

ORDINANCE NO. 2004 - 12

AN ORDINANCE FOR CORRECTIONS TO ORDINANCE
NO. 2003-12E.

AN ORDINANCE AMENDING TITLE XV, CHAPTER 156,
SECTION 156.020 OF THE HANCOCK COUNTY CODE OF
ORDINANCES: A) REZONING OF REAL ESTATE FROM A-1
TO R-2, R-3, AND R-4, B) COMMITMENT CONCERNING
THE USE AND DEVELOPMENT OF REAL ESTATE.

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

SECTION I

§156.020 of Chapter 156 of Title XV of the Hancock County Code is amended as follows:

The zoning map referred to in Section 156.020 of the Hancock County Code for Vernon Township
is amended by reclassifying the Real Estate described in Exhibit A from A-1 to R-2, R-3, and R-4.

SECTION 2

Commitment Concerning the Use and Development of Real Estate:

In accordance with Indiana Code §36-7-4-613, Precedent Residential Development Hancock
Land Company Co., LLC. ("Petitioner"), having heretofore filed its Petition for Rezoning (the
"Petition") regarding real estate located in Hancock County, Indiana described in Exhibit A,
makes the commitment described in Exhibits B and C concerning the use and development of the
Real Estate.

Adopted this 5TH day of January, 2003 by the Hancock County Commissioners, Indiana.

COUNTY COMMISSIONERS OF
HANCOCK COUNTY, INDIANA

President

ATTESTED TO:

Vicki L. Saunders
Vicki Saunders, Auditor
Hancock County, Indiana

Petitioner: Precedent Residential Development, LLC

Attached: Exhibit A: Legal Description of Real Estate (Pages A-1 and A-2)
Exhibit B: Development Standards and Commitments (Pages B-1, B-2, and B-3)
Exhibit C: Architectural Standards and Commitments (Pages C-1, C-2, and C-3)

LAND DESCRIPTION – R3 TRACT

A part of the Southwest Quarter and the Southeast Quarter of Section 36, Township 17 North, Range 5 East in Buck Creek Township, Hancock County, Indiana of the Second Principal Meridian and more particularly described as follows:

Beginning at the Southeast Corner of the Southwest Quarter of Section 36, Township 17 North, Range 5 East; thence North 89 degrees 54 minutes 39 seconds West along the south line of said southwest quarter a distance of 1336.50 feet to the west line of east half of said southwest quarter; thence North 00 degrees 11 minutes 14 seconds East a distance of 421.51 feet; thence North 88 degrees 48 minutes 18 seconds East a distance of 237.41 feet; thence South 79 degrees 20 minutes 02 seconds East a distance of 91.67 feet; thence South 89 degrees 48 minutes 46 seconds East a distance of 122.52 feet; thence North 00 degrees 11 minutes 14 seconds East a distance of 316.13 feet; thence South 89 degrees 54 minutes 39 seconds East parallel to the south line of said southwest quarter a distance of 556.79 feet; thence North 70 degrees 49 minutes 55 seconds East a distance of 250.54 feet; thence North 89 degrees 59 minutes 56 seconds East a distance of 518.64 feet; thence South 00 degrees 01 minutes 15 seconds West a distance of 323.81 feet; thence South 89 degrees 53 minutes 37 seconds West a distance of 426.26 feet to the east line of said southwest quarter; thence South 00 degrees 11 minutes 14 seconds West a distance of 484.10 feet to the POINT OF BEGINNING, containing 22.67 acres, more or less.

LAND DESCRIPTION – R2 TRACT

A part of the Southeast Quarter of Section 36, Township 17 North, Range 5 East in Buck Creek Township, Hancock County, Indiana of the Second Principal Meridian and more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of Section 36, Township 17 North, Range 5 East; thence North 00 degrees 11 minutes 14 seconds East a distance of 484.10 feet; thence North 89 degrees 53 minutes 37 seconds East a distance of 426.26 feet to the POINT OF BEGINNING; thence North 00 degrees 01 minutes 15 seconds East a distance of 323.81 feet; thence North 39 degrees 00 minutes 30 seconds East a distance of 320.88 feet; thence South 89 degrees 52 minutes 53 seconds East a distance of 715.00 feet to the east line of the west half of said southeast quarter; thence South 00 degrees 07 minutes 07 seconds West along said east line a distance of 1054.03 feet to the south line of said southeast quarter; thence South 89 degrees 53 minutes 31 seconds West along said south line a distance of 892.61 feet; thence North 00 degrees 14 minutes 04 seconds East a distance of 484.09 feet; thence South 89 degrees 53 minutes 37 seconds West a distance of 24.28 feet to the POINT OF BEGINNING, containing 21.36 acres, more or less.

LAND DESCRIPTION – R4 TRACT

A part of the Southwest Quarter and the Southeast Quarter of Section 36, Township 17 North, Range 5 East in Buck Creek Township, Hancock County, Indiana of the Second Principal Meridian and more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 36, Township 17 North, Range 5 East; thence North 89 degrees 54 minutes 39 seconds West along the south line of said southwest quarter a distance of 1336.50 feet to the west line of east half of said southwest quarter; thence North 00 degrees 11 minutes 14 seconds East along said west line a distance of 421.51 feet to the POINT OF BEGINNING; thence continuing North 00 degrees 11 minutes 14 seconds East along said east line a distance of 1434.74 feet; thence South 89 degrees 54 minutes 39 seconds East parallel with the south line of said southwest quarter a distance of 1336.50 feet to the east line of said southwest quarter; thence North 00 degrees 11 minutes 14 seconds East along said east line a distance of 775.23 feet to the northeast corner of said southeast quarter; thence North 89 degrees 10 minutes 02 seconds East along the north line of the Southeast Quarter of Section 36 a distance of 1339.78 feet to the east line of the west half of said southeast quarter; thence South 00 degrees 07 minutes 07 seconds West along said east line a distance of 1594.38 feet; thence North 89 degrees 52 minutes 53 seconds West a distance of 715.00 feet; thence South 39 degrees 00 minutes 30 seconds West a distance of 320.88 feet; thence South 89 degrees 59 minutes 56 seconds West a distance of 518.64 feet; thence South 70 degrees 49 minutes 55 seconds West a distance of 250.54 feet; thence North 89 degrees 54 minutes 39 seconds West a distance of 556.79 feet; thence South 00 degrees 11 minutes 14 seconds West a distance of 316.13 feet; thence North 89 degrees 48 minutes 46 seconds West a distance of 122.52 feet; thence North 79 degrees 20 minutes 02 seconds West a distance of 91.67 feet; thence South 88 degrees 48 minutes 18 seconds West a distance of 237.41 feet to the POINT OF BEGINNING, containing 89.19 acres, more or less.

PREPARED BY: MARK A. WESTON, L.S.
 FALCON ENGINEERING, INC.

IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
RE: PETITION OF PRECEDENT RESIDENTIAL DEVELOPMENT, LLC
FOR APPROVAL OF PETITION FOR REZONING

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

In accordance with I.C. §36-7-4-615, Precedent Residential Development, LLC ("Petitioner"), having heretofore filed its Petition for Rezoning (the "Petition") regarding real estate located in Hancock County, Indiana, which is described below, makes the following COMMITMENT concerning the use and development of the parcel of real estate ("Real Estate"):

(See attached "Exhibit A" for legal description)

Statement of COMMITMENT:

With regard to Development Standards for the Real Estate, the Petitioner agrees and commits as follows:

1. The minimum lot width of the "R-2" lots shall be 90'.
2. The minimum lot width of the "R-3" lots shall be 80'.
3. The minimum lot width of the "R-4" lots along the northern perimeter (and which are shown with a dot on the Preliminary Site Plan dated December 16, 2003 which is attached as "Exhibit A") shall be 72'.
4. At least 30% of the homes in the "R-3" zoning district shall have either a side load garage or a three-car garage.
5. A civic or community building (clubhouse) with a ground floor area of no less than 2,000 square feet will be built in the Community Park.
6. A basketball court, swing set and play set will be installed in the Community Park in substantial conformance with "Exhibit B", pages 1 and 2.
7. The Master Planned Site Plan will provide for inter-connectivity to neighboring properties not yet developed.
8. All homes in the community shall have sod in the front yard and sod or seed on the balance of the side and rear yard. Corner lots shall have sod on both the front yard and the entire side yard facing the roadway (street-side yard).
9. All corner lots will have twelve shrubs and, either one six ft. (6') minimum height evergreen tree, or one (1) two inch (2") caliper shade trees on the side of the home facing the street (street-side yard).

10. All homes in the community shall have uniform mailboxes within each neighborhood.
11. The community will have uniform (environmentally friendly) streetlights at each entrance and every intersection of the subdivision, or pursuant to County Ordinance. (See attached "Exhibit C").
12. A community entrance masonry sign shall be installed in substantial conformance with "Exhibit D".
13. Street signs shall meet or exceed County standards, which will include 36" wide signs and 8" tall letters (as accepted by the County).
14. On corner Lots the driveway shall be handed on the opposite side from the intersection of the street right-of-way lines.
15. No trees shall be planted in the County right-of-way.
16. All homes in the community shall have a concrete drive.
17. The Developer's engineer and builder shall pre-plan the driveway and utility lateral locations to minimize the potential of any conflict.
18. All homes in the community shall have 4' wide sidewalks.
19. A diamond pattern PVC coated and expanded metal trashcan with liner and top shall be installed in all applicable common areas. (See attached "Exhibit C").
20. No detached outbuildings, storage sheds or above-ground pools shall be permitted in the community.
21. All appropriate utilities within the community will be trenched and located between the street curb and sidewalk (subject to the approval of the local servicing utility companies).
22. The Developer's engineer shall design all storm catch basins in the curb to be located at property corners when reasonably possible to eliminate any conflict with driveways.
23. The "Declaration of Covenants, Conditions and Restrictions" for WoodHaven shall provide for the Homeowners Association to be "professionally managed" after 75% of the homes in the community have been home-owner occupied.
24. The Homeowners Association shall not be allowed to disband.
25. The Declaration of Covenants, Conditions and Restrictions for WoodHaven shall require the following:

- a) Provisions for a mandatory annual Association Fee to provide for the maintenance and repair of all Common Areas and facilities owned by the Association including the clubhouse, entry landscaping, playground, etc;
 - b) The Homeowners Association shall designate one trash removal service for the community, curbside recycling will be included if available;
 - c) A provision prohibiting WoodHaven homeowners from remonstrating against any possible annexation by the Town of McCordsville;
 - d) No fencing shall be installed on any lot without the prior review and approval of the Architectural Control Committee of the Homeowners Association;
 - e) No fence may extend forward beyond a point that is 10' behind the front corner of the residence, except to enclose a garage service door;
 - f) In order to preserve views, no fence may be constructed within 25' of the shoreline of any lake or detention pond, and shall fences shall be limited to 4' in height; and
 - g) No fence shall be higher than 6'.
26. The Homeowners Association shall not have the right to amend or remove the Non-Remonstrance Clause to Annexation by the Town of McCordsville without the Town of McCordsville's prior approval.
27. A Non-Remonstrance Clause to Annexation by the Town of McCordsville shall be reflected on the initial home buyer/property owner's deed.
28. In the event a Road Impact Fee is adopted and the collection thereof has commenced, Petitioner shall pay the approved Road Impact Fee as prescribed in said Ordinance even if a portion of the subdivision is platted prior to the implementation of said Fee. If an Ordinance has not been adopted or the collection of said Fee has not commenced prior to issuance of the last building permit for Woodhaven, this Commitment shall be null and void.

With regard to the Architectural Standards for the Real Estate zoned "R-3" and "R-4", the Petitioner agrees and commits as follows:

- 1. All homes shall have minimum 9" overhangs on all sides of the home.
- 2. At least 50% of the homes shall have brick or masonry on at least 50% of the front elevation (excluding windows, doors, garage doors, gables, and areas above first story roofs).

3. There shall be a minimum roof pitch of 6/12 on all homes.
4. The minimum square footage of a ranch home shall be 1,400 square feet, exclusive of porches and garages, and the minimum square footage of two-story homes shall be 1,800 square feet, exclusive of porches and garages.
5. Unless adjacent to a masonry wrap, all windows, doors and corners shall have a 1" x 6" wood or vinyl surround, or shutters or decorative trim or decorative window header.
6. Exterior fireplace chimneys shall be masonry unless placed on the rear exterior wall of the residence. All other chimneys shall be enclosed in a frame chase.
7. Half chimneys for direct vent gas fireplaces shall have a framed chase with a gable roof and vent on the side.
8. Any home on a selected lot along the perimeter of the property (and which are designated with an asterisk (*) on the Proposed Conceptual Site Development Plan which is attached as "Exhibit E") shall have a minimum of two (2) of the following architectural features on the rear elevation of the home listed below:
 - fireplace with exterior masonry chase on the rear elevation;
 - roof design featuring dormers, a reverse gable or a shed roof accent;
 - extended breakfast nook;
 - boxed or angled bay window;
 - finished living space "pop-out" or other architectural corner break (minimum 18");
 - natural wood exterior trim (painted in decorative contrasting color) in lieu of vinyl corners;
 - sunroom;
 - rear-screened porch;
 - premium landscaping enhancement consisting of one (1) additional 2" caliper deciduous or 6' tall evergreen tree and four (4) bushes or shrubs planted in the rear yard;
 - brick wainscot on side or rear elevations;
 - transom window treatment visible on rear of home;
 - treated wood deck with decorative railing (minimum 6' x 8');
 - shutters on rear windows; and
 - at least three (3) windows and a rear coach light.
9. Homes on adjoining lots as well as the one house most directly across the street shall not be constructed with the same front elevation or color.

10. A maximum of two (2) ranch style homes can be placed adjacent to each other throughout the community.
11. No more than 10% of the homes shall have the same floor plan with the exact same front elevation.
12. All vinyl siding shall have 0.40 thickness and shall be approved by the Vinyl Siding Institute through its Vinyl Siding Certification Program.
13. Every single-family dwelling shall have a minimum two-car garage.
14. Dusk to dawn coach lights shall be included with each home.
15. No duplexes, condominiums or multi-family uses of any type will be permitted.
16. All homes shall have concrete driveways.
17. All homes shall include a minimum of twelve (12) shrubs with a minimum height or spread of eighteen inches (18") in the front yard, and shall have two (2) trees in the front yard which shall include one (1) two inch (2") caliper shade tree plus either an additional two inch (2") caliper shade tree or a two inch (2") caliper ornamental tree or an evergreen tree with a minimum height of six ft. (6'). However, the New Construction Committee ("NCC") shall be permitted to waive the requirement for a homeowner to plant a second tree in their front yard should the NCC determine that the front yard is too small. This second tree shall then be planted in the side or rear yard.

With regard to the Architectural Standards for the Real Estate zoned "R-2", the Petitioner agrees and commits as follows:

1. All homes shall be custom or semi-custom.
2. The minimum square footage of a ranch home shall be 1,600 square feet, exclusive of porches and garages, and the minimum square footage of two-story homes shall be 2,000 square feet, exclusive of porches and garages.
3. The minimum side yard shall be 10'.
4. All homes shall have 75% brick or masonry on the front façade (excluding windows, doors, garage doors, gables and areas above the first story roof). This requirement may be modified by the NCC on a case-by-case basis where the architectural style of the home (i.e., Victorian, Country French, Colonial or Cape Code style) lends itself to the use of less brick, stone or stucco material.

5. All siding shall be wood, LP or cemplank/hardi plank type material. All windows shall be wood, vinyl or a vinyl or aluminum clad type material. No vinyl or aluminum siding shall be allowed.
6. The roof pitch requirement shall be as follows:
 - a) front to back shall be 6/12 minimum;
 - b) front gables or hips shall be 8/12 minimum
7. All homes shall include a minimum of fourteen (14) shrubs with a minimum height or spread of eighteen inches (18") in the front yard, and shall have two (2) trees in the front yard which shall include one (1) two inch (2") caliper shade tree plus either an additional two inch (2") caliper shade tree or a two inch (2") caliper ornamental tree or an evergreen tree with a minimum height of six ft. (6'). However, the NCC shall be permitted to waive the requirement for a homeowner to plant a second tree in their front yard should the NCC determine that the front yard is too small. This second tree shall then be planted in the side or rear yard.
8. All homes shall have minimum 9" overhangs on all sides of the home.
9. Miscellaneous requirements for the Real Estate zoned "R-2":
 - a) All plans must be approved by the WoodHaven NCC prior to construction;
 - b) All driveways shall be concrete;
 - c) Public sidewalks shall be required on all lots;
 - d) There shall be uniform yard lights as determined by Developer;
 - e) There shall be uniform mailboxes as determined by Developer;
 - f) All exterior colors (including roof and masonry) must be approved by the NCC; and
 - g) Dumpster or trash shall be required on site prior to the start of framing;

This Commitment shall be binding on the Petitioner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein.

This Commitment may be modified or terminated only by a decision of the Hancock County Area Plan Commission made only after a public hearing after proper notice has been given.

This Commitment may be enforced jointly or severally by:

1. The Hancock County Area Plan Commission, the Hancock County Area Board of Zoning Appeals, and the Hancock County Commissioners; and
2. Property owners within the subdivision on the Real Estate.

In the event the Real Estate is annexed into an existing municipality or becomes part of a newly created municipality, the Commitments and the enforcement thereof shall be transferred to such municipality.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this Commitment, the owner shall pay all reasonable costs in the enforcement of this Commitment, including attorneys fees. In the event the owner is not found to be in violation, the party bringing the action shall pay owner's reasonable attorney fees.

In Witness Whereof, Precedent Residential Development, LLC has executed this instrument this _____ day of _____, 2004.

PRECEDENT RESIDENTIAL
DEVELOPMENT, LLC

BY: _____

ITS: _____

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said County and State, personally appeared _____, the _____ of Precedent Residential Development, LLC, Developer of the Real Estate, who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 2004.

_____, Notary Public

My Commission Expires:

County of Residence:

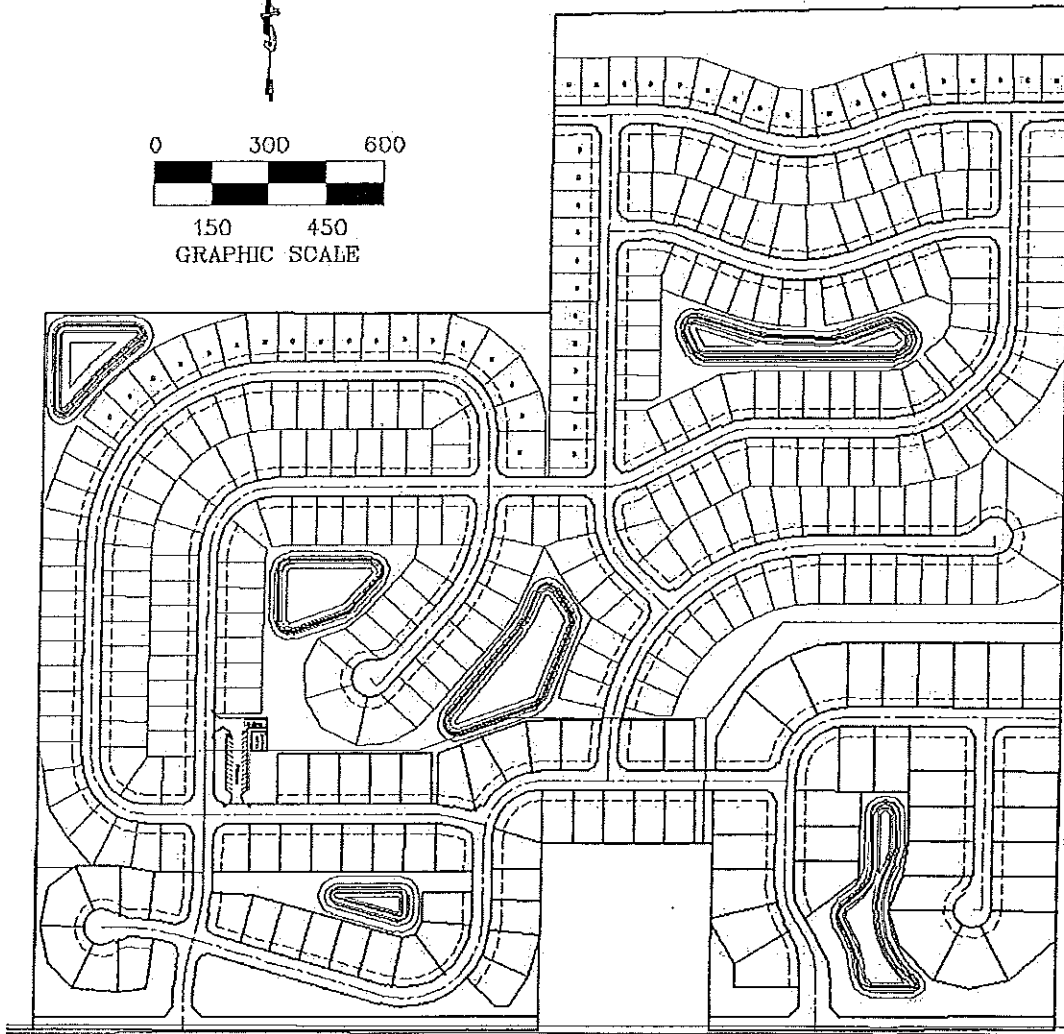
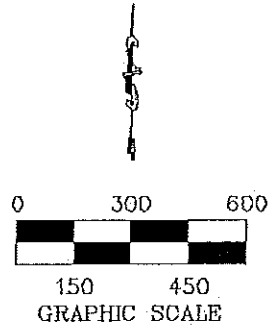
This instrument was prepared by Ronald R. Pritzke, Attorney at Law.

zoning/precedent/2003 zoning/commitment2.blb.021204

Date: December 16, 2003

Woodhaven

Preliminary Site Development Plan



CR 600 N

R-4 Zoning	230 Lots	65' Min. Width	8,000 SF
R-4 Zoning	48 Lots	65' Min. Width	8,000 SF (AcL 72'x125')
R-3 Zoning	47 Lots	72' Min. Width	10,000 SF (AcL 80'x130')
R-2 Zoning	33 Lots	85' Min. Width	10,000 SF (AcL 90'x167')
	358 Lots		

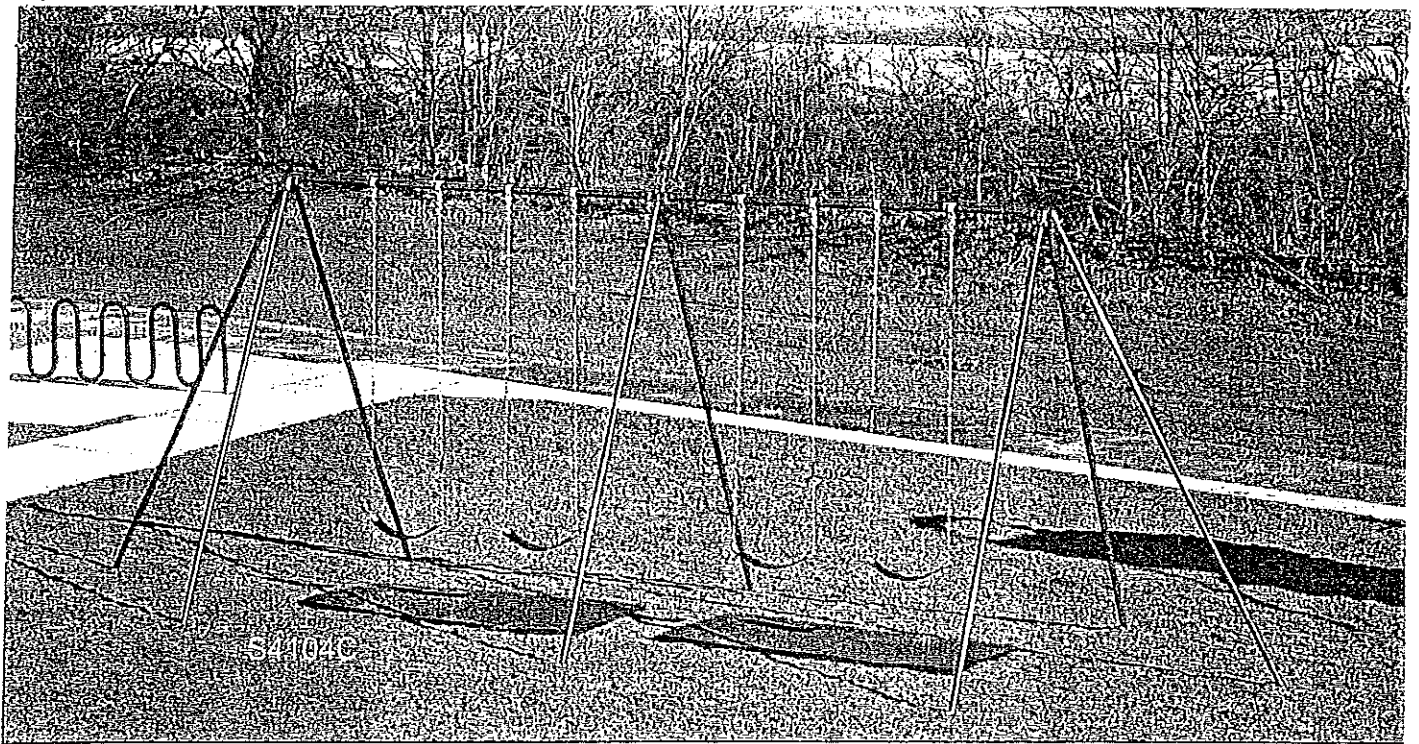
± 133,229 Ac

2.69 Units/Ac

NOTE: THIS DRAWING IS A PRELIMINARY SITE DEVELOPMENT PLAN. THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE PLAN AT THEIR DISCRETION WITHOUT NOTICE.


Precedent
Residential Development, LLC
(317) 805-1280

falcon
ENGINEERING, INC.
13110 Prentiss Road, Indianapolis, IN 46260
Phone: (317) 841-3441 Fax: (317) 841-4551



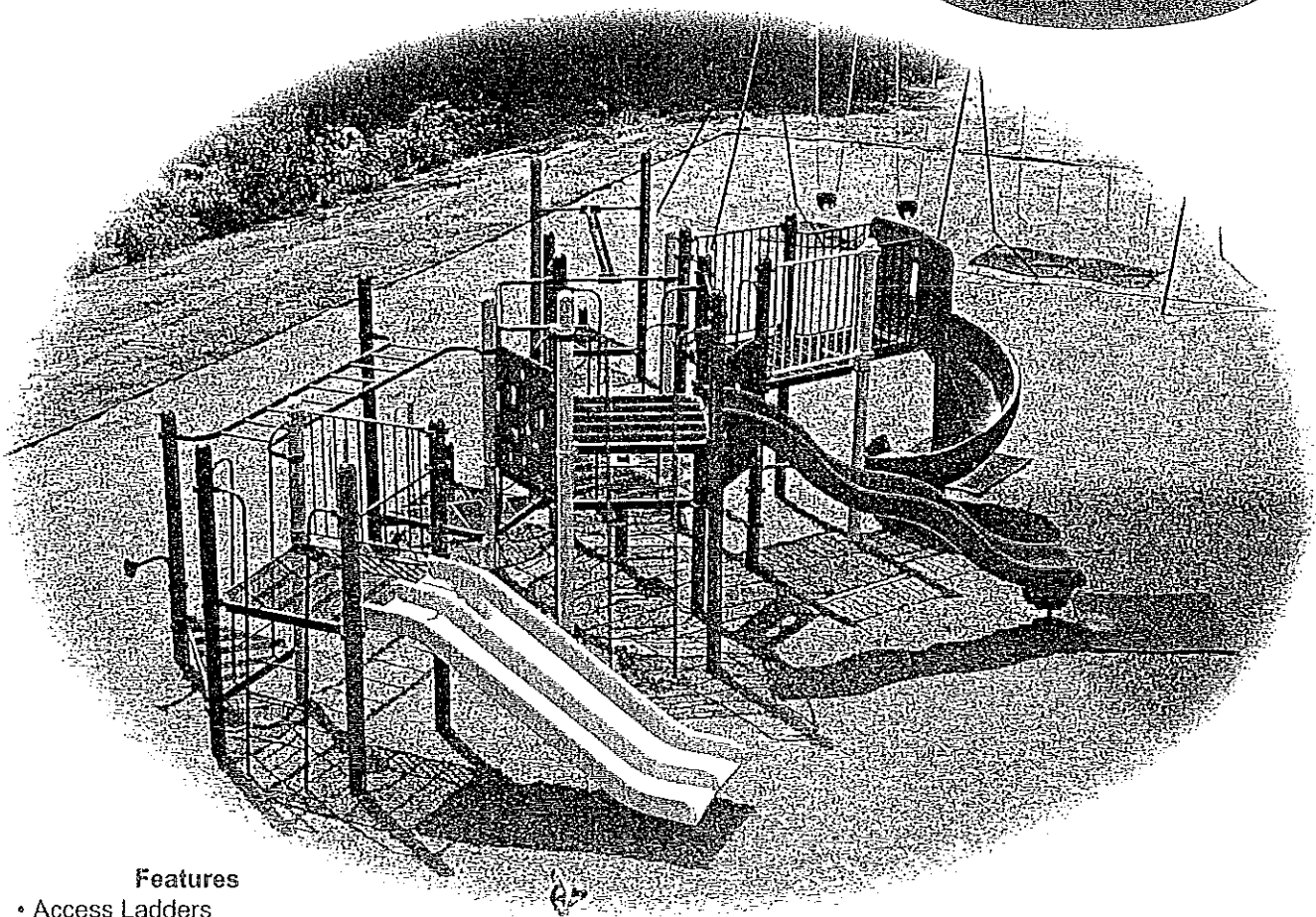
SWING SET TO INCLUDE (2) TODDLER SWINGS AND (2) STANDARD SWINGS



BASKETBALL GOAL AND POST

WoodHaven

EXHIBIT B
pg 1 of 2



Features

- Access Ladders
- Double Slide
- Double Wall Wave Slide
- Figure 8 Climber
- Geometry Panel
- Hand Holds, Transfer Station
- Horizontal Ladder
- Puppet Panel
- Railing with Steering Wheel
- Spiral Slide
- Track Ride, 10 Foot Long
- Underground Tele
- Vertical Ladders

Approximate Area Required: 38' x 42'
Capacity: Up to 46 children 5 to 12 years
Installation: Approximately 125 hours
Weight: 3,500 Lbs.

WoodHaven

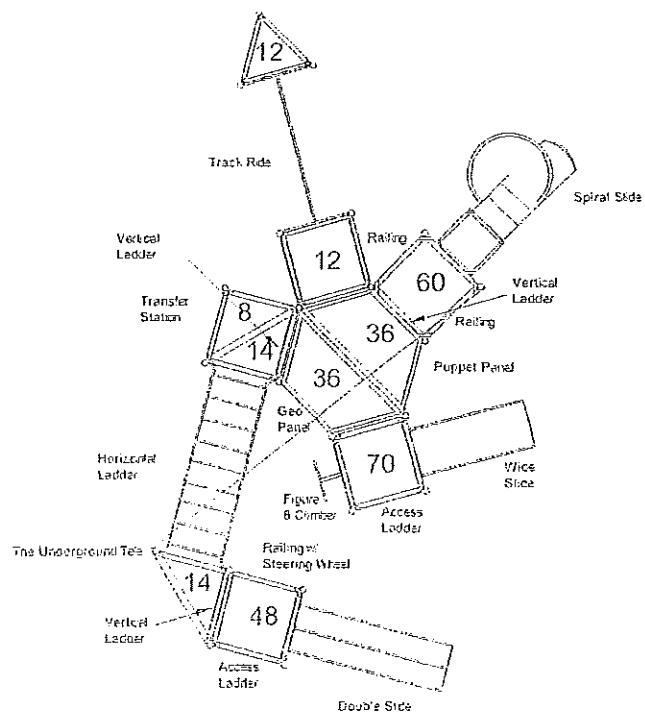
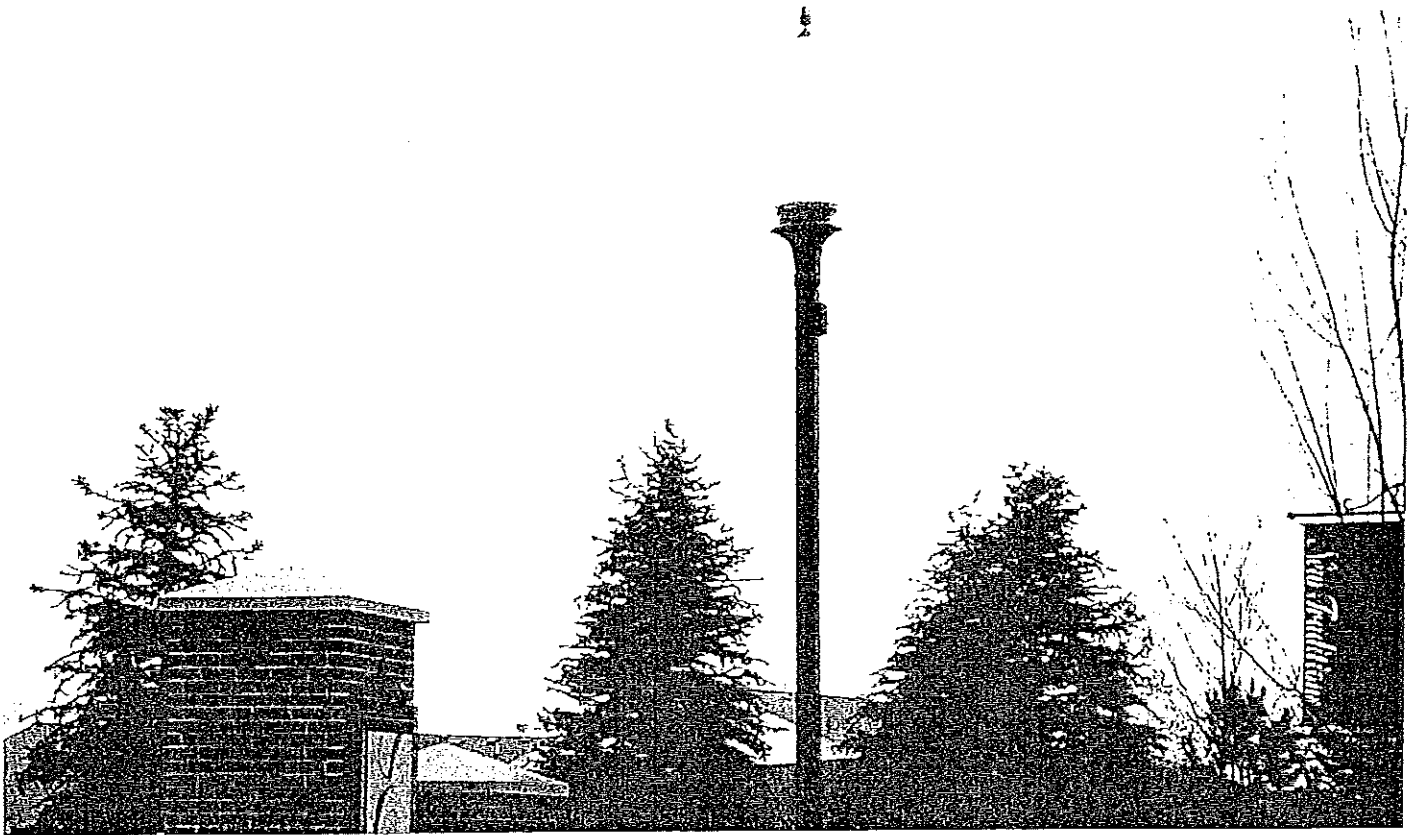


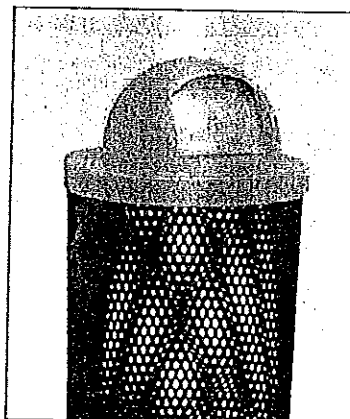
EXHIBIT B
pg 2 of 2



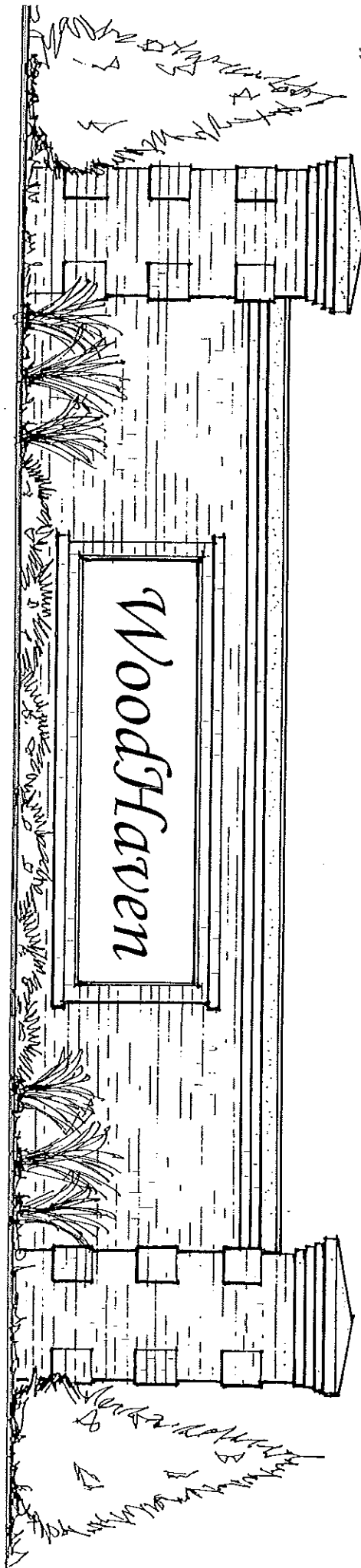
ABOVE: PROPOSED STREET LIGHT WITH LIGHT REFLECTING SHIELD

BELOW: PROPOSED TRASH CAN, COLOR TO BE GREEN (TOP & BOTTOM)

- Rugged 32 gallon commercial grade litter receptacle
- Glossy PVC coated expanded metal construction
- Receptacle and Tops are available many colors including brown, blue, black, orange, gray, green, red, vanilla, burgundy, teal or yellow
- In-ground and surface mount kit available

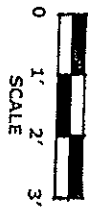


Kelly Green



COMMUNITY ENTRANCE MASONRY SIGN
PRECEDENT RESIDENTIAL DEVELOPMENT

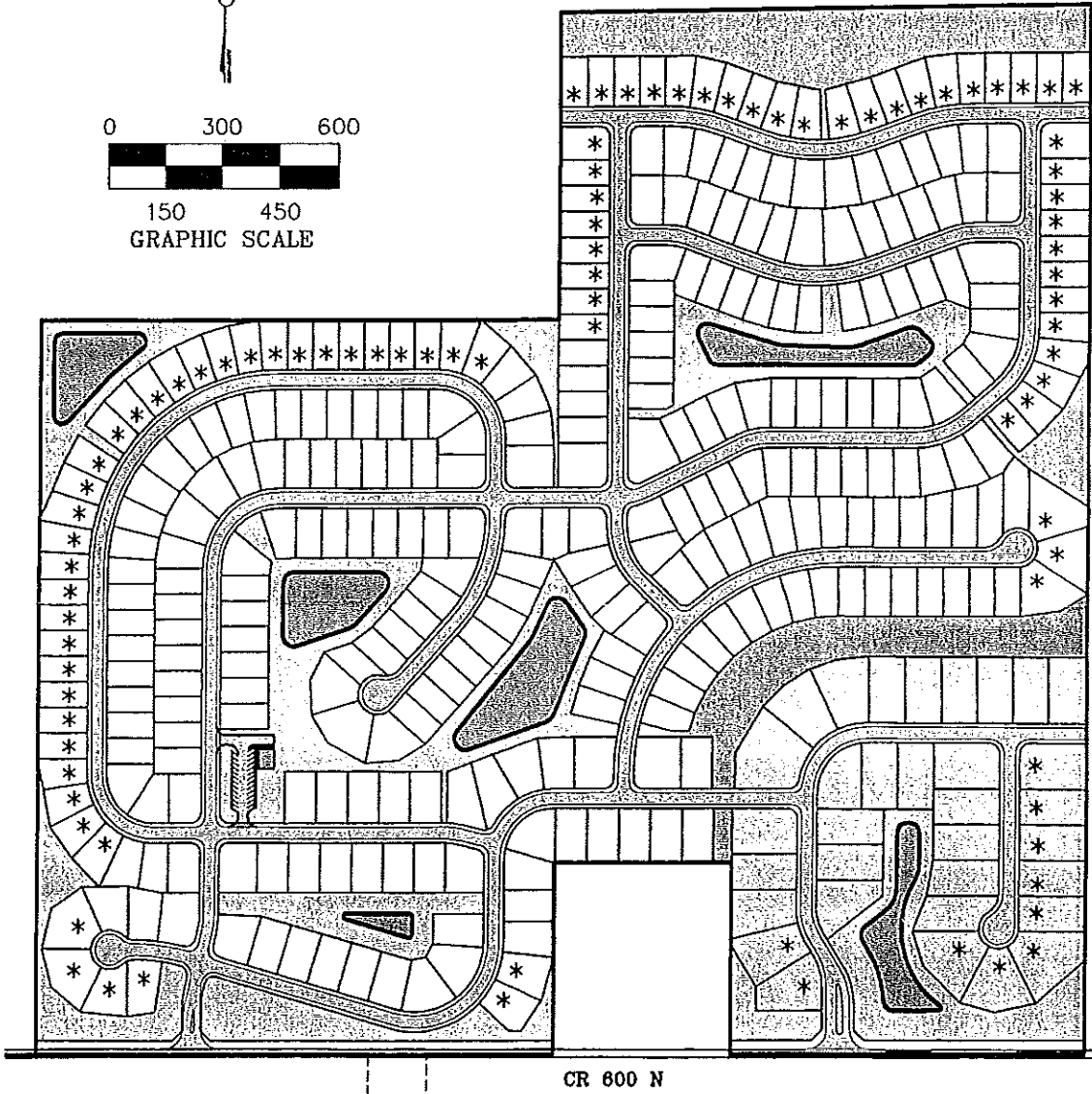
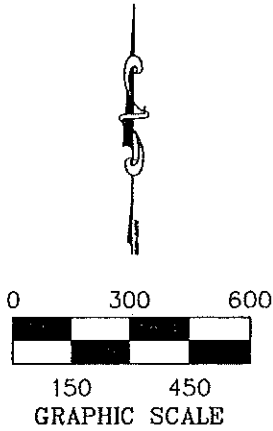
November 21, 2002



Date: November 25, 2003

WoodHaven

Conceptual Site Development Plan



R-4 Zoning	283 Lots	65' Min. Width	8,000 SF
R-3 Zoning	47 Lots	72' Min. Width	10,000 SF (Act. 80'x130')
R-2 Zoning	33 Lots	85' Min. Width	15,000 SF (Act. 90'x167')
	363 Lots		

± 133.229 Ac

2.72 Units/Ac

* Indicates the selected lots along the perimeter of the property that shall have a minimum of two (2) of the architectural features on the rear of the home as listed in the "Architectural Standards & Commitments" in Tab #4 of the WoodHaven Hancock County Area Plan Commission booklet dated November 25, 2003.



PRECEDENT

Residential Development, LLC

(317) 805-1280

falcon
ENGINEERING, INC.

13110 Promise Road, Noblesville, IN 46060
Phone (317) 841-3111 Fax (317) 841-9951

NOTE: THIS DRAWING IS A PRELIMINARY SITE DEVELOPMENT PLAN. THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE PLAN AT THEIR DISCRETION WITHOUT NOTICE.