

THE BOULDERS

ORDINANCE NO. 120610F

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA – 2006

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the “UDO”), as amended, the Boulders Planned Unit Development Ordinance No. 051903C, as amended by Ordinances 061807A and 040306 (collectively known as the “Boulders PUD Ordinances”); are hereby amended as follows;

SECTION 1. DECLARATION

Whereas the Town of Fishers has established the criteria for creating Planned Unit Development district; and

Whereas the Planned Unit Development – Residential (PUD-R) was established to provide for the development of mixed zoning densities under a common classification; and

Whereas the PUD-R was established to provide for innovative approaches to meet the demands of the housing market;

Whereas, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 10-TA-10 as required by law regarding the subject real estate described in Exhibit “A”.

Whereas, the Plan Commission at its December 14, 2010 meeting sent a favorable recommendation to the Town of Fishers Town Council by a unanimous vote.

Therefore, the Town of Council of The Town of Fishers, Indiana meeting in regular session, hereby established that the Boulders PUD Ordinances are hereby amended as follows:

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this ORDINANCE is to amend certain and specific provisions of the Boulders PUD Ordinances pertaining to the development standards of the Boulders subdivisions of The Villas section which is now known and marketed as the “Prescott of Fishers.” The Development Standards defined in the Boulders PUD Ordinances applicable to the Grand section and now known and marketed under the name “Ravinia of Fishers”, and the Estates section, now known and marketed under the name “The Boulders of Fishers” shall remain in effect and shall not be amended within this ORDINANCE.

SECTION 3. DEVELOPMENT STANDARDS

The Villas: The Villas shall be named "Prescott of Fishers" and the text of the subdivision identification sign for Prescott shall contain "of Fishers". The maximum number of homes permitted in the Villas section shall be forty-six. At least fifty percent of the front elevation (excluding doors and window) shall be brick or stone, masonry veneer unless the architectural design of the homes exterior is of a style that lends itself to less brick/stone (ie. Craftsman, Cape Cod, etc). Such styles which do not lend themselves to 50% masonry exteriors shall be limited to 30% of the homes in the Real Estate. The lots designated on the attached Exhibit "B" shall have first floor, full perimeter brick/stone wrap as an exterior feature, unless the architectural design of the homes' exterior is of a style that lends itself to less brick/stone (ie. Craftsman, Cape Cod, etc). No vinyl siding shall be permitted in the Prescott of Fishers. All of the homes in the Villas shall have concrete driveways. Front-yard sprinklers are not required.

The following standards shall apply to the Villas;

Street width, back of curb	30 feet
Front yard setback	25 feet
Side-yard setback	6 feet
Rear yard setback	25 feet
Living area	2400 square feet
Off-street parking	2 spaces
Building height	35 feet
Street trees planted at forty feet separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The following UDO sections shall not apply to the real estate described:

- 5.012 AD-01: A(1)(a-b). *Façade: Masonry* shall not apply. Masonry and exterior material requirements are as stated above.
- 5.012 AD-01: A(4). *Garage Dimensions* shall not apply; however, all garages will feature decorative garage doors. The PUD Committee shall approve an exhibit(s) featuring various decorative garage doors, and all doors constructed on the Real Estate shall be substantially similar in quality and character to that exhibit.
- 5.012 AD-01: D(3). *Minimum Garage Depth* shall not apply. The minimum garage depth shall be twenty (20) feet.
- 5.012 AD-01: D(4) *Garage-forward Design* shall not apply.
- 7.008 AM-01: B *Avoiding Monotonous Blocks* shall not apply. The subdivision has already been partially constructed and the lots have been laid out.

This amendment ordinance only applies to those detached single-family homes on the Real Estate that begin construction after the date of the adoption of this Ordinance.

The standards of the UDO, as amended, shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD Ordinance or the other Boulders PUD Ordinances.

SECTION 4. PROCEDURES

The PUD Committee shall govern and enforce this Ordinance as set forth in *Article 9; § Planned Unit Development* of the Unified Development Ordinance.

SECTION 5. COMMITMENTS

Any commitments made during to the Town Council or others shall remain in full force and effect. This amendment does not rescind any commitments.

SECTION 6. APPROVAL

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Fishers, Indiana. All provisions or parts thereof in conflict herewith hereby released.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana this 7th day of February, 2011.

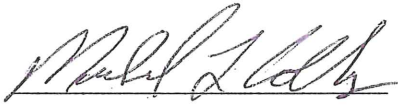
THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA

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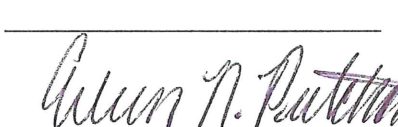
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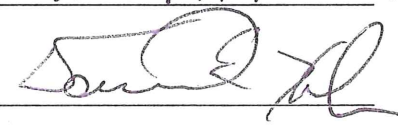
Scott A. Faultless,
President



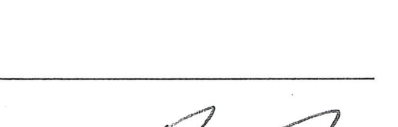
Michael L. Colby,
Vice President



Stuart F. Easley,
Member



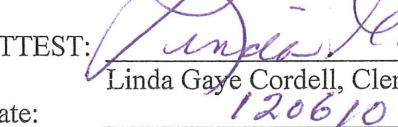
Eileen N. Pritchard,
Member



Daniel E. Henke,
Member

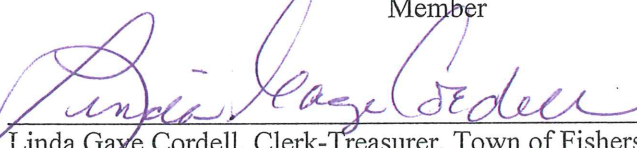


David C. George,
Member



Arthur J. Levine,
Member

ATTEST:



Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

Date:

120610 F

Approved by: Douglas D. Church – Town Attorney

EXHIBIT "A"

Land Description 9.4 Acre Tract

A part of the North Half of the Northeast Quarter of Section 7, Township 17 North Range 6 East, begin more particularly described as follows:

Commencing at the northeast corner of said northeast quarter; thence South 00 degrees 35 minutes 13 seconds East along the east line of the northeast quarter of said quarter section a distance of 1327.51 feet to the southeast corner of said quarter-quarter section; thence South 89 degrees 23 minutes 33 minutes West along the south line of the aforesaid half quarter section a distance of 2646.06 feet to the southwest corner of the northwest quarter of said quarter section; thence North 00 degrees 52 minutes 31 seconds West along the west line of said quarter-quarter section a distance of 641.21 feet to the Point of Beginning; thence North 89 degrees 28 minutes 13 seconds East parallel with the north line of said quarter-quarter section a distance of 639.91 feet: thence North 00 degrees 52 minutes 31 seconds West parallel with said west line a distance of

639.91 feet to a point on the south line of Parcel 3 of a tract of land described in Instrument Number 2002-7430, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 28 minutes 13 seconds West along the south We of said Parcel 3 a distance of 639.91 feet to the southwest corner of said Parcel 3 point also being on said west line; thence South 00 degrees 52 minutes 31 seconds East along said west line a distance of 639.91 feet to the Point of Beginning, containing 9.40 acres, more or less. ALSO: The entire widths of rights-of-way of Florida Road and 104" Street that are contiguous to

EXHIBIT "A"

Land Description Remaining Tract

A part of the North Half of the Northeast Quarter of Section 7, Township 17 North Range 6 East, begin more particularly described as follows:















Beginning at *the* northeast corner of said northeast quarter; thence South 00 degrees 35 minutes 13 seconds East along the east line of the northeast quarter of said quarter section a distance of 1327.51 feet to the southeast corner of said quarter-quarter section; thence South 89 degrees 23 minutes 33 minutes West along the south line of the aforesaid half quarter section a distance of 2646.06 feet to the southwest corner of the northwest quarter of said quarter section; thence North 00 degrees 52 minutes 31 seconds West along the west line of said quarter-quarter section a distance of 64121 feet; thence North 89 degrees 28 minutes 13 seconds East parallel with the north line of said quarter-quarter section a distance of 639.91 feet; thence North 00 degrees 52 minutes 31 seconds West parallel with said west line a distance of 639.91 feet to a point on the south line of Parcel 3 of a tract of land described *in* Instrument Number 200217430, recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 28 minutes 13 seconds East along the south line of Parcels 3, 5 and 6 of said tract a distance of 693.40 feet to the southeast corner of Parcel 6 of said tract; thence North 00 degrees 03 minutes 51 seconds West along the east line of Parcel 6 of said tract a distance of 50.00 feet to the north *line* of the northeast quarter of said quarter section; thence North 89 degrees 28 minutes 13 seconds East along said north line a distance of 1319.18 feet to the **Point of Beginning**, containing 69.92 acres, more or less.

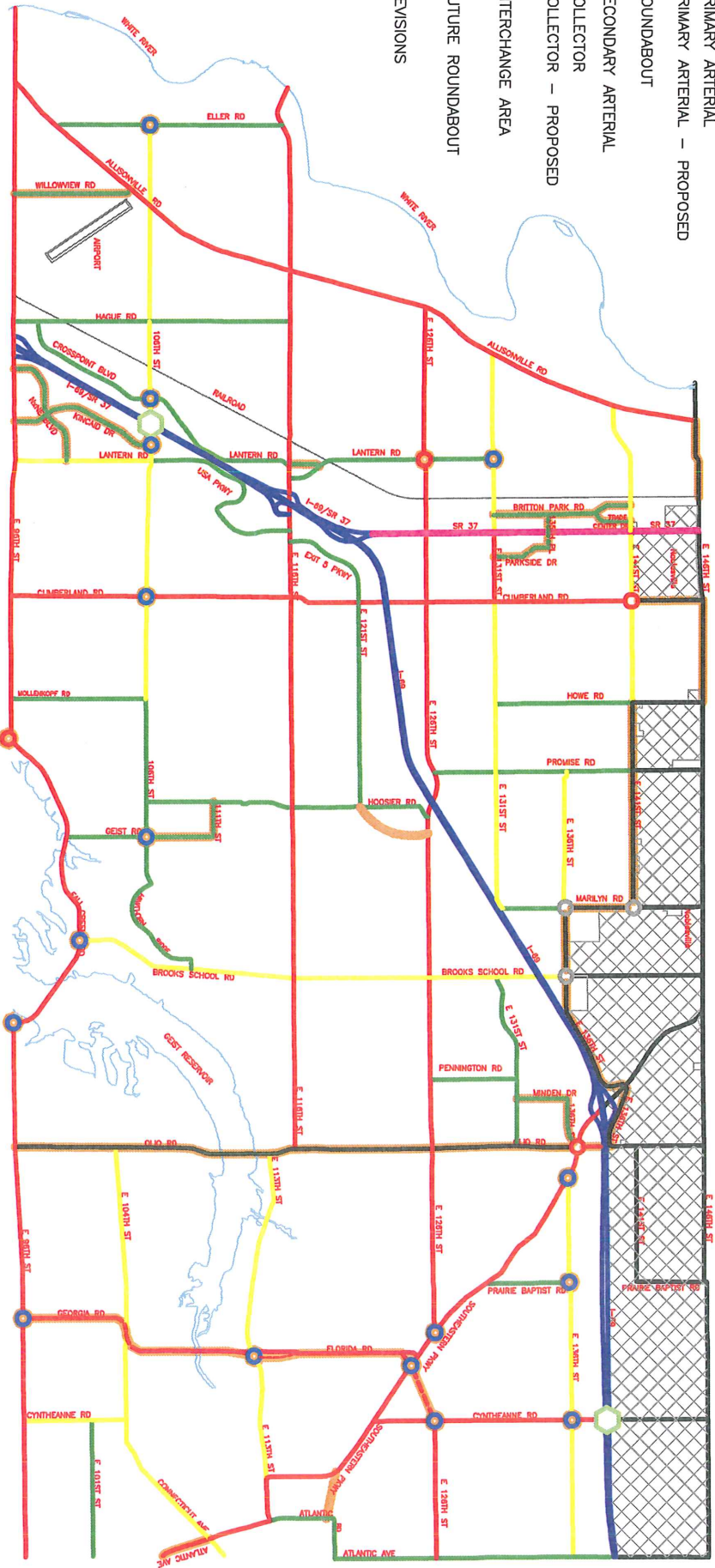
ALSO: The entire widths of rights-of-way of Cyntheanne Road and 104th Street that ore contiguous to the real estate described hereinabove.

TRANSPORTATION PLAN REVISIONS DECEMBER 2010

TOWN OF FISHERS

THOROUGHFARE PLAN

-  FREEWAY
-  EXPRESSWAY
-  NOBLESVILLE/COUNTY
-  NOBLESVILLE/COUNTY
-  NOBLESVILLE/COUNTY ROUNDABOUT
-  PRIMARY ARTERIAL
-  PRIMARY ARTERIAL - PROPOSED
-  ROUNDABOUT
-  SECONDARY ARTERIAL
-  COLLECTOR
-  COLLECTOR - PROPOSED
-  INTERCHANGE AREA
-  FUTURE ROUNDABOUT
-  REVISIONS



Transportation Plan Revisions – December 2010

Amendments were made to Table 1: Streets and Roads by Functional Classification to correspond with the road/road segment changes on the Thoroughfare Plan as denoted below.

The Impact Fee paragraph on page 19 was updated to include the notation of the Bridge Impact Fee Ordinance.

The following is a list of road/road segment/intersection changes:

The subsequent items were previously denoted as a Fishers/Noblesville shared jurisdiction. Per interlocal agreement, they are under the City of Noblesville jurisdiction:

- 146th Street from Allisonville Road to the Nickel Plate railroad
- 146th Street from Cumberland Road to Howe Road
- Cumberland Road from 141st Street to 146th Street
- 136th Street from Howe Road to Marilyn Road
- Marilyn road from 136th Street to 141st Street
- 136th Street from Marilyn Road to SR 238

The subsequent item was previously denoted as a Fishers Primary Arterial. Per interlocal agreement, it is under Hamilton County jurisdiction:

- Olio Road

The following existing roads/road segments were added to the Thoroughfare Plan:

- Willow View Road
- N x NE Boulevard
- Lantern Road from 116th Street to Commercial Drive
- 111th Street
- Geist Road from 106th Street to 111th Street
- Minden Drive
- 136th Street from Minden Drive to Olio Road
- Olio Road from 136th Street to I-69
- Britton Park Road
- Fishers Trade Center Drive

The following planned roads/road segments were removed from the Thoroughfare Plan:

- 121st Street to 126th Street connector
- Southeastern Parkway connection to Atlantic

The following planned roads/road segments were added to the Thoroughfare Plan:

- 126th Street from the Florida Road and Southeastern Parkway intersection to the 126th Street and Cyntheanne Road intersection
- 135th Place
- Parkside Drive from 131st Street to 135th Place

The following road classification changes were made to the Thoroughfare Plan:

- Atlantic Avenue from Connecticut Avenue to the county line was changed from a Collector to Primary Arterial
- The Georgia Road-Florida Road Corridor from 96th Street to Southeastern Parkway was changed from a Collector to a Primary Arterial

The flowing intersections have been identified as good locations for future round-about:

- 96th Street and Fall Creek Road (east side of Geist)
- 96th Street and Georgia Road
- Brooks School Road and Fall Creek Road
- 106th Street and Eller Road
- 106th Street and Crosspoint Boulevard
- 106th Street and Lantern Road
- 106th Street and Cumberland Road
- 106th Street and Geist Road
- 113th Street and Florida Road
- 126th Street and Southeastern Parkway
- 126th Street and Cyntheanne Road
- Southeastern Parkway and Florida Road
- Southeastern Parkway and 136th Street
- 131st Street and Lantern Road
- 136th Street and Prairie Baptist Road
- 136th Street and Cyntheanne Road

The following technical correction was made to the Thoroughfare Plan:

- Kincaid Drive was moved to its correct location