

ORDINANCE No. 2024- 6A

AN ORDINANCE AMENDING TITEL XV, CHAPTER 156, §156.065 OF
THE CODE OF ORDINANCES OF HANCOCK COUNTY, INDIANA
REGULATING RESIDENTIAL STANDARDS

WHEREAS, the Hancock County Area Plan Commission is an advisory body whose primary purpose is to advise the Hancock County Commissioners as to issues regarding planning, zoning, and land-use; and

WHEREAS, Ordinance No. 2022-11C mistakenly deleted Title XV, Chapter 156, §156.065 in its entirety; and

WHEREAS, the Hancock County Area Plan Commission, after conducting a duly advertised and publicly noticed hearing April 23, 2024, has recommended to the Hancock County Commissioners that Title XV, Chapter 156, §156.065 be restored, with the exception of §156.065(C)(4) regulating “Cluster subdivisions,” as was the original intent of Ordinance No. 2022-11C; and

WHEREAS, the Hancock County Commissioners believe that the restoration of certain residential standards to the Code of Ordinances of Hancock County is in the best interest of the health, safety, and welfare of the citizens of Hancock County and the efficient management of land uses within said County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Hancock County, Indiana, as follows:

SECTION I

Title XV, Chapter 156, §156.065 shall be adopted as follows:

§ 156.065 RESIDENTIAL STANDARDS

(A) *Intent.*

- (1) The purpose of these residential standards is to:
 - (a) Provide minimum requirements for residential facilities; and
 - (b) Establish the unique standards for new residential developments.
- (2) This section also establishes requirements for residential facilities for the developmentally disabled and mentally ill that both minimize conflicts with other uses and permits the establishment of such facilities consistent with I.C. 12-28-4-7.

(B) *Residential facility standards applicable to the single-family residential, multi-family residential, commercial, and institutional zoning districts.*

- (1) *Residential facilities for the mentally ill.* Residential facilities for the mentally ill shall be permitted but are designated a special exception use to require notice and public hearing consistent with §§ 156.020 et seq. All such facilities shall be required to comply with all licensing and operational standards of the State of Indiana.

(a) *Exclusion prohibited.* In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.

(b) *Separation.* A residential facility for the mentally ill may be excluded from a residential area if the residential facility will be located within 3,000 feet of another residential facility for the mentally ill, as measured between lot lines.

- (2) *Residential facilities for the developmentally disabled.* Residential facilities for the developmentally disabled Type I shall be a permitted use consistent with §§ 156.030 et seq. Residential facilities for the developmentally disabled Type I are defined as those that are not designed for, nor accommodate more than eight developmentally disabled individuals. Type II facilities which accommodate more than eight developmentally disabled individuals, consistent with I.C. 12-28-4-7, are designated a special exception use and will be permitted after public hearing.

(C) *Residential development and design standards applicable to the multi-family residential, and residential manufactured home park zoning districts unless otherwise noted.* It is the intent of these design standards to promote both technically and aesthetically pleasing housing options for the residential developments planned in Hancock County, Indiana.

- (1) *Residential subdivision layout.*

(a) *Open space.*

1. Residential zoning districts R2.5 and R3.5 shall include provisions for recreation preserve areas, which shall be accessible by means of walking, hiking, biking, or automobile, and shall total in acreage, 6% of the gross number of acres. Land preserved as required in division (C)(1)(e) shall not be included in this area. Multifamily residential open space shall be provided at a minimum of 8% of the net land area.
2. Developments classified as R5.0 shall include provisions for recreation preserve areas, which shall be accessible by means of walking, hiking, biking, or automobile, and shall total in acreage, 10% of the gross number of acres. Land designated as floodplain shall not be counted towards required open space unless it is designated as common area and accessible to all owners of the common area.

(b) *Pedestrian access.* Residential zoning districts R1.0, R2.5, R3.5 and R5.0 shall include public sidewalks that shall be constructed by the builder/lot owner at the time of construction of the residence. Minor subdivision plats shall be exempt from the above requirement. All sidewalk design and construction shall comply with the Americans with Disabilities Act (ADA), as amended. The restrictive covenants of the development shall include the following maintenance covenant text and be recorded with the plat of the development:

"The developer or property owner (lot owner) shall be responsible for constructing a four-foot-wide concrete sidewalk of 4,000 PSI strength plain cement four inches thick, sloped ¼-inch per foot toward the street with expansion joints each 48 inches along the entire street frontage of their respective lot. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one foot inside the street right-of-way line, (not on the lot) and parallel to the street right-of-way

line. The one year from completion of residence. Thereafter, the homeowners association shall be responsible for maintenance and upkeep of the sidewalk except for any damage done by the adjoining lot owner. All public sidewalks lot owner is responsible for the repair and maintenance of the sidewalk for the initial shall comply with all Americans with Disabilities Act (ADA), as amended, requirements and in the situation of a conflict between ADA rules, covenants or other regulations, the ADA shall govern."

(c) *Community structure.* In developments with greater than 300 dwelling units, the development plan shall include provisions for a civic or community building (clubhouse) which will be available to all property owners within the development. Any civic or community building shall have a ground floor area of no less than 2,000 square feet and comply with the same architectural guidelines and covenants which are applicable to the residences proposed for the development.

(d) *Public safety.* In developments zoned R2.5, R3.5 or R5.0 the petitioner/developer shall submit the development plan to the governing fire agency for review to determine if the plan shall include provisions to preserve land for future fire structures. If the fire agency so determines that a need exists for land, the Hancock County Area Plan Commission may require, the petitioner to include in the plans of the development, such reserved land areas up to two acres. At such time as that land is platted, the developer shall include the land in the plat and deed the land to the governing fire agency within 60 days thereafter, or upon taking title to the land.

(e) *Community amenity.* In developments that are zoned R3.5 or R5.0 and which are greater than 120 and less than 239 acres, shall include provisions for public recreation such as baseball fields, soccer fields, basketball court, tennis courts, fitness trails and the like. The land set aside for such uses shall be a minimum of five acres and shall increase five acres for each additional 120 acres that the gross number of acres exceeds 239 acres. The park land shall be transferred to the public park association or governmental body responsible for maintenance upon recording the plat for the area upon the consent of the public park association or government body responsible for maintaining such areas. If at the time of recordation of the plat, a park board or governmental body does not exist, the land shall be deeded to the homeowners association for maintenance and control. After five years from the date of recordation, if no responsible governmental body has been formed or does not formally request title to the land, the homeowners association shall use the land for the benefit of the development as set forth above. The use may include park amenities, sports fields, trails, community buildings and other uses which meet the intent of this section of the chapter and shall be consistent with all applicable zoning commitments, codes, and regulations.

(f) *Block length.* The maximum length of a block of residences along a perimeter of the development, excluding frontage along a public road, shall not exceed 500 feet. Acceptable block breaks include a future street stub; neighborhood park a minimum of 100 feet in width; lot configuration which causes the residence orientation to be altered a minimum of 60 degrees; change in building minimum

standards which alter the rear elevations of the residences to give the appearance of a block change (roof line changes, rear wall alignment).

(g) *Street interconnectivity.* In all developments there shall be a plan for vehicular connections into undeveloped tracts or parcels of land. Streets designed for future extensions shall have public right-of-way platted to the developer's property line so as not to create future right-of-way takings or purchases upon extension. A barricade shall be constructed on the extension to prevent accidental passage into undeveloped areas.

(h) *Driveway.* In residential zoning districts R1.0 R2.5, R3.5 and R5.0 the driveway on corner lots shall be handed in the opposite side from the intersection of the street right-of-way lines.

(i) *Mailboxes.* In residential zoning districts R1.0 R2.5, R3.5 and R5.0 the developer, in the subdivision covenants, shall establish a uniform design and specification for all mailboxes. The design and specifications shall be done in accordance with the U.S. Postal Service regulations. Further, all county regulations for the placement of mailboxes shall be adhered to.

(j) *Landscaping.* Landscaping as stated below shall be required for all single and multifamily subdivision development prior to the issuance of a certificate of occupancy. Extensions of up to 120 days may be granted to take advantage of optimal planting conditions. Individually or custom constructed residences shall provide landscaping within 180 days after the certificate of occupancy is issued.

1. *Perimeter plant material.* Perimeter plant material shall be provided on the perimeter of subdivision development when adjacent to a public way as follows:

a. A 20-foot landscaping area adjacent to the road or right-of-way. The landscaping shall be located in an area designated as common area. All attempts should be made to avoid conflicts with drainage and utility easements that would prevent the installation of landscape materials in accordance with the ordinance.

b. Trees shall be provided at a minimum rate of six trees per 100 lineal feet of perimeter planting. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.

c. Shrubs shall be provided at a minimum rate of ten per 100 lineal feet of perimeter planting.

d. Calculation. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet.

e. Planting pattern. It is suggested that the required trees and shrubs be at least 50% evergreen, planted in clusters or irregular patterns; and shall be combined with.

2. *Perimeter fences/walls/mounds.* One of the following landscaping options shall be required in addition to the plant material.

a. Decorative perimeter fences/walls shall be combined with plant material and shall be constructed of masonry, stone, wood, or decorative metal. Fences/walls constructed of synthetic materials that simulate natural materials will also be considered. Fences/walls shall be at least 36 inches in height, but not over 72 inches in height. Fencing/walls may only be provided by the developer and only located in the area designated as "common area" or "landscape easement." Landscaping shall be placed on the right-of-way side of the fence/wall.

b. Mounds. Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "common area" or "landscape easement." Mounds shall be a minimum of three feet in height. Maximum side slope shall not exceed a 3:1 ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds (levee look) are not permitted.

3. *Common area.* Where a common area is designated on the plat or development plan of a commercial or residential project, a property or homeowner's association shall be formed and shall be required to provide necessary maintenance to said common areas as division (C)(1)(k).

4. Individual lots. The minimum landscape package for front and side yards shall be consistent with the following table:

Zoning District	# of Trees	Minimum # of Shrubs	Front Yard Sod
R2.5	3	8	No
R3.5	3	10	Yes
R5.0	2	12	Yes

a. The minimum number of shrubs required is a total for the side and front yard combined, not for each yard individually.

b. All trees shall be a minimum of two-inch caliper and all shrubs shall be a minimum of 18 inches in height per National Nursery Standards.

c. Lots that have existing trees in the front yard that meet the required minimum shall not be required to plant additional trees. In order for the existing trees to qualify as an existing tree it must be a minimum size of two-inch caliper measured six inches above

the existing ground elevation at the base of the tree and be part of the finish landscape package upon completion of the residence and the final lot grading.

d. In addition to the above requirements, landscape packages for corner lots shall include a street- side yard (which shall be defined as the yard fronting the street on the side of the house that does not face the street) plan of one evergreen tree with a minimum height of six feet and 12 shrubs. The street-side yard shall be sodded for all developments designated R1.0 and higher densities.

e. All trees shall be planted such that upon maturation the branches and limbs shall not interfere with the adjacent property use. Any tree becoming such a nuisance shall be trimmed or cut back to eliminate the nuisance by the property owner.

f. Plant material shall be placed out of the sight visibility triangle in § 156.072. There should be a clear visibility zone between 36 inches and nine feet maintained by the property owner

(k) *Homeowners association.*

1. In developments which include any of the following, the developer shall be required to establish a homeowners association in accordance with the laws of the State of Indiana prior to transferring title to any property within the development:
 - a. The density is equal to or greater than 0.5 units per acre;
 - b. Common or open areas;
 - c. Landscaped entryway which will require annual maintenance; or
 - d. Public sidewalks.
2. The homeowners association shall be formed as a corporation. The covenants of the subdivision secondary plat shall include the following language:
 - a. Homeowners association. Each lot owner in this subdivision or addition, by acceptance of a deed conveying title thereto, whether from the developer or a subsequent owner of such lot, shall accept such deed subject to the provisions of the bylaws of the (*insert the name of the association*) Homeowners Association, Inc., and thereby becomes a member of the (*insert the name of the association*) Homeowners Association, Inc., for the purposes outlined herein. The Homeowners Association, Inc. shall be self-perpetuating and will not be disbanded.
 - b. The homeowners association shall be professionally managed by a licensed property manager which shall be required by the association bylaws. The laws of the association shall further require that revisions to the bylaws, covenants, and/or the

management firms' contract may occur only upon the consent of 80% or more of the lien holders of the property in the subdivision (not the property owners).

(l) *Waste.* In residential zoning districts R1.0 or greater, the developer shall require the homeowners association to contract with only one trash collection company for the entire development. The trash collection company shall also provide curbside recycling for the development.

(2) *Residential subdivision architectural standards.* Major or minor subdivisions in residential zoning districts R2.5, R3.5 and R5.0, located within one mile of a municipal boundary, shall include the following minimum building design standards:

(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 protrude through the roof may be of material other than masonry, excluding aluminum.

(c) Roof pitch shall be no less than 6/12.

(d) Nine-inch overhangs 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 home facing the street (street-side yard).

(f) Interior drive widths. The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:

1. For single- and two-family residential uses the minimum driveway width shall be 12 feet.
2. For all multi-family uses refer to §156.069.

(g) Developments in zones R2.5, R3.5 and R5.0 may contain fences in the street side yard provided the fences are consistently themed with the residence and are at least 50% open. Chainlink is prohibited in the front and street sideyard. 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) Facade/exterior material shall be masonry veneer (brick, stone, textured and colored concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, aluminum, or heavy-gauge vinyl. Vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute (VSI) through the VSI siding certification

program. The minimum thickness of vinyl siding shall be 0.048 inches; Lap siding shall have a maximum nine-inch exposed board face.

1. Front elevation. All homes shall have masonry (brick, stone, textured and colored concrete masonry units) on a minimum 50% of the front elevation, excluding doors, windows, and other openings.
2. Side and rear elevations. Side and rear elevation of homes that abut a public way shall have at least 30% masonry as the exterior building material on that visible elevation and shall contain at least one architectural feature.
3. Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one-inch by six-inch wood or vinyl surround, shutters, decorative trim or headers.
4. The Planning Director may consider a request for modification to the masonry requirement when extraordinary or innovative architectural styles (Victorian, Farmhouse, Cape Cod) that provide many other architectural features maintain the spirit rather than the intent of the design guidelines.

(i) 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 eight 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. At least four feet of relief at one or more points along the front or rear elevations;
11. Full first floor masonry wrap;
12. Sunroom, screened porch, or breakfast nook on rear for relief;
13. Transom windows;
14. Bay windows;

15. Two or more dormers;
16. Decorative geometric front, rear and side gable roof vents or windows; and
17. Window grids/grills.

(j) Dimensions. A single-family dwelling facade shall comprise at least 55% of the total facade width. The attached garage shall not exceed more than 45% of the facade width.

(k) Entries. Single-family dwelling entries shall have a presence toward the street and be accented with at least one building-mounted light fixture.

(l) Windows. Windows are required on all sides of the dwelling that are adjacent to a street, common area, or not perpendicular to the street.

(m) Roof.

1. Minimum pitch: 6:12.
2. 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 overhead door and shall be recessed at least two feet from the other bays.
2. Garage-forward design:
 - a. Front-loaded garages that protrude between 8 and 12 feet forward of the dwelling area 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) Residential subdivision architectural standards. Major or minor subdivisions in residential zoning districts R2.5, R3.5 and R5.0, located beyond one mile of a municipal boundary, shall include the following minimum building design standards:

(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. No more than 15 % of the homes shall have the same front elevation.

(b) Exterior chimneys for fireplaces shall be masonry in entirety.

(c) Roof pitch shall be no less than 6/12.

(d) 12-inch overhangs on all roofs.

(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 home facing the street (street-side yard).

(f) Interior drive widths. The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:

1. For single- and two-family residential uses, the minimum driveway width shall be 12 feet.
2. For all multi-family uses refer to § 156.069.

(g) Developments in zones R2.5, R3.5, and R5.0 may contain fences in the street side yard provided the fences are consistently themed with the residence and are at least 50% open. Chainlink is prohibited. 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) Facade/exterior material shall be masonry veneer (brick, stone, textured and colored concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, or aluminum.

1. Front elevation. All homes shall have masonry (brick, stone, textured and colored concrete masonry units) on a minimum 60% of the front elevation, excluding doors, windows, and other openings.
2. Side and rear elevations. Side and rear elevation of homes that abut a public way shall have at least 40% masonry as the exterior building material on that visible elevation and shall contain at least two architectural features.
3. Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one-inch by six-inch wood surround, shutters, decorative trim or headers.
4. The Planning Director may consider a request for modification to the masonry requirement when extraordinary or innovative architectural styles (Victorian, Farmhouse, Cape Cod) that provide many other architectural features maintain the spirit rather than the intent of the design guidelines.

(i) Architectural features. All homes shall have a minimum of six 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 six.

1. Front porch - minimum eight feet in width and four feet in depth supported by columns;
2. Veranda/balcony;
3. At least two 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. At least four feet of relief at one or more points along the front or rear elevations;
11. Full first floor masonry wrap;
12. Sunroom, screened porch, or breakfast nook on rear for relief;
13. Transom windows;
14. Bay windows;
15. Two or more dormers;
16. Decorative geometric front, rear and side gable roof vents or windows; and
17. Window grids/grills.

(j) Dimensions. A single-family dwelling facade shall comprise at least 65% of the total facade width. The attached garage shall not exceed more than 35% of the facade width.

(k) Entries. Single-family dwelling entries shall have a presence toward the street and be accented with at least two building-mounted light fixtures.

(l) Windows. Windows are required on all sides of the dwelling that are adjacent to a street, common area, or not perpendicular to the street.

(m) Roof.

1. Minimum pitch: 6:12.
2. 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.

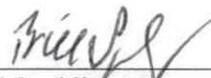
1. Three-car garages. The third bay shall have a separate door and shall be recessed at least two feet from the other bays.
2. Garage-forward design:
 - a. Front-loaded garages that protrude between 8 and 12 feet forward of the dwelling area shall have at least one window installed in the garage wall 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.

SECTION II

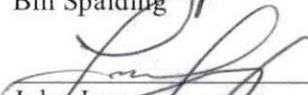
This ordinance shall be effective retroactive to November 15, 2022. This ordinance shall be in full force and effect upon passage and publication as provided by law.

Adopted this 4th day of JUNE, 2024.

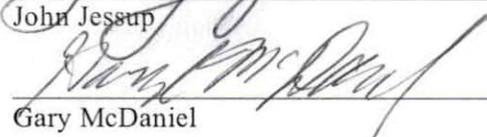
BOARD OF COMMISSIONERS
HANCOCK COUNTY, INDIANA



Bill Spalding



John Jessup



Gary McDaniel

ATTEST:



Debra Carnes, Hancock County Auditor

This instrument was prepared by Rhonda Cook, BRAND & MORELOCK, 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. Rhonda Cook.