

BOONE COUNTY, INDIANA
ZONING ORDINANCE
NO. 99 - 10

ORDINANCE ESTABLISHING
THE GOLF CLUB OF INDIANA
PLANNED UNIT DEVELOPMENT
DISTRICT

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ORDINANCE NO. 99 - 10

AN ORDINANCE ESTABLISHING THE GOLF CLUB OF INDIANA
PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Article VII of the Zoning Ordinance of Boone County, Indiana, as amended (the "Zoning Ordinance"), provides for the establishment of a Planned Unit Development ("PUD") district in accordance with the requirements of IC 36-7-4-1500 *et seq.*; and

WHEREAS, an application for approval of The Golf Club of Indiana PUD district has been filed by Mansur Real Estate Services, Inc. and considered by the Boone County Area Plan Commission (the "APC") and Board of Commissioners of Boone County, Indiana ("Board"), and all of the notice, public hearing and other procedural requirements of the Indiana Code and local ordinance for the consideration of the application and the establishment of the PUD district have been fulfilled.

NOW, THEREFORE, BE IT ORDAINED that the Board adopts this ordinance ("Ordinance") establishing The Golf Club of Indiana PUD district (the "District") as an amendment to the Zoning Ordinance.

Section 1. Legislative Intent.

Having given reasonable regard to the 1997 Comprehensive Plan and the other matters specified in Article VII, Section D of the Zoning Ordinance, the intent of the Board in adopting this Ordinance is (a) to determine that the planned community being proposed which combines single-family residences adjacent to or near The Golf Club of Indiana and assorted commercial uses to serve the area near the Interstate 65 and State Road 334 interchange is a good land use believed to be in the best interests of Boone County, (b) to encourage the use of innovative and unique land development techniques in the design of the District, (c) to insure that the increased flexibility and design specificity regulations over the land development authorized herein are carried out under administrative standards and procedures in a manner consistent with the goals and policies of Boone County, and (d) to find that this Ordinance and the project proposed to be developed hereunder satisfies all Indiana statutes and Boone County ordinances relating to planned unit developments.

Section 2. Applicability of Ordinance.

2.1. The Official Zoning Map of Boone County, Indiana, which is a part of the Zoning Ordinance, is hereby changed to designate the 348.80 acres, more or less, of land located in Perry

Township, Boone County, Indiana described on Exhibit A attached hereto (the "District") as a PUD district.

2.2 Developer shall have the right to seek the joinder of additional parcels of land contiguous to the District as part of the District, but such joinder shall occur only upon the approval by the Board on such terms and conditions as the Board may establish following the written application by Developer and review and recommendation of the APC.

2.3. Development in the District shall be governed entirely by the provisions of this Ordinance with the exception that provisions of the Zoning Ordinance specifically referenced by and incorporated into this Ordinance shall also apply to the extent not overridden by this Ordinance.

2.4. This Ordinance, having met the requirements of IC 36-7-4-702(b), constitutes the subdivision control ordinance of the District.

2.5 The APC, the owner of any lot in the District, the Owners Association, or any other affected property owners located in the vicinity of the District shall have the right to initiate litigation in a court of competent jurisdiction to enforce and compel the Developer's compliance with all of the terms and provisions of this Ordinance, except to the extent any such terms or provisions may have been modified in accordance with the procedures of Section 4.

Section 3. Definitions.

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Any word used in this Ordinance which is not defined herein and which is defined in Article XI of the Zoning Ordinance shall, for the purpose of this Ordinance, have the meaning defined therein, unless the context otherwise requires.

Accessory Building. A building subordinate to another structure or use located on the same lot. An accessory building may also include public utilities; communication, electric distribution and secondary power lines; gas, water and sewer lines and their supports and poles, guy wires, small transformers, wire or cable and other incidental equipment. Garages shall not constitute accessory buildings.

Accessory Use. A use subordinate to the main use, located on the same lot or in the same building as the main use, and incidental to the main use, or otherwise utilized for a use described in the definition of "accessory building".

Buffer. An area within the District, generally adjacent to and parallel with the boundary lines with adjacent properties, either consisting of existing natural vegetation or created by the use of trees, shrubs, mounds, and/or fences, and designed to limit views and sounds from uses in the District to adjacent properties and vice versa. A Buffer may be

either a Landscape Buffer, which may include existing or new natural vegetation, trees or shrubs as well as mounding or fencing designed to limit views and sounds from the Development to adjacent properties and vice versa, or an Agricultural Buffer, which shall be adjacent to land which is in active agriculture and may include mounds, fences or open areas which shall be maintained clear of trees and vegetation which could be harmed by the effects of standard agricultural practices.

Building Line. An alignment which dictates the minimum front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The building line does not apply to building projections or recesses. Where a building line is specified, the area between the frontage line and the area forward of the line specified in Section 13 is the required minimum front yard setback.

Building Height. The vertical distance from the highest finished grade relative to the street frontage to the cornice line or to the roof edge line. The vertical distance from the cornice line or roof edge to the parapet or roof ridge (including gables), and the height of towers, steeples, cupolas and other architectural roof embellishments are not included in calculating building height.

Caliper. The diameter of a tree trunk measured in inches, 6 inches above ground level for trees up to 4 inches in diameter and measured 12 inches above ground level for trees over 4 inches in diameter.

Civic Building. A building or facility the use of which is principally devoted to civic or community uses.

Civic Space. The area occupied by a civic building, including the surrounding lawn, plaza or courtyard, on-site parking and appurtenant structures.

Commercial Area. That portion of the District identified as Development Parcel 6 on the Development Plan which is reserved for commercial uses.

Commercial Lot. A lot located in Development Parcel 6 reserved for use by one or more of the Commercial Structures.

Commercial Structure. A building to be located in the Commercial Area containing one or more spaces utilized for a purpose permitted by Section 5.1(D).

Common Parking Lot. A parking lot maintained by an Owners Association and intended for use by the occupants of or visitors to a civic building, recreation area or commercial structure.

Community Area. Open Space, civic space and recreational space located in the District.

Conservation Easement. An easement which complies with the requirements of the Indiana Uniform Conservation Easement Act.

Context. The character of the buildings, streetscape, and neighborhood which surround a given building or site.

Curb Radius. For a mountable curb, the curved edge of the street at intersections, measured at the front of the curb. For a chairback-type curb, measured at the back of the curb.

Declaration. A Declaration of Covenants and Restrictions, and any supplemental Declaration of Covenants and Restrictions, for one or more phases of the Development recorded in the Office of the Recorder of Boone County, Indiana, as the same may be amended from time to time.

Department. The office of the APC.

Developer. Mansur Real Estate Services, Inc., its designee or assignee, or any other person or entity engaged in development of one or more phases of the Development.

Development. The land constituting the District as it may be developed in accordance with the Development Requirements.

Development Plan. The final plan for the Development as approved by the APC, as the same may be modified from time to time pursuant to Section 4.

Development Requirements. The Development Plan, the Declaration of Covenants, Conditions, and Restrictions (hereinafter "Declaration"), and the Design Guidelines approved by the APC for the District as part of the Development Plan.

District. The land described in Exhibit A attached hereto and incorporated herein, subject to the inclusion of any additional tracts of real estate as provided in Section 2.2.

Dwelling. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one person.

Elevation. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.

Facade. A building face or wall.

Facade Signage Area. The area or areas on a commercial building facade where signs may be placed without disrupting facade composition. The signable area will often

include panels at the top of show windows, transoms over storefront doors and windows, signboards on fascias, and areas between the top of the storefront and the sills of second story windows.

Fenestration. Window and other openings on a building facade.

Fascia. A projecting flat horizontal member or molding, also part of a classical entablature.

Front Property Line. The property line adjacent to the street that serves the lot. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front property line unless otherwise indicated on an approved final plat.

Gross Residential Density. The number of residential dwellings in relation to the total land area in the District or such lesser area as may be designated.

Human Scale. The relationship between the dimensions of a building, structure, street, open space, or streetscape element and the average dimensions of the human body.

Landscape Plan. The general design for landscaping in the District as set forth in the Development Plan and any documents filed with the APC in connection therewith.

Landscaping. Trees, shrubs, hedges, flowers, ground covers, grasses, other plant materials and associated structures and improvements.

Lot. A residential lot located in Development Parcels 1, 2, 3, 4, or 5

Canopy. A tree whose height is normally greater than 30 feet at maturity.

Maintenance Easement. A perpetual easement not less than three feet in width affording the benefited person the right to enter on the land encumbered by the easement for the purpose of undertaking maintenance, repair or rebuilding of a structure located on the lot owned by the benefited person.

Masonry. Wall building material, such as brick or stone, which is laid up in small units.

Modification. A change to the Development Requirements approved in accordance with the procedures and requirements of Section 4.

New Construction Committee. The committee established by a Declaration for the purpose of reviewing the design of all structures proposed to be constructed in that part of the District regulated by such Declaration. There can be a New Construction Committee for the Commercial Area that is distinct from the committee for the Residential Area.

Open Space. A parcel, or parcels, of land, an area of water, or a combination of land and water, including The Golf Club of Indiana golf course, flood plain, legal drains and wetland areas within the District designed and intended for the use and enjoyment of some or all of the residents of the District and, where designated, the community at large. Except as otherwise provided herein, common Open Space does not include any area which is divided into building lots, commercial blocks, streets (except the landscaped medians of boulevards), rights of way (except tree lawns) or parking lots. The area of parking facilities serving the activities in the Open Space and paths or sidewalks located therein may be included in the required area computations.

Owners Association. An Indiana non-profit corporation to be formed whose members are owners of lots in the District. There can be separate owners associations for the Residential and Commercial Areas.

Parking Lot. A parking area containing parking spaces for motorized vehicles, bicycles or similar vehicles.

Parking Space. An area permanently reserved for the temporary parking of one motor vehicle and connected to a street.

Path. A paved or otherwise improved and cleared way intended as a walking, jogging bicycle trail located in Open Space, an easement or a right-of-way.

Permitted Dwellings. The maximum aggregate number of dwellings which may be constructed in the District without exceeding the gross residential density limitations for the District set forth in Section 7 of this Ordinance, whether or not actually constructed.

Phase. Any land area, whether platted or unplatted, designated by the Developer in an application for approval of a plat or issuance of an improvement location permit.

Principal Streets. Those streets located in the District, the names of which are set to be forth on the final plats.

Proportion. The relationship or ratio between two dimensions, e.g. width of street to height of building wall, or width to height of window.

Public Viewshed. That which is reasonably visible, under average conditions, to the average observer from a street, civic space or Open Space.

Recreational Building. A building containing meeting or other facilities located in a recreational space and intended for use in connection with the enjoyment of recreational space.

Recreational Space. An area of land or combination of land and water resources for public or private use that is developed for active and/or passive recreational pursuits with various manmade features that accommodate such activities. Such areas may constitute Open Space or civic space.

Residential Area. That part of the District reserved for residential uses delineated on the as Development Parcels 1, 2, 3, 4, or 5 in the Development Plan.

Sidewalk. A paved or other artificially covered walkway provided for pedestrian use.

Sign, Corner. A projecting sign located on the corner of a commercial building, the signboard of which is equally visible from each right-of-way which creates the corner.

Sign, Icon. A sign that illustrates, by its shape and graphics, the nature of the business conducted within.

Sign, Traffic. A sign directing traffic movement into or within the District, the wording, shape and graphics of which shall, to the extent applicable, comply with the "Manual on Uniform Traffic Control Devices."

Sign Fascia. The vertical surface of a lintel over a storefront which is suitable for sign attachment.

Understory Tree. A tree whose height is normally less than 30 feet at maturity.

Specimen Tree. Any tree with a caliper of 18 inches or more.

Story. A habitable level within a building no more than 16 feet in height from floor to ceiling. A basement, although wholly or partially habitable, is not a story unless more than 50 percent of the basement elevation is above grade at the building line.

Street Furniture. Functional elements of the streetscape, including but not limited to benches, trash receptacles, planters, telephone booths, kiosks, sign posts, street lights, bollards, and removable enclosures.

Streetscape. The built and planted elements of a street which define its character.

Subdivision Control Ordinance. The Boone County Subdivision Control Ordinance, as amended.

Threshold Elements. Porches, stoops, stairs, balconies, eaves, cornices, loggias, arcades, chimneys, awnings, doors and windows which are placed at or near the building line and interface between the main body of the building and the street.

Tree Lawn. A planting area located within or adjacent to the public right-of-way, typically located between the curb and the sidewalk, and planted with ground cover and trees.

Visual Termination. A point, surface, building, or structure terminating a vista or view, often at the end of a straight street or coinciding with a bend.

Visually Impervious. A buffering or screening device which blocks the view to or from adjacent sites by a discernible factor of at least 80 percent.

Section 4. Modification of the Ordinance or Development Requirements.

4.1 Modification of this Ordinance may occur only upon action of the Board following the APC's review and recommendation of the proposed changes in accord with statutory process.

4.2 The APC may, upon the petition of the Developer, the Owner's Association, or the APC after notice to Developer and opportunity for input on the matter at a public hearing, modify any Development Requirements specified in this Ordinance in accordance with the provisions of this section; provided, however, that any proposed modification of the Declaration may be effective upon satisfaction of the requirements for amendment contained in the Declaration.

4.3 Modification of the Development Requirements may only occur with the approval of the APC after a public hearing in accordance with its Rules of Procedure.

4.4 Any proposed modification of the Development Requirements shall be approved only if the APC determines the following criteria have been met:

- A. The modification shall be in harmony with the purpose and intent of this Ordinance.
- B. The modification shall not have an adverse impact on the physical, visual, or spatial characteristics of the Development.
- C. The modification shall not have an adverse impact on neighboring property and its owners.
- D. The modification shall not result in configurations of lots or street systems which shall be unreasonable or detract materially from the appearance of the Development.
- E. The modification shall not result in any danger to the public health, safety, or welfare by making access to the dwellings by emergency vehicles more difficult,

by depriving adjoining properties of adequate light and air, or by violating the other purposes for which this Ordinance was enacted as set forth in Section 1;

- F. The minimum lot size of any lot to be created shall not be reduced below the requirements of this Ordinance; and
- G. As provided in Section 4.1 above, no modification of the Declaration may be effective without satisfaction of any additional amendment requirements set forth in the Declaration.

4.5. If the APC determines the proposed modification will not have an adverse impact on development in the District or neighboring property and its owners, it may grant a modification of the Development Requirements. In granting modifications, the APC may impose such conditions as will, in its reasonable judgment, secure the objectives and purposes of this Ordinance.

Section 5. Permitted Principal Uses.

5.1. The following residential uses are permitted in the Residential Area (Development Parcels 1, 2, 3, 4, and 5) or parts thereof, subject to compliance with the applicable Development Requirements.

- A. detached single-family dwellings
- B. permitted accessory buildings

5.2 The commercial uses designated as either permitted as a matter of right or by special exception in the districts of LB, GB, AB, UB or PB in the Authorized Uses of the Zoning Ordinance set forth in Table 2 at pp. 9-12 of Zoning Ordinance, shall be permitted in the Commercial Area (Development Parcel 6) except the following:

- (1) Roadside Produce Stand
- (2) Farm
- (3) Police Station
- (4) Publicly-owned Park or Recreation Facility
- (5) Farm Product Processing
- (6) Food Processing
- (7) Fuel Dealers, but not excluding gasoline service stations
- (8) Church, Temple or similar religious facility
- (9) Civic, Social, Religious, Political or Fraternal Organization
- (10) Golf Driving Range
- (11) Miniature Golf Course
- (12) Outdoor Theater
- (13) Lodge or Private Club

- (14) Stables, Public
- (15) Any residential use other than day care center, assisted living center or nursing home
- (16) Night Club
- (17) Monument sales, excluding indoor sales
- (18) Commercial Testing Laboratories
- (19) Public Water Well, Water Station, Filtration Plant, Reservoir, or Storage Tank
- (20) Telephone Exchange or Public Utility Station
- (21) Mass Transit Station
- (22) Truck Service Center
- (23) Automobile Body Shop and Painting
- (24) Parking Garage
- (25) Storage and Dismantling of Disabled Vehicles
- (26) Commercial Truck Sales, Rental, Leasing and Repair
- (27) Adult bookstore or novelty shop
- (28) Petroleum tank farm
- (29) Commercial slaughterhouse
- (30) Mineral extraction
- (31) Public or private sanitary landfill
- (32) Hazardous waste or radioactive waste landfill
- (33) Storage or recycling of hazardous or radioactive waste
- (34) Composting facility; compost/digest facility; incinerator; junkyard

5.3 Permitted uses in Development **Parcel 7** shall be limited to the existing single family residence, a clubhouse or meeting space available for the owners of the lots in the PUD district, a PUD District post office, recreational facilities for use of the residents of the PUD district, or as the site of a sales office or construction headquarters in connection with the development of the Project.

5.4 Permitted uses in Development **Parcel 8** shall be limited to the golf course and related clubhouse, pro-shop, food service, pavilion building, maintenance buildings, and practice facilities. To ensure that The Golf Club of Indiana is and remains an integral part of the District, a voluntary commitment shall be made by the owner of The Golf Club of Indiana, which shall be binding on its successors, that the residents of the District, during the period of their residency, may use the course and its facilities on a daily fee basis.

Section 6. Permitted Accessory Uses.

The following accessory uses are permitted in the District, subject to the applicable Development Requirements and obtaining all required permits:

In the Residential and Commercial Areas, accessory uses, buildings or structures, subject to the following conditions:

- A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced; and no accessory building shall be used unless the main building on the lot is also being occupied for the intended purposes. However, nothing shall prevent the use of a temporary facility for the storage of tools, material and equipment by a contractor during building construction or the sale and marketing of lots.
- B. An accessory building shall not exceed the ground floor living area of the residential structure. The combined square footage of the residence, garage and accessory building shall not exceed the maximum lot coverage allowed.
- C. Accessory lighting on a residential lot shall not cause illumination at or beyond any lot line in excess of 0.1 foot-candles of light.
- D. No private radio or television reception or transmitting tower or antenna shall be located within 10 feet of a power transmission line. Satellite receiving antennas shall comply with the requirements of the Declaration and the policies of the Owners Association.
- E. Wireless communications towers and facilities shall be permitted in the District only in accordance with the provisions and procedures of the Zoning Ordinance.
- F. Home occupations shall be permitted only in accordance with the provisions of the Zoning Ordinance applicable to the R-1 zoning classification.

Section 7. Residential Development.

7.1. Without the approval of the APC, the gross residential density in the District shall not exceed 1.08 dwellings per acre and the gross residential density in each of the Development Parcels shall not exceed the number of dwellings per acre set forth on the Density and Open Space Analysis submitted with the preliminary Development Plan.

7.2. Apartment houses, duplexes, townhouses, row houses and any other form of attached dwellings may not be constructed or located in the District without the express approval of the Board following a public hearing before and recommendation of the APC.

7.3 All buildings and other improvements shall be designed, constructed and maintained in conformance with the Design Guidelines and Declaration applicable to the District.

7.4 No mixed-use or commercial structures shall be located in the Residential Area.

Section 8. Commercial Development.

8.1. No residential dwellings shall be located in the Commercial Area.

8.2. All commercial development, and the uses proposed therein, shall be designed, constructed and maintained in accordance with the requirements of the Zoning Ordinance, except if the requirements of this Ordinance or the Covenants, Conditions and Restrictions are more restrictive than the Zoning Ordinance then this Ordinance shall be controlling.

8.3. Restaurants shall be permitted to operate outdoor cafes on sidewalks and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired.

8.4 Retail establishments (exclusive of a general store) shall be permitted to have sidewalk displays of retail merchandise, providing that flea market types of activities will not be permitted in the District.

Section 9. Streets.

9.1. Subject to the last sentence of this Section 9.1, the street layout and type (including rights-of-way and curbing) within the District shall be as indicated on the Development Plan, adapted as appropriate to the topography, unique natural features and environmental constraints of the site. The street layout shall take into consideration the location of the community areas, Open Space areas and recreational areas. Streets shown on the preliminary Development Plan may be eliminated or relocated as part of an approved final Development Plan to consolidate blocks for development as long as there is no materially adverse impact on the flow of traffic within the District, no elimination of required Open Space, and no interference with the proper functioning of drainage easements.

9.2. The street layout in the District may incorporate one or more street types approved under the Zoning Ordinance.

9.3. All streets within the District are to be constructed to the standards of the County Highway Department, as applicable at the time of construction, for depth and materials and thereafter dedicated for public use following inspection and acceptance by Boone County officials. Streets within the District may not be private. No construction of building

improvements on any lot may occur prior to approval of the Development Plan by the APC and issuance of all other required permits or approvals from any governmental authority.

9.4. No planting; structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection, except that the limitations of this section shall not apply in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:

- A. Existing natural grades;
- B. Trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;
- C. Fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
- D. Buildings located in the District;
- E. The approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to intersection diverters and curb bulbs.

9.5. The minimum street grade shall be 0.50 percent and the maximum street grade shall be 7.0 percent.

9.6. The Owners Association shall establish an adequate reserve fund for the maintenance and repair of the streets and shall maintain such fund at an amount that is reasonable in relationship to anticipated maintenance and depreciation expenditures. It shall be the responsibility of the Owners Association to bear the cost and responsibility for proper upkeep and maintenance of the streets in the District, which shall include snow removal and maintenance of all curbs, street lights, street signs and storm drainage facilities. Should the Owners Association fail to fulfill such responsibility, after written notice from the County Highway Department and an opportunity for a hearing before the Board, the County shall have the option of taking, but shall not be required to take, such action and bearing such expense as it deems reasonably necessary to maintain the streets and related facilities in proper condition and obtain recovery from the Owners Association for the cost of such work.

Section 10. Open Space.

10.1. No residential or commercial development shall be permitted in the Open Space as identified on the Development Plan, which includes the land now comprising The Golf Club of Indiana.

10.2. Open Space shall be used for social, recreational, and/or environmental preservation purposes. The uses authorized must be appropriate to the character of the Open Space, including its topography, size, and vegetation.

10.3. Open Space containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees, and other areas of mature vegetation worthy of preservation shall generally be left unimproved and in a natural state. The Developer may make improvements such as the cutting of trails for walking or jogging, the provision of picnic areas, removal of dead or diseased trees, thinning of trees or other vegetation to encourage more desirable growth, and grading and seeding.

10.4. Open Space may be used for public and semi-public recreation, social and educational purposes.

10.5. Recreational and civic buildings, structures, and improvements (for example, the recreational community centers, structures and improvements and community buildings providing postal services, picnic structures, ballfields, playground equipment and gazebos) may be constructed in the Open Space.

10.6. An Owners Association shall establish an adequate reserve fund for the maintenance and care of the Open Space to which it has title and shall maintain such fund at an amount which is reasonable in relationship to anticipated maintenance and depreciation expenditures.

Section 11. Recreational Space.

11.1. Recreational space may be distributed throughout the District.

11.3. Walking, jogging, bicycle and pedestrian paths shall constitute recreational space.

11.4. A private recreational facility shall constitute recreational space if the use thereof is generally available to residents of the District upon payment of a membership or use fee.

11.5. Recreational space may include ball fields and ball courts, pools and other recreational facilities, whether or not enclosed in buildings.

11.6. Recreational space shall not include any recreational facility located entirely on a residential lot.

11.7. Recreational space shall also constitute Open Space.

Section 12. Sidewalks and Paths.

12.1. Sidewalks shall be provided on at least one side of all streets in the District, unless otherwise shown on the Development Plan and except that if an Open Space abuts a street, a path in such Open Space may be substituted for a sidewalk. The pedestrian circulation system within the District shall include landscaping and street furniture where appropriate.

12.2. Sidewalks shall be a minimum of four feet in width in predominantly residential areas; sidewalks along commercial structures shall be a minimum of eight feet in width. Sidewalks in the Commercial Area maybe constructed of brick, slate, colored/textured concrete pavers, concrete, concrete containing accents of brick, or some combination thereof or reasonable alternatives thereto that are compatible with the style, materials, colors, and details of the surrounding buildings. The functional, visual, and tactile properties of the paving materials shall be appropriate to the proposed functions of pedestrian circulation.

12.3. Paths for pedestrians and non-motorized vehicles shall be provided, where feasible, to link Open Space areas. Paths shall be a minimum of four (4) feet wide and shall be surfaced, paved or improved with materials approved as part of the final Development Plan.

12.4 The Owners Association shall establish an adequate reserve fund for the maintenance and repair of the sidewalks and shall maintain such fund at an amount that is reasonable in relationship to anticipated maintenance and depreciation expenditures. It shall be the responsibility of the Owners Association to bear the cost and responsibility for proper upkeep and maintenance of the sidewalks in the District. Should the Owners Association fail to fulfill such responsibility, after written notice from the County Highway Department or the APC and an opportunity for a hearing before the Board, the County shall have the option of taking, but shall not be required to take, such action and bearing such expense as it deems reasonably necessary to maintain the sidewalks in proper condition and may obtain recovery from the Owners Association for the cost of such work.

Section 13. Area and Bulk Regulations.

13.1. All Lots and single-family dwellings in Development Parcels 1, 2, 3, 4, and 5 shall meet the following requirements:

- A. Minimum lot area: Seven Thousand Eight Hundred (7800) square feet
- B. Minimum lot width at front set-back line: sixty five feet (65')
- C. Minimum lot depth: One hundred twenty feet (120')
- D. Minimum yard dimensions:
 - (1) Front set back: Twenty five feet (25') unless otherwise specified on the approved final development plan
 - (2) Front yard: minimum of ten feet (10')

- (3) Side yard: minimum of five feet (5') per side; aggregate ten feet (10)
- (4) Rear yard: Twenty feet (20')
- E. Maximum building height: Thirty five feet (35')
- F. Maximum building coverage: Seventy five percent (75%)

13.2. All Commercial Lots and buildings in Development Parcel 6 shall meet the minimum requirements of that section of the Zoning Ordinance which are most closely related to the particular use in question.

13.3. Accessory buildings may be located only in the rear yard and in the side yard behind the rear facade of the principal structure. Unless otherwise specified herein, an accessory building may not exceed twenty five feet (25') in height in the Commercial Area and fifteen feet (15') in height in the Residential Area.

13.4. Threshold elements may encroach into a front or side yard and shall not count against lot coverage limitations.

13.5. Lots may be consolidated as building sites, in which event the yard dimensions shall be applied to the consolidated building site and setbacks measured from the exterior lot lines of the consolidated building site.

13.6. Accessory uses such as public utility installations, private walks, driveways, retaining walls, mail boxes, nameplates, lighting fixtures, patios at grade, birdbaths and structures of a like nature are permitted in any required front, side or rear yard set back areas.

13.7. Fences and walls may be located in any yard subject to the provisions of Section 20.

13.8. Signs may be located in an established front setback or a side yard abutting a street as permitted by Section 16.

13.9 Off-street parking areas, maneuvering areas for parking and loading areas are prohibited in the established front building setback, in any established side yard abutting a street and in any required buffer or screen except as otherwise provided in this Ordinance. This restriction shall not apply to:

- A. a driveway which crosses a front or side yard, buffer or screen to provide access from the street to a parking area; or
- B. an individual driveway, including conventional appurtenances thereto such as basketball goals, designed also to serve as a parking area for a dwelling; or
- C. civic spaces or recreational spaces.

13.10. Except as otherwise provided in this Ordinance, no outdoor storage of goods and materials or refuse containers shall be located in any established setback or established yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curbside collection.

13.11. Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections are located at least two feet from the adjacent side lot line.

Section 14. Parking.

All provisions and requirements of the Zoning Ordinance relating to design, location, dimensions, surface, landscaping and number of parking spaces are expressly incorporated into this Ordinance.

Section 15. Loading and Service Areas.

15.1. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear or side of buildings.

15.2. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences, and landscaping, shall be a minimum of five feet tall, and shall be visually impervious. Recesses in the building, or depressed access ramps may be used.

Section 16. Signs.

16.1 All signs located within the District shall comply with the sign regulations contained in the Zoning Ordinance, except as may be modified by more stringent provisions of the Development Plan or Declaration.

16.2 Permanent neighborhood entry features and temporary sales and marketing signs and their associated landscaping and improvements may be located within the street rights of way, common areas, or other locations as specified on final Development Plan or landscaping details.

Section 17. Landscaping and Buffering.

17.1. Landscaping shall be required in the District in accordance with the Landscape Plan to be submitted with each final plan. All areas of a site within the District not occupied by buildings, parking lots, other improvements or paving shall be planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such area consists of attractive existing vegetation to be retained, as depicted on the Landscape Plan.

17.2. Landscaping shall be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, entry features, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art, and sculpture.

17.3. Plant suitability, maintenance, and compatibility with site and construction features are critical factors which should be considered. Plantings should be designed with repetition, structured patterns, and complimentary textures and colors, and should reinforce the overall character of the area.

17.4. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the Development and disposed of in accordance with applicable law. No tree stumps, portions of tree trunks, or limbs shall be buried anywhere in the Development. All dead or dying trees, standing or fallen, shall be removed from the Development. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas. Areas which are to remain as undeveloped Open Space shall be cleaned of all debris and shall remain in their natural state.

17.5. Specimen trees not within a right-of-way, drive or 20 feet of the building footprint after grading shall be protected and preserved. No material or temporary soil deposits shall be placed within four feet of shrubs or within two feet of the drip line of trees designated to be retained. Protective barriers or tree wells shall be required to be installed by contractors around each plant and/or group of plants/trees. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers, such as snow fences, shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed.

17.6. Landscaping of the area of all cuts, fills, and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three horizontally shall be planted with ground covers appropriate for the purpose, soil conditions, water availability, and environment.

17.7. Deciduous trees planted to satisfy the landscaping requirements of this Ordinance shall have at least a two and one-half-inch caliper at the time of planting unless otherwise specified herein or otherwise indicated on the Landscape Plan. Evergreen trees shall be a minimum of seven to eight feet high at the time of planting. Shrubs shall be two feet in height at the time of planting. All trees, shrubs, and ground covers shall be planted according to accepted

horticultural standards. Landscaping materials shall be appropriate to local growing and climatic condition. Plant material shall be nursery grown stock conforming to ANSI Z60.1 (American Standard for Nursery Stock). No street trees in public rights of way shall be topped, tipped, or deformed; provided, however, that the foregoing shall not restrict trimming such as that required for safety or aesthetic reasons.

17.8. Within one year from the time of planting, all dead or dying plants in tree lawns or Open Space, installed new, transplanted, or designated as existing trees to be retained on the Landscape Plan, shall be replaced by the Developer or the lot owner. Trees or other vegetation in tree lawns or Open Space which die after the first year shall be replaced by the Owners Association or the lot owner.

17.9. As a guideline tree spacing, unless otherwise provided in this Ordinance, shall be determined by species type. Large maturing trees shall be planted a minimum of 30 feet on center. Small maturing trees shall be planted a minimum of 10 feet on center. However, nothing herein shall prevent clustering to create visually impervious screening where desirable in buffer areas.

17.10. Large maturing trees shall generally be planted along residential streets and along the street frontages and perimeter of community area and parking lots. No trees or vegetation shall be planted or maintained in the medians between the sidewalks and street curbs or in any location which would result in interference with or disruption of underground drainage facilities from tree roots.

17.11. Small maturing trees shall generally be planted along non-residential streets and the interior portions of community area.

17.12. Shade or ornamental trees shall be provided along each side of all streets in the District. In locations where healthy and mature shade trees currently exist, new trees are not required. The Developer shall be responsible for the provision of trees along the principal streets in the District. Each lot owner shall be responsible for the provision of adequate shade trees in the designated tree lawn upon or adjacent to the owner's lot except to the extent the Developer has provided such trees.

17.13. Street trees of a similar species should generally be grouped together and not intermixed with trees of another species. Not more than 20 trees of the same species shall be planted in a linear row or contained grouping except as otherwise indicated on the Landscape Plan. Trees prohibited by the design guidelines shall not be planted in the District.

17.14. Garbage collection, recycling areas, and other utility areas in the Commercial Area shall be screened around their perimeter by wood enclosures or by brick walls, with a minimum height of seven feet, and shall extend on three sides of such an area, with a gate or door on the fourth side. A landscaped planting strip a minimum of three feet wide shall be located on three sides of such a facility. Planting material shall be separated from the parking lots by appropriate curbing,

but shall have ramp access to such facility for vehicles and carts. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted; the area between trees shall be planted with shrubs or ground cover, or covered with mulch, decorative stone or other suitable materials.

17.15 The buffering standards and details of the Zoning Ordinance and Subdivision Control Ordinance are hereby overridden by the Development Plan approved by the APC for this District. Such plan will be designed, considered and approved with the intention of providing a proper distance and method of screening, if any, between the District and existing or future contiguous land uses. All Buffer areas and their depths shall be specifically designated on the Development Plan. All shall be treated as Landscape Buffers except to the extent all or a portion of the Buffer is designated as an Agricultural Buffer, in which case the special restrictions applicable to Agricultural Buffers shall be in effect in that location.

Section 18. Detention and Retention Basins.

18.1 All standards for improvement relating to drainage and erosion control contained in the Subdivision Control Ordinance, the Storm Drainage, Erosion and Sediment Control Ordinance, and the Indiana Code relating to the right of way applicable to legal drains are hereby expressly incorporated into the provisions of this Ordinance.

18.2 Detention and retention basins, headwalls, tiles, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be constructed and installed by the Developer in accordance with applicable County standards and shall be adequately screened with plant material and/or berms as County officials may require.

18.3 All facilities comprising or serving the storm drainage system in the District shall be dedicated to the County to become part of its legal drain system. All owners of land in the District shall be subject to the payment of all standard maintenance fees applicable thereto.

Section 19. Lighting and Utilities.

19.1 Street lights shall be decorative and consistent with the Landscape Plan and, to the extent not made more stringent by requirements of the Development Plan or Declaration, shall meet all requirements of the Zoning Ordinance.

19.2 The utilities section of the Subdivision Control Ordinance relating to utility design standards, sanitary sewer system, water supply system, and utility easements is hereby expressly incorporated into the provisions of this Ordinance except to the extent such are inconsistent with the details of the approved Development Plan.

Section 20. Fences and Walls.

20.1. Fences or walls located within any required front yard in the District shall not exceed 42 inches in height.

20.2. Fences or walls located within any required side or rear yard in the District shall not exceed 42 inches in height except fences located on side or rear lot lines adjoining property outside the District shall not exceed six feet in height.

20.3. Residential fences or walls in the District not located within any required yard but within the buildable area shall not exceed six feet in height.

20.4. Open wire mesh fences surrounding tennis courts may be erected to a height of 16 feet, if such fences only enclose a regulation court area and standard apron areas.

20.5. Fences or walls enclosing (i) open, civic or recreational space or buildings, (ii) a commercial lot or (iii) a commercial structure may not exceed a height of 10 feet.

20.6. Fences and walls shall be measured from the topmost point thereof to the ground adjacent to the fence or wall; provided, however, that decorative caps or spires which extend above the highest horizontal member of a fence or the top of a wall shall not be included in the measurement of height.

20.7. Any fence placed upon an erected earth berm or masonry wall must govern its height as measured to the ground adjacent to said earth berm or wall.

20.8. No fence or wall shall be constructed within a drainage easement so as to obstruct in a manner that obstructs the flow of water therein. On residential lots, no fence or wall shall be constructed within a landscape easement.

20.9. With respect to single-family residential structures in the Residential Area, (i) fences or walls in the front yard shall not be less than three feet high, nor more than five feet high, provided that entranceway and lot corners may be articulated with larger (taller and fatter) posts or other embellishments, (ii) fencing may not exceed six feet in height along rear and side yard lines and (iii) patio enclosures located in the permitted building area of the lot may not exceed nine feet in height; if not so located, the maximum height of patio enclosures is six feet.

Section 21. Platting and Installation of Improvements.

21.1. Having incorporated the earlier approved preliminary plan for the Residential and the Commercial Areas conforming to the requirements of this Ordinance, the final Development Plan shall constitute an approved final plan for the District.

21.2. Only those terms of the Zoning Ordinance and Subdivision Control Ordinance expressly incorporated herein shall govern development in the District. To the extent of any inconsistency between the terms of this Ordinance and those ordinances, the terms of this Ordinance shall govern.

21.3. Development in the District may occur in phases subject to each phase receiving final approval from the APC prior to the commencement of construction.

21.4. The Developer shall commence construction of the initial phase of the Development within two years following latter of (a) the effective date of this Ordinance, (b) issuance of any final approvals necessary to commence construction, or (c) the date of entry of a final judicial order concluding any litigation challenging the adoption of this Ordinance or any other aspect of the proposed development.

21.5 The Developer may commence construction of site improvements in the District at any time after providing to the APC or other applicable County department all bonds or other performance guarantees that are required by the Subdivision Control Ordinance and after the final Development Plan is recorded; provided, however, that no residential lot may be conveyed to an intended home occupant until a final plan depicting such lot has been approved pursuant to this Section 21 and recorded and until there has been construction and County approval of required infrastructure necessary to serve such lot.

21.6. The configuration, size, and number of lots in a Development Parcel may vary from the configuration, size and number of lots shown on the preliminary Development Plan for such parcel so long as the minimum lot size and maximum density and total number of lots requirements are met.

21.7. Title to less than all of a lot may be conveyed for the purpose of establishing a building site provided that the aggregate number of building sites in a Development Parcel shall not exceed the number of lots in such parcel depicted on the final plat.

21.8. Title to portions of a commercial block may be conveyed by a metes and bounds survey description as long as such portion complies with the area and bulk regulations of Section 15 with respect to the intended use of such portion.

21.9. Grading, filling, excavating or any change in the grade of any property is permitted, but shall not be detrimental to surrounding properties in appearance or in the diversion of stormwater.

21.10 Temporary construction facilities are permitted to remain on a job site during all phases of construction and must be removed within 30 days following the issuance of a certificate of occupancy. No permit is necessary for temporary construction facilities except where temporarily or permanently connected to electric, water and sewer utilities.

21.11 The monuments and markers provisions of the Subdivision Control Ordinance are hereby incorporated into this Ordinance.

21.12 To the extent any damage to the public roads in the area of the District, other than unrelated ordinary wear and tear, is reasonably found by the Board after hearing to have occurred because of construction in the District, the Developer shall reimburse the County for the cost of repair of such damage or make other arrangements satisfactory to the County for the repair of such damage.

Section 22. Certification and Recordation of the Development Plan.

22.1. Within thirty days following adoption of this Ordinance, the Director of the APC shall sign a mylar copy of the Development Plan, and shall notify the Developer that the plan is available to be picked up.

22.2. The Developer shall record the signed Development Plan with the Recorder of Boone County, Indiana, within sixty days following receipt of the signed Development Plan from the APC, and shall deliver a copy of the recorded Development Plan to the Department. The Recorder shall return the originally recorded Development Plan to the Department.

22.3. Approved modifications of the Development Plan shall be recorded by the Developer in the Office of the Recorder of Boone County, Indiana, within sixty days following the APC's approval of such modification. Subsequent to recordation, the Developer shall deliver a copy of the recorded modification to the Department.

Section 23. Improvement Location Permits.

Prior to commencement of construction of any residential dwelling or commercial building in the District (exclusive of any such structure the elevations of which are included in the Development Plan), architectural plans, elevations, site plan and landscaping plan for the proposed structure shall be presented to the APC as part of the improvement location permit application. No improvement location permits may be issued until and unless the appropriate surety has been posted with and approved by the APC as required. If the APC reasonably believes that the proposed structure does not comply with the Development Requirements, it may decline to issue an improvement location permit and shall specifically detail in writing the basis

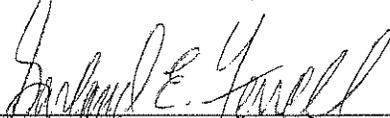
for its belief that the proposed structure does not comply with the Development Requirements. The APC shall approve, disapprove or approve subject to conditions the referred application after affording the applicant an opportunity to address the matter.

Section 24. Filing Fees.

The filing fee provisions of Table 15 of the Zoning Ordinance, as amended from time to time, shall apply to development in the District.

ADOPTED by the Board of Commissioners of Boone County, Indiana, this 22ND day of November, 1999, by a vote of two (2) ayes and one (1) nay.

BOARD OF COMMISSIONERS OF
BOONE COUNTY, INDIANA



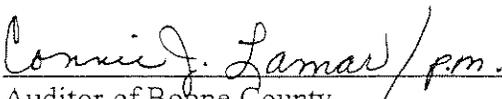
Presiding Officer



Member

Member

ATTEST:



Auditor of Boone County
Doc. #48465

LAND DESCRIPTION
Golf Club of Indiana

Part of the North half of Section 12 and a part of the South half of Section 1, both of which are located in Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 12; thence North 00°44'13" West (assumed bearing) along the West line of the Northwest quarter of said Section 12 a distance of 2645.02 feet to the Southwest corner of the Southwest quarter of said Section 1; thence North 00°43'15" West along the West line of the Northwest quarter of said Section 1 a distance of 1328.37 feet to the Northwest corner of the Southwest quarter of the Southwest quarter of said Section 1; thence North 88°31'21" East along the North line of the Southwest quarter of the Southwest quarter of said Section 1 a distance of 1317.31 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 1; thence North 00°32'28" West along the West line of the Northeast quarter of the Southwest quarter of said Section 1 a distance of 270.00 feet; thence South 87°21'26" West a distance of 401.00 feet; thence North 00°45'54" West a distance of 328.50 feet; thence South 86°21'09" East a distance of 403.09 feet to the West line of the Northeast quarter of the Southwest quarter of said Section 1; thence North 00°32'28" West along the West line of the Northeast quarter of the Southwest quarter of said Section 1 a distance of 781.00 feet to the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 1; thence North 88°15'07" East along the North line of the Northeast quarter of the Southwest quarter of said Section 1 a distance of 1330.70 feet to the Northwest corner of the Southeast quarter of said Section 1; thence North 88°13'10" East along the North line of the Southeast quarter of said Section 1 a distance of 1715.70 feet to the Southwesterly right-of-way line of Lafayette Road; thence South 34°49'29" East along the said Southwesterly right-of-way line of Lafayette Road a distance of 170.70 feet; thence South 39°51'10" West a distance of 163.46 feet; thence South 22°45'10" West a distance of 537.00 feet; thence South 88°13'10" West parallel with the North line of the Southeast quarter of said Section 1 a distance of 1495.48 feet to the East line of the Southwest quarter of said Section 1; thence South 00°20'09" East along the East line of the Southwest quarter of said Section 1 a distance of 1929.87 feet to the Northwest corner of the Northeast quarter of said Section 12; thence North 87°43'34" East along the North line of the Northeast quarter of said Section 12 a distance of 1307.23 feet to the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 12; thence South 00°38'57" East along the East line of the Northwest quarter of the Northeast quarter of said Section 12 a distance of 1322.02 feet to the Southeast corner of the Northwest quarter of the Northeast quarter of said Section 12; thence South 88°05'57" West along the South line of Northwest quarter of the Northeast quarter of said Section 12 a distance of 1307.92 feet to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 12; thence South 00°36'35" East along the East line of the Northwest of said Section 12 a distance of 1313.53 feet to the Southeast corner of the Northwest quarter of said Section 12; thence South 88°25'36" West along the South line of the Northwest quarter of said Section 12 a distance of 1915.28 feet; thence North 01°34'24" West a distance of 192.00 feet; thence South 88°25'36" West parallel with the South line of Northwest quarter of said Section 12 a distance of 453.75 feet; thence South 01°34'24" East a distance of 192.00 feet to the South line of the Northwest quarter of said Section 12; thence South 88°25'36" West along the South line of the Northwest quarter of said Section 12 a distance of 260.00 feet to the Point of Beginning. Containing 350.02 acres (15,246,919 square feet) more or less.

EXC. 1: Part of the northwest quarter of Section 12, Township 17 North, Range 1 East in Boone County, Indiana, described as follows:

Beginning at the southwest corner of the northwest Quarter of Section 12, Township 17 North, Range 1 East, thence north 88 degrees 25 minutes 36 seconds east (assumed bearing) on and along the south line thereof 1314.55 feet to the east line of the west half of said northwest quarter; thence north 00 degrees 40 minutes 25 seconds west on and along said east line 760.65 feet to the true beginning point of this description on the south line of real estate owned by the Golf Club of Indiana, Inc., as shown by a survey dated April 6, 1976, recorded in Miscellaneous Record 67, page 772, in the Office of the Recorder of Boone County, Indiana, thence south 88 degrees 12 minutes 53 seconds west on and along the south line of said real estate 296.00 feet; thence north 43 degrees 46 minutes 14 seconds east 422.65 feet to a point on the east line of the west half of said northwest quarter that is 296.00 feet north 00 degrees 40 minutes 25 seconds west of the true beginning point; thence south 00 degrees 40 minutes 25 seconds east on and along said east line 296.00 feet to the true beginning point; containing 1.000 acre, more or less.

ALSO EXCEPT: a part of the North Half of the Southeast Quarter of Section 1, Township 17 North, Range 1 East, Boone County, Indiana, described as follows:

Commencing at the northwest corner of said half-quarter section; thence North 88 degrees 03 minutes 32 seconds East 1,465.30 feet along the north line of said half-quarter section; thence South 01 degrees 56 degrees 28 seconds East 20.00 feet to the south boundary of County Road 650 South and the point of beginning of this description; thence North 88 degrees 03 minutes 32 seconds East 260.16 feet along the boundary of said County Road 650 South to the southwesterly boundary of U.S.R. 52; thence South 33 degrees 23 minutes 00 seconds East 84.23 feet along the boundary of said U.S.R. 52; thence North 66 degrees 48 minutes 32 seconds West 64.18 feet; thence North 89 degrees 45 minutes 00 seconds West 150.00 feet; thence North 71 degrees 13 minutes 32 seconds West 105.46 feet to the point of beginning and containing 0.219 acres, more or less.

Containing, less said exceptions, 348.80 acres more or less.

LEGAL DESCRIPTION
THE GOLF CLUB OF INDIANA
PLANNED UNIT DEVELOPMENT PROJECT

Golf Club of Indiana Density & Open Space Analysis

Development Parcel	Acreage	Residential Lots	Residential Density	Intended Use	Open Space Acreage	Open Space %
1	45.51	87	1.91	SFR - Family	7.27	15.97%
2	19.02	47	2.47	SFR - Villa, Garden & Patio	3.51	18.45%
3	13.06	45	3.46	SFR - Villa, Garden & Patio	1.16	8.89%
4	44.46	77	1.73	SFR - Family	8.13	18.29%
5	42.25	123	2.91	SFR - Villa, Garden & Patio	6.30	14.91%
7	2.82	0	0.00	Community Services	2.32	82.27%
8	153.21	0	0.00	Golf Course	148.18	96.57%
Sub-Total	320.33	379	1.18	Residential	176.87	55.21%
6	28.46	0	0.00	General Business	5.15	18.10%
TOTAL	348.79	379	1.08	Planned Village Development	182.02	52.19%

SITE DATA

1 - Single Family Residential parcel - 45.513 acres

Typical Lot Size = 90' x 140'

Total Lots = 87

2 - Single Family Residential parcel - 19.024 acres

Typical Lot Size = 65' x 120'

Total Lots = 47

3 - Single Family Residential parcel - 13.057 acres

Typical Lot Size = 65' x 120'

Total Lots = 45

4 - Single Family Residential parcel - 44.462 acres

Typical Lot Size = 90' x 140'

Total Lots = 77

5 - Single Family Residential parcel - 42.249 acres

Typical Lot Size = 65' x 120'

Total Lots = 123

6 - Commercial Parcel - 28.460 acres

Mixed Retail Development

7 - Community Services Parcel - 2.823 acres

Sales / Marketing / Informational Services

Postal Services

Recreational Amenities

8 - Golf Course Parcel - 153.209 acres

Recreation & Open Space

Golf Related Commercial Retail (24.50 acres)

TOTAL ACREAGE = 348.797 acres (all acreages are approximate)

TOTAL LOTS = 379

- I. BE IT ORDAINED UNDER AUTHORITY OF THE AREA PLANNING LAW OF THE STATE OF INDIANA (IC 36-7-4): The Ordinance known and cited as the "Zoning Ordinance of Boone County, Indiana" is hereby amended and restated as follows:
- A. TITLE. An ordinance for the development through zoning of the area within the jurisdiction of the Area Plan Commission of Boone County, Indiana. This ordinance may be cited as the "Zoning Ordinance of Boone County, Indiana".
 - B. INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. It is not the intent of this ordinance, nor would it be the result of this ordinance, that any usage of land existing at the time or prior to the passage of this ordinance which was illegal or unlawful under former Zoning Ordinances or regulations should become legal or lawful under the terms of this ordinance.
 - C. NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not the intention of this ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, other than those expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or approved, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control.
 - D. PURPOSE. The purpose of these regulations is to protect and promote the public health, safety, and general welfare of the residents in the jurisdiction of the APC, and to:
 - 1. Guide future growth and development in accordance with the comprehensive planning process;
 - 2. Protect the character and the social and economic stability of all parts of the area;
 - 3. encourage orderly and beneficial development of all parts;
 - 4. Protect and conserve the value of land, buildings, and other improvements upon the land, and minimize the conflicts among the uses of land or buildings;
 - 5. Avoid scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of the community infrastructure;
 - 6. Preserve prime farmland soils.

II. DISTRICTS

- A. ESTABLISHMENT OF DISTRICTS AND OVERLAYS. The Jurisdiction Area is hereby classified and divided into Districts designated in Table 1, Land Use Districts:

Table 1, Land Use Districts

Conservation and Agriculture Districts		
C	Conservation	This district is established to emphasize the conservation of existing natural resources.
AP	Agricultural Preservation	This district is established to restrict non-agriculturally related land uses. Residential development may occur at a substantially decreased rate than other districts.
AG	General Agricultural	This district allows the opportunity for further residential development beyond the constraints of the AP District, however, residential development in this district remains limited.
Residential Districts		
RE	Residential Exception	This district is designed to be a specialty single family residential district to preserve neighborhoods that have historically developed as areas of large lots and large homes. The lot area requirements in this district are higher than other residential districts. Development in this district is typically at a density of less than one home per three acres.
R1	Low Density Single Family Residential	This is a low density suburban residential district. The lot area and minimum floor area requirements are larger than the other residential districts. Development in this district is typically at a density of less than one home per two acres.
R2	Low Density Single Family and Two-Family Residential	This is a low density single family district which could include two-family dwellings by Development Plan Approval. This district is primarily suited for suburban residential development in areas contiguous to the urban centers of the County. Development in this district typically ranges from .50 homes per acre (without public water and public sewer) to 1.75 homes per acre (with public water and public sewer).
R3	Medium Density Single Family and Two-Family Residential	This is a medium density single family district which may include two family dwellings by Development Plan Approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.
R4	High Density Single and Two-Family Residential	This district is established for high density single family dwellings and may include two-family dwellings by Development Plan Approval. Single and two-family development in this district typically ranges from 3 homes per acre to 4.25 homes per acre. Two-family development typically ranges from 7 units per acre to 12 units per acre. In this district, single and two-family development at these densities requires connection to public water and public sewer utilities.
MF	High Density Multi-Family Residential	This is a high density multi-family district. Development in this district is typically at a density of 7 to 12 dwelling units per acre. Development in this district requires connection to public water and public sewers.
Commercial Districts		
LB	Local Business	This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences.
PB	Professional Business	This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public.
UB	Urban Business	This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB District but without setbacks, bufferyards, or other design requirements common to suburban development.
GB	General Business	This district is designed to include central business districts in established urban places. This district would be used for most types of business and service uses.
AB	Accommodation Business	This district is established to include areas adjacent to Interstate interchanges and is designed to serve the needs of the public traveling on these major thoroughfares.
Industrial Districts and PUD's		

Table 1, Land Use Districts		
11	Light Industry	This district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.
12	General Industry	This district is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.
PUD	Planned Unit Development	This district is established to encourage improved land development and building site design, to encourage and allow a variety of innovative uses, building types and arrangements, to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD district.

III. AUTHORIZED USES AND REQUIREMENTS

- A. AUTHORIZED USES. The uses permitted in the Districts established by this ordinance are shown in Table 2, Authorized Uses. Where the District column is marked with an "X", the use is permitted. Where the District column is marked with an "S", the use may be permitted only as a Special Exception. Where the District column is marked with a "D", the use may be permitted only after approval of a Development Plan by the APC.

Where a district column is marked with an "SW", the use may be permitted by Special Exception approval from the BZA subject to the issuance of a license or operating permit as approved by the Boone County Solid Waste Management District. Where a district column is marked with an "XW", the use is permitted by right in the zoning district but is subject to the issuance of a license or operating permit as approved by the Boone County Solid Waste Management District.

For uses not listed, the Director shall attempt to determine if the requested use is similar to a permitted use. If the proposed use is determined to be similar to a permitted use, the permit shall be issued. If the Director determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Director may refer the request for clarification or classification to the BZA for consideration in accordance with the provisions of the section on Uses Not Listed under the Duties of the Board of Zoning Appeals.

Table 2, Authorized Uses

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	PUD
Education																	
Art & Music Schools												X	X	X			D
Colleges & Universities					S	S	X	X	X						S		D
Elementary & Secondary Schools		S	X		X	X	X	X	X		X	X	X	X			D
Junior Colleges & Technical Institutes					S	S	X	X	X								D
Libraries & Information Centers		S	X		X	X	X	X	X				X	X			D
Trade or Business School												X	S	S	X		D
Non-Industrial Farm, Agricultural, Animal Related Uses																	
@ Commercial Greenhouse		S	X									X			X	X	D
@ Kennel			X	S	S	S									X	X	D
@ Roadside Produce Stand		S	X								X	X			X	X	D
@ Sale Barn for Livestock		S	X												S	X	D
@ Veterinary Animal Hospital												X	X	X	X	X	D
Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
Hay, Grain, & Feed Stores		X	X								X	X			X	X	D
Landscape Contractor		S	S								S	S			S	S	D
Plant Nursery		S	X								X	X			X	X	D
Government																	
@ Penal or Correctional Institutions												S			S	S	D
@ Police, Postal, or Fire Station		X	X		X	X	X	X	X	X	X	X	X	X	X	X	D
Municipal or Government Buildings		S	X		S	X	X	X	X	X	X	X	X	X	X	X	D
Publicly Owned Park or Recreational Facility	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	D
Industrial Uses																	
@ Anhydrous Ammonia or Similar Liquefied Fertilizer Storage & Distribution		S	S												S	X	D
@ Auction Sales Yard (Excluding Livestock)												S			S	X	D
@ Commercial Facility for Breeding Non-Farm Fowl & Animals		X	X												S	X	D
@ Confined Feeding		X	X														D
@ Contractors Storage															S	X	D
@ Industry, General																X	D
@ Junk Yard															S	X	D
@ Light Industrial Park															X	X	D
@ Liquefied Petroleum Gas, Bottled Gas Dealers															S	X	D
@ Manufacturing, Use, or Storage of Explosives															S	S	D
@ Mineral Extraction		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	D
@ Open Material Storage															S	X	D
@ Petroleum Tank Farm															S	X	D
@ Slaughter House		S	S												S	X	D
@ Truck Freight Terminal															X	X	D
@ Warehouse (General)												S			X	X	D
@ Warehouse (Grain Storage)		S	S									S			S	X	D
@ Wholesale Produce Terminal			S									S			X	X	D
Farm Product Processing												X	X		X	X	D
Food Processing												X	X		X	X	D
Fuel Dealers												X			X	X	D
Light Industry															X	X	D

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	PUD
Linen Supply												S			X	X	D
Warehousing, Storage, or Recycling of Hazardous Waste			*	*	*	*	*	*	*	*	*	*		*	*	*	*
Warehousing, Storage, or Recycling of Radioactive Waste			*	*	*	*	*	*	*	*	*	*		*	*	*	*
Wholesale Business												X			X	X	D
Non-Profit Membership Organizations																	
Business Associations												X	X	X	X	X	D
Charitable Institutions												X	X	X	X	X	D
Church or Temple		X	X		X	X	X	X	X	X	X	X	X	X			D
Civic, Social, Religious, Political, or Fraternal Organizations												X	X	X	X	X	D
Recreation, Amusement Tourism																	
@ Fairgrounds			X												X	X	D
@ Golf & Country Clubs					X	X	X	X	X						X	X	D
@ Golf Driving Range & Miniature Golf Course										X		X			X	X	D
@ Hotel or Motel										X		X	X		X		D
@ Outdoor Recreation Facility		S	S												S	S	D
@ Outdoor Shooting Range, public or private		S	S												S	X	D
@ Public Camp Ground or Recreational Vehicle Park		S	S								S			S	S	S	D
@ Race Track															S	X	D
@ Stable, Private		X	X	X											X	X	D
@ Stadium, Coliseum															X	X	D
@ Theater, Outdoor			S						S			X			X	X	D
Bed and Breakfast			S		S	S	S	S	S	X	S	X	X				D
Billiard & Pool Establishments												X	X				D
Bowling Alleys												X	X		X		D
Dance Halls, Studios & Schools												X	X				D
Indoor Recreation Facility												X		X	X	X	D
Lodge or Private Club												X	X		X		D
Motion Picture Theater												X	X				D
Museum & Art Gallery												X	X	X			D
Public Golf Course					X	X	X	X	X						X	X	D
Seasonal Hunting & Fishing Lodge		X	X														D
Skating												X			X		D
Stable, Public			X									X			X	X	D
Residential																	
@ Day Care Center		S	S					S	S		X	X	X	X	X	X	D
@ Minor Residential Subdivision			S	X	X	X	X	X		X	X	X	X	X	S	S	D
@ Mobile Home Park					D	D	D	D									D
Customary Home Occupation (Accessory Use)		X	X	S	S	S	S	S	S	X	X	X	X	X	X	X	D
Dwelling - Multi-Family									D		D	D	D	D			D
@ Dwelling - Single Family			S	X	X	X	X	X		X	X	X	X	X	S	S	D
Dwelling - Two Family						D	D	D		D	D	D	D	D			D
Farm Seasonal Worker Housing		X	X												X	X	D
Fraternity, Sorority or Student Housing								D	D			D					D
Group Residential Facility						S	X	X	X		X	X	X		S		D
Major Residential Subdivision				X	X	X	X	X	X	X	X	X	X	X	S	S	D
Nursing Home								D	D		D	D		D	D		D

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	PUD
Orphanage							D	D	D					D			D
Temporary Mobile Home		X	X	X	X	X	X	X	X	X	X	X		X	X	X	D
Retail Trader: Food Stores																	
@ Drive-In Restaurant										S	S	X	X				D
Cafeteria, Restaurant										X	X	X	X				D
Candy, Nut & Confectionary										X	X	X	X				D
Carry Out Restaurant										S	S	X	X				D
Dinner Theater												X	X				D
Fruits & Vegetables										X	X	X	X				D
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods											X	X	X				D
Night Club										X		X	X				D
Tavern											S	X	X				D
Retail Trader: General Merchandise																	
@ Shopping Center											D	D	D				D
Antique Store											S	X	X				D
Apparel Shop, Shoes, Custom Tailoring											X	X	X				D
Bait Sales											X	X	X				D
Bicycle Shops											X	X	X				D
Boat Sales												X	S				D
Book & Stationary Store											X	X	X	S			D
Camera & Photographic Supply												X	X				D
China, Glassware, Metalware											S	X	X				D
Department Store												X	X		X		D
Drapery, Curtain & Upholstery											S	X	X				D
Drug Store											S	X	X	S			D
Electrical Supply Store												X	X		X	X	D
Farm & Garden Supply												X	X		X		D
Farm Implements & Equipment Sales												X			X	X	D
Floor Coverings											S	X	X				D
Florists, Furriers											X	X	X				D
Gift, Novelty & Souvenir Shops										S		X	X				D
Hardware or Variety Store											X	X	X		X		D
Hobby, Toy & Game Shops												X	X				D
Household Appliances, Furniture											S	X	X				D
Jewelry Store												X	X				D
Liquor Store											S	X	X				D
Lumber & Building Materials Dealer												X			S	X	D
Monument Sales												X	X		X		D
Music & Video Stores											S	X	X				D
News Dealers										X	X	X	X	X			D
Paint, Glass & Wallpaper Store												X	X		X		D
Pet Shops												X	X				D
Plumbing, Heating & Air Conditioning Dealer												X	X		X	X	D
Sporting Goods												X	X				D
Studio Business		S	S		S	S	S	S	S		X	X	X	X			D
Tobacco Stores											X	X	X				D

USE

C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	PUD
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Services: General

Accounting, Auditing, & Bookkeeping Service											X	X	X	X	X	D
Advertising Agencies											X	X	X			D
Agricultural Credit Institutions										X	X	X	X			D
Attorney Services										X	X	X	X			D
Auto License Bureaus										X	X	X	X			D
Banks & Branch Banks										X	X	X	X	X		D
Blueprinting & Photocopying										S	X	X		X		D
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance										X	X	X	X			D
Clothing Rental											X	X				D
Coin Operated Laundry & Dry-cleaning										X	X	X				D
Collection Agencies											X	X	X			D
Commercial Testing Laboratories											X			X	X	D
Counselor-At-Law										X	X	X	X			D
Detective Agencies & Protective Services											X	X	X			D
Diaper Service											X	S		X		D
Disinfecting & Exterminating Services											X	X				D
Dressmaking										X	X	X				D
Electrical Repair Shop										S	X	X		X	X	D
Engineering & Architectural Service											X	X	X	X	X	D
Insurance Agents, Brokers & Service										X	X	X	X			D
Newspaper Publishing											X	X	X	X		D
Private Employment Agencies											X	X	X			D
Professional Office										X	X	X	X	X		D
Real Estate Service											X	X	X	X		D
Reupholster & Furniture Repair										S	X	X		X	X	D
Shoe Repair										X	X	X				D
Stenographic Service											X	X	X			D
Stock Brokers & Dealers										X	X	X	X			D
Tailoring & Pressing Shops										X	X	X		X		D
Temporary Help Supply Services											X	X	X			D
Watch, Clock & Jewelry Repair										S	X	X				D

Services: Medical

@ Convalescent Homes									D	D				D		D
@ Clinic											X	X	X	X		D
@ Hospitals								X	X		X		X			D
Blood Banks											X	X	X			D
Life Care Facility								X	X				X	X		D
Medical & Dental Laboratories											X	X	X			D
Medical Office											X	X	X	X		D

Services: Personal

@ Cemetery or Crematory		X	X											X	X	D
Barber Shop, Beauty Shop											X	X	X	X		D
Mortuary											X	X	X			D
Photographic Studio											X	X				D
Reducing & Health Salons											X	X		X		D

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	PUD
Solid Waste Land Disposal Facilities																	
@ Compost/Digester Facility			SW	SW											SW	SW	D
@ Composting Facility		XW	SW	SW	SW		XW	XW	XW	D							
@ Construction/Demolition Site			SW												SW	SW	D
@ Incinerator		SW	SW												SW	SW	D
@ Resource Recovery Facility		SW	SW														D
@ Sanitary Landfill, Privately Owned			SW												SW	SW	D
@ Sanitary Landfill, Publicly Owned			XW												XW	XW	D
@ Transfer Station		SW	SW												XW	XW	D
Landfill, Hazardous Waste or Radioactive Waste			*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Long Term Permitted Clean Fill Disposal Site			XW	XW	XW	SW				SW	SW	XW		XW	XW	XW	D
Long Term Permitted Clean Fill Processing Site			XW	XW	XW	SW				SW	SW	XW		XW	XW	XW	D
Restricted Waste Site			SW	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Temporary Permitted Clean Fill Disposal Site			XW		XW	XW	XW	D									
Temporary Permitted Clean Fill Land Reclamation Site			XW		XW	XW	XW	D									
Temporary Permitted Clean Fill Processing Site			XW		XW	XW	XW	D									
Utilities, Transportation, Communications																	
@ Airport or Heliport			S												S	S	D
@ Public Water Wells, Water Stations, Filtration Plants, Reservoirs, & Storage Tanks	S	X	X		X	X	X	X	X	X	X	X	X	X	X	X	D
@ Telephone Exchange, or Public Utility Station	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	D
@ Wireless Communication Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	D
Mass Transit Station			X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
Off-Premises Signs										X		X			X	X	
Radio or Television Station or Studio												X		X	X	X	D
Transmission Lines for Utilities	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
Vehicle Dealers, Repair, and Services																	
@ Automatic Car Wash										X	S	X	X		X	X	D
@ Parking Lot										X	X	X	X	X	X	X	D
@ Truck Service Center										X		X	S		X	X	D
Automobile Body Shop & Painting												S	S		S	X	D
Automobile or Motorcycle Sales												X	X		X	X	D
Automobile Parts Supply												X	X		X		D
Automobile Repair, Service Station										X	S	X	X		X	X	D
Mobile Home, Travel Trailer, Camper Sales & Service												X	S		X	X	D
Parking Garage												X	X	X	X	X	D
Passenger Car Rental										S		X	X		X	X	D
Storage & Dismantling of Disabled Vehicles																X	D
Tire, Battery & Accessory Dealers										S	S	X	X		X		D
Truck Sales, Rental, Leasing, Repair												X	X		X	X	D

ORDINANCE NO. 2013- 03

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
WHITESTOWN, INDIANA**

Zoning Ordinance Amendments for Technical Amendments of the PUD Ordinances
PC12-021-TA

WHEREAS, the Petitioner, the Whitestown Plan Commission, seeks to amend the Whitestown Zoning Ordinance; and

WHEREAS, pursuant to Indiana Code § 36-7-4-607, the Whitestown Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 7 to 0 vote, on January 14, 2013; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on January 15, 2013; and

WHEREAS, pursuant to Indiana Code § 36-7-4-607, the Town Council of the Town of Whitestown, having considered the application and the recommendation of the Whitestown Plan Commission, now adopts the proposal and approves the text amendments, all as hereinafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

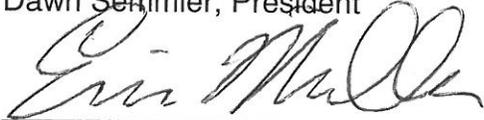
- Section 1.** That the Applicant is the Whitestown Plan Commission.
- Section 2.** That the Applicant seeks to amend the text of the Whitestown Zoning Ordinance to make technical amendments to the existing PUDs that were originally adopted under the jurisdiction of Boone County, but have since been annexed into the Town of Whitestown. In addition, update the cross-references within the PUDs to identify the entities, departments, and documents that currently have jurisdiction and govern the subject PUDs. The language Applicant seeks to amend is attached hereto as **Exhibit A** and incorporated herein by reference.
- Section 3.** That the Town Council of Whitestown has paid reasonable regard to the comprehensive plan; current conditions and the character of structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.
- Section 4.** That the Town Council hereby adopts/rejects the proposal of the Whitestown Plan Commission as certified, and hereby adopts/rejects **Exhibit A** as an amendment to the Whitestown Zoning Ordinance.

Section 5. In accordance with IC 36-5-2-10, this Ordinance shall be in full force and effect upon its passage.

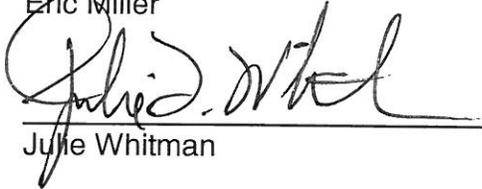
ALL OF WHICH IS ADOPTED this 12th day of February, 2013, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

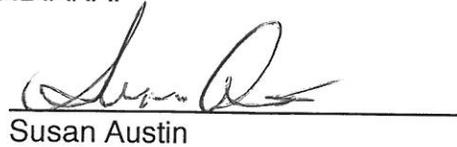
Dawn Semmler, President



Eric Miller



Julie Whitman

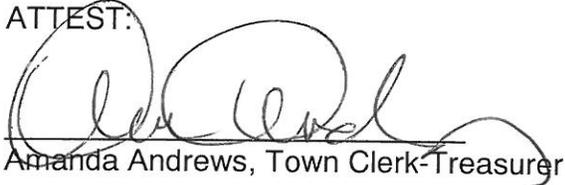


Susan Austin



Kevin Russell

ATTEST:



Amanda Andrews, Town Clerk-Treasurer

Exhibit A

PC12-021-TA PUD Technical Amendments

Highlighted text – delete

Bold text – addition

Golf Club of Indiana PUD Text Amendments (Ord #1999-10)

[NOTE: This document to be attached to the end of the Golf Club of Indiana Ordinance amendments.]

LII. SECTION 1 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

Section 1. Legislative Intent.

Having given reasonable regard to the 1997 Comprehensive Plan and the other matters specified in Article VII, Section D of the Zoning Ordinance, The intent of the **Legislative Body Board** in adopting this Ordinance is (a) to determine that the planned community being proposed which combines single-family residences adjacent to or near The Golf Club of Indiana and assorted commercial uses to serve the area near the Interstate 65 and State Road 334 interchange is a good land use and one which is in the best interests of **the Town Boone County**, (b) to encourage the use of innovative and unique land development techniques in the design of the **Golf Club of Indiana PUD** District, and (c) to insure that the increased flexibility and design specificity regulations over the land development authorized herein are carried out under administrative standards and procedures in a manner consistent with the goals and policies of **the Town Boone County**.

LIII. SECTION 2.1 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

2.1. The Official Zoning Map of **the Town of Whitestown, Boone County, Indiana, a part of the Zoning Ordinance**, is hereby changed to designate the 349.02 acres, more or less, of land located in Perry Township, Boone County, Indiana described on Exhibit A attached hereto (the “**GCI PUD District**”) as a PUD district.

LIV. SECTION 2.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

2.2. Developer shall have the right to seek the joinder of additional parcels of land contiguous to the **GCI PUD** District as part of the District, but such joinder shall occur only upon the approval by the **Legislative Body Board** on such terms and conditions as the **Legislative Body Board** may establish following the written application by Developer and review and recommendation of the **WPCAPC**.

LV. SECTION 2.5 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

2.5. The **WPCAPC**, any of the owners of lots in the District, the Owners Association, or any other affected property owners located in the vicinity of the District shall have the right to initiate litigation in a court of competent jurisdiction to enforce and compel the Developer's compliance with all of the terms and provisions of this Ordinance, except to the extent any such terms or provisions may have been modified in accordance with the procedures of Section 4.

LVI. THE INTRODUCTORY PARAGRAPH OF SECTION 3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

Section 3. Definitions.

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Any word used in this Ordinance which is not defined herein and which is defined in **Article XXVI** of the Zoning Ordinance shall, for the purpose of this Ordinance, have the meaning defined therein, unless the context otherwise requires.

LVII. THE FOLLOWING EIGHT DEFINITIONS AS CONTAINED IN SECTION 3 OF THE GCI PUD ORDINANCE ARE STRICKEN FROM SAID SECTION 3:

- "Accessory Use"
- "Conservation Easement"
- "Department"
- "Development Plan"
- "Development Requirements"
- "Canopy"
- "Parking Space"
- "Understory Tree"

LVIII. THE FOLLOWING THREE DEFINITIONS AS CONTAINED IN SECTION 3 OF THE GCI PUD ORDINANCE ARE AMENDED TO READ AS FOLLOWS [AND ALL REMAINING DEFINITIONS AS CONTAINED IN SAID SECTION 3 ARE NOT AMENDED]:

Landscape Plan. The general design for landscaping in the District as set forth in the Development Plan and any documents filed with the **WPCAPC** in connection therewith.

Subdivision Regulations Control Ordinance. The **Boone County** Subdivision Control Ordinance, or subdivision regulations contained in the **Unified Development Ordinance of Whitestown**, as amended from time to time by the **Legislative Body**.

Zoning Ordinance. The **Zoning Ordinance**, or the zoning regulations contained in the **Unified Development Ordinance of Whitestown**, as amended from time to time

by the Legislative Body.

LIX. SECTION 4.1 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

4.1. **Amendment** Modification of this Ordinance may occur only upon action of the Board following the APC's review and recommendation of the proposed changes in accord with statutory process and **Section XII.B.5.d of the Zoning Ordinance.**

LX. SECTION 4.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

4.2. The **WPCAPC** may, upon the petition of the Developer, the Owners Association or the **WPCAPC** after notice to Developer and opportunity for input on the matter at a public hearing, modify any Development Requirements specified in this Ordinance in accordance with the provisions of this section; provided, however, that any proposed modification of the Declaration may be effective upon satisfaction of the requirements for amendment contained in the Declaration.

LXI. SECTION 4.3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

4.3. Modification of the Development Requirements may only occur with the approval of the **WPCAPC** after a public hearing in accordance with its Rules of Procedure.

LXII. THE INTRODUCTORY PARAGRAPH OF SECTION 4.4 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

4.4. Any proposed modification of the Development Requirements shall be approved only if the **WPCAPC** determines the following criteria have been met:

LXIII. SECTION 4.5 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

4.5. If the **WPCAPC** determines the proposed modification will not have an adverse impact on development in the District or neighboring properties and their owners, it may grant a modification of the Development Requirements. In granting modifications, the **WPCAPC** may impose such conditions as will, in its reasonable judgment, secure the objectives and purposes of this Ordinance.

LXIV. SECTION 7.1 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

7.1. Without the approval of the **WPCAPC**, the gross residential density in the District shall not exceed 1.08 dwellings per acre and the gross residential density in each of the Development Parcels shall not exceed the number of dwellings per acre set forth on the Density and Open

Space Analysis submitted with the preliminary Development Plan.

LXV. SECTION 7.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

7.2. Apartment houses, duplexes, townhouses, row houses and any other form of attached dwellings may not be constructed or located in the District **without the express approval of the Board following a public hearing before and recommendation of the APC.**

LXVI. SECTION 9.3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

9.3. All Streets within the District are to be constructed to the standards of the **Town County Highway Department**, as applicable at the time of construction, for depth and materials and thereafter dedicated for public use and accepted following inspection and acceptance by **Town Boone County** officials. Streets within the District may not be private. No construction of building improvements on any lot may occur prior to approval of the Development Plan by the **WPC APC** and issuance of all other required permits or approvals from any governmental authority.

LXVII. SECTION 9.6 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

9.6. The Owners Association shall establish an adequate reserve fund for the maintenance and repair of the Streets and shall maintain such fund at an amount that is reasonable in relationship to anticipated maintenance and depreciation expenditures. It shall be the responsibility of the Owners Association to bear the cost and responsibility for proper upkeep and maintenance of the Streets in the District, which shall include snow removal and maintenance of all curbs, Street lights, Street signs and storm drainage facilities. Should the Owners Association fail to fulfill such responsibility, after written notice from the **Town County Highway Department** and an opportunity for a hearing before the **Legislative Body Board**, the **Town County** shall have the option of taking, but shall not be required to take, such action and bearing such expense as it deems reasonably necessary to maintain the Streets and related facilities in proper condition and obtain recovery from the Owners Association for the cost of such work.

LXVIII. SECTION 12.4 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

12.4. The Owners Association shall establish an adequate reserve fund for the maintenance and repair of the sidewalks and shall maintain such fund at an amount that is reasonable in relationship to anticipated maintenance and depreciation expenditures. It shall be the responsibility of the Owners Association to bear the cost and responsibility for proper upkeep and maintenance of the sidewalks in the District. Should the Owners Association fail to fulfill such responsibility, after written notice from the **Town County Highway Department** and an opportunity for a hearing before the **Legislative Body Board**, the **Town County** shall have the option of taking, but shall not be required to take, such action and bearing such expense as it

deems reasonably necessary to maintain the Streets and related facilities in proper condition and obtain recovery from the Owners Association for the cost of such work.

LXIX. SECTION 17.15 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

17.15. The buffering standards and details of the Zoning Ordinance and Subdivision **Regulations Control Ordinance** are hereby overridden by the Development Plan approved by the **WPCAPC** for this District. Such plan will be designed, considered and approved with the intention of providing a proper distance and method of screening, if any, between the District and existing or future contiguous land uses. All Buffer areas and their depths shall be specifically designated on the Development Plan. All shall be treated as Landscape Buffers except to the extent all or a portion of the Buffer is designated as an Agricultural Buffer, in which case the special restrictions applicable to Agricultural Buffers shall be in effect in that location.

LXX. SECTION 18.1 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

18.1. All standards for improvement relating to drainage and erosion control contained in the Subdivision **Regulations Control Ordinance, as amended, including the Storm Drainage, Erosion and Sediment Control Ordinance** are hereby expressly incorporated into the provisions of this Ordinance.

LXXI. SECTION 18.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

18.2. Detention and retention basins, headwalls, outlet structures, concrete flow channels, rip rap channels, and other drainage improvements shall be constructed and installed by the Developer in accordance with applicable **Town or County** standards and shall be adequately screened with plant material and/or berms as **Town or County** officials may require.

LXXII. SECTION 18.3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

18.3. All facilities comprising or serving the storm drainage system in the District shall be dedicated to the **Town or County** to become part of its **regulated legal** drain system. All owners of land in the District shall be subject to the payment of all standard maintenance fees applicable thereto.

LXXIII. SECTION 19.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

19.2 The utilities section of the Subdivision **Regulations Control Ordinance** relating to utility design standards, sanitary sewer system, water supply system, and utility easements is hereby expressly incorporated into the provisions of this Ordinance except to the extent such **is are** inconsistent with the details of the approved Development Plan.

LXXIV. SECTION 21.2 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

21.2. Only those terms of the Zoning Ordinance and Subdivision **Regulations Control Ordinance** expressly incorporated herein shall govern development in the District. To the extent of any inconsistency between the terms of this Ordinance and those **regulations ordinances**, the terms of this Ordinance shall govern.

LXXV. SECTION 21.3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

21.3. Development in the District may occur in phases subject to each phase receiving final approval from the **WPCAPC** prior to the commencement of construction.

LXXVI. SECTION 21.5 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

21.5. The Developer may commence construction of improvements in the District at any time after providing to the **WPCAPC** or other applicable **Town or County** department all bonds or other performance guarantees that are required by the Subdivision Control Ordinance and after the final Development Plan is recorded; provided, however, that no residential lot may be conveyed to an intended home occupant until a final plan depicting such lot has been approved pursuant to this Section 21 and recorded and until there has been construction and **Town or County** approval of required infrastructure necessary to serve such lot.

LXXVII. SECTION 21.11 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

21.11 The monuments and markers provisions of the Subdivision **Regulations Control Ordinance** are hereby incorporated into this Ordinance.

LXXVIII. SECTION 21.12 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

21.12. To the extent any damage to the **Streets public roads** in the area of the District, other than unrelated wear and tear, is reasonably found by the **Legislative Body Board** after hearing to have occurred because of construction in the District, the Developer shall reimburse the **Town County** for the cost of repair of such damage or make other arrangements satisfactory to the **Town County** for the repair of such damage.

LXXIX. SECTIONS 22.1 AND 22.2 OF THE GCI PUD ORDINANCE ARE REPEALED.

LXXX. SECTION 22.3 OF THE GCI PUD ORDINANCE IS AMENDED TO READ

AS FOLLOWS:

22.3. Approved modifications of the Development Plan shall be recorded by the Developer in the Office of the Recorder of Boone County, Indiana, within sixty days following the WPC's APC's approval of such modification. Subsequent to recordation, the Developer shall deliver a copy of the recorded modification to the Administrator Department.

LXXXI. SECTION 23 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

Section 23. Improvement Location Permits.

Prior to commencement of construction of any residential dwelling or commercial building in the District (exclusive of any such structure the elevations of which are included in the Development Plan), architectural plans, elevations, site plan and landscaping plan for the proposed structure shall be presented to the WPCAPC as part of the improvement location permit application. No improvement location permits may be issued until and unless the appropriate surety has been posted with and approved by the WPCAPC as required. If the WPCAPC reasonably believes that the proposed structure does not comply with the Development Requirements, it may decline to issue an improvement location permit and shall specifically detail in writing the basis for its belief that the proposed structure does not comply with the Development Requirements. The WPCAPC shall approve, disapprove or approve subject to conditions the referred application after affording the applicant an opportunity to address the matter.

LXXXII. SECTION 24 OF THE GCI PUD ORDINANCE IS AMENDED TO READ AS FOLLOWS:

Section 24. Filing Fees.

The filing Fee Schedule provisions of Table 15 of the Zoning Ordinance, as amended from time to time, shall apply to development in the District.