

**WHITESTOWN, INDIANA**

**2014 GOLF CLUB OF INDIANA**

PLANNED UNIT DEVELOPMENT DISTRICT

ORDINANCE NO. 2014 - \_\_\_\_\_

|

~~July 31~~October 2, 2014

**TABLE OF CONTENTS**

|                        |   |              |           |
|------------------------|---|--------------|-----------|
| <del>Section 1.</del>  | <del>Applicant</del> .....  | <del>X</del> |           |
| <del>Section 2.</del>  | <del>Current and Proposed Zoning</del> .....                          | <del>X</del> |           |
| <del>Section 3.</del>  | <del>Consideration of Proposed Zoning</del> .....                     | <del>X</del> |           |
| <del>Section 4.</del>  | <del>Applicability of Development Requirements</del> .....            | <del>X</del> | <u>3</u>  |
| <del>Section 2.</del>  |   |              |           |
| <del>Section 5.</del>  | <del>Definitions and Rules of Construction</del> .....                | <del>X</del> |           |
| <del>Section 6.</del>  | <del>2014 Golf Club of Indiana PUD Sub-Districts</del> .....          | <del>X</del> | <u>3</u>  |
| <del>Section 3.</del>  | <del>Neighborhood</del>   |              |           |
| <del>Section 7.</del>  | <del>Single-Family Residential Sub-District</del> .....               | <del>X</del> | <u>3</u>  |
| <del>Section 4.</del>  |   |              |           |
| <del>Section 8.</del>  | <del>Multi-family Residential Sub-District</del> .....                | <del>X</del> | <u>4</u>  |
| <del>Section 5.</del>  |   |              |           |
| <del>Section 9.</del>  | <del>Commercial Sub-District</del> .....                              | <del>X</del> | <u>5</u>  |
| <del>Section 6.</del>  |   |              |           |
| <del>Section 10.</del> | <del>Parking and Loading Requirements</del> .....                     | <del>X</del> | <u>6</u>  |
| <del>Section 7.</del>  |   |              |           |
| <del>Section 11.</del> | <del>Landscaping, Bufferyards and Open Space Requirements</del> ..... | <del>X</del> | <u>6</u>  |
| <del>Section 8.</del>  |   |              |           |
| <del>Section 12.</del> | <del>Signage Requirements</del> .....                                 | <del>X</del> | <u>7</u>  |
| <del>Section 13.</del> |   |              |           |
| <del>Section 9.</del>  | <del>Additional Requirements and Standards</del> .....                | <del>X</del> | <u>7</u>  |
| <del>Section 14.</del> |   |              |           |
| <del>Section 10.</del> | <del>Procedural Provisions and Subdivision Requirements</del> .....   | <del>X</del> |           |
| <del>Section 15.</del> | <del>Controlling Developer's Consent</del> .....                      | <del>X</del> | <u>9</u>  |
| <del>Section 16.</del> |   |              |           |
| <del>Section 11.</del> | <del>Violations and Enforcement</del> .....                           | <del>X</del> | <u>10</u> |
| <del>Section 17.</del> | <del>Effective Date</del> .....                                       | <del>X</del> |           |
| <del>Section 12.</del> | <del>Definitions and Rules of Construction</del> .....                | <del>X</del> | <u>10</u> |

**TABLE OF EXHIBITS**

- Exhibit A-1.    Legal Description – 2014 Golf Club of Indiana PUD
- Exhibit A-2.    Map of Legal Description – 2014 Golf Club of Indiana PUD
- Exhibit B.        PUD Exhibit
- Exhibit C.        ~~Development Plan~~ District Map.
- Exhibit D.        Authorized Uses
- Exhibit E.        Subdivision Design Standards
- Exhibit F.        The Golf Club of Indiana Planned Unit Development District (11-22-1999).
- Exhibit EG.       Whitestown Zoning Ordinance – Effective 7-31-2014.
- Exhibit FH.       Whitestown Subdivision Control Ordinance – Effective 7-31-2014.

ORDINANCE NO. 2014-\_\_\_\_\_

~~AN ORDINANCE AMENDING ZONING MAPS WITHIN THE ZONING ORDINANCE OF THE TOWN OF WHITESTOWN, INDIANA~~

Zoning Map Amendments  
add PC FILE NUMBER

~~WHEREAS, the Petitioner, BHI Retirement Communities, Inc., filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone the real estate legally described in Exhibit A-1 (the "Real Estate") and graphically depicted on Exhibit A-2, including approximately 434.9 acres, more or less in the Town of Whitestown, Indiana, from, from as applicable (i) PUD Ordinance 99-10 - The Golf Club of Indiana Planned Unit Development District, AG - General Agriculture, R2 - Low-density Single-family and Two-family Residential and R3 - Medium-density Single-family and Two-family Residential to (ii) PUD - The 2014 Amended Golf Club of Indiana Planned Unit Development District (the, "2014 Golf Club of Indiana PUD District"); and~~

~~WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined its recommendation, by a \_\_\_-\_\_\_ vote, on (add DATE); and~~

~~WHEREAS, the Whitestown Plan Commission certified its recommendation to the Whitestown Town Council on (add DATE); and~~

~~WHEREAS, pursuant to IC §36-7-4-1500 et seq., 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 this 2014 Golf Club of Indiana PUD District, all as hereinafter set out, (i) as an amendment to the Zone Map, (ii) determines that all~~  
Section 1. Applicability.

Section 5.1 Applicability of the ordinance. All prior ordinances or parts thereof inconsistent with any provision of this 2014 Golf Club of Indiana District ordinance and its exhibits are hereby made inapplicable to the use and development of the Real Estate and (iii) determines that all. All prior commitments and restrictions applicable to the Real Estate shall be null and void and replaced and superseded by this 2014 Golf Club of Indiana District Ordinance, ordinance.

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

Section 1.2

~~Section 1. Applicant.~~ That the Applicant is BHI Retirement Communities, Inc.,

~~**Section 2. Current and Proposed Zoning.** That the Applicant seeks to have the Real Estate, which is currently located in the (i) PUD - The Golf Club of Indiana Planned Unit Development District as depicted on Exhibit B, (ii) AG - General Agriculture, (iii) R2 - Low density Single-family and Two-family Residential and (iv) R3 - Medium density Single-family and Two-family Residential Districts rezoned to the 2014 Golf Club of Indiana PUD District.~~

~~**Section 3. Consideration of Proposed Zoning.** That the Town Council of Whitestown has paid reasonable regard to the Comprehensive Plan; current conditions and the character of current 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. Applicability of Development Requirements.** Development in the 2014 Golf Club of Indiana District shall be governed entirely by (i) the provisions of this 2014 Golf Club of Indiana District ordinance and its exhibits, and (ii) those provisions of the Zoning Ordinance and Subdivision Control Ordinance specifically referenced in this 2014 Golf Club of Indiana District Ordinance.~~

~~**Section 5.2. Definitions and Rules of Construction.**~~

~~**Section 5.1 General Rules of Construction.** The following general rules of construction and definitions shall apply to this 2014 Golf Club of Indiana District ordinance:~~

- ~~A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.~~
- ~~B. Words used in the present tense include the past and future tenses, and the future the present.~~
- ~~C. The word "shall" indicates a mandatory requirement. The word "may" indicates a permissive requirement.~~

~~**Section 5.2 Definitions.** The definitions (i) of the capitalized terms set forth below in this Section 5.2, as they appear throughout this 2014 Golf Club of Indiana Ordinance, shall have the meanings set forth below in this Section 5.2 and (ii) of all other capitalized terms included in this 2014 Golf Club of Indiana Ordinance and not defined below in this Section 5.2, shall be the same as set forth in the Zoning Ordinance.~~

~~**Commercial Sub-District:** What is identified on the Development Plan/ District Map as "Commercial".~~

~~Controlling Developer: Shall mean BHI Retirement Communities, Inc., until such time as BHI Retirement Communities, Inc., transfers or assigns, in writing, its rights as Controlling Developer.~~

~~Density (dwelling units/acre): Density shall be applied to the overall acreage of the Sub-District in which density is being calculated and shall not be calculated on an the basis of an individual Subdivision Primary Plat or parcel(s) of real estate.~~

~~Development Plan / District Map: The District Map attached hereto and incorporated herein by reference as Exhibit C (Development Plan / District Map) is the Development Plan of the Real Estate.~~

~~Development Requirements: Written development standards and any written requirements specified in this 2014 Golf Club of Indiana ordinance, which must be satisfied in connection with the approval of, but not limited to, Development Plans, Primary, Plats, Secondary Plats and Building Permits.~~

~~Model Home: A finished, residential unit, including units in a multi-family structure utilized as an example of a product offered for sale to purchasers by a realtor, builder, developer, or contractor. The dwelling may be furnished but not occupied as a residence while being used as a Model Home.~~

~~Multi-Family Residential Sub-District: What is identified on the Development Plan / District Map as "Multi-Family".~~

~~Open Space: Open space shall comprise a parcel or parcels of land, areas of water, or a combination of land and water, including flood plain and wetland areas, located within the Real Estate and designated as such by the Controlling Developer. Except as otherwise provided herein, open space does not include any area which is divided into individual single family detached Dwelling Lots or streets. Open Space shall include without limitation (i) all landscape areas within commercial uses, (ii) all landscape areas within multi-family uses (iii) and all real estate conceptually identified as "Open Space / Golf Course" on the Development Plan / District Map.~~

~~Plan Commission: The Town's Plan Commission.~~

~~Real Estate: The Real Estate legally described in Exhibit A-1 (Legal Description) and graphically depicted on Exhibit A-2 (Map of Legal Description).~~

~~Sign: Any type of sign as further defined and regulated by this 2014 Golf Club of Indiana Ordinance and the Zoning Ordinance.~~

~~Single-Family Residential Sub-District: What is identified on the Development Plan / District Map as "Single-Family" and the existing Golf Course area as depicted on the Development Plan / District Map, which together comprise all of the area of the Real Estate not included in the Multi-Family Sub-District or Commercial Sub-District.~~

~~Sub-District(s): Any one or any combination of (i) the Single-Family Sub-District, (ii) Multi-Family Sub-District, and the (iii) the Commercial Sub-District as depicted on the Development Plan / District Map or as context requires. The size and configuration of each Sub-District may be enlarged or reduced by up to twenty percent (20%); provided, however, that the maximum number of Dwellings specified in this 2014 Golf Club of Indiana ordinance shall remain unaffected.~~

~~Subdivision Control Ordinance: The Town's Subdivision Control Ordinance, effective as of July 31, 2014 attached as Exhibit F of this 2014 Golf Club of Indiana ordinance for reference.~~

~~Town: The Town of Whitestown, Indiana.~~

~~Zone Map: The Town's official Zone Map corresponding to the Zoning Ordinance.~~

~~Zoning Ordinance: The Zoning Ordinance of Whitestown, Indiana, effective as of July 31, 2014 and attached as Exhibit E of this 2014 Golf Club of Indiana ordinance for reference.~~

**Section 6.** **2014 Golf Club of Indiana Sub-Districts.** The Real Estate shall be divided into three Sub-Districts as depicted on the Development Plan /District Map attached hereto and incorporated herein by reference as Exhibit C (Development Plan / District Map) illustrating the Single-family Sub-District, Multi-Family Sub-District and Commercial Sub-District. The Development Requirements for each Sub-District shall be as specified in this 2014 Golf Club of Indiana ordinance.

**Section 7.** **Single-Family3. Neighborhood Residential Sub-District.** This Sub-District is generally located (i) surrounding the existing Golf Club and (ii) includes the existing Golf Club as depicted on the Development Plan / District Map and permits medium-density single-family and two-family residential uses and Golf Club uses. Development is the in this Sub-District typically ranges from 2 homes to 3 homes per acre. Development in this Sub-District requires connection to public water and public sewer utilities.

Section 73.1 Permitted Uses:

- ~~A. Single-family Dwellings.~~
- ~~B. Two-family Dwellings.~~
- ~~C. Open Space.~~
- ~~D. Model Home(s) Permitted Uses and ~~Temporary Uses.~~~~
- ~~E. Golf and Country Clubs.~~
- ~~F. In addition to the uses noted above in this Section 7.1 all uses listed as permitted by right under the R3 Residential district of the Zoning Ordinance.~~
- ~~G.A. \_\_\_\_\_ Special Exceptions allowed under the R3 Residential district of the Zoning Ordinance subject to the requirement of the Zoning Ordinance are specified in Exhibit D (Authorized Uses).~~
- ~~H.B. \_\_\_\_\_ There shall be permitted as many as, but not more than, 600 Dwellings within the Single-Family Neighborhood Residential Sub-District.~~

Section 73.2 Bulk Requirements:

- A. Maximum Height of Buildings (feet): 35
- B. Minimum Ground Floor Area – one story (sqft): 1,200
- C. Minimum Ground Floor Area – multi-story (sqft): 900
- D. Minimum Lot Width (feet) (measured at Building Line): 50
- E. Minimum Road Frontage (feet): ~~50~~40
- F. Minimum Lot Area (sqft): 6,000 (3,000 for two-family uses on individually platted lots)
- G. Minimum Front Yard Setback (feet): 25
- H. Minimum Side Yard Setback (feet): 5
- I. Minimum Rear Yard Setback for Primary Structure (feet): 20

- J. Minimum Rear Yard Setback for Accessory Structures (feet): 5
- K. Maximum Density (dwelling units/acre): 3 (applied to the overall ~~Single-Family~~ Neighborhood Residential Sub-District)
- L. Minimum Open Space: 30% (applied to the overall Neighborhood Residential Sub-District)
- M. Maximum Lot Coverage: 60%
- N. Minimum Primary Structure Width (feet): 18
- O. Minimum Distance Between Dwelling Units (feet): 10
- P. Whitestown Municipal Utilities for Water and Sewer Required: Yes

**Section 84. Multi-Family Residential Sub-District.** This Sub-District is generally located between the ~~Single-Family~~ Neighborhood Residential Sub-District and the Commercial Sub-District as depicted on the ~~Development Plan /~~ District Map and permits high-density residential uses typically at a density of up to 20 Dwellings per acre. Development in this District requires connection to public water and public sewer utilities.

Section 84.1 Permitted Uses:

~~A. Multi-family Dwellings.~~

~~B. Open Space.~~

~~C. Golf and Country Clubs.~~

A. Permitted Uses and Special Exceptions are specified in Exhibit D (Authorized Uses).

~~D.B.~~ All Uses ~~listed as~~ permitted under the ~~Single-Family~~ Neighborhood Residential Sub-District. Development of ~~Single~~ single-family uses dwellings and two-family ~~uses within the Multi-family Residential Sub-District~~ dwellings shall be subject to the Development Requirements of Section ~~73.2 (Bulk Requirements)~~ of this 2014 Golf Club of Indiana ordinance.

~~E. In addition to the uses noted above in this Section 8.1 all uses listed as permitted by right under the MF Multi-family Residential District of the Zoning Ordinance.~~

~~F. Special Exceptions under the MF Multi-family Residential District of the Zoning Ordinance subject to the requirement of the Zoning Ordinance.~~

~~G.C.~~ There shall be permitted as many as but not more than 400 Dwellings within the Multi-Family Residential Sub-District.

Section 84.2 Bulk Requirements:

- A. Maximum Height of Buildings (feet): 50
- B. Minimum Ground Floor Area – one story (sqft): 700
- C. Minimum Ground Floor Area – multi-story (sqft): 400
- D. Minimum Front Yard Setback (feet): 25
- E. Minimum Side Yard Setback (feet): 10
- F. Minimum Rear Yard Setback (feet): 20
- G. Maximum Density (dwelling units/acre): 20 (applied to the overall Multi-family ~~Family~~ Residential Sub-District)
- H. Minimum Open Space: 30% (applied to the overall Multi-Family Residential Sub-District)
- I. Whitestown Municipal Utilities for Water and Sewer Required: Yes

**Section 95. Commercial Sub-District.** This Sub-District is generally located along Whitestown Boulevard as depicted on the ~~Development Plan~~ District Map and permits most types of business and service uses. Development in this Sub-District requires connection to public water and public sewer utilities.

Section 95.1 Permitted Uses:

~~A. All Permitted Uses listed as permitted by right under the GB (General Business) District of the Zoning Ordinance.~~

~~B.A. \_\_\_\_\_ and Special Exceptions under the GB (General Business) District of the Zoning Ordinance subject to the requirement of the Zoning Ordinance.~~ are specified in Exhibit D (Authorized Uses).

Section 95.2 Bulk Requirements:

- A. Maximum Height of Buildings (feet): ~~75~~50 or four (4) stories, whichever is less
- B. Minimum Road Frontage (feet): 45
- C. Minimum Front Yard Setback (feet): 25
- D. Minimum Side Yard Setback (feet): 10
- E. Minimum Rear Yard Setback (feet): 10
- F. Minimum Open Space: 15% (applied to the overall Commercial Sub-District)
- G. Whitestown Municipal Utilities for Water and Sewer Required: Yes

**Section 106.** **Parking and Loading Requirements.** Parking and Loading on the Real Estate shall comply with the requirements of the Zoning Ordinance.

**Section 117.** **Landscaping, Bufferyards and Open Space Requirements.** Landscaping and Open Space shall be integrated with, and complement other functional and ornamental site design elements, such as hardscape materials, paths, sidewalks, fencing. ~~The Real Estate shall be landscaped per the requirements of the Zoning Ordinance unless otherwise provided below.~~

Section 407.1. A minimum of 150 acres, of the Real Estate shall be allocated to Open Space.

~~Section 10.2. —No bufferyards~~ Section 7.2. A buffer meeting the Type G Bufferyard requirements of the Zoning Ordinance shall be required between the Commercial Sub-District and the Multi-Family Sub-District. No other Bufferyards shall be required between uses internal to the 2014 Golf Club of Indiana District.

Section 7.3. A buffer meeting the Type AG Bufferyard requirements of the Zoning Ordinance shall be required along the perimeter of the Neighborhood Residential Sub-District which is not adjacent to a public street right-of-way. This buffer shall be permitted on individual lots and/or common area open space and shall (i) include a minimum 40' building setback from the perimeter of the Sub-District (ii) allow existing trees to remain and (iii) permit additional landscaping to be planted.

Section 7.4. A buffer meeting the Bufferyard requirements of the Zoning Ordinance shall be required along the perimeter of the Neighborhood Residential Sub-District which is adjacent to an existing public street right-of-way.

~~Section 10.3. Non-pedestrian outdoor trash receptacles~~7.5. Trash receptacles in the Commercial Sub-district shall be completely screened from view by the use of either solid fencing or evergreen vegetation. Such receptacles shall not be visible from the street front or any adjacent residential use during any time of the year.

**Section 128. Signage Requirements.** All ~~signage~~Signs on the Real Estate shall comply with the requirements of the Zoning Ordinance.

**Section 139. Additional Requirements and Standards.**

Section 139.1. Accessory Structures and Uses. All Accessory Structures and Accessory Uses (such as but not limited to Home Occupations) allowed under the Zoning Ordinance shall be permitted in the 2014 Golf Club of Indiana District; provided, however, that any detached accessory building shall have on all sides the same level of architectural features and shall be architecturally compatible with the principal building(s) with which it is associated. All Accessory Structures and Accessory Uses shall be subject to the provisions of the Zoning Ordinance.

Section 139.2. Temporary Uses. All Temporary Uses allowed under the Zoning Ordinance shall be permitted in the 2014 Golf Club of Indiana District subject to the provisions of the Zoning Ordinance.

Section 139.3. Flood Protection. Development of the Real Estate shall be subject to the Flood Protection and Flood Hazard requirements of the Zoning Ordinance.

Section 139.4. Lighting Requirements. All Lighting on the Real Estate shall comply with the requirements of the Zoning Ordinance.

A. Street lighting fixtures shall be shielded, contain sharp cutoffs or otherwise be designed to direct light predominately downward as opposed to laterally.

Section 139.5. Overlay Districts. The Real Estate shall not be subject to any Overlay District of the Zoning Ordinance.

Section 439.6. Radio Communications. Development of the Real Estate shall be subject to the Radio Communications requirements of the Zoning Ordinance.

Section 439.7. Non-Conforming Uses. Development of the Real Estate shall be subject to the Non-conforming use provisions of the Zoning Ordinance.

Section 439.8. Improvement Location Permits. Development of the Real Estate shall be subject to the Improvement Location Permit provisions of the Zoning Ordinance.

Section 439.9. Uses Not Listed. For uses not listed, the Administrator 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 ~~administrator~~ Administrator determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Administrator may refer the request for clarification or classification to the BZA for consideration in accordance with the provisions of the Zoning Ordinance.

Section 439.10 Transportation Plan.

A. Right-of-way widths and cross-sections for all new streets shall meet the requirements of the Whitestown Transportation Plan.

B. The Real Estate shall not be subject to the Transportation Plan as it pertains to the location of proposed thoroughfares. Accommodations shall be made to construct a ~~street~~ Local Street through the Real Estate that connects County Road 650 South with County Road 750 South as generally depicted on the ~~Development Plan~~ District map.

C. Access to Whitestown parkway shall be restricted to a maximum of two (2) driveway access points in addition to any existing or approved public street intersection with Whitestown Parkway.

~~C.D.~~ Development of the 2014 Golf Club of Indiana District shall meet all applicable and related road improvement requirements as identified in and required under the Zoning Ordinance and Subdivision Control Ordinance.

E. Dedication of right-of-way consistent with the Whitestown Transportation Plan shall be made for streets along the perimeter of

the Real Estate at the time of Secondary Plat and/or Development Plan approval.

Section ~~139~~.11.Sidewalks. With respect to streets ~~boardered~~bordered on one side by Open Space, sidewalks internal to the 2014 Golf Club of Indiana District shall not be required on the sides of the street where adjacent to Open Space.

**Section 14. Procedural Provisions.**

~~Section 14~~Section 9.12. Open Space, Anti-monotony and Amenity Center Standards. Subdivision Design Standards including but not limited to Open Space, Anti-monotony and Amenity Center Standards applicable to the Neighborhood Residential Sub-District are included in Exhibit E (Residential Design Standards).

**Section 10. Procedural Provisions and Controlling Developer's Consent.**

Section 10.1.Primary Plat Approval and Secondary Plat Approval. Development of the Real Estate shall comply with the Primary Plat and Secondary Plat requirements of the Zoning Ordinance and Subdivision Control Ordinance, subject to compliance with and amended and modified by all applicable Development Requirements of this 2014 Golf Club of Indiana District ordinance. The Multi-Family Residential and Commercial Sub-Districts may be platted~~and, if platted, these two districts.~~ The Real Estate shall not be subject to the Subdivision Design standards of the Subdivision Control Ordinance.

~~Section 14~~10.2. Open Space, Anti-monotony and Amenity Center Standards

~~Add Open Space, Anti-monotony and Amenity Center Standards applicable to the Real Estate.~~

Section 14.3.Development Plan Approval. Development of the Real Estate shall comply with the Development Plan review and approval requirements of the Zoning Ordinance and shall be subject to compliance with all applicable Development Requirements of this 2014 Golf Club of Indiana District ordinance.

~~Section 14.4~~10.3. Modification of Development Requirements (Subdivision Waiver). The Plan Commission may, after a public hearing,

grant an applicant a waiver subject to the requirements of the Zoning Ordinance and Subdivision Control Ordinance.

Section ~~14.5~~10.4. Variance of Use and Development Requirements: The BZA may authorize (i) Variances of Use and Development Requirements from the terms of the 2014 Golf Club of Indiana District ordinance and (ii) Special Exceptions, subject to the procedure prescribed in the Zoning Ordinance.

Section ~~15.~~10.5. Controlling Developer's Consent. Without the written consent of the Controlling Developer, no other developer, user, owner, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion thereof and, as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the Controlling Developer:

- A. Improvement location permits for any improvements within the Real Estate;
- B. Sign permits for any Signs within the Real Estate;
- C. Building permits for any Buildings within the Real Estate;
- D. Development Plan, Primary Plat or Secondary Plat approval for any part of the Real Estate; and
- E. Any text amendments, variances, modifications of development requirements or other variations to the terms and conditions of this 2014 Golf Club of Indiana District ordinance.

Section ~~16~~11. **Violations and Enforcement.** All violations and enforcement of this 2014 Golf Club of Indiana Ordinance shall be subject to the provisions of the Zoning Ordinance.

Section 12. **Definitions and Rules of Construction.**

Section 12.1 General Rules of Construction. The following general rules of construction and definitions shall apply to this 2014 Golf Club of Indiana District ordinance:

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.

C. The word "shall" indicates a mandatory requirement. The word "may" indicates a permissive requirement.

~~17. Effective Date. This~~ Section 12.2 Definitions. The definitions (i) of the capitalized terms set forth below in this Section 12.2, as they appear throughout this 2014 Golf Club of Indiana Ordinance, shall have the meanings set forth below in this Section 12.2 and (ii) of all other capitalized terms included in this 2014 Golf Club of Indiana Ordinance and not defined below in this Section 12.2, shall be the same as set forth in the Zoning Ordinance.

Controlling Developer: Shall mean BHI Retirement Communities, Inc., until such time as BHI Retirement Communities, Inc., transfers or assigns, in writing, its rights as Controlling Developer.

Density (dwelling units/acre): Density shall be applied to the overall acreage of the Sub-District in which density is being calculated and shall not be calculated on the basis of an individual Subdivision Primary Plat or parcel(s) of real estate.

Development Requirements: Written development standards ~~full force and effect from~~ and ~~after its passage~~ any written requirements specified in this 2014 Golf Club of Indiana ordinance, which must be satisfied in connection with the approval of, but not limited to, Development Plans, Primary Plats, Secondary Plats and ~~upon presentation of proof~~ Building Permits.

District Map: The District Map attached hereto and incorporated herein by ~~Petitioner to the Town that this Ordinance has been recorded.~~ reference as Exhibit C (District Map) is the development plan of the Real Estate.

Model Home: A finished, residential unit, including units in a multi-family structure utilized as an example of a product offered for sale to purchasers by a realtor, builder, developer, or contractor. The dwelling may be furnished but not occupied as a residence while being used as a Model Home.

Open Space: Open space shall comprise a parcel or parcels of land, areas of water, or a combination of land and water, including flood plain and wetland areas, located within the Real Estate and designated as such by the Controlling Developer. Except as otherwise provided herein, open space does not include any area which is divided into individual single-family detached Dwelling Lots or streets. Open Space shall include without limitation (i) all landscape areas within commercial uses, (ii) all landscape areas within multi-family uses (iii) and all real

estate conceptually identified as “Open Space / Golf Course” on the District Map.

Real Estate: The Real Estate legally described in Exhibit A-1 (Legal Description) and graphically depicted on Exhibit A-2 (Map of Legal Description).

Sub-District(s): Any one or any combination of (i) the Neighborhood Residential Sub-District, (ii) Multi-Family Sub-District, and the (iii) the Commercial Sub-District as depicted on the District Map or as context requires. The size and configuration of each Sub-District may be enlarged or reduced by up to twenty percent (20%); provided, however, that the maximum number of Dwellings specified in this 2014 Golf Club of Indiana ordinance shall remain unaffected.

~~-remainder of page left intentionally blank-~~

ALL OF WHICH IS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the Town Council of the Town of Whitestown, Indiana.

~~TOWN COUNCIL OF WHITESTOWN, INDIANA.~~

\_\_\_\_\_  
Eric Miller, President

\_\_\_\_\_  
Dawn Semmler

\_\_\_\_\_  
Susan Austin

\_\_\_\_\_  
Julie Whitman

\_\_\_\_\_  
Kevin Russell

ATTEST:

\_\_\_\_\_  
~~Amanda Andrews, Town Clerk-Treasurer~~Commercial Sub-District: What is identified on the District Map as "Commercial".

Multi-Family Residential Sub-District: What is identified on the District Map as "Multi-Family".

Neighborhood Residential Sub-District: What is identified on the District Map as "Neighborhood Residential" and the existing Golf Course area as depicted on the District Map, which together comprise all of the area of the Real Estate not included in the Multi-Family Sub-District or Commercial Sub-District.

Subdivision Control Ordinance: The Whitestown Subdivision Control Ordinance, effective as of July 31, 2014 attached as Exhibit G of this 2014 Golf Club of Indiana ordinance for reference.

Zoning Ordinance: The Zoning Ordinance of Whitestown, Indiana, effective as of July 31, 2014 and attached as Exhibit H of this 2014 Golf Club of Indiana ordinance for reference.

This Instrument prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, IN 46280.

| GCI PUD 2014 ~~Amendment~~ Ordinance ~~-073014~~ [Draft #3 - 100214](#)

## Exhibit A-1

### Legal Description

---

|                 |               |               |
|-----------------|---------------|---------------|
| Parcel Numbers: | #020-05460-00 | #020-05460-01 |
|                 | #020-02310-00 | #020-02310-01 |
|                 | #020-05110-01 | #020-05980-00 |

Part of the Southeast Quarter of the Southeast Quarter of Section 2, part of the North Half of Section 12 and the Southwest quarter of Section 1, all 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 01 degrees 17 minutes 33 seconds West 2,642.84 feet along the West line of said Northwest quarter to the Northwest corner of said Northwest quarter also being the Southeast corner of said Southeast quarter of the Southeast quarter of said Section 2; thence South 89 degrees 27 minutes 15 seconds West 793.73 feet along the South line of said Southeast quarter quarter; thence North 01 degrees 11 minutes 38 seconds West 330.00 feet; thence South 89 degrees 27 minutes 15 seconds West 524.77 feet parallel with said South line to the West line of said Southeast quarter quarter; thence North 01 degrees 11 minutes 38 seconds West 330.00 feet along said West line; thence North 89 degrees 27 minutes 15 seconds East 1,318.34 feet parallel with said South line to the West line of said Southwest quarter of said Section 1; thence North 01 degrees 12 minutes 30 seconds West 1,995.97 feet along said West line to the Northwest corner of said Southwest quarter; thence North 87 degrees 41 minutes 28 seconds East 1,322.44 feet along the North line of the Northwest quarter of said Southwest quarter to the Northwest corner of the Northeast quarter of said Southwest quarter; thence North 87 degrees 43 minutes 05 seconds East 1,330.83 feet along the North line of said Northeast quarter of said Southwest quarter to the Northeast corner of said Southwest quarter; thence South 00 degrees 51 minutes 40 seconds East 2,685.25 feet along the East line to the Southeast corner of said Southwest quarter also being the Northwest corner of the Northeast quarter of said Section 12; thence North 87 degrees 11 minutes 06 seconds East 1,960.77 feet along the North line of said Northeast quarter to the Northeast corner of the West half of the Northeast quarter of said Northeast quarter; thence South 01 degrees 11 minutes 32 seconds East 1,326.17 feet along the East line of said West half to the Southeast corner of said West half; thence South 87 degrees 33 minutes 58 seconds West 653.96 feet along the South line of said Northeast quarter to the Northeast corner of the Southwest quarter of said Northeast quarter; thence South 01 degrees 10 minutes 17 seconds East 1,321.84 feet along the East line of said Southwest quarter to the Southeast corner of said Southwest quarter; thence South 87 degrees 56 minutes 48 seconds West 1,308.71 feet along the South line of said Southwest quarter to the Southeast corner of said Northwest quarter of said Section 12; thence South 87 degrees 58 minutes 18 seconds West 1,915.54 feet along the South line of said Northwest quarter; thence North 02 degrees 01 minutes 42 seconds West 192.00 feet; thence South 87 degrees 58 minutes 18 seconds West 453.75 feet parallel with said South line; thence South 02 degrees 01 minutes 42 seconds East 192.00 feet to said South line; thence South

87 degrees 58 minutes 18 seconds West 260.00 feet along said South line to the place of beginning, containing 434.338 acres, more or less.

**Exception (1 Ac Triangle Property)**

Part of the West half of the Northwest quarter of Section 12, in Township 17 North, Range 1 East, Perry Township, Boone County, Indiana, more particularly described as follows:

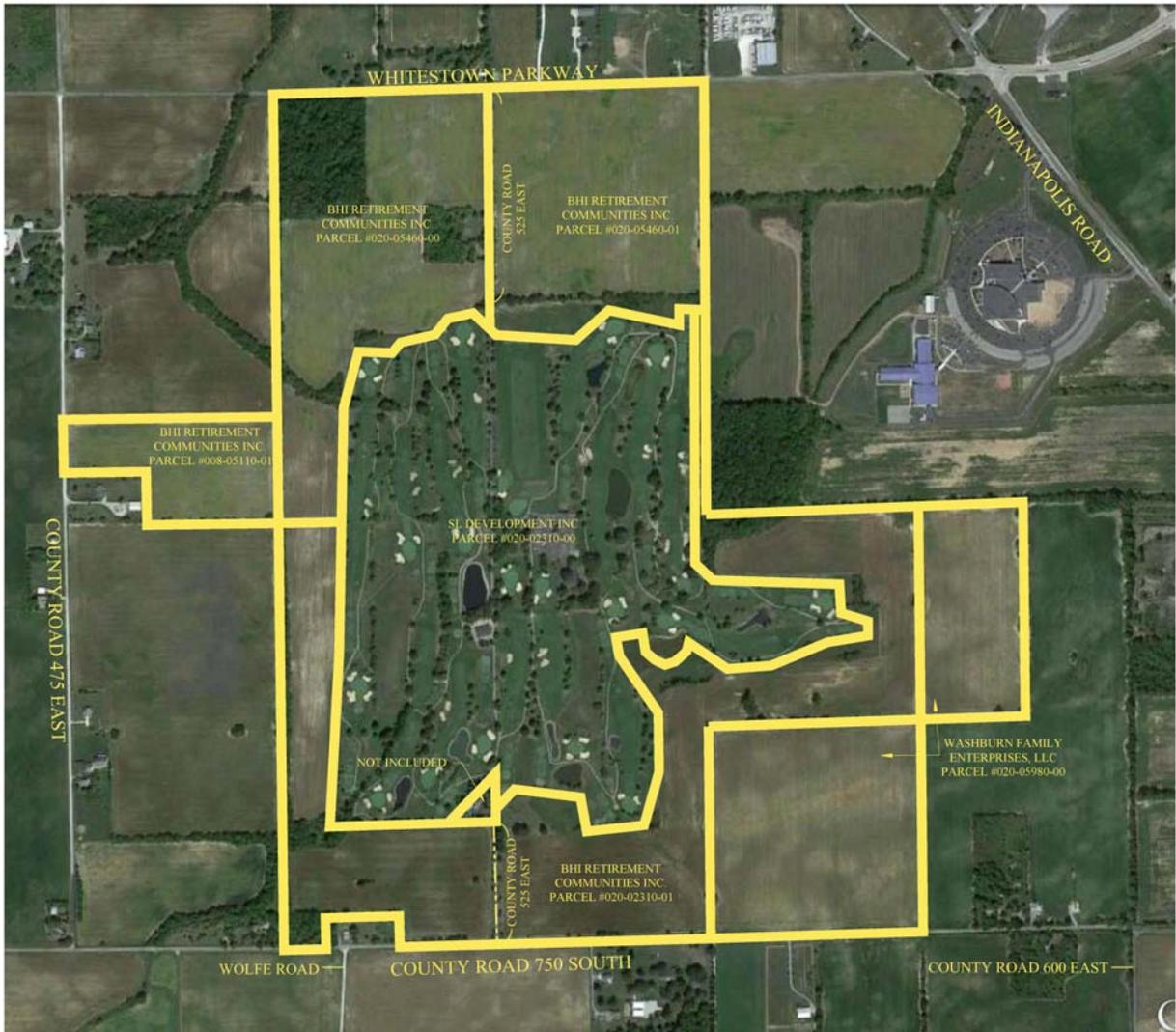
Commencing at the Southwest corner of the Northwest Quarter of said Section 12; thence North 87 degrees 58 minutes 18 seconds West 1,314.64 feet along the South line of said Northwest quarter to the Southeast corner of said West half of said Northwest quarter; thence North 01 degrees 12 minutes 41 seconds West 762.18 feet along the East line of said West half to the Point of Beginning of this description; thence South 87 degrees 41 minutes 35 seconds West 295.96 feet; thence North 43 degrees 14 minutes 56 seconds East 422.65 feet to said East line; thence South 01 degrees 12 minutes 41 seconds East 296.00 feet along said East line to the place of beginning, containing 1.005 acres, more or less.

Containing in all 433.333 acres, more or less.

## Exhibit A-2

### Location of Real Estate

---



# Exhibit B

## PUD Exhibit

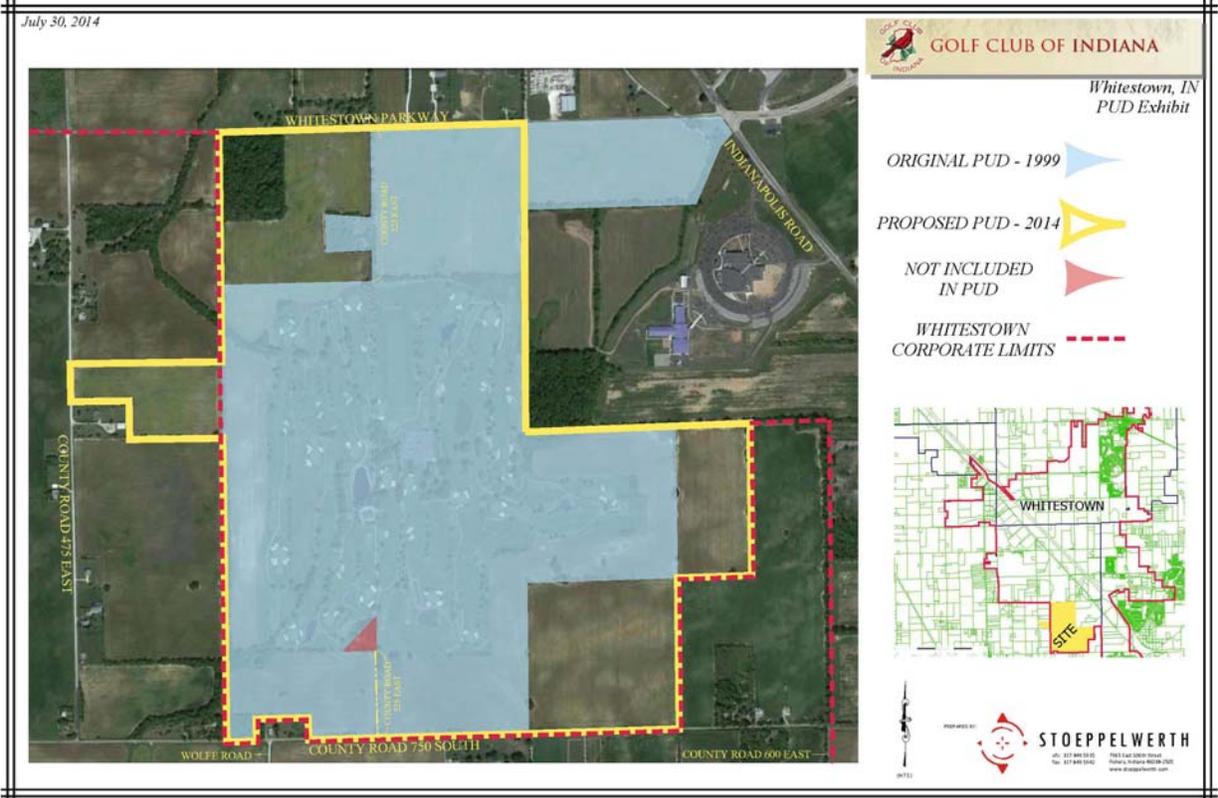
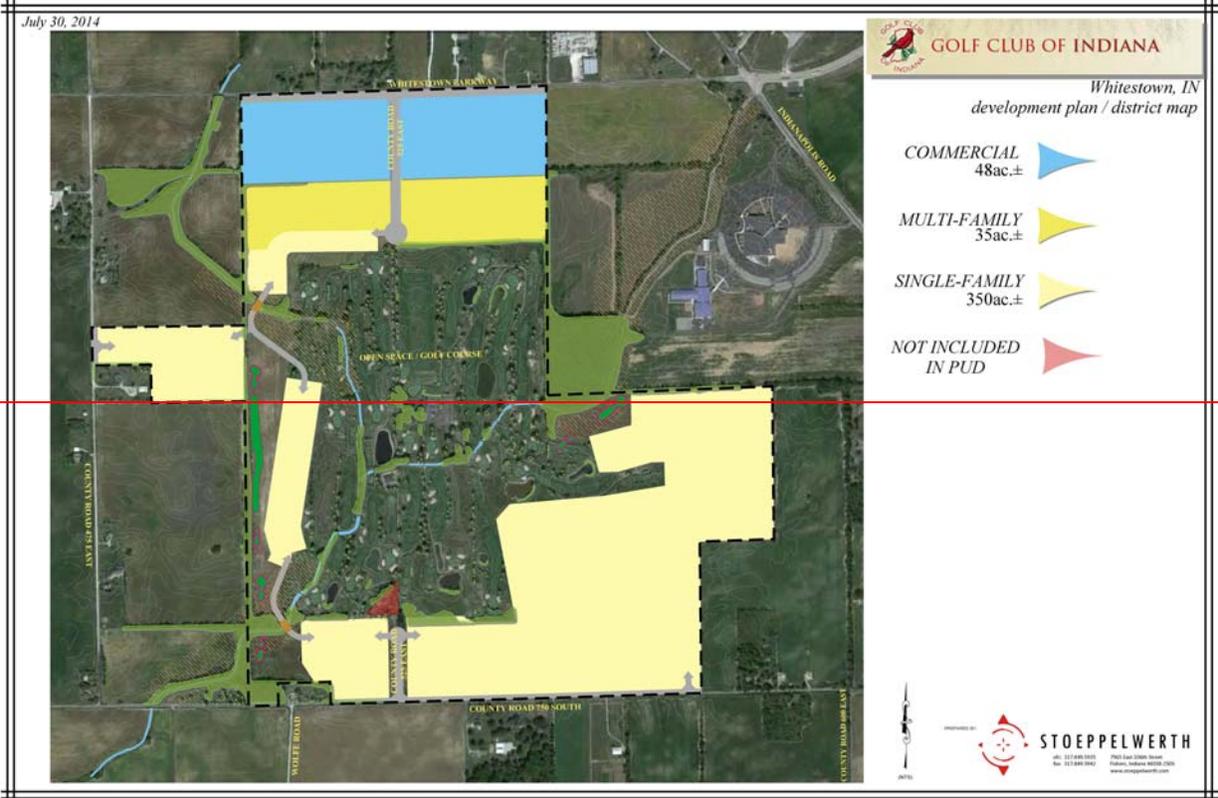


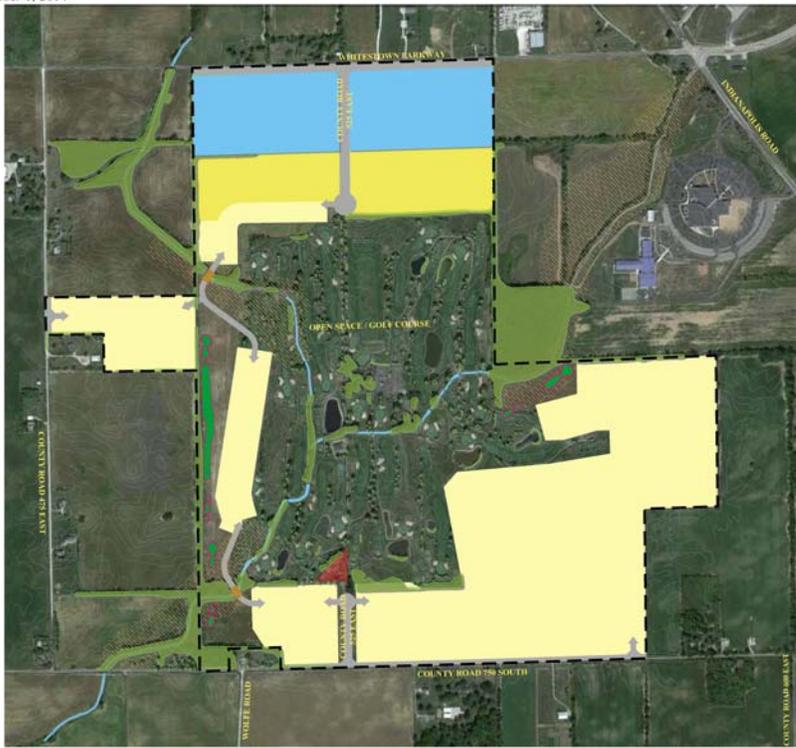
Exhibit C

**Development Plan / District Map**



District Map

October 1, 2014



**GOLF CLUB OF INDIANA**

Whitestown, IN  
District Map

- COMMERCIAL  
48ac± 
- MULTI-FAMILY  
35ac± 
- NEIGHBORHOOD  
RESIDENTIAL  
350ac± 
- NOT INCLUDED  
IN PUD 



**STOEPPELWERTH**  
PLANNING & ARCHITECTURE  
3001 EAST 10000 DRIVE  
INDIANAPOLIS, INDIANA 46240  
PHONE: 317.446.0000  
FAX: 317.446.0002  
WWW.STOEPPELWERTH.COM

## Exhibit D

### Authorized Uses

---

P = Permitted Uses  
SU = Special Exception  
Blank = Not Permitted

|  | <u>Neighborhood</u> |                     |                   |
|--|---------------------|---------------------|-------------------|
|  | <u>Residential</u>  | <u>Multi-Family</u> | <u>Commercial</u> |
| <b><u>Government</u></b>   |                     |                     |                   |
| Municipal or Government Buildings                                    | P                   | P                   | P                 |
| Police, Postal or Fire Station                                       | P                   | P                   | P                 |
| Publicly Owned Park or Recreational Facility                         | P                   | P                   | P                 |
| <b><u>Non-Industrial Farm, Agricultural, Animal Related Uses</u></b> |                     |                     |                   |
| Animal Day Care Facility   |                     |                     | P                 |
| Farm   | P                   | P                   | P                 |
| Hay, Grain and Feed Store  |                     |                     | P                 |
| Kennel, Small  |                     |                     | P                 |
| Plant Nursery  |                     |                     | P                 |
| Roadside Produce Stand   |                     |                     | P                 |
| Veterinary Animal Hospital   |                     |                     | P                 |
| <b><u>Non-profit Membership Organizations</u></b>                    |                     |                     |                   |
| Business Associations  |                     |                     | P                 |
| Charitable Institutions  |                     |                     | P                 |
| Church or Temple   | P                   | P                   | P                 |
| Civic, Social or Religious Organizations                             |                     |                     | P                 |
| <b><u>Recreation, Amusement, Tourism</u></b>                         |                     |                     |                   |
| Bed and Breakfast  |                     |                     | P                 |
| Billiard & Pool Establishments                                       |                     |                     | P                 |
| Bowling Alleys   |                     |                     | P                 |
| Dance Halls, Studios & Schools                                       |                     |                     | P                 |
| Golf & Country Clubs   | P                   | P                   |                   |
| Golf Driving Range & Miniature Golf Course                           |                     |                     | P                 |
| Hotel or Motel   |                     |                     | P                 |
| Indoor Recreation Facility   |                     |                     | P                 |
| Lodge or Private Club  |                     |                     | P                 |
| Motion Picture Theater   |                     |                     | P                 |
| Museum or Art Gallery  |                     |                     | P                 |
| Public Golf Course   | P                   | P                   |                   |
| Skating  |                     |                     | P                 |
| Stable, Public   |                     |                     | P                 |
| Theatre, Outdoor   |                     |                     | P                 |

P = Permitted Uses  
 SU = Special Exception  
 Blank = Not Permitted

|  | <u>Neighborhood</u> |                     |                   |
|--|---------------------|---------------------|-------------------|
|  | <u>Residential</u>  | <u>Multi-Family</u> | <u>Commercial</u> |
| <b><u>Residential</u></b>                        |                     |                     |                   |
| <u>Customary Home Occupation (Accessory Use)</u> | SU                  | SU                  | P                 |
| <u>Day Care Center</u>                           |                     | SU                  | P                 |
| <u>Dwelling – Multi-Family</u>                   |                     | P                   | SU                |
| <u>Dwelling – Single Family</u>                  | P                   |                     | SU                |
| <u>Dwelling – Two-Family</u>                     | P                   |                     | SU                |
| <u>Fraternity, Sorority or Student Housing</u>   |                     | P                   | P                 |
| <u>Group Residential Facility</u>                | P                   | P                   | P                 |
| <u>Major Residential Subdivision</u>             | P                   | P                   | SU                |
| <u>Model Home</u>                                | P                   | P                   |                   |
| <u>Minor Residential Subdivision</u>             | P                   |                     |                   |
| <u>Nursing Home</u>                              |                     | P                   | P                 |
| <u>Temporary Mobile Home</u>                     | P                   | P                   | P                 |

P = Permitted Uses  
 SU = Special Exception  
 Blank = Not Permitted

|   | <u>Neighborhood</u> |                     |                   |
|---|---------------------|---------------------|-------------------|
|   | <u>Residential</u>  | <u>Multi-Family</u> | <u>Commercial</u> |
| <b><u>Retail, Trade, Food Store</u></b>     |                     |                     |                   |
| Cafeteria, Restaurant                       |                     |                     | P                 |
| Candy, Nut & Confectionary                  |                     |                     | P                 |
| Carry Out Restaurant                        |                     |                     | P                 |
| Dairy Products, Health Foods                |                     |                     | P                 |
| Dinner Theater                              |                     |                     | P                 |
| Drive-In Restaurant                         |                     |                     | P                 |
| Fruits & Vegetables                         |                     |                     | P                 |
| Grocery, Bakery, Meat & Fish                |                     |                     | P                 |
| Tavern                                      |                     |                     | P                 |
| Antique Store                               |                     |                     | P                 |
| Apparel Shop, Shoes, Custom Tailoring       |                     |                     | P                 |
| Bait Sales                                  |                     |                     | P                 |
| Bicycle Shops                               |                     |                     | P                 |
| Book & Stationary Store                     |                     |                     | P                 |
| Camera & Photographic Supply                |                     |                     | P                 |
| China, Glassware, Metalware                 |                     |                     | P                 |
| Department Store                            |                     |                     | P                 |
| Drapery, Curtain & Upholstery               |                     |                     | P                 |
| Drug Store                                  |                     |                     | P                 |
| Electrical Supply Store                     |                     |                     | P                 |
| Farm & Garden Supply                        |                     |                     | P                 |
| Floor Coverings                             |                     |                     | P                 |
| Florists, Furriers                          |                     |                     | P                 |
| Gift, Novelty & Souvenir Shops              |                     |                     | P                 |
| Hardware or Variety Store                   |                     |                     | P                 |
| Hobby, Toy & Game Shops                     |                     |                     | P                 |
| Household Appliances, Furniture             |                     |                     | P                 |
| Jewelry Store                               |                     |                     | P                 |
| Liquor Store                                |                     |                     | P                 |
| Lumber & Building Materials Dealer          |                     |                     | SU                |
| Music & Video Stores                        |                     |                     | P                 |
| News Dealers                                |                     |                     | P                 |
| Paint, Glass & Wallpaper Store              |                     |                     | P                 |
| Pet Shops                                   |                     |                     | P                 |
| Plumbing, Heating & Air Conditioning Dealer |                     |                     | P                 |
| Shopping Center                             |                     |                     | P                 |
| Sporting Goods                              |                     |                     | P                 |
| Studio Business                             | SU                  | SU                  | P                 |
| Tobacco Stores                              |                     |                     | P                 |

P = Permitted Uses  
 SU = Special Exception  
 Blank = Not Permitted

**Neighborhood**  
**Residential      Multi-Family      Commercial**

**Services, General**

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

P = Permitted Uses  
 SU = Special Exception  
 Blank = Not Permitted

|   | <u>Neighborhood</u> |                     |                   |
|---|---------------------|---------------------|-------------------|
|   | <u>Residential</u>  | <u>Multi-Family</u> | <u>Commercial</u> |
| <b><u>Services, Medical</u></b>                         |                     |                     |                   |
| Blood Banks   |                     |                     | P                 |
| Clinic  |                     |                     | P                 |
| Convalescent Homes                                      |                     | P                   |                   |
| Hospitals   |                     |                     | P                 |
| Life Care Facility                                      |                     | P                   |                   |
| Medical & Dental Laboratories                           |                     |                     | P                 |
| Medical Office  |                     |                     | P                 |
| <b><u>Services, Personal</u></b>                        |                     |                     |                   |
| Barber Shop, Beauty Shop                                |                     |                     | P                 |
| Mortuary  |                     |                     | P                 |
| Photographic Studio                                     |                     |                     | P                 |
| Reducing & Health Salons                                |                     |                     | P                 |
| <b><u>Utilities, Transportation, Communications</u></b> |                     |                     |                   |
| Wireless Communication Facility                         |                     |                     | SU                |
| <b><u>Vehicle Dealers, Repair &amp; Services</u></b>    |                     |                     |                   |
| Automatic Car Wash                                      |                     |                     | P                 |
| Automobile Body Shop & Painting                         |                     |                     | SU                |
| Automobile or Motorcycle Sales                          |                     |                     | P                 |
| Automobile Parts Supply                                 |                     |                     | P                 |
| Automobile Repair, Service Station                      |                     |                     | P                 |
| Parking Garage  |                     |                     | P                 |
| Parking Lot   |                     |                     | P                 |
| Passenger Car Rental                                    |                     |                     | P                 |
| Tire, Battery & Accessory Dealers                       |                     |                     | P                 |
| Truck Sales, Rental, Leasing, Repair                    |                     |                     | P                 |
| Truck Service Center                                    |                     |                     | P                 |

## Exhibit E

### Subdivision Design Standards

---

A. Open Space and Amenity Center Requirements. Open Space shall be comprised of an approximately one-hundred and 140 acre Golf Course which provides the minimum amenity package for the Neighborhood Residential Sub-District. Additional amenities and Open Space areas shall be added to the Sub-District at the election of the Controlling Developer.

B. Anti-Monotony Requirements.

1. Marginal Access Street Standards. Marginal access street rights-of-way shall be separated from the perimeter thoroughfare right-of-way by a common area at least fifty (50) feet wide. Within the aforementioned common area, the subdivider shall install the same minimum landscaping as is required per the terms of the Bufferyard standards of this 2014 Golf Club of Indiana PUD ordinance.

2. Architectural Design Standards.

a. Garages.

i. The garage on homes constructed on the Real Estate with a two-car front-loading garage shall not exceed sixty percent (60%) of the primary structure's total width.

ii. Homes constructed on the Real Estate with a three car garage shall be allowed to have the front loading garage exceed sixty percent (60%) of the primary structure's total width so long as the following conditions are met:

- The third-car garage will be set at least twelve (12) inches behind the front elevation of the two-car garage or the balance of the primary structure of the home (whichever is most forward).

- If a third car garage or garage bump is elected, so long as it is set back a minimum of twelve inches (12") from the balance of the primary structure of the home, it will not be included in the garage width calculation.

iii. Front loading garages shall be allowed to exceed a four-foot (4') extension past the front of the primary structure of a home

constructed on the Real Estate so long as the following conditions are met:

- If a home, excluding single level or single story homes, has a garage which extends more than six feet (6') in front of the primary structure of the home, at least two (2) windows will be added to the porch facing side facade of the garage.
- A single level or single story home shall not have a garage which extends more than six feet (6') in front of the primary structure of the home.
- No more than fifty percent (50%) of the homes in the Development will have a garage protrusion past the front of the primary structure of the home of over six feet (6'), and none shall protrude more than fourteen feet (14').

iv. Side or Rear-loading Garage. Side and rear-loading garages may encroach up to four (4) feet over the minimum front setback line.

b. Perimeter Lot Standards.

i. Earth mounding shall be installed between the rear lot lines and property lines along the perimeter roads (County Road 750 South and County Road 475 East) that is at least four to six feet (4'-6') in height. The exact design will be coordinated with necessary easements, floodplains, floodways, etc. requirements.

ii. Plantings on mounds will consist of a minimum of ten (10) evergreens at least seven feet (7') tall at time of planting and five (5) deciduous trees at least two inches (2") in caliper at time of planting per one hundred (100) linear feet of frontage.

iii. Where the common area along the perimeter road is greater than one hundred fifty feet (150') between a rear lot line and the right-of-way, two additional trees will be planted in the rear yard of the lot or the common area.

c. Rear or Side Façade. Any rear or side façade of a dwelling that is within zero degrees (0<sup>0</sup>) to forty-five degrees (45<sup>0</sup>) of being parallel to an established perimeter road shall be required to have one (1) of the following:

i. An all-season sunroom at least eleven (11) feet by eleven (11) feet;

ii. An all-brick functional chimney at least two (2) feet offset from the

façade and at least four (4) feet in width (only an option for fiber-cement sided facades); and a wood deck at least one hundred twenty (120) square feet in area;

- iii. A minimum four (4) foot offset from the rear façade over the course of sixty percent (60%) of the rear façade, and parallel to the rear façade;
- iv. A minimum eight (8) foot offset from the rear façade over the course of forty percent (40%) of the rear façade, and parallel to the rear façade;
- v. A minimum of fifty percent (50%) brick or stone on the entire rear elevation. This option is only allowed if the rest of the home has at least fifty percent (50%) brick on its elevations;
- vi. A screened-in porch at least nine (9) feet deep and twelve (12) feet wide incorporated into the architecture of the structure; or
- vii. Planting two (2) additional canopy trees native to central Indiana in the rear yard in such a manner as to soften the view of the façade. Said trees must be two (2) inch DBH.
- viii. No more than ten percent (10%) of all perimeter lots shall utilize option (g); and no other single option listed above shall be utilized on more than forty percent (40%) of all perimeter lots

d. General Lot Standards.

- i. At least one Model Home shall be constructed as part of the first phase of development of the Neighborhood Residential Sub-District.
- ii. All Model Homes shall have a minimum square footage of two thousand one hundred (2,100) square feet, include a third car garage, and meet the rear facade standards of this Exhibit E, Section B.2.c.
- iii. The approval of consecutive sections shall not be granted until the model home(s) in prior sections are constructed.
- iv. The quantity and location of all model homes to be constructed shall be established by the Controlling Developer at the time of Primary Plat approval.

e. Floor Plan and Façade.

- i. Owner or a builder of homes within the Neighborhood Residential Sub-District shall offer a minimum of eight unique floor plans, each with four facade options.
- ii. Owner or a builder of homes within the Neighborhood Residential Sub-District shall provide evidence that homes follow the below anti-monotony standards with the building application to ensure that:
  - The subject home cannot be of the same elevation of the same plan as homes adjacent to it and across the street from it. It must have a different color package.
  - The subject home cannot be of the same elevation of the same plan as homes two doors down and across the street by one lot. Homes can have the same brick, but cannot have the same color package.
  - The subject home may have the same plan and elevation of homes three doors down and across the street by two lots, but it must be a different color package.
  - The subject home may be identical to homes that are four doors down and across the street by three lots.

f. Windows.

- i. Configuration Requirements: Windows. Any rear or side façade of a primary structure that is within zero degrees (0<sup>0</sup>) to forty-five degrees (45<sup>0</sup>) degrees of being parallel to an established perimeter road shall have enhanced window treatments. Eighty percent (80%) of all windows on a rear or side façade shall be required to have at least one (1) of the following window treatments (or combinations thereof). Windows in brick facades and in sunrooms shall be exempt from this provision.
  - Shutters;
  - Masonry lintel or arch and projecting sill (only an option for brick facades);
  - Decorative head (pediment-shaped, eyebrow, arch, or cornice) and projecting sill;

- Three and one-half (3 ½) inch minimum trim and projecting out from the plane of the siding by at least three-fourths (¾) of an inch;
  - Two (2) inch minimum trim projecting out from the plane of the siding by at least three-fourths (¾) of an inch, and durable wood window boxes.
- ii. Single story homes that have at least seventy (70) square feet of combined total window area shall not be required to comply with the configuration requirements.
  - iii. Two-story homes that have at least one hundred fifty (150) square feet of combined total window area shall not be required to comply with the configuration requirements.
  - iv. Windows less than ten (10) square feet in area will not be counted toward the combined total window area listed above;
- g. Roof System. Single-gable roof design is prohibited. At least forty percent (40%) of the cumulative roof system on the primary structure shall be cross-gables, independent gables, dormers, hips, flat roofs, or similar variation.

C. Fence and Wall Standards.

1. Perimeter lots shall not establish a perimeter fence or wall (a fence on or near the property line) except when it is a single fence type, color, height, and setback from the property line determined by the developer and written into the restrictive covenants. Essentially, all fences for those properties shall be uniform in character and location. Note: Perimeter lots may install fences of their own choosing within the building envelope as long as it meets all other applicable regulations.
2. The structural side of perimeter fences or walls shall be oriented inward toward the subdivision.
3. Under no circumstances shall fences be chain link, wire, privacy fences, or the like. Acceptable fences include ornamental metal, wood split rail, and wood or PVC rail or picket, and the like.

D. Subdivision Lot Landscaping Standards.

1. One (1) street tree per forty (40) linear feet of lot frontage, or fraction thereof shall be planted a minimum of twenty (20) feet on center and maximum of fifty-five (55) feet on center.

2. A deciduous canopy tree shall be required in the rear yard of all Perimeter Lots and may be planted in the side yard instead if the Boone County Surveyor's office indicates that it is not allowed in the rear yard due to easement restrictions.

E. Lot Size Standards.

1. All corner lots shall be twenty-five percent (25%) larger than the minimum lot area and minimum lot width.
2. One (1) of every ten (10) contiguous lots shall be fifteen percent (15%) larger than the minimum lot area.

F. Home Setback Standards.

1. Front Setback Variation. All residential subdivisions shall have variation in the established front setback for primary structures as to avoid a monotonous streetscape. No three (3) homes in a row shall have the same established front setback, and variations shall be in at least one (1) foot increments. For every primary structure that has an established setback beyond the required front setback, another primary structure is allowed to project into the required front setback by the same amount. However, a primary structure may not project forward of the required front setback by more than three (3) feet. Additionally, front porches (allowed projections into the front setback) and variations in rooflines should be used to create the illusion of variations in established front setback.
2. Side Setback. If eighty percent (80%) or more of the primary structures in the development, or phase of the development, will have side-load or rear-load garages, then the development may be a zero lot line development. However, all primary structure separation shall be equal to the aggregate of the required side setback.

G. Home Construction Standards. Homes in the Neighborhood Residential Sub-district shall be constructed in substantial compliance with the following Construction Standards:

1. Vinyl Siding will follow the following
  - a. Minimum thickness of forty-two thousandths of an inch (0.042")
  - b. Vinyl panels shall include a minimum butt or panel projection of three-quarter inch (3/4")
2. OSB or foam sheathing will be used.

3. A rear stoop, patio or deck will be constructed on any home that has a basement.
4. Each home shall have a driveway with a maximum width of sixteen (16) feet at its intersection with the sidewalk in front of the home and a minimum width of sixteen (16) feet at its intersection with the garage of the home. A driveway may flare outward up to two (2) feet on either side of the driveway as it approaches the curb. Nothing in this construction standard shall be construed to prohibit the installation of a driveway in front of a third-car garage as long as the maximum width at the intersection of the driveway with the sidewalk is no greater than sixteen (16) feet.
5. All homes shall utilize one or more of the following roof features on the front façade:
  - a. Change in Roof Ridge Direction
  - b. Change in Roof Ridge Elevation
  - c. Dormer
  - d. Hip Roof Accent
  - e. Reverse Gable
6. All homes will have three-tab, twenty-five (25) year shingles.
7. All homes will have a minimum façade modulation of two (2) feet on the front façade.
8. All homes will have a covered front porch at least twenty (20) square feet in area.
9. All homes will have trim molding.
10. The minimum landscaping for each home will include:
  - a. One (1) deciduous tree at least one and one-half (1.5) inch in caliper
  - b. One (1) crabapple tree at least one and one-half (1.5) inch in caliper
  - c. Eight (8) shrubs – minimum height of eighteen (18) inches
  - d. Landscape beds will be mulched
  - e. Sod in front yard to front corners with seed and straw on side and rear yards. On corner lots, sod will be placed in both yards facing the streets, with the sod to extend on the side of the home from the front yard to the rear of the home.
11. Horizontal exterior trim boards have aluminum drip cap to prevent rotting over time.
12. Housewrap installed on all exterior walls and attic spaces with plastic cap nails. Horizontal seams overlapped six (6) inches and taped continuously to prevent

- tearing in windy conditions. Vertical seams overlapped twelve (12) inches and seams taped.
13. Exterior wall penetrations utilize Quickflash or Fortiseal panels integrated with the housewrap in shingle fashion and taped.
  14. Exterior doors have aluminum drip cap integrated with the housewrap in shingle fashion. Four (4) inch butyl flashing tape installed at header and jambs to create drainage plane with housewrap. Molded pre-formed sill pans installed at thresholds.
  15. Windows installed with integral j-channel and four (4) inch butyl flashing tape installed at header and jambs to create drainage plane with housewrap. Sill flashings with black dam installed to prevent rotting of framing materials around window openings.
  16. Gable End Framing – Minimum 2X4 L brace strongback installed to insure a straight lined truss preventing bowed or distorted siding. Gable ends are pre-sheathed at the truss plant to insure the truss remains straight during installation.
  17. Exterior bearing walls – stud spacing is sixteen (16) inches on center with double 2X top plate.
  18. Roof trusses – top and bottom chords are minimum 2X4 SPF #2. Truss webs are minimum 2X4 SPF #3.
  19. Insulation behind tubs, showers, and fireplaces are protected by thermo-ply sheathing to insure insulation remains in place.