

ORDINANCE NO. 2020 - 11 F
 AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA ZONING
 ORDINANCE
 AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156, OF THE HANCOCK COUNTY
 CODE

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Center Township is hereby amended by rezoning the Real Estate described in Exhibit A (“Real Estate”), incorporated herein, from Residential (R1 .0) to Planned Unit Development (PUD).

TABLE OF CONTENTS

Preamble	
Section 156.001	4
Section 156.001 Title	4
Section 156.002 Authority and purpose	4
Section 156.003 Interpretation and application	4
Section 156.004 Official zoning map	4
Section 156.005 Adoption and amendments	4
Section 156.006 Area Plan Commission	4
Section 156.007 Board of Zoning Appeals	4
Section 156.010 General administration	4
Section 156.011 Legislative bodies duties and powers	4
Section 156.012 Plan Commission duties and powers	4
Section 156.013 Board of Zoning Appeals	4
Section 156.014 McCordsville Board of Zoning Appeals	4
Section 156.020 Establishment of zoning districts	4
Section 156.021 Land Uses	4
Section 156.022 Lot Standards	6
Sections 156.023 – 156.037 Zoning Districts	7
Sections 156.040 - 156.046 Overlay Zoning Districts	7
Section 156.050 PUD	7
Section 156.051 General application requirements	7
Section 156.052 Preliminary plan and rezoning	7
Section 156.053 Final detailed plan	7
Section 156.054 Written commitments	7
Section 156.055 Covenants	7
Section 156.056 Modifications	7
Section 156.057 Expiration, abandonment and extensions	7
Section 156.060 Introduction and application	7
Section 156.061 Height standards	7
Section 156.062 Accessory use and structure standards	7
Section 156.063 Temporary uses and structure standards	9

Section 156.064	Industrial operation standards.....	10
Section 156.065	Residential standards.....	10
Section 156.066	Home occupation standards.....	16
Section 156.067	Manufactured home park standards.....	16
Section 156.068	Environmental standards.....	16
Section 156.069	Parking standards.....	16
Section 156.070	Loading standards.....	16
Section 156.071	Entrance/drive standards.....	16
Section 156.072	Sight visibility standards.....	16
Section 156.073	Telecommunication facility standards.....	16
Section 156.074	Fence and wall standards.....	16
Section 156.075	Landscaping standards.....	16
Section 156.076	Buffering and screening standard.....	16
Section 156.077	Exterior lighting standards.....	16
Section 156.078	Non-residential design standards.....	16
Section 156.079	Adult use standards.....	16
Section 156.080	Wind energy conversion systems.....	16
Section 156.081	Agribusiness standards.....	16
Section 156.085	General sign standards.....	17
Section 156.086	Residential sign standards.....	17
Section 156.087	Non-residential sign standards.....	17
Section 156.090	Nonconforming status.....	17
Section 156.091	Nonconforming structures.....	17
Section 156.092	Nonconforming site features.....	17
Section 156.093	Nonconforming uses.....	17
Section 156.094	Nonconforming signs.....	17
Section 156.100	Petition and permit application types.....	17
Section 156.101	Notice of public hearing.....	17
Section 156.102	Variance applications.....	17
Section 156.103	Special exception applications.....	17
Section 156.104	Administrative appeal applications.....	17
Section 156.105	Zoning map amendment applications (rezones).....	17
Section 156.106	Improvement location permits.....	17
Section 156.107	Development plan review.....	17
Section 156.108	Written commitments.....	17
Section 156.109	Sign permits.....	17
Section 156.110	Certificates of occupancy.....	17
Section 156.115	General provisions.....	17
Section 156.116	Construction process violations.....	17
Section 156.117	Immediate public risk violations.....	17
Section 156.118	Violation procedures.....	17
Section 156.120	Defined words.....	17
Section 156.121	Definitions.....	17
Adoption.....		18
Exhibit A – Legal Description.....		19
Exhibit B – Concept Plan.....		20

PREAMBLE

The following shall be formally known as Mohawk Trails Planned Unit Development Zoning Ordinance (“Ordinance”) and is intended to guide the growth and development of Mohawk Trails subdivision (the “Development” or “Subdivision”), on the Real Estate, for the following purposes:

- (1) Adequate Facilities. To secure adequate light, air, and convenience of access; and provide safety from fire, flood and other dangers, and
- (2) Public Safety. To promote the public health, safety convenience, and general welfare.

The provisions of this ordinance shall be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this chapter are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

Development of the Real Estate shall be governed by the provisions of this Ordinance and those provisions of the existing Hancock County Zoning Ordinance specifically referenced in this Ordinance. All provisions of the Existing Hancock County Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this chapter and after the lawful issuance of all permits and certificates required by this ordinance.

The provisions of this ordinance shall be the minimum requirements for the protection of the health, safety, comfort, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment, pursuant to the Hancock County Code there may be from time to time minor modifications of the detailed plan and this ordinance if in the opinion of the Hancock County Planning Director the modification does not change the type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements.

Section 156.001 Title, shall apply.

Section 156.002 Authority and purpose, shall apply

Section 156.003 Interpretation and application, shall apply

Section 156.004 Official zoning map, shall apply

- Section 156.005 Adoption and amendments**, shall not apply.
- Section 156.006 Area Plan Commission**, shall apply.
- Section 156.007 Board of Zoning Appeals**, shall apply.
- Section 156.010 General administration**, shall apply.
- Section 156.011 Legislative bodies duties and powers**, shall apply.
- Section 156.012 Plan Commission duties and powers**, shall apply.
- Section 156.013 Board of Zoning Appeals**, shall apply.
- Section 156.014 McCordsville Board of Zoning Appeals**, shall not apply
- Section 156.020 Establishment of zoning districts**, shall apply
- Section 156.021 LAND USES**; shall not apply and shall be replaced as follows:

- (A) *Land uses specified.* Each land use is either a permitted, non-permitted or a special exception use by this Ordinance. A general list of permitted and special exception uses for this Ordinance noted in the Permitted Uses and Special Exceptions divisions in this subchapter. The designation of special exception is not meant to imply that the use in question will be disallowed, only that they will be reviewed and checked for conformance with county standards and this Ordinance and will require a public hearing.
- (B) *Unlisted or questionable land uses.* Any use not listed as a permitted use or special exception use is considered non-permitted. The Planning Director may determine into which category any use is placed if it is not specifically listed but is similar to another use that is a permitted or a special exception use. This determination may be appealed to the Board of Zoning Appeals consistent with the provisions of Section 156.104.

- i. Walls/fences and landscaping associated with the entrance to the PUD.....Permitted
- ii. Child Care Home.....Special Exception
- iii. Dwelling, single familyPermitted
- iv. Residential facility for the developmentally disabled type
 - 1.....Permitted
- v. Home Occupation.....Special Exception
- vi. Amateur radio and radio receiver antenna.....Special Exception
- vii. Nature or recreational preserve..... Permitted
- viii. Flood plain.....Permitted
- ix. Storm Water Detention Ponds.....Permitted
- x. Playground equipment in common areas owned by the HOA.....Permitted
- xi. Temporary Agricultural Row Crops.....Permitted

- (C) *Industrial land use standards in the IBP and IL Districts: shall not apply.*
- (D) *Concept Plan:* The Real Estate shall be developed in substantial compliance with the concept plan attached hereto and incorporated herein as Exhibit B, which shall include the following Nature Preserve and Tree Protection Easement:

NATURE PRESERVE AND TREE PROTECTION EASEMENTS: The final detailed plan shall include provisions for a Nature Preserve and Tree Preservation Easement over the area lying southeasterly of the Smith and Johnson Legal Drain and between the east and south lines of the Development. Within the Nature Preserve area, no improvements except for a mulch walking trail and vinyl coated chain-link fence, shall be permitted. The Nature Preserve shall be established for the lot owners of the

Development, their guests and invitees to use in ways natural to the environment and wildlife of the Nature Preserve. The purpose of the tree preservation easement shall be to provide a combination of selective visual buffering of certain characteristics of the neighboring properties and as aesthetic enhancements to the same. The easement shall protect the existing mature and healthy trees which are growing in the existing fence line separating the adjoining properties from the Development. No trees shall be removed within ten (10) feet of the perimeter of the development except for those deemed unhealthy or at risk of users of the Nature Preserve. Within the Nature Preserve, no tree with a diameter at breast height in excess of six inches or evergreens eight feet or more in height or understory shall be removed unless the trees or understory are: (1) deemed unhealthy, or (2) a safety hazard, or (3) unsightly and do not compliment the purpose of the Nature Preserve or Tree Easement. Prior to construction of the walking trail or placement of the fence enclosing the dog park, any specimen tree shall be protected in the following manner:

- i. Install highly visible (orange) construction fencing at least three feet outside the drip line of the trees.
- ii. Avoid injuring roots when installing anchoring posts for fencing.
- iii. Signs should be posted clearly identifying the plant protection zone.
- iv. If a portion greater than 30% of the area within the dripline is unavoidably impacted, applicant shall install a root aeration system, tree wall, retaining wall or raised boardwalk as appropriate permanent protection.

In order to further clarify the restrictions placed upon the Nature Preserve and Tree Preservation Easement the following guidelines are hereby established:

- a. The understory and scrub brush along the Smith and Johnson Legal Drain may be removed as well as the understory along the east line of the development. Scrub brush being defined as woody and non woody plant material with a trunk size less than 2”;
- b. Maintain all existing trees with a caliper of 4” and greater. However, any decaying or deteriorating trees can be removed. Any trees greater than 2” and less than 4” may be kept or removed at the discretion of the developer;
- c. If and when the understory is removed, compensatory plants and shrubs shall be planted within sixty (60) days after the finish grading of the disturbed areas;
- d. If it would become necessary to remove the existing fence along the perimeter of the Nature Preserve, the removal of the fence shall be done in a way to protect the natural vegetation as much as possible. The replacement fence shall be aesthetically fitting with the environment of the Nature Preserve.

The Nature Preserve Area shall be a Common Area and shall be maintained by the Homeowners Association.

Section 156.022 Lot Standards: shall not apply and shall be replaced as follows:

(A) *Lot standards established.* The lot standards for this Ordinance shall be as specified in this subchapter. Lot standards shall include, but not be limited to, front yard setback, side yard setback, rear yard setback, lot area, lot width, lot frontage, lot depth, height, living and ground floor areas, and lot coverage. A summary of the lot standards is as follows:

1. Minimum Lot Area = 7,440 square feet
2. Minimum Lot Width measured at the outside tangent of the front setback = 62 feet
3. Maximum Lot Coverage (all impervious surfaces) = 65%
4. Minimum Front Yard Setback (measured from street right-of-way line)= 25 feet
5. Minimum Side Yard Setback = 6 feet.
6. Minimum Rear Yard Setback = 15 feet
7. Minimum Living Area = 1,600 square feet for one story dwellings and 2,000 square feet for over one-story dwellings.
8. Minimum Ground Floor Living Area = 1,600 square feet for one story dwellings and 1,000 square feet for over one-story dwelling.
9. Maximum number of primary structures per lot = one (1) dwelling
10. Maximum height of primary structure = 35 feet
11. Maximum height of accessory structure = 26 feet
12. Maximum number of lots = 113

(B) *General lot requirements.* Shall not apply and shall be replaced as follows:

All lots shall comply with the following requirements consistent with the applicable lot standards:

- (1) *Compliance requirements.* Except as provided in this chapter, no structure shall be erected, altered, enlarged or reconstructed unless such construction, alteration, enlargement, or reconstruction conforms with the lot regulations of this Ordinance.
- (2) *Setback standards.* No portion of any structure is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, fire escapes, and platforms above adjacent grade level. Window wells leading to basements, Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at adjacent grade level subject to the requirements of this chapter. Violation of these standards will subject the property owner to the penalties described under Section 156.115 et seq.

(C) *Development standards.* Shall not apply and shall be replaced as follows: All structures and land uses, including any alterations to either, that are established or otherwise occur after the effective date of this chapter shall conform to the development standards provided by this chapter.

(D) *Dwellings.* Shall apply.

(E) *Confined feeding.* Shall not apply and is not permitted in this PUD Ordinance.

(F) *Dwellings - concentrated animal feeding operations.* Shall not apply and is not permitted in this Ordinance.

(G) *Concentrated animal feeding operation.* Shall not apply and is not permitted in this Ordinance.

- (H) (1) *Exception and (2) General Buffering Standards. Shall not apply*
- (I) *Residential facility for the developmentally disabled type I. Shall apply.*

Sections 156.023 – 156.037, Zoning Districts, shall not apply

Sections 156.040 - 156.046, Overlay Zoning Districts, shall not apply

Section 156.050 PUD, intent, uses, and standards, shall apply.

Section 156.051 General application requirements, shall apply.

Section 156.052 Preliminary plan and rezoning, shall apply.

Section 156.053 Final detailed plan, shall apply.

Section 156.054 Written commitments, shall apply.

Section 156.055 Covenants, shall apply.

Section 156.056 Modifications, shall apply.

Section 156.057 Expiration, abandonment and extensions, shall apply.

Section 156.060 Introduction and application shall not apply and is replaced as follows:

(A) *Introduction.* All structures, land uses, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this chapter) shall be subject to all development standards and regulations within this Ordinance.

(B) *Expansion or modification of existing uses and structures.* No structure, driveway, or other site feature regulated by this Ordinance shall be enlarged, altered, or expanded unless the minimum improvements required by this subchapter are provided on the property in a manner equal to the extent of its alteration or expansion.

(C) *Requirements for uses permitted by special exception or variance.* The Board of Zoning Appeals may specify the appropriate standards for all uses permitted by special exception or variance.

Section 156.061 Height standards shall not apply and shall be replaced as follows:

(A) *Intent.* The intent of these height standards is to protect the public health, safety, and general welfare by providing for adequate light and air, and by ensuring adequate fire protection service.

(B) *General height standards applicable to all structures and uses in the PUD.*

(1) *Height requirements.* The maximum height permitted shall be as follows:

Principal Structure = 35 feet;

Accessory structure = 26 feet

(a) *Measuring height.* In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point of the of the structure.

(b) *Additional limitations.* No accessory structure may exceed the height of the primary structure on the property.

Section 156.062 ACCESSORY USE AND STRUCTURE STANDARDS, shall not apply and shall be replaced as follows:

(A) *Intent.* The intent of these accessory use and structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.

(B) *Permitted accessory uses and structure standards.*

(1) *Order of establishment.* No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the issuance of a permit for a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

(2) *Permitted Accessory Uses or structures:* The following are permitted Accessory Uses

- (a) decks
- (b) swimming pools
- (c) hot tubs
- (d) fencing
- (e) amateur radio and radio receiver antenna

(3) *Incidental uses and structures.* The following shall be considered incidental uses and structures and shall meet the requirements specified.

(a) *Satellite dish.* Satellite dishes shall not exceed 24 inches in diameter and shall meet the following standards:

1. *Location.* Satellite dishes (including anchors or supports) shall be attached to the primary structure and not visible from the street to which the primary structure is facing. No more than one (1) satellite dish shall be permitted per lot.

2. *Height.* No satellite dish shall be mounted above the height of the eave of the roof. Satellite dishes shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased height is technically necessary to successfully receive satellite signals.

(b) *Other incidentals.* Bird baths and houses, mailboxes, lamp posts, doghouses no larger than twenty (20) square feet, patios, yard ornaments, recreational play equipment, and similar items, except as otherwise stated in this chapter, shall be exempt from the requirements of this section.

(4) *Vehicle use.* In no instance shall a vehicle, including semi-tractor trailers, truck bed whether located on or off a truck chassis, and/or mobile home structure be used as an accessory structure in any district (such as for storage, etc.).

(5) *Permitted accessory uses and structures.* All accessory uses and structures shall be subject to the standards provided by this section. The Planning Director shall determine whether or not uses or structures not specifically listed are permitted based on the consistency of each use or structure with the intent of the district in which it is located.

(b) *Day care home standards.* Child day care homes shall meet the definition established by I.C. 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana.

(c) *Home occupation standards.* Home occupations shall comply with all applicable provisions of the § 156.066.

(6) *Accessory structure location.* Accessory structures shall comply with the following location requirements:

(a) *Yard location.* No accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks.

(7) *Permitted accessory structures.*

(a) *Amateur radio and television and radio receiver antennas.* All amateur radio antenna, CB radio antenna, antenna for receiving television signals, antenna for receiving

radio signals, and all other personal broadcasting equipment shall meet the following requirements:

1. *Location.* In addition to the location requirements specified by this Ordinance, no antenna (including anchors or supports) shall be located in any side yard.

2. *Height.* No amateur radio tower shall exceed 48 feet in height from ground level or five feet in height above the highest point of the roof of the primary structure, whichever is greater. Amateur radio towers shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased tower height is technically necessary to successfully engage in amateur radio communications.

(8) Common Area equipment and facilities. Facilities and equipment located within areas designated common areas or parks, shall be subject to the following standards:

(a) *Toddler Park Area.* The equipment to be constructed in the area designated as Toddler Park Area shall be generally similar in appearance and size as that illustrated in Exhibit C and maintained by the homeowners association.

(b) *Subordinate role.* The accessory uses and structures shall be subordinate to the recreational character of the development;

(c) *Design focus.* The accessory uses and structures shall be located, designed and intended to serve only the needs of the park;

(d) *Waste containers.* All dumpsters and other waste containers shall be screened consistent with § 156.076.

Section 156.063 TEMPORARY USES AND STRUCTURE STANDARDS, shall not apply and shall be replaced as follows:

(A) *Intent.* The purpose of these temporary use and structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to:

(1) Accommodate the temporary needs of the PUD;

(2) Ensure that temporary uses do not become permanent without proper scrutiny, and

(3) Protect the community and public welfare from the unique hazards that can be created by temporary uses and structures.

(B) *General temporary use and structure standards.*

(1) *Temporary structure standards.* All temporary structures shall conform to the following requirements:

(a) *Applicable development standards.* Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this section.

(b) *Temporary structure time limits.* Any temporary structure used for a permitted primary use may be permitted for up to two years, unless otherwise specified by this chapter.

(2) *Temporary use and structure standards.* All temporary uses and structures shall conform to the following requirements:

(a) *Permit requirements.* All temporary uses and structures shall require an improvement location permit unless otherwise specified in this section. No temporary

use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.

(b) *Time limits.* Temporary uses and/or structures that seek extensions of the initial time limits established in this section shall be subject to administrative approval.

1. An unlimited number of one year extensions may be granted by the Board of Zoning Appeals or the Planning Director. The Board may impose reasonable conditions as part of its approval.

2. No extensions of the time limits described in this section shall be considered for any temporary use or structure that violates any requirements of this chapter as it existed at the time the extension is requested.

(c) *Removal.* All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.

(3) *Construction trailers.* Construction trailers are not permitted in the PUD.

(4) *Construction dumpsters.* Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall be located in front of the structure being constructed and shall be removed prior to the issuance of a certificate of occupancy for said structure. Only one (1) dumpster shall be allowed per lot.

(C) *Residential temporary use and structure standards.* The following temporary uses and structures are permitted as described below, no permit shall be required unless otherwise specified.

(1) *Garage/yard sales.* Garage/yard sales are permitted to occur four times per calendar year per lot, for a maximum of 16 days per calendar year, with no one (1) period being for more than four (4) consecutive days.

(2) *Children's roadside stands.* Shall apply. Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

(3) *Temporary home sales facilities.* Shall apply except that temporary sales trailers are not permitted in the PUD.

Section 156.064 Industrial operation standards, shall not apply

Section 156.065 RESIDENTIAL STANDARDS, shall not apply and shall be replaced as follows:

(A) *Intent.*

(1) The purpose of these residential standards is to:

(a) Establish unique design standards for the PUD site development; and

(b) Establish minimum architectural standards for residential dwellings and structures.

(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) *shall not apply.*

(C) *Development and Structure Design Standards.* It is the intent of these design standards to promote both technically and aesthetically pleasing site features and housing options within the PUD.

(1) Development layout.

(a) *Open space.*

The detailed unit development plan shall include provisions for recreation preserve areas, which shall be accessible by means of walking, hiking, biking, or automobile, and shall total a minimum of four (4) acres. Land preserved for storm water detention or retention shall be permitted to be included in this acreage if located in a common area controlled by the homeowners association and accessible by means of an access trail.

(b) Pedestrian access.

The detailed unit development plan shall include public sidewalks or a multi-use plan adjacent to the public streets which create an internal pathway attractive for pedestrian use. Any public sidewalk proposed along the street frontage of a lot shall be constructed by the builder/lot owner at the time of construction of the residence on said lot. Sidewalks which front along common areas shall be constructed by the Developer at the time of the street construction. All sidewalk design and construction shall comply with the Americans with Disabilities Act (ADA), as amended. All sidewalks and multi-purpose trails internal to the Development and constructed by the Developer shall be maintained by the Developer for a period of three (3) years, after which the Homeowners Association shall maintain the same. Sidewalks constructed internal to the Development by the Lot Owner shall be maintained by the Lot Owner for a period of one (1) year after issuance of the certificate of occupancy of the residence on the same lot, after which the sidewalk maintenance shall be done by the Homeowners Association. The restrictive covenants of the development shall include the following maintenance covenant text and be recorded with the plat of the development:

"The developer, where the street right-of-way adjoins a common area, 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 1/4-inch per foot toward the street with expansion joints each 48 inches along the entire street frontage of their respective lot. In the case of a common area, the sidewalk shall be constructed in conjunction with the street construction, and in the case of a Lot, prior to issuance of the certificate of occupancy of the residence on said lot. 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 sidewalk shall be maintained by the Lot Owner for one (1) year after issuance of the certificate of occupancy of the residence on the same lot. All Developer constructed sidewalks, shall be maintained by the Developer for a period of three (3) years beginning after acceptance of the streets by Hancock County Board of County Commissioners ("Initial Developer/Owner Maintenance Period"). The homeowners association shall be responsible for maintenance and upkeep of the sidewalk except for any damage done by the adjoining lot owner after expiration of the Initial Developer/Owner Maintenance Period. Damage done to public sidewalks by a Lot Owner shall be the responsibility of said Lot Owner. . All sidewalk construction shall comply with all Americans with Disabilities Act (ADA) requirements as amended, and in the situation of a conflict between ADA rules, covenants or other regulations, the ADA shall govern."

(c) *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).

(d) *Street interconnectivity.* The detailed unit development plan shall plan for vehicular connections into the undeveloped land to the east and north. Streets designed for future extensions shall have public right-of-way platted to the exterior line of the PUD 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.

(e) *Driveway.* The driveway on corner lots shall be handed in the opposite side from the intersection of the street right-of-way lines. This shall not prohibit a side load garage being used on the intersection side provided the driveway is a minimum of twenty-five (25) feet from the intersection of the two street right-of-way lines.

(f) *Mailboxes.* 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.

(g) *Landscaping.* The detailed unit development plan shall include a landscape plan to be installed prior to the issuance of the certificate of occupancy. Extensions of up to 120 days may be granted to take advantage of optimal planting conditions.

1. *Perimeter plant material.* Perimeter plant material shall be provided along County Road 200 West 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.
- b. Trees of 2" caliper for deciduous and six (6) feet tall for evergreen, 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 fourteen (14) 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.* 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, vinyl 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 shall be constructed by the developer with the initial phase 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.

3. *Common area.* The common areas designated on the plat or development plan shall be landscaped and maintained by the homeowner's association in accordance with the landscape plan. All common areas shall be deeded from the Developer to the homeowner's association in order to provide necessary maintenance to said common areas.
4. *Individual lots.* The minimum landscape package for front and side yards of each lot shall be as follows:

Minimum number of trees per lot = 1 which shall be placed in the front yard (does not include trees placed in the rear yard)

Minimum number of shrubs per lot = 16 (does not include rear yard shrubs)

Front yard sod = required

- a. 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.
- b. 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.
- c. 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.
- d. 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.* Shall apply

(2) Architectural Standards. It is intended that each dwelling, whether one (1) story or two (2) story shall be constructed in substantial compliance with those illustrated in Exhibit "D" and specifically all dwellings constructed in the PUD shall conform to the minimum building and architectural design standards as follows:

(a) Anti-Monotony:

- i. Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot or the Lot directly across the street. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;
- ii. Have a different primary siding color than the adjacent Lot;
- iii. A building on a corner lot shall not be considered substantially similar to another building in the same block if the front elevations of the buildings face different streets, and

- iv. Have a different color from the adjacent Lot for at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).
 - v. 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 8/12 for one story homes and 6/12 for two story homes with gables being a minimum of 8/12. The minimum roof pitch for “porch under window” conditions shall be 3/12 or 4/12 where this standard is unable to be met. 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.
 - (d) Twelve-inch overhangs on all roofs, except side gables may use an architectural alternative such as articulated cornices which create a dimensional affect with a permitted exterior material subject to Planning Director approval. Overhangs adjacent to masonry wrap shall be reduced to eight-inches.
 - (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). If the side windows are located in a room which has a legal ingress/egress window the size of the side window may be reduced to that of a transom.
 - (f) Interior drive widths and materials. The minimum pavement widths for driveways and interior drives shall be 16 feet. All drives shall be concrete, stamped concrete or washed aggregate concrete.
 - (g) Facade/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. Aluminum and Vinyl siding are not permitted. In addition the following elevation criteria shall be met:
 - 1. Front elevation. All homes, other than Craftsman style, shall have masonry (brick, stone, textured and colored concrete masonry units) on one hundred percent (100%) of the front elevation, excluding doors, windows, gables and other openings.
 - 2. Side and rear elevations. Side and rear elevation of homes that abut County Road 200 West 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 surround except windows may substitute the wood surround if shutters, decorative trim or headers are provided.

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.
 5. Windows may be vinyl or vinyl clad and shall contain grids in all front elevation windows.
- (h) Miscellaneous features.
1. Front porch columns shall be a minimum of 8" x 8" unless the home is a craftsman style with tapered columns which shall be a minimum of 15" at the base and tapering to a minimum of 10" at the top.
 2. Craftsman style homes shall have front elevations which include two (2) different types of siding above the masonry wainscoting.
 3. Garages shall include coach lights.
 4. Front gables shall have architectural enhancements unless full masonry.
 5. In instances where windows are paired to create a larger affect, this shall be considered the use of two (2) windows in terms of the number of windows required by this Ordinance.
 6. All garage doors shall be of a style and contain windows along the top of the door in substantial compliance with Exhibit E.
- (i) Dimensions. A single-family dwelling façade shall comprise at least 55% of the total facade width. The garage door width shall not exceed more than 45% of the facade width except when a 3 car garage is used the garage door width shall not exceed more than 60% of the façade width.
- (j) Entries. Single-family dwelling entries shall have a presence toward the street and be accented with at least one building-mounted light fixture.
- (k) Windows. Windows are required on all sides of the dwelling that are a) adjacent to a street; b) adjacent to a common area, or c) not perpendicular to the street.
- (l) Garages. Each home shall have a minimum attached two-car garage.
1. Three-car garages. The third bay shall have a separate door and shall be recessed a minimum of two (2) 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 façade 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 façade 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 156.066 Home occupation standards, shall apply.

Section 156.067 **Manufactured home park standards**, shall not apply as this is not a permitted use.

Section 156.068 **Environmental standards**, shall apply.

Section 156.069 **Parking standards**, shall apply.

Section 156.070 **Loading standards**, shall not apply as there are no loading docks or areas permitted.

Section 156.071 **Entrance/drive standards**, shall apply.

Section 156.072 **Sight visibility standards**, shall apply.

Section 156.073 **Telecommunication facility standards**, shall not apply as these are not permitted.

Section 156.074 **Fence and wall standards**, shall not apply and shall be replaced as follows: Fencing shall not exceed six (6) feet in height and no fence shall be placed closer to the front lot line than the rear of the primary dwelling. Wrought iron ornamental fencing or brick, stone and/or masonry walls surrounding or enclosing pools which are no higher than six (6) feet in height may be permitted. All fencing shall be approved by the Architectural Control Committee. Underground invisible fences used for containment of household pets are permitted. Chain link fencing must be black vinyl coated type if used and not exceed four (4) feet in height. All fencing must be new when first constructed and be maintained in good condition. No wood privacy fences are permitted. No walls, dog runs, animal pens or fences to contain pets or animals in a restricted area for temporary periods of time shall be permitted on any lot. The height of a fence shall be determined by measuring from the adjacent grade to the highest point of the fence, excluding fence posts. Fence posts may exceed the maximum height of the fence by up to one foot. Swimming pools, private, shall be designed and installed in conformance with 675 IAC 20.

Section 156.075 **Landscaping standards**, shall not apply

Section 156.076 **Buffering and screening standard**, shall not apply.

Section 156.077 **Exterior lighting standards**, shall apply, in addition all lighting fixtures placed on the exterior of any structure shall be “dark sky” compliant.

Section 156.078 **Non-residential design standards**, shall not apply.

Section 156.079 **Adult use standards**, shall not apply as these uses are not permitted in the PUD.

Section 156.080 **Wind energy conversion systems**, shall not apply.

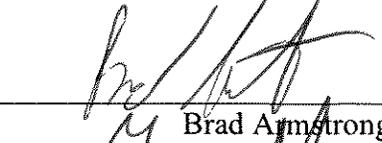
Section 156.081 **Agribusiness standards**, shall not apply as these uses are not permitted in the PUD.

Section 156.085 **General sign standards**, shall apply, except that Street Identification Signs and Traffic Control Signs may to enhance the aesthetics of the Development, be constructed to standards adopted by the Developer similar to those in Exhibit F. All signs shall meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) and prior to installation the signs shall be approved by the Hancock County Highway Engineer. All traffic control and street signs shall be maintained by the Developer or Owners Association for a period three (3) years after the Hancock County accepts the streets and street signs. After expiration of the three (3) year maintenance period, Hancock County shall be responsible for street and traffic signs necessary for traffic control. Traffic signs shall be installed and approved by the Hancock County Highway Engineer prior to the streets being dedicated to the public where appropriate.

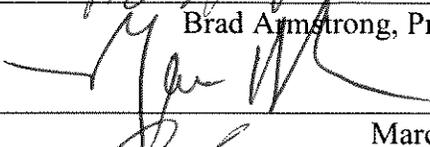
- Section 156.086 Residential sign standards**, shall apply.
- Section 156.087 Non-residential sign standards**, shall not apply.
- Section 156.090 Nonconforming status**, shall not apply.
- Section 156.091 Nonconforming structures**, shall not apply.
- Section 156.092 Nonconforming site features**, shall not apply.
- Section 156.093 Nonconforming uses**, shall not apply.
- Section 156.094 Nonconforming signs**, shall not apply.
- Section 156.100 Petition and permit application types**, shall apply.
- Section 156.101 Notice of public hearing**, shall apply.
- Section 156.102 Variance applications**, shall apply.
- Section 156.103 Special exception applications**, shall apply.
- Section 156.104 Administrative appeal applications**, shall apply.
- Section 156.105 Zoning map amendment applications (rezones)**, shall apply.
- Section 156.106 Improvement location permits**, shall apply.
- Section 156.107 Development plan review**, shall not apply.
- Section 156.108 Written commitments**, shall apply.
- Section 156.109 Sign permits**, shall apply.
- Section 156.110 Certificates of occupancy**, shall apply.
- Section 156.115 General provisions**, shall apply.
- Section 156.116 Construction process violations**, shall apply.
- Section 156.117 Immediate public risk violations**, shall apply.
- Section 156.118 Violation procedures**, shall apply.
- Section 156.120 Defined words**, shall apply.
- Section 156.121 Definitions**, shall apply.

Adopted this 17 day of November, 2020.

Board of Commissioners
Hancock County, Indiana



Brad Armstrong, President



Marc Huber



John Jessup

Attest: 
Hancock County Auditor

EXHIBIT A – LEGAL DESCRIPTION OF PUD AREA

The South Half of the West Half of the Southwest Quarter of
Section 35, Township 16 North, Range 6 East, containing forty (40) acres, more or less.

