

## Exhibit D

### PLANNED UNIT DEVELOPMENT ORDINANCE

#### I. Intent of the PUD:

Joseph Decuis will operate its agritourism activities under the guidelines established by the State of Indiana.

The intent of this Planned Unit Development Ordinance (PUD Ordinance) is to rezone and establish a plan for the real estate to better allow for uses related to agritourism, preservation, agricultural uses, along with other complimentary uses that are not otherwise permitted in a strictly agricultural zoning district. To allow for future plans for potential growth, and in recognition of the lack of the defined zoning regulations for agritourism in Whitley County, the Applicant is seeking to rezone the real estate to a PUD Ordinance and to have its PUD Plan approved to allow for uses on the Joseph Decuis farm for agritourism activities, preservation, agricultural uses, along with other complimentary uses that are not otherwise permitted in a strictly agricultural zoning district.. The proposed PUD is designed to: (a) combine essential elements of tourism and agricultural land uses; (b) attract members of the public to visit the agricultural operations; (c) to provide recreational, entertainment and/or educational experiences to visitors; and provide complimentary personal services. The PUD will combine uses and development standards from the Whitley County agricultural and commercial zoning districts to accommodate a broad use of activities that fall under agritourism and related activities.

#### II. PUD Definition:

**Agritourism**, for purposes of this PUD Ordinance, shall mean an agriculturally-based commercial enterprise that is conducted for: (a) the enjoyment, education and/or active involvement of visitors; (b) raising the interest in agriculture; (c) promoting learning about how and where food is grown; (d) providing a unique culinary experience and related events; and (e) providing complimentary personal services.

#### III. Duration:

This PUD Ordinance and the PUD Plan shall be recorded against the Real Estate within six (6) months after the date the Whitley County Commissioners adopt the PUD Ordinance. The failure to record this PUD Ordinance and the PUD Plan within this 6-month period (unless otherwise extended in writing by the Plan Director) shall automatically void this PUD Ordinance and the PUD Plan and cause the zoning classification of the Real Estate to revert back to the

AG Agricultural zoning district with all prior Board of Zoning Appeals' approvals.

#### IV. Detailed Planned United Development Plan.

A. Detailed PUD Plan. The detailed PUD Plan consists of five (5) specific areas as shown on attached hereto as Exhibit D-1, which is incorporated herein, and as more particularly set forth herein and below:

1. Agritourism District 1;
2. Agritourism District 2;
3. PUD Agricultural District 1;
4. PUD Agricultural District 2;
5. PUD Agricultural District 3.

#### B. Other Aspects of the Detailed PUD Plan:

1. Boundaries of Lots: Accurate boundaries of all lots are shown on attached Exhibit C and Exhibit D-1.

2. Drainage Plan: There shall be no change in the existing on-site drainage. A material change in the on-site drainage shall comply with the Whitley County Zoning Ordinance.

3. Sewage Disposal Plan: A new sewer has been constructed to serve the Real Estate. The extent there is any new residential development on the Real Estate, such new development will use a county-approved sewer disposal system.

4. Water system plan: All water systems will be by well.

5. Location and Size of Recreational Facilities: All existing recreational facilities are shown on Exhibit C. Any additional recreational facilities that are constructed will require an Improvement Location Permit approval, which will show the construction of the new facility.

6. Perimeter Treatment and Other Site Development Features. All perimeter treatment and site development features are shown on Exhibit C. All traffic will enter from the entrances off of County Road 900 South. Parking is addressed below.

7. Landscape Plan: There will be no change in the existing perimeter landscaping, as shown on Exhibit C.

8. Land Use Plan: All land uses in each district are set forth below.

9. **Development Standards.** All development standards for each district are set forth below.

10. **Sign Plan:** All signs shall comply with the Whitley County Zoning Ordinance.

**C. Permitted Uses in the Agritourism District 1, Agritourism District 2, PUD Agricultural District 2:**

1. **Intent of Districts:** The purpose of the Agritourism District 1, Agritourism District 2 and PUD Agricultural District 2 is to facilitate investment involving improvements to land and structures within the districts, while encouraging agricultural, culinary and education, entertainment and personal service uses. The objective is to offer more flexibility in small business-like uses and to provide incentives for new agritourism development and related uses. The intended result of the districts is to help establish a rural, agrarian and culinary destination with integrated agritourism, entertainment and personal service uses, while maintaining the rural character of the area.

2. **Permitted Uses.** The following uses shall be permitted in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 and all such permitted uses shall be restricted to the areas shown **Exhibit D-1:**

a. **Office Administration** related to agritourism, such as office space and work space for employees to operate the agritourism business.

b. **Overnight Accommodations for Guests,** such as a bed & breakfast;

c. **Agritourism Events,** including culinary events, fundraisers, corporate events, weddings, receptions, agricultural tours, music, photography shoots, entertainment, culinary demonstrations, education programs, culinary programs, fitness events (such as running/walking) and nature related activities (such as birdwatching, monarch habitat tours, wildflower hikes) and art activities including plein air painting;

d. **Agritourism Sales,** such as a farm store, farmer's market, art sales, gifts, souvenirs and books and other agritourism-related sales;

e. Dwelling, Single Family;

f. Barns & Workshops;

g. Agricultural Production processing and storage, including both crops, hay, vegetables, flowers, livestock, beehives and honey production;

h. Riding stables/trails;

j. Vineyard;

k. Butcher Shop/Meat Market, ~~including a slaughterhouse—  
but only for farm animals raised on the real estate.~~

l. Complimentary On-site Personal Services, such as a chapel, fitness services and spa, special lectures and classes, nature hikes, cooking education and classes, art gallery, a garden shop, a flower shop, a gift shop, fitness center/gym, health spa, a yoga studio, a photography studio, a reception/banquet hall, a media/recording studio, crafts, food preparation and processing, gardening, restaurant and food service, tasting and tap room, stage station (for walkers, runners, and bikers), corporate retreats, and other recreational uses.

m. All other uses permitted in the AG Agricultural District, as this zoning district is amended from time to time.

n. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. Floodplain Regulations. All construction of future buildings in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall comply with all floodplain restriction and regulations.

4. Development Standards in Agritourism District 1, Agritourism District 2 and PUD Agricultural District 2:

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2.

5. Parking. All parking for all uses permitted in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall occur within these areas shown on attached Exhibit D-1. Parking may be hard surfaced, gravel or on manicured grass. No parking shall be allowed on any county right of way.

**D. Permitted Uses and District Standards in PUD Agricultural District 1:**

1. **Intent:** The intent of PUD Agricultural District 1 is land conservation and preservation, wildlife habitat, hiking and pedestrian trails, and limited small-scale residential development.

2. **Permitted Uses.** The following uses shall be permitted in the PUD Agricultural District 1 and all such permitted uses shall be restricted to the area shown on **Exhibit D-1:**

- a. Dwelling, Single Family;
- b. Riding stables/trails;
- c. Tree Farms;
- d. Wild life habitat;
- e. All other uses permitted in the PR (Parks and Recreation) District, as this zoning district is amended from time to time.
- f. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. **Floodplain Regulations.** All construction of future buildings in the Agritourism District 1, Agritourism District 2, and PUD Agricultural District 2 shall comply with all floodplain restriction and regulations.

4.. **Development Standards in Agritourism District 1:**

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the PUD Agricultural District 1.

**E. Permitted Uses and District Standards in PUD Agricultural District 3:**

1. **Intent:** The intent of PUD Agricultural District 3 is for farming, including crop production and the raising of livestock (but excluding IDEM regulated confined feeding operations) and limited low-density residential development.

2. **Permitted Uses.** The following uses shall be permitted in the PUD Agricultural District 3 and all such permitted uses shall be restricted to the area shown on **Exhibit D-1:**

a. Vineyard;

b. **Agritourism Events,** including culinary events, fundraisers, corporate events, weddings, receptions, agricultural tours, music, photography shoots, entertainment, culinary demonstrations, education programs, culinary programs, fitness events (such as running/walking) and nature related activities (such as birdwatching, monarch habitat tours, wildflower hikes) and art activities including plein air painting;

c. All other uses permitted in the AG Agricultural District, as this zoning district is amended from time to time;

d. Any uses not specifically addressed above shall only be allowed as a special exception approved by the Board of Zoning Appeals.

3. **Floodplain Regulations.** All construction of future buildings in the Agritourism District 3 shall comply with all floodplain restriction and regulations.

4. **Development Standards in Agritourism District 3:**

a. Except as otherwise set forth in the PUD Ordinance, all Development Standards in AG Agricultural District in the Whitley County Zoning Ordinance, as amended from time to time, shall apply to the PUD Agricultural District 3.