

THE HILLS OVER SUGAR CREEK

ORDINANCE NO. 2020 - 11 E

AN ORDINANCE AMENDING "THE HILLS OVER SUGAR CREEK PLANNED UNIT DEVELOPMENT" BEING THAT OF ORDINANCE 2018-7B, AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA ZONING ORDINANCE AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156, OF THE HANCOCK COUNTY

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

WHEREAS, the Hancock County Board of Commissioners enacted Ordinance No. 2018-7B on July 3, 2018 ("The Hills Over Sugar Creek PUD Ordinance");

WHEREAS, the Hancock County Area Plan Commission considered a petition (Petition No. 2052), requesting an amendment to The Hills Over Sugar Creek PUD Ordinance with regard to Section 300.001 Lot Standards; Section 305.001 (B) Residential Development and Design Standards; Section 305.001 (J) Landscaping; Section 305.300 Nature Preservation Easement; Section 305.500 Homeowners Association; Section 900.001 Street Standards; and Section 1000.001 Commons Areas and Nature Preserve on the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Area Plan Commission forwarded Petition No. 2052 to the Board of Commissioners of Hancock County, Indiana with a favorable recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hancock County, Indiana, that The Hills Over Sugar Creek PUD Ordinance and the Hancock County Zoning Ordinance are hereby amended as follows:

Section 300.001 Lot Standards. Shall be amended as follows: Each lot developed in the Real Estate shall meet the minimum standards below:

- (A) Minimum Lot Area = 5 acres
- (B) Minimum Lot Width = as shown on the primary and secondary plat
- (C) Maximum Lot Coverage (all hard surfaces) = 10%
- (D) Minimum Front Yard Setback (measured from street right-of-way line)=
 Lots fronting on County Road 400 West shall have a minimum front yard setback of 50 feet from the dedicated right-of-way line of County Road 400 West; Lots being accessed by a private shared drive shall have a minimum set back from said shared driveway of 60 feet measured from the edge of the shared driveway easement. In all instances no building shall encroach upon the protected building zone shown on the preliminary plat and secondary subdivision plat.
- (E) Minimum Side Yard Setback = 50 feet (for the purposes of this standard, in the event a Lot Owner acquires two (2) lots or combines two (2) lots for the purposes of building one (1) dwelling, the side yard shall be considered the outermost lot line of the combined two lots.

Furthermore if two lots are combined to create one building lot, the dwelling and accessory structures may straddle the line common line or dividing line of said two lots).

- (F) Minimum Rear Yard Setback = 70 feet
- (G) Minimum Living Area = 1,900 square feet for one story dwellings and 2,300 square feet for a two-story dwelling.
- (H) Minimum Ground Floor Living Area = 1,900 square feet for one story dwellings and 1,000 square feet for a two-story dwelling.
- (I) Maximum number of primary structures per lot = one (1) dwelling
- (J) Maximum height of primary structure = 35 feet
- (K) Maximum height of accessory structure = 30 feet
- (L) Maximum size of detached accessory structure = On all lots the maximum size of any one detached accessory structure shall be 5,000 square feet.
- (M) Maximum number of detached accessory structures = 2

Nothing contained in this section shall prevent the combining of adjacent lots to create a larger lot or the splitting of adjoining lots to create lots and one-half lots. Any such combining shall be done by a "lot amendment" which shall be prepared in accordance to the standards for subdivision plats.. In no event however shall dividing of lots be allowed which create a greater number of lots than the number approved by this ordinance.

Section 305.001 (B) Residential Development and Design Standards. Shall be amended as follows:

(B) *Residential development and design standards.* It is the intent of these design standards to promote both technically and aesthetically pleasing housing options for the Subdivision.

(1) *Residential subdivision layout.*

(a) *Open space shall not be required.*

(C) *Concept Plan.* The Real Estate shall be developed in substantial compliance with the concept plan attached hereto and incorporated herein as Exhibit B.

Section 305.001 (J) Landscaping. Shall be amended as follows:

(A) *Landscaping.* Landscaping shall be required for all new homes constructed on each lot per Section 700.001 of the Ordinance within 180 days after the certificate of occupancy is issued.

(B) *Perimeter Landscaping.* A 20-foot landscaping area adjacent to County Road 400 West shall be platted and improved as herein detailed ("Improvements") by the Developer. A landscape plan ("landscape plan") shall be prepared and presented for approval by the plan director at the time of primary plat approval in compliance with this section. Upon completion by the Developer, the improvements placed in said landscape area shall be maintained by the owners of the lot on which the improvements are placed. All attempts should be made to avoid conflicts with drainage and utility easements. The landscape plan shall include a minimum of the following:

1. A minimum of twenty four (24) trees and forty (40) shrubs shall be provided in the 20 foot landscape area. The trees shall be a roughly equal mix of deciduous canopy trees and evergreen trees.

2. Planting pattern. The required trees and shrubs shall be at least 50% evergreen, planted in clusters or irregular patterns; and shall be combined with one of the following landscaping options in addition to the plant material:

i. Decorative perimeter fences/wall 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 "landscape easement". Landscaping shall be placed on the right-of-way side of the fence/wall.

ii. Earth Mounds which may include fencing. Mounds shall be a minimum of three (3) 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 County Road 400 West.

3. Plant material shall be placed out of the sight visibility triangle as defined by the Hancock County Code. There should be a clear visibility zone between 36 inches and nine feet maintained by the property owner.

Section 305.300 NATURE PRESERVE AND TREE PROTECTION EASEMENTS:

Shall be deleted in its' entirety.

Section 305.500 Homeowners Association. Shall be deleted in its' entirety.

Section 900.001 Street Standards. Shall be amended as follows:

1. Private Gravel Drive Standards. All lots shall be accessed via a private shared gravel drive. The gravel drive shall be a minimum of twenty (20) feet wide and constructed of a minimum of eight (8) inches of compacted #53 stone on a compacted subgrade.
2. The private gravel drive shall be located within a forty (40) foot wide shared driveway use and maintenance agreement ("Agreement") to be recorded prior to the Secondary Plat. The Agreement shall include standards for use, maintenance, insurance and reconstruction and provisions for sharing the costs of same by the then lot owners and developer, provided developer owns a or any lots.
3. County Road 400 West. There shall be no direct access from Lot 1 or Lot 2 to County Road 400 West other than the private gravel drive. Only one public entrance shall be allowed from County Road 400 West to the subdivision. The entrance shall be constructed as shown on the preliminary plan.
4. Private Gravel Drive Geometrics. The centerline of the gravel drive may have reverse curves without being separated by tangent parts. The minimum drive centerline radius shall be one hundred twenty-five (125) feet.
5. Emergency Vehicle Turn Around. The private drive to each lot shall include an Emergency Vehicle Turn Around ("EVTA"). The EVTA shall be used for emergency vehicles and other private traffic generated by guests and invitees of the other lot owners. The EVTA shall be constructed in a similar manner as the private shared driveway in terms of width and stone base depth. The length of the EVTA shall be a minimum of twenty (20) feet having a twenty-five (25) foot radius at each pavement intersecting edge. The EVTA shall be shown on the secondary plat as an EVTA easement including covenants and restrictions establishing the EVTA as an easement for use as and by those stated herein. The covenants and restrictions shall further state the EVTA shall be maintained in good condition by the lot owner for the use intended and shall not be blocked or prevented in anyway from being used as intended.

6. The declarations, conditions and covenants of the Development shall extend rights to the public safety officials to use the private gravel drive and EVTA as necessary at all times.

Section 1000.001 Common Areas and Nature Preserve, Shall be deleted in its' entirety.

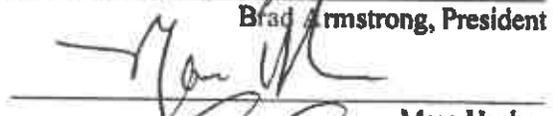
APPLICABILITY. Development of the Real Estate shall be governed by The Hills Over Sugar Creek PUD Ordinance, as amended by this Ordinance. All other provisions of The Hills Over Sugar Creek PUD Ordinance shall remain in effect with the adoption of this Ordinance.

Adopted this 17th day of November, 2020

Board of Commissioners
Hancock County, Indiana



Brad Armstrong, President



Marc Hurber



John Jessup

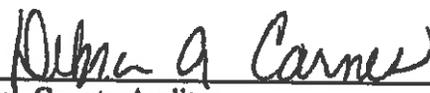
Attest: 
Hancock County Auditor

EXHIBIT A – LEGAL DESCRIPTION OF PUD

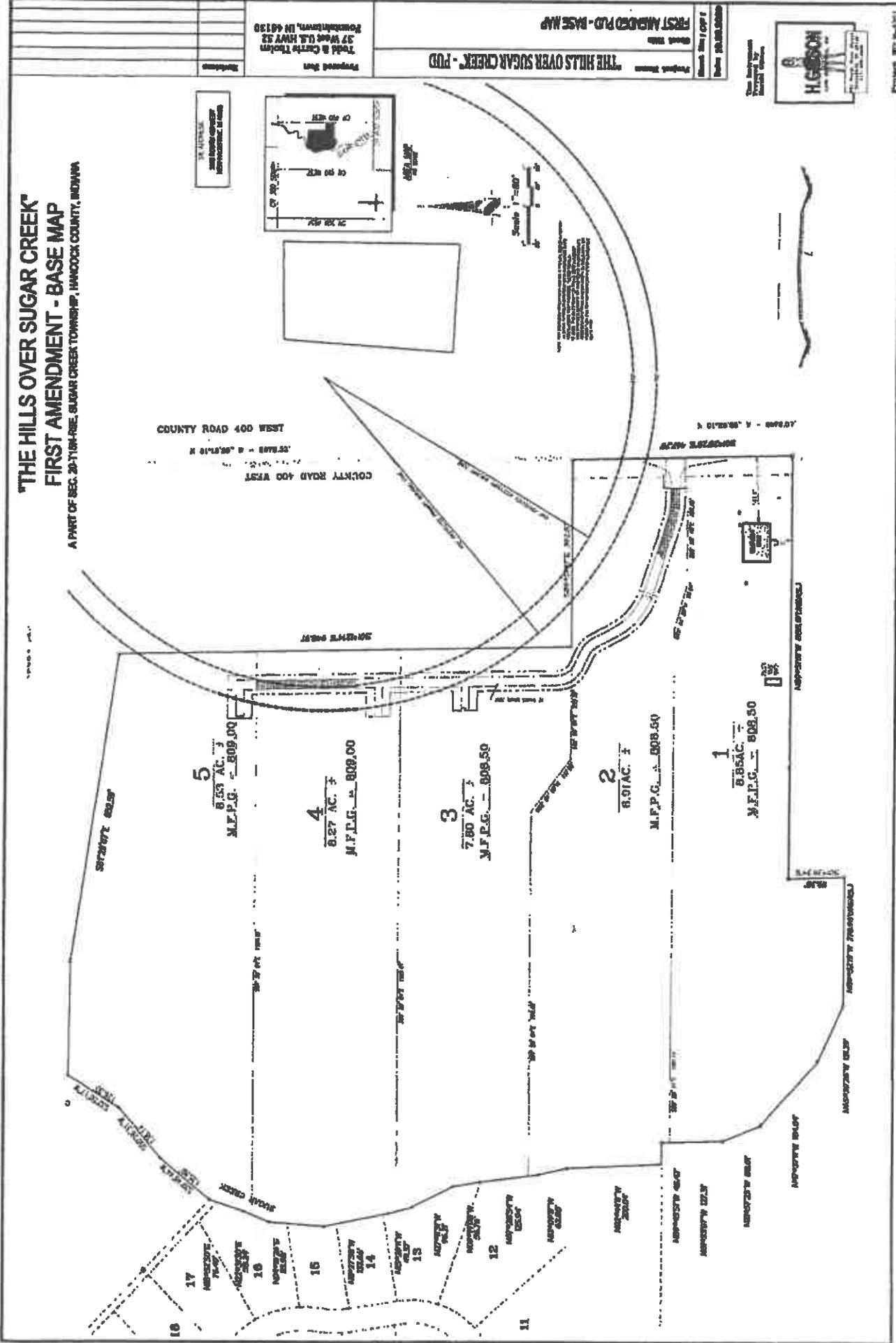
Part of the Southeast and Northeast Quarters of Section 20, Township 15 North, Range 6 East of the Second Principal Meridian, Hancock County, Indiana, more particularly described as follows:

BEGINNING at a 5/8" rebar at the northeast corner of said southeast 1/4 section; thence south 01 degree 28 minutes 28 seconds east (assumed bearing) along the east line of said southeast 1/4 section a distance of 467.70 feet to the southeast corner of a 57.60 acre tract conveyed to Todd A. and Carrie L. Tholen as per Instrument #2015-6521 recorded in the office of the Recorder of Hancock County, Indiana; (the next eight (8) calls are along the south, east, south and west lines of said 57.60 acre tract) (1) south 89 degrees 51 minutes 01 seconds west parallel with the north line of said southeast 1/4 section a distance of 888.19 feet to a 5/8" rebar with a yellow cap inscribed "UCEA Firm 0022"; (2) South 01 degree 39 minutes 34 seconds east a distance of 119.38 feet to a capped rebar; (3) North 89 degrees 52 minutes 19 seconds West a distance of 270.96 feet to a capped rebar; (4) North 65 degrees 39 minutes 26 seconds West a distance of 131.29 feet to a capped rebar; (5) north 47 degrees 37 minutes 11 seconds west a distance of 184.04 feet to a capped rebar; (6) north 21 degrees 57 minutes 23 seconds west a distance of 88.01 feet to a capped rebar; (7) north 01 degree 33 minutes 07 seconds west a distance of 127.31 feet to a capped rebar; (8) North 89 degrees 45 minutes 41 seconds west through a rebar a distance of 45.42 feet to the center of Big Sugar Creek; (the next thirteen (13) calls are along the center of said Big Sugar Creek and continue along the west line of said 57.60 acre tract; (1) north 02 degrees 44 minutes 17 seconds west a distance of 200.04 feet to the north line of said southeast 1/4 section; (2) north 13 degrees 09 minutes 17 seconds west a distance of 62.80 feet; (3) north 07 degrees 28 minutes 54 seconds west a distance of 125.94 feet; (4) north 09 degrees 14 minutes 08 seconds west a distance of 56.76 feet; (5) north 27 degrees 11 minutes 31 seconds west a distance of 96.21 feet; (6) north 15 degrees 29 minutes 11 seconds west a distance of 49.37 feet; (7) north 11 degrees 27 minutes 38 seconds west a distance of 137.66 feet; (8) north 04 degrees 16 minutes 26 seconds east a distance of 113.98 feet; (9) north 22 degrees 31 minutes 30 seconds east a distance of 58.24 feet; (10) north 18 degrees 52 minutes 50 seconds east a distance of 76.40; (11) north 39 degrees 46 minutes 44 seconds east a distance of 135.89 feet; (12) north 50 degrees 26 minutes 31 seconds east a distance of 136.14 feet; (13) north 32 degrees 50 minutes 17 seconds east a distance of 126.30 feet to the north line of said 57.60 acre tract; (the next four (4) calls are along the north, east and north lines of said 57.60 acre tract); (1) south 88 degrees 55 minutes 41 seconds east a distance of 240.65 feet; (2) south 81 degrees 29 minutes 07 seconds east a distance of 652.59 feet; (3) South 01 degree 12 minutes 14 seconds east a distance of 948.91 feet; (4) south 89 degrees 51 minutes 47 seconds east a distance of 392.87 feet to the POINT OF BEGINNING. Containing 42.79 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

EXHIBIT B – CONCEPT PLAN

"THE HILLS OVER SUGAR CREEK" FIRST AMENDMENT - BASE MAP

A PART OF SEC. 28-1104-R1E, SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA

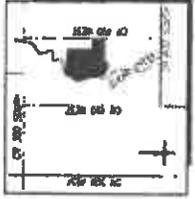


Project Name: "THE HILLS OVER SUGAR CREEK" - PUD
 Book 288
 First Made PD - Base Map



Proposed Plan
 Todd & Curtis Train
 37 West U.S. Hwy 52
 Indianapolis, IN 46130

IN ACCORDANCE WITH INDIAN CODE SECTION 36-3-1-1



ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 ALL CORNERS ARE TO BE BENCHMARKED TO THE NATIONAL GRID.
 ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
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COUNTY ROAD 400 WEST
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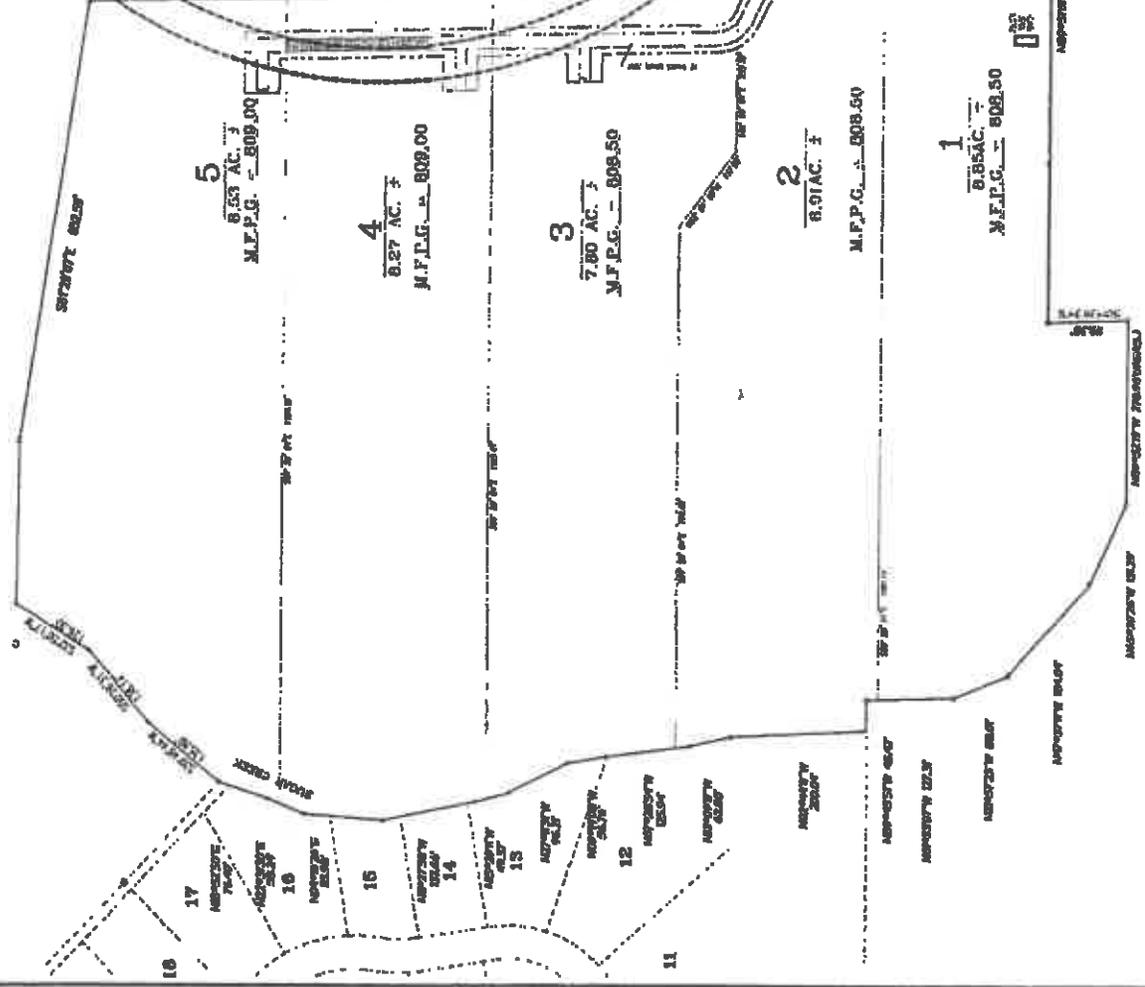
5
 8.53 AC. ±
 M.F.P.G. = 809.00

4
 8.27 AC. ±
 M.F.P.G. = 808.00

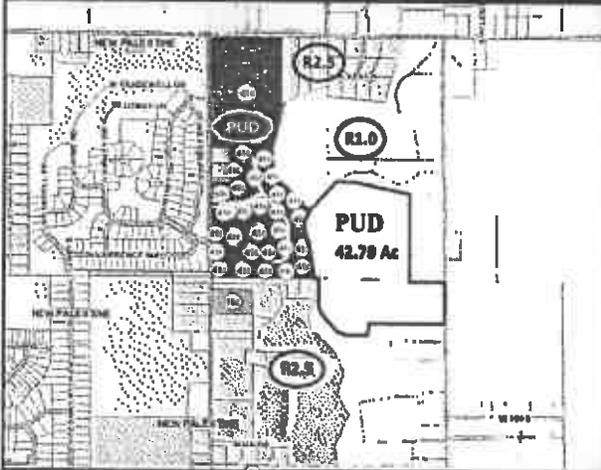
3
 7.80 AC. ±
 M.F.P.G. = 808.50

2
 0.91 AC. ±
 M.F.P.G. = 808.50

1
 0.85 AC. ±
 M.F.P.G. = 808.50



Hills / Zoning Map



Min Lot Area and Equivalent Density

R1.0 = 2,300 sf
Net Density = 1.9 du/acre

R2.5 = 14,000 sf
Net Density = 3.1 du/acre

Proposal = 1.5 ac
Net Density = 0.66 du/acre

10/26/2020

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Hills / Adjacent Land Uses



Adjacent Land Uses

Single-Family Homes

Confined Feeding Operation within 750'

Agriculture

Floodplain / Floodway

10/26/2020

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