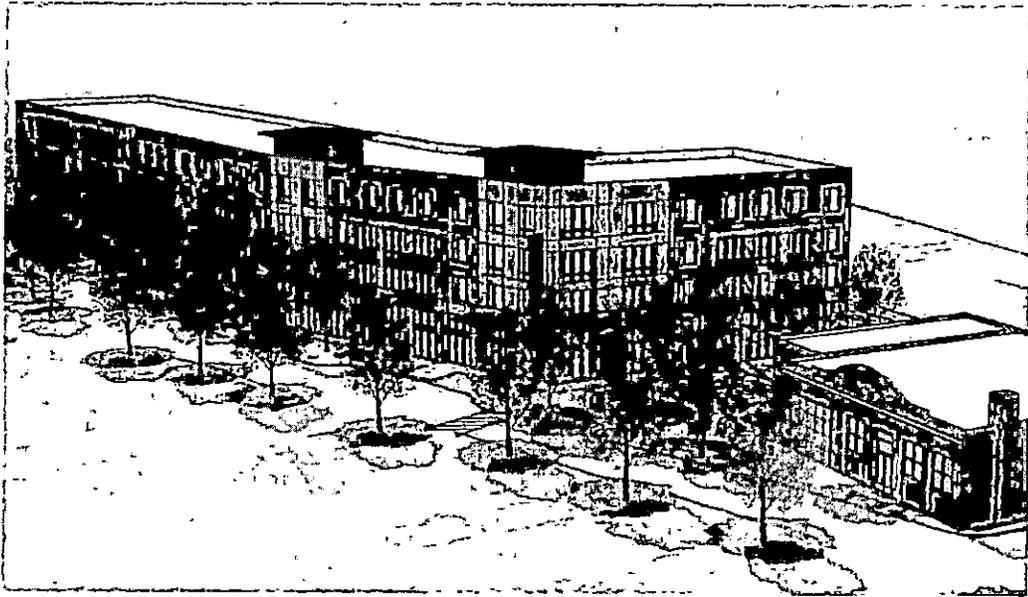


EXHIBIT A (CONTINUED)
UPPER LEVEL RESIDENTIAL MULTI-FAMILY ILLUSTRATIONS

