

FILED

JUL 16 2015

CITY CLERK

**SPECIAL ORDINANCE NO. 13, 2015
AS AMENDED**

AN ORDINANCE TO RESCIND SPECIAL ORDINANCE NO. 33, 2005, ESTABLISHING A PLANNED UNIT DEVELOPMENT (PUD) IN AN AREA CONTAINING 24 ACRES BORDERED BY OHIO BOULEVARD ON THE NORTH, FRUITRIDGE AVENUE ON THE EAST, POPLAR STREET ON THE SOUTH, AND ADAMS STREET ON THE WEST.

WHEREAS, on July 14, 2005 the Common Council for the City of Terre Haute passed Special Ordinance No. 33, 2005 which approved the establishment of a Planned Unit Development (hereinafter "PUD"). Said PUD (commonly known as Beau Monde) was to be established on approximately 24 acres of land bordered by Ohio Boulevard on the north, Fruitridge Avenue on the east, Poplar Street on the South, and Adams Street on the west; and

WHEREAS, according to the PUD Petition, this PUD was to consist of no more than six (6) structures per acre and such structures were to be a minimum of eleven (11) single family dwellings and fifteen (15) three (3) bedroom single family and/or duplex condominiums with the residential dwellings located along Poplar Street and the condominiums located along Ohio Boulevard; and

WHEREAS, to date, no Preliminary Plan or Final Plan has been submitted for this PUD and the six (6) single family residential dwellings that have been constructed were not constructed consistent with the Petition in that these structures are located along Ohio Boulevard rather than on Poplar Street as depicted in said PUD Petition; and

WHEREAS, due to developer's failure to submit the Preliminary Plan and Final Plan and to complete the PUD consistent with the approved Petition, the PUD designation should be revoked.

THEREFORE, BE IT HEREBY ORDAINED by the Common Council for the City of Terre Haute that Special Ordinance No. 33, 2005 is hereby repealed, the PUD designation is revoked, and the subject property shall retain its R-1 Single Family Residential District zoning classification.

WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Introduced by: Robert All Robert All, Councilman

Passed in open Council this 16th day of July, 2015.

John Mullican John Mullican, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 17th day of July, 2015.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 17th day of July, 2015.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

FILED

JUL 15 2015

CITY CLERK



Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

TERRE HAUTE
NOT ABOVE

Terre Haute • West Terre Haute • Riley • Seelyville

7/14/2015

To: The Honorable Common Council of the City of Terre Haute

Re: Beau Monde (PUD)

Council Members,

Enclosed in this document you will find clear evidence that the Area Planning Department does not and has never approved of the newest proposal from Beau Monde LLC. It was with high hopes of finding a compromise that we welcomed Mr. Lewellyn to the Department a week ago. He proclaimed that the developer would for the most part comply with "Table One" of the original Beau Monde documents. After all, this is only what anyone could possibly ask for at this point. The Department has clearly demonstrated that we would be more than happy to see the vacant property developed. As you know, development of this property would be a net positive for the tax base if done correctly but it could be negative as well. It is one of the core objectives of the Area Planning Department to protect property values and the quality of life of the citizens of Vigo County and Terre Haute.

The Department also realizes that as time goes by the economy shifts and it will affect demand for certain products and this is no different in the housing industry other than the fact that housing is not a need- it is a necessity. This is why you can find on page 10-102 under Planned Unit Development (not Planned Development) of the City Code these statements: "Shall fail to complete the planned development or part thereof, within the period of time agreed upon, then no development or further development shall take place on the property included in the development plan until after the said property has been reclassified by enactment of an amendment to the Zoning District Map," and "If the development of the Planned Unit Development fails to meet the approved development plan at any stage, the Plan Commission or City Council shall initiate proceedings to repeal the Planned Unit Development District, and to rezone the property to the district classification it held immediately prior to being zoned Planned Unit Development. (Gen. Ord. No. 7, 1995, § 1, §1132.03, 10-5-95)". Placing a time limit is a clear message that a PUD is not intended to go through the cyclical economic environment.

The past paragraph alone compels the council to take action. It is found in the Planned Unit Development portion of the City Code. Apparently, Mr. Lewellyn feels the staff is mistaken and one can find this paragraph in the "Planned Development" section only as he was quoted as

saying in the Tribune Star last week. As anyone can see, Mr. Lewellyn has a biased and flawed perspective and may proceed to give a misguided viewpoint due to this flaw.

Last week the staff was lead to believe that Beau Monde LLC was trying to comply with "Table One" with the newest proposal, and we feel it was prudent to use the remaining time prior to your meeting to affirm our official stance since the department wants to see the land built out and be in harmony with the original documents. However, the supporting material submitted to the Department severely lacks this objective and we cannot in good faith recommend at this time that the development continue under the PUD designation.

For example, the new documents submitted to the department show 2 story structures. "Table One" calls for "one story in height" specifically and the staff feels any way to circumvent this by allowing 2 stories (or floors) will breach this self-imposed restriction. I have provided supporting documentation that shows this opinion is in fact true. Second, the total square footage per building in the new proposal is 3,010 square feet. In "Table One" it specifically states the square footage will: "Range in size from 2,200-3,000 square feet." Staff would normally not bring this to light however it shows how badly the developer is willing to push their agenda and disregard the original proposal that everyone has been living by for the past 10 years. Third, "Table One" states: "Fifteen 3 bedroom condominium units are anticipated at present in conjunction with a minimum of eleven single family residential lots". Once again the developer let the staff down and submitted a drawing with 68 duplex rentals. There are 2 apparent breeches of "Table One" in the past statement. Rentals are now the theme instead of condominiums and there are 68 buildings not 15. Once again, I have provided supporting materials showing the definition of a condominium and it is easy to see why there is a major difference between the two. Based on the current proposal there would be no condominiums. Mr. Lewellyn has tried to dispute these facts however enclosed in this document is the American Planning Association's definition of a condominium. This is simple, if you believe only one of the past deficiencies is true, then you are compelled to act and rescind the Beau Monde PUD.

Councilman All's Ordinance to rescind the Beau Monde PUD is an accurate approach that is supported by the City Code and is in alignment with the Area Planning Department Staff's opinion along with their council. Empty threats of a possible lawsuit are baseless and cannot be substantiated; however Councilman All's Ordinance can be. Please do not let the smoke and mirrors tactics and empty threats of a baseless lawsuits cloud your thoughts and adopt Councilman All's Ordinance.



Darren Maher, Executive Director

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Table One

1. Residential density for the entire project will not exceed six (6) structures per acre.
2. All condominium units will be single family or duplex structures not exceeding one story in height and will range in size from 2200-3000 square feet. Traditional single family residential lots will be controlled by covenants to maintain the quality and cohesiveness of the project.
3. The approximate percentage of the project land to be covered by improvements is 20%.
4. Fifteen (15) three (3) bedroom condominium units are anticipated at present in conjunction with a minimum of eleven (11) single family residential lots.
5. The traditional single family lot development will have ingress/egress from Adams Street. The condominium units will access off of Ohio Boulevard in symmetry with existing traffic flow.
6. Condominium unit ownership defined to the exterior wall with all remaining property within the condominium development being common ownership.
7. Adjacent properties are residential in nature.
8. It is anticipated that all utility services will be accessed from Adams Street and extended by developer throughout the project area.

Council, developer at odds over housing plans

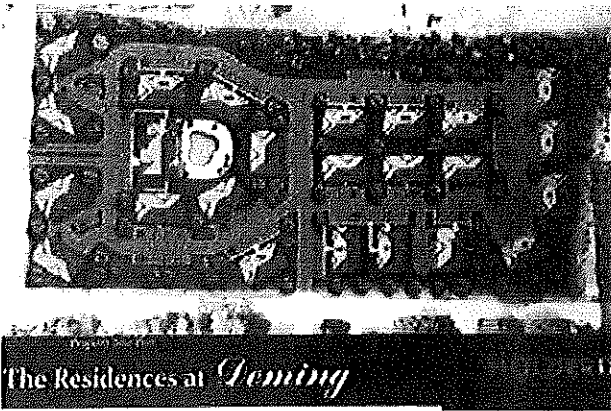
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Issue expected to come back before council next week

Story

Print

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Eastside apartment plan deemed 'major' change

Proposed plans for about 15 acres of land across from the southwest corner of Deming Park.

Posted: Thursday, July 9, 2015 10:55 pm

By Nick Hedrick/Tribune-Star

"It's been 10 years, and there's been no other development whatsoever, as far as where the condominiums were supposed to be," Felling said.

The city also claimed the planned unit development should be rescinded because Beau Monde failed to submit a preliminary plan and final plan, and development had not materialized within six months of approval.

Jeff Lewellyn, Beau Monde's attorney, disputed the six-month time limit, because that applies to a planned development, not a planned unit development, he said.

"They are two different creatures, two different zoning classifications," Lewellyn said.

He said the planned unit development could not have been established without the preliminary or final plans.

• In a special call before the regular meeting, the council approved several tax abatement compliance documents from Sony DADC. Tax abatements for Crawford Industries and EBC were revoked because the companies are no longer in business.

Reporter Nick Hedrick can be reached at 812-231-4232 or nick.hedrick@tribstar.com. Follow Nick on Twitter @TribStarNick.

lot or parcel of real estate from which the facility extends; and (2) during visits by the guests, for temporary docking of water craft owned by and registered to guests visiting the owner or occupant of the lot or parcel of real estate from which the facility extends. (*Anne Arundel County, Md.*)

A boat-docking facility associated with a subdivision or similar residential area or with condominiums, apartments, or other multifamily dwelling units. Community pier does not include a private pier or a mooring. (*Anne Arundel County, Md.*)

■ **pier, recreational** (*See also water-enjoyment use*) A pier, dock, or wharf used by a residential community, including guests, for crabbing, fishing, sunning, swimming, and similar activities, but not for boating. (*Anne Arundel County, Md.*)

■ **piehead line** A line established to define the bayward limit for piers and float-type structures. (*Newport Beach, Calif.*)

■ **piggery** (*See also farm, hog; feedlot*) Any parcel or premises where five or more weaned hogs are maintained. (*Hawaii County, Hawaii*)

■ **pilings** Vertical poles, concrete bars, or other materials forming the structural support of a water access structure. (*Southwest Florida Water Management District*)

Foundational structures placed into the earth to secure buildings and other structures. (*Concord, N.C.*)

■ **pit** (*See also borrow pit*) Any excavation, depression, or hole in the ground, natural or artificial, from which sand, gravel, rock, aggregate, clay, or similar materials are being or have been dug, mined, extracted, or quarried. (*San Juan Capistrano, Calif.*)

■ **place** An open, unoccupied space other than a street or alley, permanently reserved as a principal means of access to abutting property. (*Dewey Beach, Del.*)

■ **plan** (*See also area plan; comprehensive plan; concept plan; congestion management plan; functional plan; general plan; implementation plan; improvement plan;*

landscaping plan; land-use plan; master plan; neighborhood plan; specific plan; strategic plan; subdivision plan; transportation plan)

A document, adopted by an agency, that contains, in text, maps, and/or graphics, a method of proceeding, based on analysis and the application of foresight, to guide, direct, or constrain subsequent actions, in order to achieve goals. A plan may contain goals, policies, guidelines, and standards. (*Growing Smart Legislative Guidebook*)

■ **plan approval** The review and approval of plans for new structures and additions to existing structures, and certain uses in specified zoning districts in order to assure that the intent and purpose of this chapter are carried out. (*Hawaii County, Hawaii*)

■ **plan, city** (*See also comprehensive plan; general plan; master plan*) The official statement of policy by the city planning commission for a desirable physical pattern for future community development. (*Traverse City, Mich.*)

■ **planned commercial development** (*See also commercial district; planned unit development*) An area of minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate commercial areas and other uses incidental to the predominant uses. (*Iowa State University Extension Service*)

A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved site development plan to accommodate more than one commercial use of a more intensive nature beyond that of the neighborhood convenience type and limited to those uses allowed in the general commercial district. (*Palm Beach County, Fla.*)

■ **planned community** (*See also new town*) A large-scale development whose essential features are a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a

single development entity; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association. (*California Planning Roundtable*)

A self-contained complex of residential, commercial, and industrial uses in the form of a planned development in conjunction with a master plan with an interrelated system for transportation, utilities, recreational areas, and other public facilities, all of which constitute a separate community which is at least 640 acres in size. (*Deschutes County, Ore.*)

■ **planned development** A contiguous land area of a minimum size, as specified by district regulation, to be planned and developed using a common master zoning plan, and containing one or more uses and appurtenant common areas. (*Prince William County, Va.*)

An area of land under single ownership containing any combination of two or more principal uses permitted by right or as a conditional use in the district in which the development is proposed, provided that conditional use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed. (*Cumberland, Md.*)

Land, under unified control, to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. May include principal and accessory structures and those uses substantially related to the character and purposes of the planned development. (*Carroll, Ind.*)

The development of an area of land at least 40 acres in size for a number of dwelling units, commercial, or industrial uses, according to a plan which does not necessarily correspond in lot size, bulk, or type of dwelling, density, lot coverage, or required open space to the standard regulations otherwise required by [local code], and usually featuring a clustering of residential units. (*Deschutes County, Ore.*)

A tract of land under single, corporation, partnership, or association ownership,

planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan. (*Concord, N.C.*)

■ **planned neighborhood commercial development** (See also *commercial district*) A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved site development plan to accommodate more than one commercial use of a neighborhood/convenience nature as allowed in the neighborhood commercial district. (*Palm Beach County, Fla.*)

■ **planned unit development (PUD)** A description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development. (*California Planning Roundtable*)

An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified. (*Iowa State University Extension Service*)

A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned unit development provisions of this ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional zoning regulations (such as side yards, setbacks, and height limitations) or land-use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economies in construction, as well as the preservation of open space and the inclusion of many amenities. (*Gunnlee, Ill.*)

An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses: open space, or site circulation for both pedestrians and vehicles, parking, setbacks, housing densities, building spacings, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A Planned Unit Development also includes "cluster developments," which are a development design technique that concentrates buildings in a specific area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas. (*Manly, Minn.*)

A large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land that may be separated only by a street or other right-of-way. (*Oakland, Calif.*)

An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of this ordinance. (*Concord, N.C.*)

■ **planned unit development (PUD) plan** A general plan drawn to scale for development of property requested to be zoned PUD and which identifies at least the use of the property; the intensity of the uses expressed in number and type of dwelling unit; gross square feet in commercial, industrial, or other uses; general location and size of proposed buildings, public and private streets and roadways within and adjacent to the property, access points, parking areas, and the number of spaces; open space to be preserved and open space to be created; general vegetation; legal description; total acreage; graphic scale; and north point. (*Jordan, Minn.*)

A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to

allow flexibility and creativity in site and building design and location, in accordance with general guidelines. (*North Liberty, Iowa*)

■ **planned unit development (PUD) plat** A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording (with the appropriate office). (*Gunnlee, Ill.*)

■ **planner** Under general supervision, performs journey-level professional duties in current or long-range planning and performs related work as required. (*Washoe County, Nev.*)

Commentary: This definition is, of course, actually a job description. This job description and those for Planner I, II, III, and IV are illustrative only and will need to be adapted to local circumstances.

■ **planner I** Performs routine professional work in the handling of a variety of assignments in the Planning and Development Department; does related work as required. Work is performed under the regular supervision of a senior planner. (*High Point, N.C.*)

Researches and analyzes technical data in the field of city planning and assists the public in applying planning and zoning regulations and information to construction and land-use problems; does related work as required. (*Phoenix, Ariz.*)

Under supervision, to perform the less complex professional planning duties involving data collection and analysis, public contact, report preparation, and related duties. (*Pittsburg, Calif.*)

Performs beginning-level professional studies pertaining to current planning problems in the city; does related work as required. (*Aurora, Ill.*)

■ **planner II** Performs responsible professional work in the handling of a variety of assignments in the Planning and Development Department; does related work as required. Work is performed under the general supervision of a senior planner. Supervision may be ex-

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■ **conditional zoning** The attachment of special conditions to a rezoning that are not spelled out in the text of the zoning chapter. Conditions can include restrictions as to use, size, design, and development timing and can be stipulated by the city council as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions. (Conyers, Ga.)

As a part of classifying land . . . into areas and districts [by the municipality] . . . the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zoning district or zone by the overall zoning provisions of this chapter. (Campbell County, Va.)

■ **condominium** (See also *cooperative dwelling, multifamily definitions*) A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of [state and local laws]. (Maph Grove, Minn.)

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Boise City, Idaho)

The ownership of individual dwelling units located on a lot or lots which are owned in common by individual unit owners, or any division of the interests in real property, including easements and leases of over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the fee simple interest in said lot. (Stamington, Conn.)

An estate in real property consisting of an undivided interest in common in a portion of a parcel in real property, together with a separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store. (Santa Rosa, Calif.)

A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property. (South Liberty, Iowa)

A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. (Rock Hall, Md.)

■ **condominium association** The community association which administers and maintains the common property and common elements of a condominium. (Archbold, Ohio)

■ **condominium conversion** The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive occupancy or separate ownership of individual units, including but not limited to condominiums, community apartments, stock cooperatives, or planned unit developments. (Santa Rosa, Calif.)

The development of land and existing structures as a condominium, regardless of the present or prior use of such land or structure and regardless of whether substantial improvements have been made to such structures. (Sedona, Ariz.)

■ **condominium, detached** (See also *townhouse*) A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in such a manner that clearly defined condominium lots are not created. (Beverly Hills, Calif.)

■ **condominium document** The master deed, recorded pursuant to the [state act], as amended, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner of the condominium. (Muskegon, Mich.)

■ **condominium lot** That portion of the land area of a site condominium project designed and intended to function

similar to a platted subdivision purposes of determining minimum setback requirements and other requirements set forth in the zoning ord (Beverly Hills, Calif.)

■ **condominium project** A project consisting of not less than 10 condominium units established in accordance with [state law]. (Beverly Hills, Calif.)

■ **condominium site** A condominium project containing or designed to contain structures or other improvements (residential, commercial, office, business or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive right of use of a volume of space within which a structure or structures may be constructed as a condominium unit as described in a deed. A site condominium, which is constructed as an alternative to a plat subdivision, may also be referred to as a site condominium subdivision and is considered as equivalent to a plat subdivision for the purpose of regulation. (Beverly Hills, Calif.)

■ **condominium site plan** The drawings and related information which pertain to a condominium project and which are required by this ordinance for the subdivision of the village. (Beverly Hills, Calif.)

■ **condominium subdivision plan** The drawings attached to the master deed of a condominium subdivision project which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision project as the nature, location, and size of the common elements. (Muskegon, Mich.)

■ **condominium subdivision** A division of land on the basis of minimum ownership, which is not subject to the provisions of the [ordinance] or successor act. Any "condominium unit" or portion thereof, consisting of a portion of land shall be equivalent to the minimum lot size for the purposes of determining the minimum lot size, minimum setback requirements and other requirements set forth in the zoning ordinance of a condominium subdivision project designed and intended to function in accordance with the provisions of this ordinance.

Additional zoning The attachment of special conditions to a rezoning that are spelled out in the text of the zoning order. Conditions can include restrictions on use, size, design, and development and can be stipulated by the council as a means to mitigate potential adverse impacts that could be expected to occur without imposing such conditions. (Conyers, Ga.)

Part of classifying land... into areas districts [by the municipality]... the setting of reasonable conditions governing use of such property, such as conditioning in addition to, or modification of regulations provided for a particular district or zone by the overall zoning provisions of this chapter. (Bell County, Va.)

Condominium (See also cooperative; single-family definitions) A single dwelling or development consisting of individually owned dwelling units and commonly owned and shared areas and facilities, which dwelling or development is subject to the provisions of [state and local laws]. (Maple Grove, Minn.)

State, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of portions. Real estate is not a condominium unless the undivided interests in common elements are vested in the owners. (Boise City, Idaho)

Ownership of individual dwelling units located on a lot or lots which are held in common by individual units or any division of the interests in the property, including easements and covenants for over five years, that have the effect of permitting more than one dwelling unit on a lot without the division of the simple interest in said lot. (Canton, Conn.)

Unit in real property consisting of a divided interest in common in a portion of a parcel in real property, together with a separate interest in the space within the parcel, industrial, or commercial use on such real property such as an apartment, office, or store. (Santa Rosa,

A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property. (North Liberty, Iowa)

A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. (Rock Hill, Md.)

■ **condominium association** The community association which administers and maintains the common property and common elements of a condominium. (Archbold, Ohio)

■ **condominium conversion** The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive occupancy or separate ownership of individual units, including but not limited to condominiums, community apartments, stock cooperatives, or planned unit developments. (Santa Rosa, Calif.)

The development of land and existing structures as a condominium, regardless of the present or prior use of such land or structure and regardless of whether substantial improvements have been made to such structures. (Sedona, Ariz.)

■ **condominium, detached (See also townhouse)** A residential condominium project designed to be similar in appearance to a conventional single-family subdivision, except that the limited common areas are arranged in such a manner that clearly defined condominium lots are not created. (Beverly Hills, Calif.)

■ **condominium document** The master deed, recorded pursuant to the [state act], as amended, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner of the condominium. (Muskegon, Mich.)

■ **condominium lot** That portion of the land area of a site condominium project designed and intended to function

similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the zoning ordinance. (Beverly Hills, Calif.)

■ **condominium project** A plan or project consisting of not less than two condominium units established in conformance with [state law]. (Beverly Hills, Calif.)

■ **condominium site** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may also be referred to as a condominium subdivision and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this ordinance and other ordinances of the village. (Beverly Hills, Calif.)

■ **condominium site plan** The drawings and related information which pertains to a condominium project and is required by this ordinance for the review of the village. (Beverly Hills, Calif.)

■ **condominium subdivision plan** The drawings attached to the master deed for a condominium subdivision project which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision project, as well as the nature, location, and size of common elements. (Muskegon, Mich.)

■ **condominium subdivision project** A division of land on the basis of condominium ownership, which is not subject to the provisions of the [ordinances] or successor act. Any "condominium unit," or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot

width, maximum floor

■ **condominium** a condominium subdivision intended for use as described in the ordinance, which may consist of either a building or a "unit" which is equivalent to the provisions of the minimum maximum floor area

That portion of a site condominium project which is designated for residential use and is shown on the master deed. (Beverly Hills, Calif.)

■ **condominium** line, aqueous, man-made used to connect to the center.

■ **cone of vision** one or more of which are determined by the authority based on the down depth.

■ **conference center** a center for the organization of a conference. The accommodation for the conference center is provided by the general purposes. (Holt)

■ **conform** In compliance with the provisions of the ordinance, which are contained in the ordinance.

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utilized to meet the requirements of the [county or village regulations] or which is restricted from development by a recorded easement for the purpose of storing stormwater. A stormwater storage area may include but is not limited to a stormwater detention easement, stormwater control easement, easement for wetland, and conservation easement. (Clen Ellyn, Ill.)

■ **story** A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story. (Glendale, Ariz.)

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered a story. (Redmond, Wash.)

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. (Ford County, Kans.)

The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters. (Prince William County, Va.)

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that

portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered as a story. (Mora, Minn.)

■ **story, above grade** Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) more than six feet above grade plane; (2) more than six feet above the finished ground level for more than 50 percent of the total building perimeter; or (3) more than 12 feet above the finished ground level at any point. (Concord, N.C.)

■ **story, first** The lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point. (Salt Lake County, Utah)

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, at any point. (Mora, Minn.)

The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story. (Livermore, Calif.)

■ **story, half** A story under a gable, hip, or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than two feet above the floor of such story. (Ford County, Kans.)

A half-story is that part of a between the eaves and the pitched roofs, not for human (Madison, Wisc.)

(1) That portion of a building sloping roof, the wall plates on at least two opposite exterior walls not more than four and one-half feet above the floor of such story, or floor to ceiling height of a basement but only when half or more than half of the floor area is above the floor of such story, or floor to ceiling height of a basement more than half of the floor area) is both a story and a half-story. (Libertyville, Ill.)

The vertical distance from the top of two successive finished floors. (Concord, N.C.)

A space under a sloping roof between the line of intersection of roof with exterior wall face not more than four feet above the top floor level. A half-story containing one or more dwellings shall be counted as a full story. (San Francisco, Calif.)

■ **story, lower-half** (See also a basement) A portion of a building located partly underground, but half or less of its floor-to-ceiling height below the average grade of the ground; a half-story shall be counted as a full story. (Grand Forks, N.Dak.)

■ **story, upper-half** (See also a space under a sloping roof) The vertical distance from the line of intersection of roof with exterior wall face not more than two feet above the floor level of such story. A containing independent apartmenting quarters shall be counted as a full story. (Grand Forks, N.Dak.)

■ **strategic plan** A plan with desirable characteristics to be structured, on-going, decision-making intended to influence outcomes. (State 81 Corridor Council)

A formal plan prepared for a service which examines the current and future needs for the service, and recommended means for meeting identified future needs. (Mont.)

intervals of building width and depth, as a means of breaking up the apparent bulk of a structure's continuous exterior walls. (*Burien, Wash.*)

A measured setback or offset. (*Renton, Wash.*)

■ **building, factory-built** (See *factory-built housing*)

■ **building footprint** The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. (*Renton, Wash.*)

The horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes residences, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade. (*Oakland, Calif.*)

The outline of the total area covered by a building's perimeter at the ground level. (*Boulder County, Colo.; Thornton, Colo.*)

The exterior outline of a structure where it meets the earth. (*Burien, Wash.*)

That portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane. (*Bayfield County, Wisc.*)

■ **building frontage** (See also *facade; ground-floor frontage*) The horizontal linear dimension designated as the primary facade of that portion of a building occupied by a single use or occupancy. A corner tenant will be permitted to use the secondary facade to determine the "building frontage." (*Thornton, Colo.*)

That facade of the building that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this facade. (*Cabot, Ark.*)

Those building elevations that face upon a road or parking area between the building and the road. (*Shasta Lake, Calif.*)

The maximum width of a building measured in a straight line parallel with the

abutting street. (*Clarkdale, Ariz.*)

The building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available. (*Truckee, Calif.*)

The length of any side of a building or store which fronts upon a public street, a customer parking area, or pedestrian mall and which has one or more entrances to the main part of the building or store. (*Temple Terrace, Fla.*)

■ **building frontage build-out** The length of a front building facade compared to the length of the front lot line, expressed as a percentage. (*Austin, Tex.*)

■ **building group** A group of two or more main buildings and any uses accessory thereto, occupying a lot in one ownership and having any yard in common. (*Thurston County, Wash.*)

■ **building height** The overall height of a building as measured from flood level or average sidewalk elevation, whichever is higher, to (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the average height between eaves and ridge for gable, hip, and gambrel roofs. (*Miami, Fla.*)

The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. (*Corham, Maine*)

The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the topmost point of the roof. (*Santa Rosa, Calif.*)

The height of any building shall be the vertical distance of the highest point of the roof or any rooftop deck, fence, railing, widow's walk, or other rooftop struc-

ture or feature above the mean finished grade of the ground adjoining the building. Chimneys, ventilators, antennas, skylights, tanks, bulkheads, or solar panels shall not be considered part of the height of the building if they do not extend more than four feet above the specific height limit. Domes, towers, or spires which are the integral part of churches or religious buildings shall not be subject to these limitations, provided that such features shall in no way be used for living purposes. (*Maynard, Mass.*)

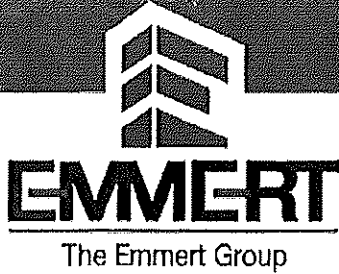
The vertical dimension from the lowest point of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part. Chimneys, vents, or utility service structures shall not be included in the measurement of vertical dimensions. (*Santa Clarita, Calif.*)

Commentary: There are various methods of measuring building height. Some definitions require that the measurement be taken from the average grade level adjoining the building, while others allow measurements from the highest adjoining sidewalk. Definitions also vary in their measurement of terraced buildings and gabled roofs. Some allow measurement to the average height of the gables or terraces, while other measure to the maximum height of any segment of the building.

■ **building height, maximum** A plane parallel to and measured vertically from undisturbed natural ground level above which no part of any building may extend except as provided in [another part of the code] and except that the highest part of a gable, gambrel, hip, shed, or similar pitched roof may extend up to five feet above the specified maximum building height. (*Glenwood Springs, Colo.*)

The additional height allowed in zoning districts if bonus provisions such as interior side yard setback increases, underground or enclosed parking, or other improvements are provided. (*Glen Ellyn, Ill.*)

■ **building, high-rise** (See also *dwelling, high-rise*) A building which exceeds the maximum allowable stories or height in the applicable zoning district and is permitted only by a special use permit. (*Normal, Ill.*)



Date: 7/8/15

Project: Residences at Deming
Bldgs: 2 Family Residential (2 dwellings per bldg.)
Bldg Count: 68 bldgs +/- (136 total units +/-)
Unit Mix: 26- 1 Bedroom units w/Garage
 26- 1 bedroom units no garage
 26- 2 Bedroom units w/Garage
 26- 2 Bedroom units no garage
 16- 3 Bedroom units w/Garage
 16- 3 Bedroom units no garage

1. Proposed project is 4.29 bldgs per acre
2. 2 Story bldg. with a total height of 26' (well below most single story homes located at Beau Monde)
1st floor sq. ft. 1,731 sq. ft.
2nd floor sq. ft. 1,279 sq. ft.
Total sq. ft. 3,010 sq. ft.
3. 68 bldgs and 1 Club House would improve approx. 100,254 sq. ft. 15.84 Acres is 689,040. Thus bldg. improvements would cover 14.5%.
4. Proposed development is 68 bldgs +/- & 1 Club House
5. Proposed development would have ingress/egress from Adams St.
6. Proposed development will contain living units and common space owned by a single entity
7. Proposed development is for 2 dwelling bldgs., they are residential in nature (see attached elevation)
8. Sewer Utility has already been extended by Ragle & Company from Adams Street. Other Utilities are available to this property.