

Winding Oaks -

200S & 400W

ORDINANCE NO. 2012 - 7 A

AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA ZONING ORDINANCE

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156, OF THE HANCOCK COUNTY CODE

SECTION I

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Sugar Creek Township is hereby amended by rezoning the subject area from Residential (R1.0) to Planned Unit Development (PUD).

(See attached legal description that is incorporated herein as "Exhibit A")

The following shall be formally known as the Winding Oaks Planned Unit Development Zoning Ordinance and is intended to guide the growth and development of Winding Oaks, as described per the real estate attached as Exhibit A hereto (the "Project"), 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.

Section 100.001 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.

Section 100.002 As 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 section 156.056 of 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 200.001 Land Uses. Each land use listed in section 200.002 is either a "permitted" or a "special exception" use in this ordinance. The designation of "permitted" shall be interpreted to mean the use is allowed with the appropriate improvement location permits and architectural control committee approvals without a public hearing. The designation of "special exception" shall be interpreted to mean the use will be checked for compliance with this ordinance and will require a public hearing per section 156.104 of the Hancock County Code.

Section 200.002 Permitted and Special Exceptions (all uses regardless of designation shall meet the standards of the architectural control committee)

- Walls/fences and landscaping associated with the entrance to the PUD.....Permitted
- Child Care Home.....Special Exception
- Dwelling, single familyPermitted
- Home Occupation.....Special Exception
- Residential Facility for the Developmentally Disabled Type 1.....Permitted

Section 200.003 Accessory Use, Incidental Uses and Structure Standards. 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.

No accessory structure shall be permitted in any front yard, or within the minimum required side and rear yard setbacks.

Section 200.0031 Permitted Accessory Structures. *(All accessory structures shall be submitted to the architectural control committee for approval prior to submittal to the Hancock County Planning Department for an improvement location permit):*

- Attached and detached decks submitted with a landscaping plan.
- Outbuildings
- Gazebos
- In-ground swimming pools
- Pool Houses
- Hot Tubs

Section 200.0032 Incidental Uses and Structures. The following shall be considered incidental uses and structures and shall meet the requirements below:

- (A) Satellite Dish. Satellite dishes shall not exceed 18 inches in diameter and shall not be located in the front yard minimum setback area. No satellite dish shall be mounted above the height of the eave of a roof. No satellite dish shall be located apart from the roof of the primary structure and shall be approved by the architectural control committee.
- (B) Other incidental uses and structures are: bird baths and houses, mailboxes, lamp posts, doghouses, patios, yard ornaments, athletic courts, inflatable objects and similar items are

all only permitted if approved as part of a landscape plan submitted to the architectural control committee.

- (C) Horses on Tract 17 (if a primary and accessory structure have been constructed and occupied prior to moving the animals onto the tract).
- (D) "Mother-in-laws quarters" or single family dwellings constructed and used as accessories to the primary dwelling on the property shall be either:
 - a. Attached to and designed and constructed as part of the primary structure, or
 - b. Located above the detached garage or outbuilding, and
 - c. In no case exceed 1000 square feet in living area.

Section 200.100 Temporary Uses. Except as may be permitted by the Developer during initial construction within the Property, no tent, shack, trailer or other structure of a temporary nature shall be placed upon a tract or the Common Areas. Notwithstanding the above, party tents or similar temporary structures may be erected for special events with prior written approval of the Architectural Control Committee or the Developer and children's overnight camping tents will be allowed as long as they are not up longer than forty-eight (48) hours. Dwelling Units may not be temporarily or permanently occupied until the exteriors thereof have been completed and a certificate of occupancy for such Dwelling Unit has been issued. No shack, tent, barn, or other outbuildings, shall be permitted on any Lot at any time, except for temporary structures for social functions as may be permitted by the Architectural Control Committee, nor shall any stable (except for tract 17 which may have one stable structure after being approved by the Architectural Control Committee), poultry house or yard, rabbit hut, dog run (as hereby defined as any fenced or secured area where dogs are kept) or other similar yard structure be constructed or allowed to remain on any Lot.

Section 300.001 Tract Standards. Each tract in the Project shall meet the minimum standards below:

- (A) Minimum Lot Area = 43,560 square feet
- (B) Minimum Lot Width = as shown on the final detailed plan
- (C) Maximum Lot Coverage (all hard surfaces) = 35%
- (D) Minimum Front Yard Setback = 70 feet **-60FT BUILD LINE**
- (E) Minimum Side Yard Setback = 10 feet (for the purposes of this standard, the side yard shall be considered the outermost lot line of the entire property controlled by the title holder).
- (F) Minimum Rear Yard Setback = 15 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

Section 300.002 General Tract Standards.

- (A) 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. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at adjacent grade level subject to architectural control committee approval.
- (B) All structures and land uses, including any alterations to either, that are established or otherwise occur after the effective date of this Project, shall conform to and are subject to the development standards provided by this Ordinance and the development standards listed in Hancock County Code 156.061 with the exception that the accessory structure may have a maximum height of 30 feet.
- (C) Telecommunication towers, amateur radio towers, and antenna are not allowed other than satellite dishes permitted by the declaration of covenants filed with the final detailed plans.
- (D) All home occupation land uses in addition to being subject to the public hearing process after given architectural control committee approval shall meet the development standards of section 156.066 of the Hancock County Code.
- (E) Child Care Home land uses shall in addition to being subject to the public hearing process after given architectural control committee approval shall meet the development standards of I.C. 12-7-2-28.6. and shall be consistent with all applicable regulations of the State of Indiana.
- (F) Mailbox design, material and type shall be mandated by the developer and set out in the Declaration of Covenants recorded with the final detailed plan.
- (G) Landscaping plans as approved by the Architectural Control Committee shall be installed within 180 days of the issuance of the certificate of occupancy, unless extensions of up to 120 days are granted to take advantage of optimal planting conditions.
- (H) A minimum landscape plan has been established as set out in the Declaration of Covenants as recorded with the final detailed plan.
- (I) Off-street parking shall be in compliance with Section 156.069 in the Hancock County Code.
- (J) The storage and parking of recreational vehicles shall be in accordance to the Declaration of Covenants as recorded with the final detailed plan.
- (K) Each driveway constructed with the primary or accessory structure shall be in compliance with the "Sight Visibility Standards" stated in Section 156.072 in the Hancock County Code.

Section 400.001 Architectural Design Standards. No building, fence, walls or other structure shall be erected, placed or altered on any tract in this subdivision until the building plans, specification and plot plan showing the location of such structures have been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to the topography and finished ground elevations by the Architectural Control Committee. All dwellings shall have elevation exteriors consisting only of natural materials (brick, masonry, EFIS, stucco, wood, cement board and stone). The exteriors of all residences shall comprise of a minimum of 60% masonry on the ground floor level, exclusive of window

and doors, unless waived by the Architectural Control Committee based upon the style of dwelling planned for the tract. . No roof for a one-story shall be installed on any dwelling having a roof pitch of less than 8/12 unless a lesser pitch is specifically approved by the Architectural Control Committee. No roof for a more than one-story shall be installed on any dwelling having a roof pitch of less than 6/12. All roof shingles shall be dimensional in type and of a color approved by the Architectural Control Committee, unless the architectural design would be better served by a different roof material and a variance from this section is granted by the Architectural Control Committee. All chimneys shall be total masonry or EFIS. Direct vent fireplaces if used must be placed on the rear elevation of the dwelling. No log homes, modular or concrete homes shall be permitted. No wood foundations or wood basements shall be permitted.

Section 500.001 Sign Standards. All signs in the property shall comply with the following standards. All signs shall be maintained in good condition and are subject to removal by the Developer or Architectural Control Committee if abandoned or not maintained as required.

(A) **Subdivision entry sign:** One double-faced or two single-sided ground/monument type sign is permitted. The sign shall be subject to the permitting process of the Hancock County Planning and Zoning process and fees.

1. Sign area on which the identifying name and/or logo can be displayed shall not exceed sixty (60) square feet. The border or use of material to highlight the sign area shall not be included in the sign area, nor shall any fencing, pillars or incidentals to the sign.
2. The sign height shall not exceed (6) feet measured from the ground level.
3. **Setback:** Each sign structure shall be setback a minimum of two (2) feet from the right-of-way of any public street and shall be located outside of the sight visibility triangle per section 156.072 of the Hancock County Code.
4. The entry sign shall contain features that include some percentage of brick/stone and landscaping.
5. A minimum of two square feet of landscaping per one square foot of sig area consisting of shrubs and perennial ground cover shall be provided.

(B) **General Signs:** Every tract shall be permitted signs that meet the following standards. No permit is required for signs in this section

1. **Yard sale, Garage Sale, Moving Sale, Real Estate For Sale, and Political signs** shall be no more than six (6) square feet in area and no higher than four (4) feet from ground level.
 - a. Signs shall be located no closer than 40 feet from the centerline of the street and no closer than 40 feet from any tract side line, unless the tract does not have enough frontage to meet this standard in which case the sign shall be centered between the two tract side lines.
 - b. With the exception to Real Estate For Sale signs, no sign shall be permitted for longer than thirty (30) consecutive days.
 - c. No more than 2 times annually are Yard sale, Garage sale, Moving sale and Political signs permitted.
2. **Model Home signs** shall be no larger than 32 square feet and no higher than six (6) feet from ground level.

- a. Model home signs shall be landscaped to decorate the sign as required by the Architectural Control Committee for the subdivision.
 - b. Model Home signs shall not exceed six (6) feet in height.
 - c. Model Home signs shall be subject to the same location standards as noted in section 500.001(B)(1)(a).
3. Commercial signs other than Real Estate For Sale and signs advertising the builder approved for the tract shall be permitted on any tract.
 4. No sign or display shall be allowed on the exterior of any dwelling or accessory structure or vehicle parked or stored in the subdivision. This does not prohibit the display of flags and banners during holidays.
 5. Yard cards or Yard signs and Inflatable Objects shall not be permitted.

Section 600.001 Exterior Lighting Standards. There is no minimum lighting standard other than if a yard light is used, it shall meet the standards adopted and in place at the time of the Architectural Control Committee. All other exterior lighting shall meet the standards of the Hancock County Code per section 156.077.

Section 700.001 Minimum Landscape Requirements. All dwellings and improvements shall be subject to following minimum landscape requirements. It should be noted, there are several very large trees that are scattered throughout the Subdivision. It is the intent of this plan to minimize the removal of those trees and to limit unnecessary removal or cutting of trees and vegetation during construction of the dwelling and accessory buildings. Therefore, the site plan for any proposed dwelling or accessory building or construction activity shall include the location and size of any tree over 6" in caliper measured 36" from the ground level. Any tree encountered which measures over 24" in caliper, measured 36" from the ground level shall be preserved and plans taken to protect the ground from the tree trunk to the drip line of the branches.

- (A) To preserve the aesthetic appearance of the Development, no landscaping, grading, excavation, or filling of any nature whatsoever with respect to the initial landscaping of a tract shall be implemented and installed by an Owner other than Developer, unless and until the plans therefore have been submitted to and approved in writing by the Architectural Control Committee. The landscape plan of the residence shall include all street exposures which shall be landscaped in such a manner to be harmonious with the exterior residence design and shall include two (2) trees in the front yard which may be either shade trees of mixed variety (i.e., hard maples or ash) which shall be a minimum of two and one-half (2 ½) inch in caliper, ornamental which shall be a minimum of two (2) inch in caliper or approved pines which shall be a minimum of seven (7) feet high. The landscape design shall also include at least twenty (20) shrubs with a mixture of flowering and evergreen and with an eighteen (18) inch spread or height in the front yard. The approved landscape plan shall be installed by the homeowner within six (6) months after the certificate of occupancy has been issued for the residence. Once installed, the landscaping shall be maintained as designed unless changes are approved by either the NCC or the ASC. The provisions hereof regarding time for approval of plans, right to inspect, right to enjoin and/or require removal, etc. shall also be applicable to any proposed landscaping, clearing, grading, excavation, or filling.

(B) The following sections of the Hancock County Code shall be adhered to relating to the landscape minimums and plan:

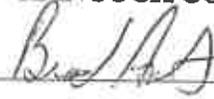
1. Section 156.065 (C)(1)(j)(4)b
2. Section 156.065 (C)(1)(j)(4)c
3. Section 156.065 (C)(1)(j)(4)e
4. Section 156.065 (C)(1)(j)(4)f

Section 800.001 Fence and Wall Design and Construction Standards. 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. On corner lots an additional requirement is that fences may not be placed closer to the street than the building setback line on the side of the dwelling. 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 tract. Developer reserves the right to use fencing in landscape easements at the entrance as part of the landscape plan.

This Ordinance shall take effect upon its passage, as provided by law.

ADOPTED THIS 17th DAY OF JULY, 2012.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Brad Armstrong



Tom Stevens



Derek Towle

ATTEST:



Robin D. Lowder, Hancock County Auditor

Petitioner: Dave Segio