

**Application Requirements for a Planned Unit Development**

Section 6.4(A) of Whitley County Zoning Ordinance states that an application for rezoning to PUD shall include or incorporate by reference the following for preliminary and secondary review:

1. **Legal description of the property involved in the request;**

*See attached Exhibit A.*

2. **Boundaries of the tract and all existing lots or parcels within the tract;**

*See attached Exhibit C.*

3. **Drawing of the site and adjacent land showing the physical features, topography, drainage ways, regulated drains, easements, water bodies, tree cover, existing buildings, existing land uses, and existing zoning and the relationship of the proposed development to these features;**

*See attached Exhibit C.*

4. **Streets on and in the vicinity of the tract;**

*See attached Exhibit C.*

5. **Ingress and egress to the tract;**

*See attached Exhibit C.*

6. **A listing of all principal and accessory uses and all temporary uses to be permitted in the PUD district, the location of each general land use area proposed to be developed, and the land area to be devoted to each use;**

*See attached Exhibit D.*

7. **Proposed density levels of each residential area;**

~~Residential density will meet the provisions of the Whitley County Zoning Ordinance.~~

*See attached Exhibit D*

8. **Proposed square footage of nonresidential buildings and areas, if any;**

~~The proposed square footage of nonresidential buildings will be the same as the Agricultural (AG) zoning district.~~ *See attached Exhibit D*

9. **Preliminary plan for permanent and temporary signs;**

The existing signage on the real estate shall remain with no changes. All signage shall meet the provisions of the Whitley County Zoning Ordinance. There may be temporary signs placed along 900 South for special events, such as to provide directions for parking and/or for events held on the real estate. See Exhibit D.

10. **Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the official thoroughfare plan of the county;**

Traffic for the existing structures will continue to use County Road 900 South for ingress and egress. Traffic for new structures will be determined in accordance with the Detailed Planned Unit Development Plan submitted within two (2) years of the approval of the PUD Ordinance.

11. **Location of existing or proposed schools, parks and other community facility sites, if any;**

There are no proposed schools, parks or other community facilities ~~in~~ the area surrounding within the PUD.

12. **Time schedule of projected development and any proposed phasing of the project;**

The existing buildings will remain the same; ~~however, there may be expansion of existing buildings and additional new buildings may be constructed over the next ten (10) years.~~ Any expansion of existing buildings or any construction of new buildings or the expansion of existing building will meet be done in accordance with the provisions submitted Detailed Planned Unit Development Plans submitted within two (2) years of the Whitley County Zoning approval of the PUD Ordinance.

13. **An enumeration of covenants, in general terms, proposed to be made a part of the development;**

No covenants are currently proposed as part of the PUD; ~~however, the Applicant may make certain written commitments as part the of the future approval of the future Detailed Planned Unit Development Plan.~~

14. **A preliminary analysis of the traffic impact of the development and measures proposed to mitigate traffic problems;**

There will be no significant increase in traffic; with the adoption of the PUD Ordinance. Culinary and agritourism events within the PUD will only be by appointment or reservation. There is ample room for parking

for all events on the real estate. [The Applicant commits to have a traffic impact analysis as part of any Detailed Development Plan submitted after the approval of the PUD Ordinance.](#)

15. **A written narrative describing the relationship and consistency of the proposed development with the comprehensive plan;**

*See attached **Exhibit B.***

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16. **Any other materials or information the commission deems necessary for a fair and complete evaluation of the proposed development.**

Additional information may be presented at the public hearing in support of the PUD [and will be incorporated by reference into the PUD Ordinance.](#)

**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 [tourism](#), agritourism, preservation, agricultural, [and residential](#) uses, along with other [complimentarycomplementary](#) uses that are not otherwise permitted [by-right](#) 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 [complimentarycomplementary](#) 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 [complimentarycomplementary](#) 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 [complimentarycomplementary](#) 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 the preservation of all prior approvals from the Whitley County Board of Zoning Appeals' approvals-Appeals.

**IV. Detailed Planned United Development Plan.**

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

1. Agritourism District 1;
2. Agritourism District 2;
3. PUD Agricultural Conservation District ~~1~~;
4. PUD Agricultural Village 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~~ **B. Permitted Uses in the Agritourism District 1, Agritourism District 2, PUD Agricultural and the Village Commercial District 2:**

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1. **Intent of Districts**: The purpose of the Agritourism District 1, Agritourism District 2 and ~~PUD Agricultural~~the Village District ~~2~~ is to facilitate investment involving improvements to land and structures within the districts, while encouraging a mix of agricultural, culinary ~~and~~, education, entertainment ~~and~~, personal service and residential 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~~the Village District ~~2~~ and all such permitted uses shall be restricted to the areas shown Exhibit D-1 on the attached PUD District Map:

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;~~

~~e~~ b. Agritourism Events, including culinary events, fundraisers, corporate events, weddings, receptions, agricultural tours, ~~music~~outdoor live performances, photography shoots, indoor 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; subject to the development requirements in Section 5 below.

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

~~d. Overnight Accommodations for Guests, limited to:~~

~~1. non-owner-occupied bed and breakfasts~~

2. a boutique hotel not to exceed eight (8) rooms
- e. ~~Dwelling, Single-Family~~Dwellings, limited to:
1. single-family dwellings, with more than one single-family dwelling per lot being permitted;
2. apartments in the same building as non-residential uses, not to exceed two dwelling units per building;
- f. Barns & Workshops;
- g. Agricultural Production processing and storage, including both crops, hay, vegetables, flowers, livestock, beehives and honey production;
- h. Riding stables/trails;
- ji. Vineyard;
- i. \_\_\_\_\_ k. \_\_\_\_\_ Butcher Shop/Meat Market, including a slaughterhouse \_\_\_\_\_ but only for farm animals raised on the real estate;
- k. Reception/Banquet Hall:
- l. ~~Complimentary~~Media/Recording Studio;
- m. Complementary 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, restaurantfood and foodbeverage service, tasting and tap room, stage station (for walkers, runners, and bikers), corporate retreats, and other recreational uses. ~~subject to the following development requirements set forth in Section 5 below.~~
- n. \_\_\_\_\_ mEvents, such as family/corporate outings, private dinners, seasonal tours, weddings and receptions;
- o. 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~~ 3. special exception approved by the Board of Zoning Appeals.

**Special Exceptions.** Unless otherwise permitted by this PUD Ordinance, all special exceptions in the AG Agricultural District, as this zoning district is amended from

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time to time, shall also be special exceptions in these districts, subject to approval by the Whitley County Board of Zoning Appeals.

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

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**45. Development Standards in Agritourism District 1, Agritourism District 2 and ~~PUD Agricultural~~ the Village District 2:**

a. all outdoor live performances and indoor entertainment shall be by prior appointment or invitation only, with no general admission to the public;

b. all live music performances shall not exceed 65 decibels at any neighboring property owner's residence;

c. all outdoor live performances shall end no later than 10:00 p.m. Sunday through Thursday and 11:30 p.m. on Friday through Saturday;

d. complementary personal services are allowed to occur outdoors or within the existing buildings within Agritourism District 1, Agritourism District 2, and the Village District;

e. new residential buildings shall be no less than 950 square feet and shall not exceed 3,000 square feet;

f. ~~a~~ new commercial buildings shall be limited to 5,000 square feet;

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g. mixed-use buildings shall be limited to 7,500 square feet;

h. multiple complementary personal services may be provided within the same building;

i. all complementary personal services shall only be provided by prior appointment or invitation and shall not be open to the general public for walk-in service;

h. temporary signs shall be allowed to provide directions to events and parking on the real estate, provided that all temporary signed shall be removed within 48 hours after the event.

i. 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~~ the Village District 2.

**56. Parking.** All parking for all uses permitted in the Agritourism District 1, Agritourism District 2, and ~~PUD Agricultural~~ the Village District 2 shall occur within these areas shown on attached ~~Exhibit D-1~~ PUD District Map. Parking may be hard surfaced, gravel or on manicured grass. Parking will comply with Section 5.10 of the Whitley County Zoning Ordinance, as amended from time to time. No parking shall be allowed on or within any county right of way. Parking requirements for all new buildings shall be shown in the Detailed Planned Unit Development Plan.

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**7. Detailed PUD Plan for the Platting of Residential Lots within the Village District.** One or more residential lots may be platted within the Village District, subject to the platting provisions of the Whitley County Subdivision Ordinance; provided however, that all such any platted residential lot (i) must have frontage along the existing circle drive within the Village District; (ii) the detailed plan must provide for the maintenance of the area within the oval drive; (iii) must have driveways of at least eight (8) feet; (iv) will have a minimum lot width of at least 100 feet; (v) have a minimum lot area of 10,000 square feet; (vi) will not be required to have frontage along 900 South; (vii) must have a recorded private access easement to 900 South (as defined in the detailed plan) and this private access easement shall be required for a plat committee or plan commission to approve the detailed PUD plan for any such lot or lots. No more than five (5) residential lots shall be platted within the Village District.

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

1. **Intent:** The intent of PUD Agriculturalthe Conservation 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 AgriculturalConservation District 1 and all such permitted uses shall be restricted to the area shown on Exhibit D-1the PUD District Map:

- ~~a. Dwelling, Single Family;~~
- a. Dwellings, including cabins and which also includes multiple dwellings on a single parcel, not to exceed four (4) residential units;
- b. Riding stables/trails;
- c. Tree Farms;
- d. Wild life habitat;
- ~~e.~~
- e. The following Agritourism Events: weddings, photography shoots, education programs, fitness events (such a running or walking) and nature related activities (such as birdwatching, monarch habitat tours and hikes) and art activities, including plein air painting.
- f. 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~~

3. **Special Exceptions.** Unless expressly permitted above, all special exceptions in the PR (Parks and Recreation) shall ~~only~~also be ~~allowed as~~ a special exception ~~approved in~~ the Conservation District subject to approval by the Whitley County Board of Zoning Appeals.

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

4.5. **Development Standards in AgritourismConservation District 1:**

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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~~ AgriculturalConservation 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~~ PUD District Map:

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~~ 3.

Special Exceptions. Unless expressly permitted above, all special exceptions in the AG (Agricultural) shall ~~only also be allowed as a special exception approved special exceptions in the PUD Agricultural District subject to approval~~ by the Whitley County Board of Zoning Appeals.

~~4. Floodplain Regulations.~~ All ~~construction of future buildings development~~ in the Agritourism PUD Agricultural District 3 shall comply with all floodplain restriction and regulations.

~~5. Development Standards in Agritourism the Agricultural 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.

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V. Detailed Planned Unit Development Plan. No future development or construction of new buildings shall occur within the PUD District until the Whitley County Plan Commission has approved a Detailed Planned Unit Development Plan. The Planned Unit Detailed Development Plan, which may include a subdivision plat, shall include the information required by Section 6.4(B) of the Whitley County Zoning Ordinance, as amended. The first Detailed Planned Unit Development Plan for the first phase or section within with the PUD shall be filed within two (2) years of the approval of the PUD Ordinance.

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