

EXHIBIT 3. PUD ORDINANCE

DECEMBER 20, 2022



WESTFALL PLACE
PLANNED UNIT DEVELOPMENT



DEVELOPER
ARBOR HOMES

9225 Harrison Park Court Indianapolis, IN 46216

Table of Contents

- I. Statement of Intent 2
- II. PUD Ordinance 3
- III. Exhibit A - Legal Description 10
- IV. Exhibit B – Concept Plan12
- V. Exhibit C – Area Designations 13
- VI. Exhibit D – Architectural Character-Area A ...14
- VII. Exhibit E - Architectural Character-Area B ...15

Project Narrative:

With the goal of providing quality new housing to Thorntown, Arbor Homes is seeking to rezone approximately 67 acres west of town to a Planned Unit Development (PUD) to construct a new addition of approximately 172 homes. The homes in this new development, Westfall Place, would be a mix of the Arbor and Genesis home series.

The Arbor line includes twelve unique floorplans, both single and two-story, ranging from 1,200 square feet to 3,280 square feet in size, with each having a variety of optional spaces. These spaces include patios, sunrooms, flex rooms, and upgraded bathroom and kitchen layouts. Each floorplan is available in six different elevation styles, such as Tudor, Craftsman, and Traditional. The Genesis line is a detached single-family series targeted towards a more attainable price-point, which is achieved through building efficiencies and site design. Genesis is available in five unique floorplans of two to three stories ranging in size from 1,148 square feet to 1,922 square feet, with each plan being available in a variety of elevation styles. In addition to the overall development being managed by an HOA, the Genesis lots will be subject to additional covenants and restrictions, which includes maintenance of the front yards and fencing.

In addition to the high-quality homes, the project will include constructing approximately a quarter-mile of recreational trails, sidewalk +/-17 acres of open space, and a park with playground equipment and seating. The park is anticipated to be constructed adjacent to Oak Street, and new sidewalks and a quarter-mile recreational trail ensures easy walking and biking access to it for new and residents.

The purpose of the PUD zoning is to facilitate the unique mix of Arbor and Genesis homes with flexible development standards and requirements, which allows for varying residential densities, home sizes, and price points. By providing a diverse range of housing in this area, this addition would alleviate the need for housing across a range of price points. Not only would these new homes allow for new residents to move to Thorntown, it would give existing residents the opportunity to stay within the community as their housing needs change throughout their life. Rezoning to a PUD also provides the opportunity to have dedicated and intentional amenity and park spaces within the development that would serve all Town residents.

Ultimately this development allows for the strategic growth of Thorntown by providing new housing supply for new and existing residents, and allows the Town to take full advantage of the benefits that come with residential growth.

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF THORNTOWN,
BOONE COUNTY, INDIANA AMENDING ORDINANCE NO. _____, THE ZONING
ORDINANCE FOR THE TOWN OF THORNTOWN, INDIANA**

WHEREAS, the Town Council of the Town of Thorntown, Indiana (the “Town Council”), has heretofore adopted Ordinance No. _____ as the Town of Thorntown, Indiana Zoning Ordinance (the “Zoning Ordinance”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the Town of Thorntown, Indiana (the “Town”) is subject to the Zoning Ordinance; and

WHEREAS, the Town Plan Commission (the “Commission”) considered a petition (“Westfall Place PUD”), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”);

WHEREAS, the Commission forwarded Docket _____, after a public hearing held on the ___ day of _____, 20___, to the Town Council with a favorable recommendation by a vote of ___ in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on the ___ day of _____, 20___; and

WHEREAS, the Town Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Thorntown, Boone County, Indiana, meeting in regular session, that the Zoning Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1. The Zoning Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Residential/Planned Unit Development District to be known as the “Westfall Place PUD District” (the “District”). The District’s Base Zoning District shall be Residential, and Overlay District shall be Planned Unit Development.
2. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Zoning Ordinance, as amended and applicable to the Base Zoning District (as defined herein) or Planned Development District, except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance.
3. Except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance, the standards of the Zoning Ordinance applicable to new single-family residential units shall apply.
4. Chapter (“Chapter”) cross-references of this Ordinance shall hereafter refer to the chapter as specified and referenced in the Zoning Ordinance.
5. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Town of Thorntown Zoning Ordinance.

Section 3. Concept Development Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan, attached hereto as **Exhibit B.**

Section 4. Permitted Uses. The permitted uses, as defined by the Town of Thorntown Zoning Ordinance, for the Real Estate are described below.

1. Single-Family Dwellings
2. Residential Accessory Uses and Structures

Section 5. Development Standards. The standards of the Zoning Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance. Lots shall be developed according to the Area Development Standards below as designated by **Exhibit C.** Modifications to **Exhibit C: Area Designations** are permitted as follows: (1) Areas A & B may fluctuate in size and shape to accommodate a lot count change of 20% or less, at the discretion of the Thorntown Planning Director. (2) At the discretion of the Developer, Area B may be developed with lots and homes consistent with Section 5.1 Area A Development Standards and **Exhibit D.**

Section 5.1 Area A Development Standards.

1. **Minimum Lot size:** The minimum Lot size shall be 7,150 square feet.
2. **Lot Widths:** All Lots in the District shall have a minimum width of fifty-five (55’) feet measured at a point twenty-five (25’) feet from the Right-Of-Way.

3. Front Yard Setback: The minimum front yard setbacks shall be twenty-five (25') feet from the Right-Of-Way. However, a varying front setback of 23', 25', and 27' across multiple lots may be permitted when fulfilling Section 5.5 2 Monotonous Block Anti-Monotony.
4. Side Yard Setback: The minimum side yard setbacks for all Lots will be seven (7') feet. Homes with a third-car garage or other garage extension may have the side setbacks reduced to five (5') feet.
5. Rear Yard Setback: The minimum rear yard setbacks shall be fifteen (15') feet from the Rear Lot Line.
6. Maximum Lot Coverage. The maximum lot coverage including impervious surface shall be 50% of the total lot.
7. Minimum Finished Floor Area: All dwellings shall have a minimum finished floor area of 1,200 square feet.
8. Minimum Ground Floor Finish Floor Area: The ground floor finished floor area shall be a minimum of 1,200 square feet for a one-story dwelling and 800 square feet for a two-story dwelling.
9. Street Width: All Streets within Area A shall be designed with a Right-Of-Way of fifty (50') feet.

Section 5.2 Area B Development Standards.

1. Minimum Lot size: The minimum Lot size shall be 3,200 square feet.
2. Lot Widths: All Lots in the district shall have a minimum width of forty (40') feet as measured at a point twenty-five (20') feet from the Right-Of-Way.
3. Front Yard Setback: The minimum Front Yard setback shall be twenty (20') feet.
4. Side Yard Setback: The minimum Side Yard setbacks for all Lots will be five (5') feet.
5. Rear Yard Setback: The minimum rear yard setbacks shall be ten (10') feet from the Rear Lot Line.
6. Maximum Lot Coverage. The maximum lot coverage including impervious surface shall be 55% of the total lot.
7. Minimum Square Footage: All dwellings shall have a minimum finished floor area of 1,100 square feet.
8. Minimum Ground Floor Finish Floor Area. The ground floor finished floor area shall be a minimum of 530 square feet.
9. Alley Width: The Alley within Area B shall be a minimum of sixteen (16') feet in width within a sixteen (16') feet Right-Of-Way.

10. **Street Frontage:** In Area B, lots abutting on the alley shall be considered street frontage along the Alley. A lot line along the alley Right-Of-Way is considered a front property line. A yard between the Alley Right-Of-Way and the front building line of the lot is considered the front yard

Section 5.3 General Development Standards

1. **Minimum Open Space:** The minimum open space shall be 20% of gross acreage.
2. **Sidewalks:** All sidewalks shall be a minimum of five feet (5') width.
3. **Street Trees:** Developer shall provide 1 canopy tree for every 50 linear feet of Right-Of-Way. This requirement does not apply to the Alley located in Area B.
4. **Amenities:** A community park with parking, playground, and seating area, an eight (8') wide asphalt trail, and a central site amenity shall be installed as generally depicted in **Exhibit B.**
5. **Homeowners Association (HOA):** The Developer shall be responsible for establishing a Homeowners Association (HOA) for the PUD. This HOA shall be responsible for the maintenance of the common areas including detention ponds, open space, and private amenities.
6. **Prohibited Plant Species:** The plant species listed on Tables 1 and 2 shall be prohibited within the PUD.

| Table 1: Prohibited Trees | | |
|--|-----------------------------|-------------------------------------|
| Common Name | Scientific Name | Negative Feature (s) |
| American Elm (Disease resistant varieties of American Elm are acceptable.) | Ulmus americana | Insects, disease |
| Ash | Fraxinus | Insects |
| Austrian (Black) Pine | Pinus nigra | Disease prone |
| Autumn Olive | Elaeagnus umbellata | Poor form, disease prone, invasive |
| Black Locust | Robinia pseudocacia | Invasive |
| Boxelder | Acer negundo | Aggressive shallow roots, weak wood |
| Bradford Pear | Pyrus calleryana 'Bradford' | Weak branching, low branches |
| Cottonwood | Populus deltoides | Weak wood, shallow roots, seeds |
| European White Birch | Betula pendula | Insect prone |
| Ginko (female) | Ginko biloba – Female | Fruits, odors |
| Lombardy Poplar | Populus nigra 'Italica' | Insects, disease, short-lived |
| Mimosa | Albizia julibrissin | Invasive |
| Mulberry | Morus species | Fruits, shallow roots, invasive |
| Norway Maple | Acer platanoides | Invasive |
| Princess Tree | Paulownia tomentosa | Invasive |
| Russian Olive | Elaeagnus angustifolia | Poor form, disease prone, invasive |
| Siberian Elm | Ulmus pumila | Weak wood, seeds, shallow roots |
| Silver Maple | Acer saccharinum | Aggressive shallow roots, weak wood |
| Tree of Heaven | Ailanthus altissima | Seeds, suckers, weak wood, invasive |
| White Poplar | Populus alba | Suckers, shallow roots, weak wood, |

| | | |
|---------------|---------------|--------------------------|
| | | invasive |
| Willow | Salix species | Weak wood, shallow roots |

Table 2: Prohibited Shrubs

| Common Name | Scientific Name | Negative Feature (s) |
|--|--|----------------------|
| Bicolor Lespedeza | Lespedeza bicolor | Invasive |
| Black Alder | Alnus glutinosa | Invasive |
| Buckthorn | Rhamnus cathartica, R. frangula | Invasive |
| Bush Honeysuckles (Amur, Morrow, Tartarian) | Lonicera maackii, L. morrowii, L. tatarica | Invasive |
| Privet | Ligustrum | Invasive |
| Multiflora Rose | Rosa multiflora | Invasive |
| Winged Burning Bush | Euonymus alatus | Invasive |

Section 5.4 Development Standards

1. Architectural Anti-Monotony: No two dwellings with the same elevation and exterior color package shall be permitted adjacent to, diagonally, or across from each other
2. Monotonous Block Anti-Monotony: A common area or easement a minimum of thirty (30') feet wide with two (2) deciduous trees shall constitute a break for contiguous lots on the same side of the street within the same block. A varying Minimum Front Yard Setback for contiguous lots may be used in lieu of a thirty (30') foot common area or easement, and shall be randomly set and vary by four (4') feet in two (2') foot increments (23', 25', and 27' setbacks) along the street segment. The random Front Yard Setback shall be illustrated on the Primary and Secondary Plat.
3. Building Massing Anti-Monotony: Chapter 152.70-89, Section 152.72.C.2.C This section shall not apply to this PUD.
4. Maximum Building Height: The maximum building height shall be thirty-five (35') feet.
5. Architectural Character: **EXHIBITS D & E** are incorporated as a compilation of images designed to capture the intended quality and character of structures to be constructed. These images do not represent final design or style of all proposed homes, but instead serve as a sample of homes intended to be constructed with the intent of promoting architectural diversity.
6. Roof Pitch: All Dwellings shall have a minimum pitch of 6:12 on the primary roof structure. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third-car garages with separate roof structures) shall be exempt from this provision.
7. Overhangs: All Dwellings shall have a minimum roof overhang of eight (8") inches on all sides.
8. Shingles: All Dwellings shall have dimensional or architectural grade shingles.
9. Siding: Siding materials may include but are not limited to masonry, wood, fiber cement board, stucco, shakes, board and batten, E.I.F.S, and vinyl (minimum thickness of 0.044 inches).

10. Lighting: All Dwellings shall have at least one (1) dawn to dusk coach light.
11. Windows: All Dwellings within shall have a minimum of two (2) windows on the front and rear facades, with all elevations having eight (8) windows cumulatively. Double windows shall count as two (2) windows.
12. Garages: All dwellings shall have an attached two-car garage.
13. Driveways: All dwellings shall have concrete driveways.
14. Landscaping – Area A. All dwellings located in Area A shall be landscaped with a minimum of one (1) deciduous tree, and four (4) shrubs planted in the front yard of the primary structure. All homes on corner lots shall also include a minimum of one (1) deciduous tree in the side yard facing the side street.
15. Landscaping – Area B. All dwellings located in Area B shall be landscaped with a minimum of one (1) deciduous tree, and three (3) shrubs planted in the front yard of the primary structure.
16. Sod and Seedings: All dwellings shall have sod installed for the primary front yard. Dwellings built on Corner Lots shall have sod installed on all sides having Street frontage.

Section 6. Subdivision of Land. The standards of the Town of Thorntown’s Zoning Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

PASSED AND ADOPTED THIS _____ day of _____, 20__.

THORNTOWN TOWN COUNCIL

Voting For

Voting Against

Abstain

Sara Fairfield

Sara Fairfield

Sara Fairfield

Bruce Burtner

Bruce Burtner

Bruce Burtner

Shawn McClintock

Shawn McClintock

Shawn McClintock

Larry Truitt

Larry Truitt

Larry Truitt

David Williams

David Williams

David Williams

ATTEST:

Koren Gray, Clerk-Treasurer

EXHIBIT A
LEGAL DESCRIPTION

8201 W SR 47, 8205 W SR 47

06-13-34-000-001.001-014, 06-09-03-000-012.000-014

The following described real estate situated in Boone County, State of Indiana:

A part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 19

TRACTS II & III: A part of the Southeast Quarter of Section 34, Township 20 North and a part of the Northeast Quarter of Section 3, Township 19 North, all in Range 2 West, Sugar Creek Township, Boone County, Indiana, described as follows:

Commencing at a capped rebar marking the northeast corner of said Section 3; thence North 89 degrees 16 minutes 58 seconds West 1040.09 feet along the north line of said Section 3 to a 5/8 inch diameter reinforcing steel bar with a yellow plastic cap marked "C.N. Starr/RLS#0159" (hereinafter called a capped rebar set) marking the point of beginning of this description, said point being located at the base of a power pole (west side); thence South 0 degrees 29 minutes 52 seconds West 977.71 feet along the west boundaries of Royal Crossing Subdivision, Westwood Addition Section 2 and Westwood Addition-Part One to a capped rebar set; thence South 89 degrees 47 minutes 35 seconds West 1008.47 feet to a capped rebar set; thence North 0 degrees 29 minutes 52 seconds East 1522.16 feet crossing into said Section 34 to a capped rebar set; thence south 89 degrees 13 minutes 56 seconds East 901.87 feet to a capped rebar set; thence North 0 degrees 34 minutes 42 seconds East 330.00 feet to a cotton gin spike set on the approximate centerline and in the asphalt surface of State Road No. 47; thence South 89 degrees 13 minutes 56 seconds East 100.00 feet along said center line to a cotton gin spike; thence South 0 degrees 34 minutes 42 seconds West 330.00 feet to a capped rebar set; thence South 89 degrees 13 minutes 56 seconds East 6.59 feet to a capped rebar set on the west line of said Royal Crossing Subdivision; thence South 0 degrees 29 minutes 52 seconds West 534.58 feet along said west line to the point of beginning.

Containing 35.883 acres, of which 22.739 acres are in said Section 3 and 13.144 acres are in said Section 34.

8401 W SR 47

06-13-34-000-033.000-014

The following described real estate situated in Boone County, State of Indiana:

Part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 20 North, Range 2 West, of the second Principal Meridian, more particularly described as follows:

Commencing at a point 13 chains, more or less, north of the southwest corner of the Southwest quarter of the Southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence east along said center line Six Hundred Eleven and sixteen hundredths (611.16) feet; thence South Eight hundred seventy-nine (879.00) feet; thence West Six Hundred Eleven and sixteen hundredths (611.16) feet; thence North Eight hundred seventy-nine (879.00) feet to the place of beginning.

Containing 12.33 acres, more or less.

200 Oak Street, 201 Oak Street, 203 Oak Street, 204 Oak Street

06-13-34-000-002.006-015, 06-13-34-000-002.005-015, 06-13-34-000-002.004-015,

06-13-34-000-002.003-015

Lots 1, 2, 3 & 4 in Royal Crossing, a subdivision in Boone County, Indiana, as per plat thereof recorded March 29, 1996 in Plat Book 9, pages 22-23, as Instrument No. 9602673, in the Office of the Recorder of Boone County, Indiana

8405 W SR 47

06-09-03-000-013.000-014

The following described real estate situated in Boone County Indiana:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 2 West of the Second Principal Meridian, more particularly described as follows:

Commencing at a point 858 feet, more or less, north of the southwest corner of the southwest quarter of the southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence East along said center line 611.16 feet; thence south 1,844.04 feet; thence West 612.48 chains to a point in the west line of the Northwest Quarter of the Northeast Quarter of said Section 3; thence north along said west line and the west line of the Southwest Quarter of the Southeast Quarter of said Section 34, 1853.28 feet chains to the place of beginning.

Containing 26 acres, more or less.

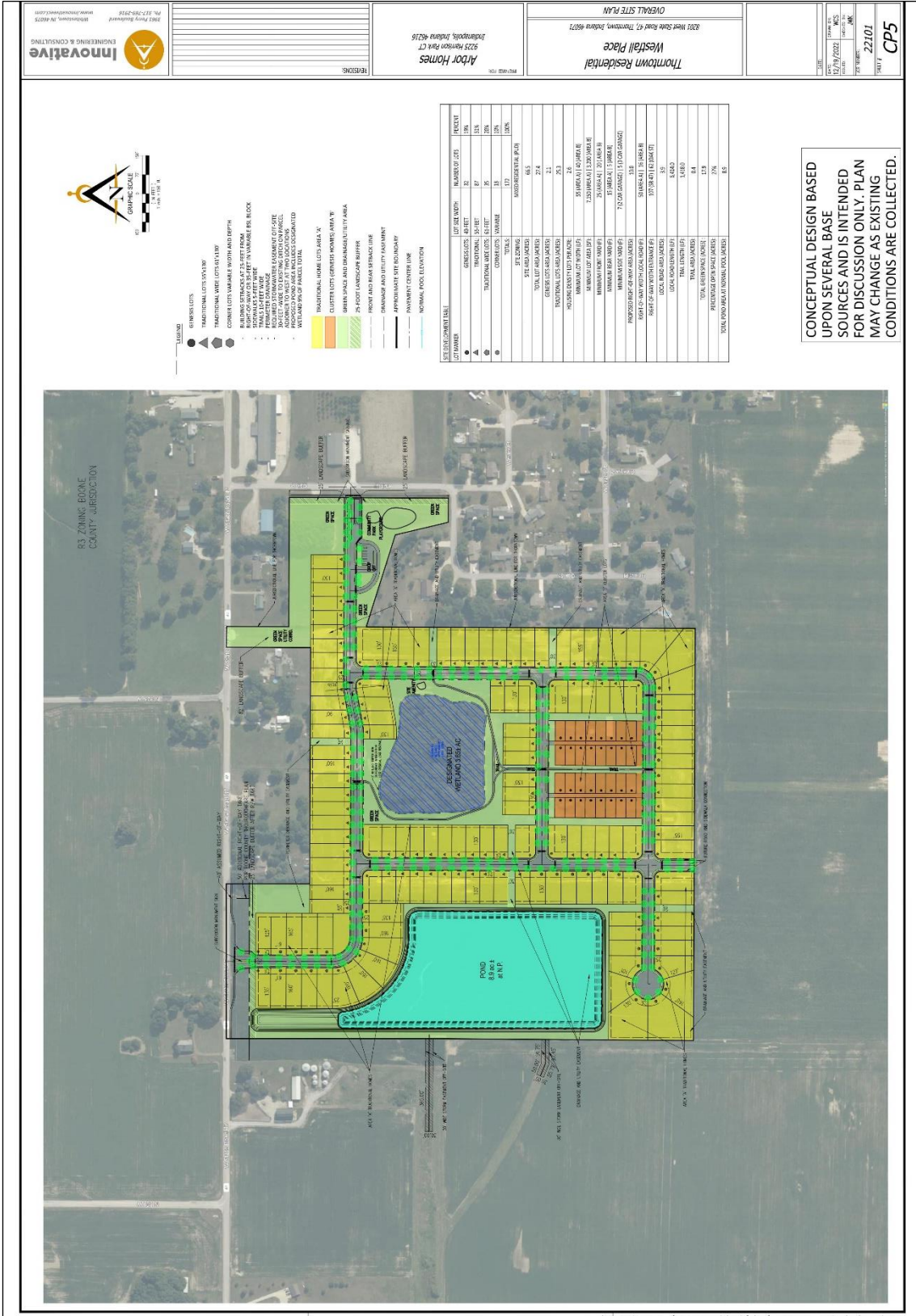
EXCEPT THEREFROM: Part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 20 North, Range 2 West, of the second Principal Meridian, more particularly described as follows:

Commencing at a point 13 chains, more or less, north of the southwest corner of the Southwest quarter of the Southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence east along said center line Six Hundred Eleven and sixteen hundredths (611.16) feet; thence South Eight hundred seventy-nine (879.00) feet; thence West Six hundred Eleven and sixteen hundredths (611.16) feet; thence North Eight hundred seventy-nine (879.00) feet to the place of beginning.

Containing 12.33 acres, more or less.

Containing after said exception 13.67 acres, more or less.

EXHIBIT B CONCEPT PLAN



Innovative
ENGINEERING & CONSULTING
3803 Perry Boulevard
Indianapolis, IN 46219
TEL: 317-781-2928
WWW.INNOVATIVECONSULTING.COM

Arbor Homes
5225 Harmon Park Ct
Indianapolis, Indiana 46216
PRJ: 018-170

Thorntown Residential
Westfall Place
3202 West Side Road 47, Thorntown, Indiana 46207
OVERALL SITE PLAN

SHEET: CP5
PROJECT: 22101
DATE: 11/19/2022
DRAWN BY: JMK
CHECKED BY: JMK

**CONCEPTUAL DESIGN BASED
UPON SEVERAL BASE
SOURCES AND IS INTENDED
FOR DISCUSSION ONLY. PLAN
MAY CHANGE AS EXISTING
CONDITIONS ARE COLLECTED.**

| LOT NUMBER | USE/SETBACK TABLE | LOT AREA (SQ FT) | NUMBER OF LOTS | PERCENT |
|---------------------------------|-------------------|------------------|----------------|---------|
| GENERAL LOTS | | | | |
| TOTAL GENERAL LOTS | | | | |
| TOTAL GENERAL LOT AREA | | | | |
| TOTAL GENERAL LOT PERCENT | | | | |
| TRADITIONAL LOTS | | | | |
| TOTAL TRADITIONAL LOTS | | | | |
| TOTAL TRADITIONAL LOT AREA | | | | |
| TOTAL TRADITIONAL LOT PERCENT | | | | |
| OTHER LOTS | | | | |
| TOTAL OTHER LOTS | | | | |
| TOTAL OTHER LOT AREA | | | | |
| TOTAL OTHER LOT PERCENT | | | | |
| PERCENTAGE OF TOTAL LOTS | | | | |
| TOTAL PERCENTAGE OF LOTS | | | | |
| TOTAL PERCENTAGE OF LOT AREA | | | | |

EXHIBIT C AREA DESIGNATION



EXHIBIT D
ARCHITECTURAL CHARACTER – AREA A



EXHIBIT E
ARCHITECTURAL CHARACTER – AREA B



