

ORDINANCE NO. 2022 ___ - 12 - B
AN ORDINANCE AMENDING TITLE XV, CHAPTER 156
OF HANCOCK COUNTY CODE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF HANCOCK COUNTY, INDIANA, THAT:

SECTION 156.020 ZONING MAP OF TITLE XV, CHAPTER 156 IS AMENDED AS
FOLLOWS:

SECTION 1. The real estate more particularly described in the attached Exhibit A (the "Real Estate") is hereby zoned to the Planned Unit Development (PUD) District. Unless otherwise stated herein, the standards set forth in this Ordinance shall govern the use and development of the Real Estate, and these standards shall replace all other standards set forth in the Hancock County Zoning, as amended.

SECTION 2. Permitted Uses. The permitted uses, as defined by the Hancock County Zoning Ordinance, for the Real Estate are described below; all uses not listed below shall be considered prohibited.

- A. Permitted Primary Uses:
 - Single Family Residential Dwellings
 - Neighborhood Amenity Center

- B. Permitted Accessory Uses and Structures:
 - Decks
 - Recreational Greenhouses
 - Mini-barns, sheds and gazebos
 - Swimming pools and hot tubs

- C. Uses allowed by Special Exception:
 - Accessory dwelling
 - Home Occupation
 - Child Care Home

- D. Permitted Temporary Uses:
 - Those uses listed as permitted uses within this Ordinance
 - Garage/yard sales
 - Children's roadside stands
 - Temporary home sales facilities

SECTION 3. Development Standards. The Real Estate shall be developed as approximately depicted on the Preliminary Planned Unit Development Plan attached hereto as Exhibit B.

A. Development Standards for Lots. The Development Standards for the Lots shall be as follows:

Maximum Number of Lots	144 lots
Minimum Lot Area	7,400 square feet ¹
Minimum Lot Width at Building Line	65 feet ¹
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet per side; 20 feet aggregate
Minimum Rear Yard Setback	15 feet
Minimum Livable Floor Area	1,400 square feet (single story) 1,800 square feet (multi story)
Maximum Lot Coverage	60%
Maximum Height - Principal	35 feet

¹Provided that the Lots along the northern and eastern perimeter of the community, as shown on the Exhibit B Concept Plan, shall have a minimum Lot Width at Building Line of 90' and a Minimum Lot Area of 14,000 square feet.

SECTION 4. Design Standards. The Design Standards for the Real Estate area as follows:

- A. Homes located adjacent to and directly across the street from each other shall not be of the same front elevation. This does not prohibit the home to the rear from being the same front elevation.
- B. Exterior chimneys for fireplaces shall be masonry in entirety unless placed on the rear exterior wall of the residence. Chimneys that do not originate on an exterior wall that protrudes through the roof may be of material other than masonry, excluding aluminum.
- C. Roof pitch shall be no less than 6/12 on the primary structure and no less than 3/12 on shed roofs, porch roofs, roofs above porches or in areas above masonry exteriors.
- D. Nine-inch overhangs, measured from framing, on all roofs, except side gables may use an architectural alternative such as articulated cornices which create a dimensional affect with wood, vinyl, or aluminum subject to Planning Director approval.

- E. Residences built on corner lots shall include a minimum of three windows of minimum size three feet by five feet on the side of the house facing the street (street-side yard).**
- F. The minimum driveway width shall be 16 feet.**
- G. Fences in the street side yards must be consistently themed with the residence and at least 50% open. Chainlink fencing is prohibited in the front and street side yard. Fences shall be no higher than 42 inches from the adjacent finished grade. The fence may be located no closer than five feet from the right-of-way and shall be located no closer than ten feet of the front line of the residence. The fence shall also be located outside of the sight visibility triangle if higher than 36 inches.**
- H. Façade/exterior material shall be masonry (brick, stone, textured and colored concrete masonry units, wood, fiber cement board siding, stucco, composite lap siding, or decorative precast panels. No vinyl siding shall be permitted.**
- 1. Front Elevation. All homes shall have masonry (brick, stone, textured and colored concrete masonry units) on a minimum of 50% of the front elevation excluding doors, windows and other openings; provided, however, all homes may incorporate a minimum of three distinct exterior building materials comprised of masonry (brick, stone, textured and colored concrete masonry units), Hardie plank siding, Hardie shake siding, or Hardie board and batten, a brick water table (on all four sides), or fiber cement board in lieu of 50% masonry on the front elevation (the use of multiple building materials is collectively referred to as the "Enhanced Front Elevation"). No vinyl siding shall be permitted as part of any Enhanced Front Elevation, and all homes must be in substantial compliance with the Home Elevations attached hereto.**
 - 2. Side and rear elevations of homes that abut a public way shall have at least 30% masonry (brick, stone, textured and colored concrete masonry units) as the exterior building material on that visible elevation and shall contain at least one architectural feature; provided, however, all homes may incorporate a minimum of two distinct exterior building materials comprised of masonry (brick, stone, textured and colored concrete masonry units), Hardie plank siding, Hardie shake siding, or Hardie board and batten, a brick water table (on all four sides), or fiber cement board in lieu of 30% masonry on the side and rear elevations (the use of multiple building materials is collectively referred to as the "Enhanced Side/Rear Elevation"). No vinyl siding shall be permitted as part of any Enhanced Side/Rear Elevation, and all homes must be in substantial compliance with the Home Elevations attached hereto.**

- I. Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one-inch by four-inch wood or vinyl surround, shutters, decorative trim or headers.**
- J. Architectural features. All houses shall have a minimum of four features from the following list. Porches, side-load or court-entry garages, or full first floor masonry wrap, each count as two features towards the required four.**
- 1. Front porch - minimum four feet in width and four feet in depth supported by columns;**
 - 2. Veranda/balcony;**
 - 3. Reverse gable;**
 - 4. Turrets;**
 - 5. Two or more roof planes visible on the front of the house;**
 - 6. Decorative garage doors or windows in garage doors;**
 - 7. A separate overhead door for each single garage bay;**
 - 8. Side-loaded or court-entry garage;**
 - 9. Brick, stone or textured concrete masonry on 100% of the front elevation (excluding openings);**
 - 10. Masonry wainscot, up to lowest window sill, located on the front elevation;**
 - 11. At least four feet of relief at one or more points along the front or rear elevations;**
 - 12. Sunroom, screened porch or breakfast nook on rear for relief;**
 - 13. Bay windows;**
 - 14. Two or more dormers;**
 - 15. Full first floor masonry wrap; or**
 - 16. Transom windows.**
- K. Dimensions. The garage door shall not exceed more than 50% of the total front building façade exclusive of third car garages.**

- L. **Entries.** Single-family dwelling entries shall have a presence toward the street and be accented with at least one building-mounted light fixture.
- M. **Roof Materials.** Roof materials such as tile, slate, cedar shake with fire protection, three-dimensional asphalt, fiberglass shingles, standing seam metal, or other approved metal that simulates traditional roofing materials shall be used on all structures.
- N. **Garages.** Each home shall have a minimum attached two-car garages.
 - 1. **Three-car garages.** The third bay shall have a separate door and shall be recessed from the other bays.
 - 2. **Garage-forward design:**
 - a. Front-loaded garages that protrude between 8 and 12 feet forward of the dwelling area (inclusive of the front porch) shall have at least one window installed in the garage wall that is perpendicular to the facade of the dwelling.
 - b. Front-loaded garages that protrude between 12 and 16 feet forward of the dwelling area shall have at least two windows installed in the garage wall that is perpendicular to the facade of the dwelling.
 - c. Garages that protrude more than 16 feet shall be side-loaded and shall install a window(s) that faces the street.
 - 3. The development shall use decorative garage doors substantially as depicted on the Home Elevations attached hereto.

SECTION 5. Landscaping Standards.

- A. Each residential lot shall be completed with a sodded front yard and seeded rear and side yards. Additionally, each lot shall include a minimum of 3 trees and 8 shrubs planted along the front foundation of each home at the time of completion of the home (weather permitting).
- B. Each residential lot along the North and East perimeter of the development shall include a minimum of two (2) evergreen trees (6' at planting) in the rear yard to provide additional screening from adjoining properties at the time of completion of the home (weather permitting).

SECTION 6. Amenities. Developer shall install an Amenity Center as approximately shown in Exhibit B Concept Plan and substantially in the style and form depicted in Exhibit C - Amenity Center.

SECTION 7. Signage. Standards set forth in the Hancock County Zoning regarding Residential Sign Standards shall be applicable to the Real Estate.

SECTION 8. Miscellaneous. The following additional terms shall apply to the Development.

- A. The minimum typical lease term shall be no less than eleven (11) months. Developer's property management company may enter into residential leases of shorter duration, but in no event shall leases be less than 6 months duration, and leases less than 11 months duration shall not comprise more than 5% of the active lease total. Residential leases shall explicitly prohibit utilization of homes or portions of homes for Airbnb, VRBO, HomeToGo, or any similar short term residency occupancy arrangements.
- B. All 144 lots shall be owned by one organization and managed by a single organization. The lots shall not be sold individually, unless Developer adjusts Developer's business operation to no longer offer rental housing and uses commercially reasonable efforts to transition all 144 lots to owner occupied single family residential dwellings. This transition shall be conducted sequentially with the end date of each active residential lease in place at the time Developer elects to make a transition to owner occupied homes. Once the transition to owner occupied homes occurs and such home(s) is transitioned, said home(s) shall not be rented for a minimum of three (3) years from the date of that last transaction or sale and any subsequent transaction or sale.
- C. Vehicles: All resident vehicles shall be limited to no more than four (4) per dwelling unit. On-street parking of any motorized vehicle, of any type, shall be strictly prohibited between the hours of 11 PM and 7 AM Monday through Sunday. Violators will be towed by the developer/owner or its designated agent with all cost associated therewith to be paid by the owner/operator of said vehicle in order to obtain its release. All vehicles shall be parked in a manner that does not encroach upon the sidewalk, walking path, or multi-use trail. This language shall be added to the Covenants and Restrictions.
- D. The developer shall post a Letter of Credit ("Letter") equal to a minimum amount of \$100,000, and this Letter would be required to be maintained as long as the property continues to feature any rental home(s). The purpose of the Letter is to provide the Town with a source of funding should it need to abate any violation or maintenance issue that was not addressed by the developer/owner within the timeframes specified in Town Ordinances. On the Letter's annual renewal date, the developer, and any future owner or manager, shall be required to replenish the Letter to the extent it had been used in the last twelve (12) months. The initial Letter shall be posted prior to the first Certificate of Occupancy being issued.

- E. The term "family" as used herein shall mean: An individual, or two (2) or more persons related by blood, marriage, or adoption including father, mother, grandparents, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister or any ward living within the same household, or a group of not more than (2) persons, not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit. A family does not include any society, club, fraternity, sorority, or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club, any group of individuals whose association with each other is seasonal or any individuals who are in group living arrangements as a result of criminal activity. The Zoning Administrator may request documentation proving authorized family relationship, as described above. That documentation shall be by official government documents and be provided within 10 days of being requested to do so.
- F. Entryway monumentation shall be substantially as depicted on Exhibit D – Entryway Monumentation. All entryway landscaping shall comply with the Hancock County Zoning Ordinance Standards.
- G. The Maximum Block length set forth in the Hancock County Zoning Ordinance may be exceeded, with provisions for traffic calming as approved during final plan approval and platting:

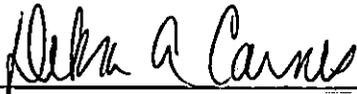
SECTION 9. This Ordinance shall remain in full force and effect from and after its passage and posting as required by the law within Hancock County, Indiana.

SECTION 10. Adoption. This Ordinance is adopted this 20 day of December, 2022, and shall take effect upon its passage, as provided by law.

**BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA:**




ATTEST:



This instrument was prepared by: Matthew M. Price, Dentons Bingham Greenebaum LLP, 10 West Market Street, Suite 2700, Indianapolis, Indiana 46204, (317) 686-5225.

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. *Matthew M. Price*

Exhibit A

Legal Description

The Land referred to herein below is situated in the County of Hancock, State of Indiana, and is described as follows:

A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 5 EAST IN BUCK CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

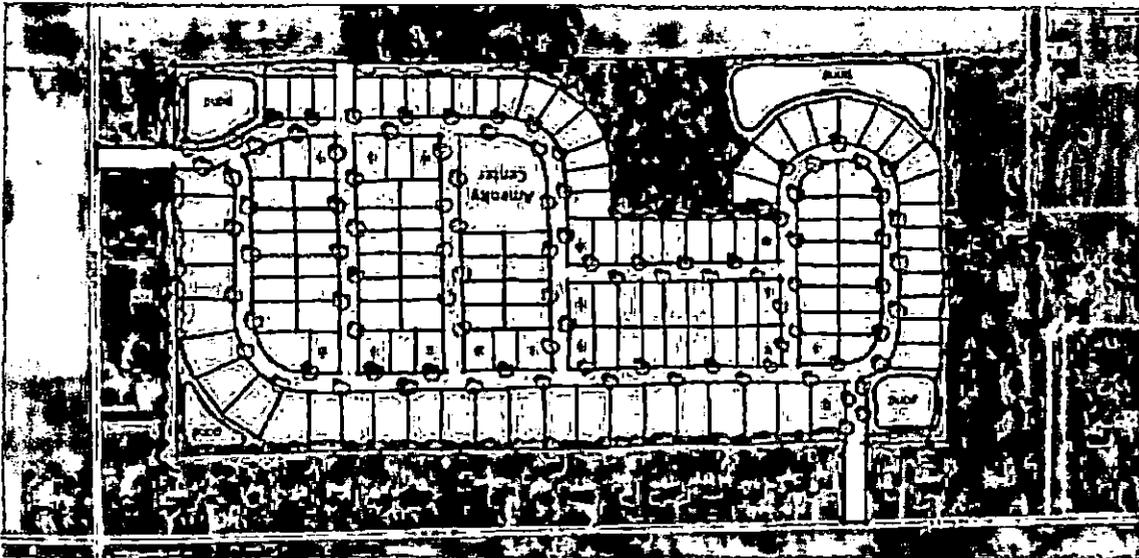
BEGINNING AT A POINT ON THE EAST LINE OF SAID HALF QUARTER SECTION, WHICH IS SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 1049.96 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 00 MINUTES 00:SECONDS EAST, ON AND ALONG SAID EAST LINE 60.00 FEET TO A POINT 230.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NORTH HALF; THENCE SOUTH 89 DEGREES 14 MINUTES 50 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF SAID NORTH HALF, 225.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH THE SAID EAST LINE, 229.19 FEET TO THE SOUTH LINE OF SAID NORTH HALF, THENCE SOUTH 89 DEGREES 27 MINUTES 15 SECONDS WEST, ON AND ALONG THE SOUTH LINE OF SAID NORTH HALF, 2202.35 FEET TO A POINT 230.00 FEET EAST OF THE WEST LINE OF SAID NORTH HALF, THENCE NORTH 00 DEGREES 13 MINUTES 35 SECONDS EAST PARALLEL WITH SAID WEST LINE, 1106.28 FEET TO A POINT 225.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 14 MINUTES 50 SECONDS EAST, PARALLEL WITH SAID NORTH LINE, 233.09 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 225.00 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 14 MINUTES 50 SECONDS EAST, ON AND ALONG THE NORTH LINE OF SAID QUARTER SECTION, 60.00 FEET TO A POINT 2130.00 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 225.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 50 SECONDS EAST PARALLEL WITH SAID NORTH LINE, 1905.00 FEET TO A POINT 225.00 FEET WEST OF SAID EAST LINE, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST PARALLEL WITH SAID EAST LINE 824.96 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 50 SECONDS EAST PARALLEL WITH SAID NORTH LINE, 225.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 57.69 ACRES, MORE OR LESS.



⊙ indicates corner lot with 1/4 acre yard setback

Lot 100 (50' x 150')
120' (50' x 110')
144' (50' x 100')

Turner Farm
Hatched County, Indiana
Conceptual Land Plan
28 November 2012



Concept Plan

Exhibit B

Exhibit C

Amenity Center



HOME ELEVATIONS



340 Madison A



340 Madison B



340 Madison C



500 Coolidge A



500 Coolidge B



500 Coolidge C



510 Eisenhower A



510 Eisenhower B



510 Eisenhower C



520 Lincoln C



520 Lincoln B



520 Lincoln A

EXHIBIT C

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE 'COMMISSION') AND THE
HANCOCK COUNTY BOARD OF COMMISSIONERS (THE 'COMMISSIONERS')
RE: AMH DEVELOPMENT/TURNER FARM
PETITION FOR REZONING**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, Turner Farms Company ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana at 4902 N 700 W (rear), Indiana, which is described in Exhibit A makes the following commitment concerning the use and development of the parcel of real estate ("Real Estate"):

Statement of Commitment: If the Real Estate is rezoned to 'Planned Unit Development' the Owner commits to the Commission and the Commissioners the following:

- 1) Tree preservation plan and survey, include all health trees over 6-inch caliper and commit to saving a certain percentage.
- 2) All development standards to be relocated to an appendix, not included in the ordinance itself-subject to detailed concept plan.
- 3) If not specifically mentioned in the PUD Ordinance and Concept Plan, items default to Hancock County Zoning Ordinance and Subdivision Control Ordinance.
- 4) Trails Plan to be executed along 700 W (within their property boundaries).
- 5) 12-inch overhangs on all primary structures
- 6) Enhance landscaping strip with two extra evergreen trees along the backsides of existing homes on county roads.
- 7) Will not remonstrate against annexation into the Town of McCordsville
- 8) Will install activation center by 60% of home build out.
- 9) Have American Homes do their due diligence to possibly adding the second access point to the south.

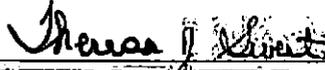
The Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

1. The Commission, The Commissioners, the Hancock County Board of Zoning Appeals;
2. Property owners of the Real Estate; and
3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owners shall pay all reasonable costs in the enforcement of this commitment, including attorney fees.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required law.



Theresa J. Sweet

This instrument prepared by: Theresa J Sweet, Office Manager, Hancock County Plan Commission.

EXHIBIT C

IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE 'COMMISSION') AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE 'COMMISSIONERS')

RE: AMH DEVELOPMENT/TURNER FARM PETITION FOR REZONING

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In accordance with I.C. 36-7-4-1015, Turner Farms Company ('Owner') having heretofore agreed and consented to the Petition for Rezoning (the 'Petition') regarding the real estate located in Hancock County, Indiana at 4902 N 700 W (rear), Indiana, which is described in Exhibit A makes the following commitment concerning the use and development of the parcel of real estate ('Real Estate'):

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- 1) Tree preservation plan and survey, include all health trees over 6-inch caliper and commit to saving a certain percentage.
- 2) All development standards to be relocated to an appendix, not included in the ordinance itself-subject to detailed concept plan.
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- 4) Trails Plan to be executed along 700 W (within their property boundaries).
- 5) 12-inch overhangs on all primary structures
- 6) Enhance landscaping strip with a total of four evergreen trees (6' at planting) along the rear of existing homes on county roads and homes adjacent to adjoining undeveloped areas.
- 7) Will install amenity center by 60% of home build out.
- 8) Have American Homes do their due diligence to possibly adding the second access point to the south.

The Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

1. The Commission, The Commissioners, the Hancock County Board of Zoning Appeals;
2. Property owners of the Real Estate; and
3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owners shall pay all reasonable costs in the enforcement of this commitment, including attorney fees.

The undersigned hereby authorizes the commission and the Commissioners to record this Commitment in the Office of the Recorder of Hancock County, Indiana upon final approval of the ordinance rezoning the

property to 'Planned Unit Development (PUD)' by the Commissioners, the cost of which shall be paid by the Owner to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this _____ day of _____, 2022.

Signed Name
Authorized Representative of Turner Farms Company, Inc. _____
Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared _____ who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 2022.

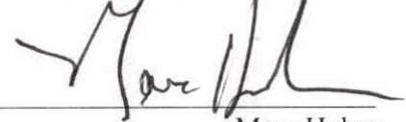
Notary Public

My Commission Expires: _____

County of Residence: _____

APPROVED THIS 20th DAY OF DECEMBER, 2022

Board of Commissioners
Hancock County, Indiana



Marc Huber



John Jessup



William Spalding

Attest: 

Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required law.

Theresa J Sweet

Theresa J. Sweet

This instrument prepared by: Theresa J Sweet, Office Manager, Hancock County Plan Commission.