

ORDINANCE NO. 010702A

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF FISHERS, INDIANA - 1980**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES - 1980, ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Ordinance of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map of the Town of Fishers, Indiana, dated November 3, 1980, as amended, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described real estate is hereby zoned as PUD-M also to be further defined as Avalon PUD-M.

SEE "EXHIBIT A," "Avalon Legal Description," ATTACHED HERETO

SECTION 2. PURPOSE AND INTENT

The purpose and intent of the Avalon PUD-M is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the 481 acre site located in and adjacent to the Exit 10 Overlay District.

SECTION 3. LAND USE

The land uses described in Chapter 151 of the zoning code are permitted uses as further defined below:

A. Permitted Residential Uses:

Residential land uses are permitted in the areas illustrated on Exhibit B, "Avalon Conceptual Development Plan" and as described in Exhibit C, "Avalon Development Standards Matrix."

B. Permitted Commercial Uses:

All uses of the C3 zoning classification are permitted, except those listed below that are prohibited.

The following uses are **not** permitted:

Freestanding restaurants with motor vehicle access and equipment for ordering. "Pick up only windows" are permitted
Gas stations, nightclubs, taverns and billiard parlors
Automobile service, sales and repair
Car washes

SECTION 4. DEVELOPMENT STANDARDS

All Development Standards as defined in the Exit 10 Overlay District are used as the basis for the standards applicable in this section. Each sub-zoning area is defined on Exhibit C attached hereto as the "Avalon Development Standards Matrix" and also further described by the following minimum standards:

A. All Residential Standards:

- (1) Streets shall have sidewalks and street trees on both sides of the street. Street trees shall be placed approximately 35 feet on center in a planting strip between the street and sidewalks. The planting strip shall be a minimum of four feet wide. Trees shall be a minimum two-inch caliper as measured twelve inches from the ground. Trees shall be deciduous and selected from the Town of Fishers approved List of Recommended Species.
- (2) Pedestrian crossings shall be clearly identified by color or texture change, through the use of stamped asphalt or concrete, pavers or paint markings.

- (3) Cul-de-sac islands shall be landscaped with plant material (as referenced in “the Guidebook”).
- (4) Any lots abutting 126th Street, Olio Road or State Road 238 shall have 20 feet of common area, adjacent to the thoroughfare or right-of-way. This common area shall not be used as part of utility easements. This common area shall contain an opaque screen of either a wall or fence of ornamental block, brick, metal or wood, or an earthen berm, in combination with shrubs. A minimum of fifty percent of the shrubs shall be evergreen. Evergreen or deciduous trees shall be planted at a rate six trees per 100 lineal feet and may be evenly spaced or clustered. This tree requirement is in addition to the street tree requirement. These improvements shall be provided by the developer or Homeowners Association.
- (5) All detached single family residences shall have a minimum two car garage.
- (6) The height of accessory structures shall be limited to fifteen (15) feet.
- (7) Lot coverage shall not exceed 35 percent and shall include buildings, parking areas and all other impervious surfaces.
- (8) All detached single family lots shall have a minimum depth of 120 feet.
- (9) Corner lots shall be deemed to have two (2) front yards, therefore, the front yard landscaping and fencing requirements apply to both street frontages on corner lots.
- (10) Front yard fences shall be limited to 42 inches in height and shall be a minimum of 50 percent open. Fences shall be limited to six feet in all other yards.
- (11) A standard landscaping package shall be included with each home sold. This landscape package shall provide for trees and shrubs around the building. In addition to the street tree requirement, lots greater than 65 feet in width at the setback line shall be planted with at least two (2) trees either deciduous and/or evergreen and a minimum of eight (8) shrubs. The deciduous tree should be of at least 2 inch caliper as measured twelve inches from the ground and the evergreen at least six feet in height. Lots with street frontage less than sixty-five (65) feet shall require one (1) deciduous or evergreen lawn tree of the same dimensions as stated above and a minimum of four (4) shrubs shall be planted at the foundation of the structure.
- (12) For lots between fifty (50) feet and 65 feet wide with a garage equal to or exceeding fifty (50) percent of the width of the residence, the garage shall be side-loading or recessed a minimum of four feet behind the front façade. If the garage is less than 50 percent of the width of the residence, the garage may be front loading, but shall not protrude more than fourteen (14) feet from the first floor façade. Front-loading garages protruding more than 8 feet shall also contain a window on the side facing the entry. If the garage protrudes more than 12 feet, it shall contain two windows on the side facing the entry.
- (13) Garages that protrude more than fourteen (14) feet shall have a side-loaded or court entry and shall have two (2) windows located on the front elevation of the garage.
- (14) A third car garage may be added to residences with front load garages if the front elevation is over 50 feet in width and if a minimum of 23 feet of residential façade is

indicated in the front elevation. The third car garage entrance must be recessed 4 feet from the 2-car garage entrance. Any three-car driveway must taper to a maximum of 16 wide at the property line. On lots more than 65 feet in width, residences with a front-loading garage that protrudes in front of the first floor façade shall be equal to or greater than 40 feet wide.

- (15) Like model elevations shall be separated by at least one (1) lot and no like model elevations shall be directly across the street from one another. No two (2) adjacent residences shall have the same exterior siding color.
- (16) Residential street lights shall not exceed 20 feet in height.
- (17) Residences may be served by private access drives in order to accomplish any of the following:
 - a. Remove garage entrances from the street
 - b. Provide distinctive open space opportunities
 - c. Take advantage of unique topography
- (18) Homes with a 50 percent brick front (windows, doors, garage doors, accompanying frames and any other opening are excluded from calculations of the total area) or a covered front porch with railings (of at least eight feet in width and four feet in depth or a minimum of 32 square feet) shall have at least two (2) of the following significant architectural design features. Homes with less than a 50 brick front or without a front porch of the preceding dimensions shall have a combination of four (4) or more of the following features (see "Guidebook" as dated May 8, 2002). Architectural features shall be approved by the Exit 10 PUD Committee.
 - a. Reverse gable peak
 - b. Covered front porch with railings on front and side (of at least eight feet in width and four feet in depth or a minimum of 32 square feet)
 - c. 32 inch brick or stone plinth with water table on all sides
 - d. Architectural treatment on gable ends
 - e. A separate overhead door per car for each garage
 - f. Covered front stoop/steps with pathway leading from sidewalk or driveway
 - g. Bay-window on front elevation
 - h. Architecturally treated entranceways (for homes without a front porch)
 - i. Garage doors containing windows of high standard and quality
 - j. Overhang or soffit of at least 15 inches from exterior wall
 - k. Transom windows
 - l. Veranda/balcony
 - m. Two or more roof planes
 - n. Brick accent area of at least 25 percent of the front elevation
 - o. Dormers (at least two)
 - p. At least 2 feet of relief at two or more points along the front facade elevation, excluding relief for doors and windows and garage.
 - q. Decorative shutters
 - r. Architecturally-enhanced articulated trim mouldings, i.e. fipons above windows

B. Commercial Retail and Office Standards

- (1) Lot coverage shall not exceed 75 percent and shall include buildings, parking areas and all other impervious surfaces, resulting in an open space requirement of 25 percent of the land area.
- (2) Maximum square footages for buildings allowed in District A1 as shown on Exhibit C, "Avalon Development Standards Matrix", shall not exceed 90,000 square feet, and no individual tenant shall be greater than 65,000 square feet.
- (3) The maximum square footage allowed for District A2 (as shown on Exhibit C, "Avalon Development Standards Matrix"), to be developed along State Road 238, is 12,000 square feet per acre.
- (4) Parking Standards shall be in conformance with the Town of Fishers Code of Ordinances, as amended.
 - (a) Parking Ratios

Retail:	Minimum of 1 space for every 300 gross square feet and a maximum of 1 space for every 250 square feet
Office:	Minimum of 1 space for every 225 net usable square footage, and maximum of 1 space for every 200 square feet
Restaurant:	Minimum of 1 space for every three seats plus one for each employee on largest shift.
 - (b) No parking aisles shall exceed 260 feet in length.
- (5) Pedestrian Circulation.
 - (a) Sidewalks shall be a minimum of five (5) feet in width and where applicable, they shall be eight (8) feet asphalt in accordance with the Town Path Plan Sidewalks shall be provided along all sides of a lot that abuts a public street.
 - (b) Connecting pedestrian walkways, no less than five (5) feet in width, shall be provided from the public street sidewalk to the primary retail center sidewalk along the principal entry drive. The connecting sidewalks may be bordered by plantings of trees, shrubs, and ground cover.
 - (c) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building facade featuring a customer entrance, and along any facade abutting public parking areas. Sidewalks greater than six feet in width, may contain amenities such as planting, seating, water features, etc.
 - (d) Internal pedestrian walkways shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
 - (e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, stamped and integrally-colored asphalt or concrete, or scored concrete

to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(6) Signage

- (a) All signs shall be architecturally compatible with the development, as approved by the Exit 10 PUD Committee.
- (b) All other signage requirements shall be in conformance with Chapter 158 (Sign Code) of the Town of Fishers Code of Ordinances, as amended.

(7) Lighting

- (a) Lighting shall be limited to 0.5 foot-candle at the property line where it abuts a residential property line.
- (b) Light poles shall be limited to 25 feet in height.
- (c) Lamps shall be of the metal halide type and shall be recessed, shielded and approved by the Exit 10 PUD Committee.
- (d) Light fixtures shall be decorative along the entrance drives and along public rights-of-way and compatible with the overall architecture. Overall site illumination into the atmosphere shall be restricted through the use of shields and reflectors on the fixture with a horizontal lamp of no more than a 180 degree angle of light. Lower angles of lighting are preferable.
- (e) Lighting on site shall be in conformance with the Town of Fishers Code of Ordinances, as amended.

(8) Landscaping

- (a) Development Perimeter- All landscaping not defined in this ordinance shall be required as Section 151.093 Screening and Planting of Fishers Code of Ordinances as amended. A 25-foot landscaping area shall be required on the perimeter of the development along an adjacent public street. The perimeter shall be landscaped with a buffer screen of either a wall or fence of ornamental block, brick, metal or wood, or an earthen berm. These shall be in combination with a hedge of evergreen and/or deciduous shrubs and trees. Evergreen or deciduous trees shall be planted at a rate six trees per 100 lineal feet and may be evenly spaced or clustered. This tree requirement is in addition to the street tree requirement
- (b) Interior parking lot landscaping on the interior shall be required shall be part of the landscaping plan reviewed by the Exit 10 PUD Committee. Interior parking lot islands shall be a minimum length of 20 feet and a minimum width of five feet (back of curb to back of curb). A planting island shall be provided for every 15 parking spaces. Alternatively, a continuous landscape island at least seven feet in width between parking rows shall be provided. Islands shall contain at least one deciduous shade tree of minimum two- inch caliper as measured twelve inches from the ground. Planting islands between rows shall

contain a tree every 35 feet. The interior parking lot landscaping is calculated as part of the 25 percent open space lot coverage area requirement.

- (c) Parking perimeter landscaping, adjacent to a public or private street, shall provide a solid screen of shrubs at least 36 inches in height within two years of planting. Shrubs shall be a 2 gallon container size at time of planting and a minimum of 50% of the shrubs shall be evergreen. This is in addition to the street tree requirement.
- (9) Accessory Uses
- (a) Dumpster and trash compactors shall be enclosed by a masonry enclosure and gated (shall not be a chain-link fence).
 - (b) No outdoor sales or storage areas are permitted unless surrounded by a permanent structure consistent with material of the building.
 - (c) Permanent outdoor display areas are permitted provided that they are surrounded by a combination of a two and a half (2.5) foot tall masonry wall or decorative metal fencing or combination of the two.
- (10) Architectural Standards – Subject to approval by the Exit 10 PUD Committee
- (a) All buildings shall screen all mechanical equipment including which is mounted to the roof and/or ground.
 - (b) The exterior of all buildings adjacent to residentially zoned areas or occupied shall consist of a brick, stone, wood, or stucco materials with a natural finish and appearance. Synthetic materials that simulate the natural materials must be approved by the Exit 10 PUD committee.
 - (c) Facades greater than seventy-five (75) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any façade shall exceed seventy-five horizontal feet.
 - (d) An expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
 - (e) Building facades shall include a repeating pattern that includes no less than three (3) of the following elements:
 - 1. color change;
 - 2. texture change;
 - 3. material module change;
 - (f) Where large retail structures contain additional, separately owned or leased stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area and have separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

(g) Roof architecture

1. Roofs shall have some combination of the following features:
 - a. All roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;
 - b. overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - c. three (3) or more roof slope planes.
2. Office uses, separate retail tenants, single story and buildings of less than 50,000 square feet must have pitched roofs to be more residential in character.
3. No more than 50 percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so the roof can be given articulation with different heights. The look of the building shall therefore be softened by the feel of the façade.

(h) Materials and colors

1. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.
2. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
3. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
4. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(i) Entryways

1. Each retail establishment greater than 20,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 - a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. raised corniced parapets over the door;
 - f. peaked roof forms;
 - g. arches;

- h. architectural details such as tile work and moldings which are integrated into the building structure and design;
 - i. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (j) All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of items (a) through (i) above.

(11) Other requirements - Any other standards not specified by this PUD Ordinance shall be subject to Chapter 151.074 C2 Commercial District, Exit 10 PUD Committee Review and Approval, and other applicable sections of the Town of Fishers Code of Land Use Ordinances.

(12) Commercial standards will be reviewed and approved by the Exit 10 PUD Committee.

(13) If the Town of Fishers in it's revision of ordinances, modifies the standards in the following areas: commercial parking, commercial parking lot landscaping, commercial parking lot lighting, commercial sign standards, the applicant voluntarily agrees the amended ordinance standards shall apply to the Avalon PUD if the changes are made within twenty-four (24) months of the date of passage of this ordinance and are standards imposed on commercial projects throughout the Town. Such amendments shall not be restrictive to deny owner reasonable right to use and develop the Avalon PUD area as described in this PUD. The Exit 10 PUD Committee shall review any contested modifications of the above list of standards to determine applicability and appropriateness and any such determination may be resolved through appeal to the Board of Zoning Appeals

C. Multi-Family Standards:

- (1) Lot coverage shall not exceed 50 percent which shall include buildings, parking areas and all other impervious surfaces. A minimum separation between structures of twenty (20) feet is required.
- (2) The predominant building material on multi-family buildings shall feature natural tones/hues and be permitted to be accented with brighter, more intense complementary or contrasting tones. Decorative pre-cast panels, wood, composite lap, heavy grade vinyl or shingle siding shall also be used. Buildings of two stories or less shall use brick, wood, composite lap or shingle siding as the predominant building material. Buildings shall be detailed on all four sides.
- (3) Any lots abutting 126th Street, Olio Road or State Road 238 shall have 20 feet of common area, adjacent to the thoroughfare or right-of-way. This common area shall not be used as part of utility easements. This common area shall contain an opaque screen of either a wall or fence of ornamental block, brick, metal or wood, or an earthen berm, in combination with shrubs. A minimum of fifty percent of the shrubs shall be evergreen. Evergreen or deciduous trees shall be planted at a rate six trees per 100 lineal feet and may be evenly spaced or clustered. The

- deciduous tree should be of at least 2 inch caliper as measured twelve inches from the ground and the evergreen at least six feet in height. This tree requirement is in addition to the street tree requirement. These improvements shall be provided by the developer or Homeowners Association.
- (4) The height of accessory structures shall be limited to fifteen (15) feet.
 - (5) Residences may be served by private access drives in order to accomplish any of the following:
 - a. Remove garage entrances from the street
 - b. Provide distinctive open space opportunities
 - c. Take advantage of unique topography
 - (6) Each townhouse unit should be architecturally differentiated from its adjacent unit. Variations shall be approved by the Exit 10 PUD Committee.
 - (7) Residential street lights shall not exceed 20 feet in height.
 - (8) Landscaping area shall be required on the perimeter of the development between any adjacent public street and parking area. The perimeter shall be landscaped with a buffer screen of either a wall or fence of ornamental block, brick, metal or wood, or an earthen berm. These shall be in combination with a hedge of evergreen and/or deciduous shrubs and trees. Evergreen or deciduous trees shall be planted at a rate six trees per 100 lineal feet and may be evenly spaced or clustered. This tree requirement is in addition to the street tree requirement.
 - (9) A standard landscaping package shall be included with each unit sold. This landscape package shall provide for trees and shrubs on the front and in the case of end units, also on the side. In addition to the street tree requirement, one (1) deciduous or evergreen lawn tree of the same dimensions as stated above and a minimum of four (4) shrubs shall be planted at the foundation of the structure.
 - (10) Townhouse structures should have a minimum two-car garage. Rear-loaded garages on townhouses are permitted. Townhouse garages shall not protrude more than four feet from the front façade. Multi-family structures with front-loading garages shall have no more than two garage entrances next to one another. The Exit 10 PUD Committee shall approve variations.
 - (11) Streets shall have sidewalks and street trees on both sides of the street. Street trees shall be placed approximately 35 feet on center in a planting strip between the street and sidewalks. The planting strip shall be a minimum of four feet wide. Trees shall be a minimum two-inch caliper as measured twelve inches from the ground. Trees shall be deciduous and selected from the Town of Fishers approved List of Recommended Species.
 - (12) Pedestrian crossings shall be clearly identified by color or texture change, through the use of stamped asphalt or concrete, pavers or paint markings.
 - (13) Final review of multi-family plans shall be subject to approval by the Exit 10 PUD Committee and the Department of Development.
 - (14) Any requirements not specified by this PUD Ordinance shall be subject to Chapters 151.070 R6 and 151.071 R7 Residential Districts of the Town of Fishers Code of Land Use Ordinances.

SECTION 5. PROCEDURES

The adoption of this ordinance and the subsequent consideration of any detailed and final development plan shall be consistent and pursuant to the provisions of the Exit 10 Planned Unit Development Committee and the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

The petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by Department of Development staff. In addition, the petitioner shall:

- Meet with staff to discuss the project,
- Meet with the PUD Committee to present preliminary plans and drawings for the project; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission,
- Submit material samples, color boards and other materials which further illustrate the project to the PUD committee,
- Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project,
- A fee for PUD architectural review shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance. The fee is due at the time of application to the Exit 10 PUD Committee.

SECTION 6. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this ____ day of _____, 2002.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE		NAY
BY: _____	Scott A. Faultless, President	_____
_____	Timothy O. Lima, Vice President	_____
_____	Stuart F. Easley, Member	_____
_____	Eileen N. Pritchard, Member	_____
_____	James W. Wallace, Member	_____
_____	Daniel E. Henke, Member	_____
_____	Charles P. White, Member	_____

ATTEST: _____ DATE: _____
Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

Approved by: Douglas D. Church: Church, Church, Hittle, and Antrim - Town Attorney