

Year

2012

v.05.16.12

## BRIARWOOD

An amendment to the Briarwood Planned Unit  
Development District Ordinance

*Town of Fishers  
Planned Development  
Ordinance  
040212B*

## 1.01 Declaration, Purpose and Intent, and Permitted Uses

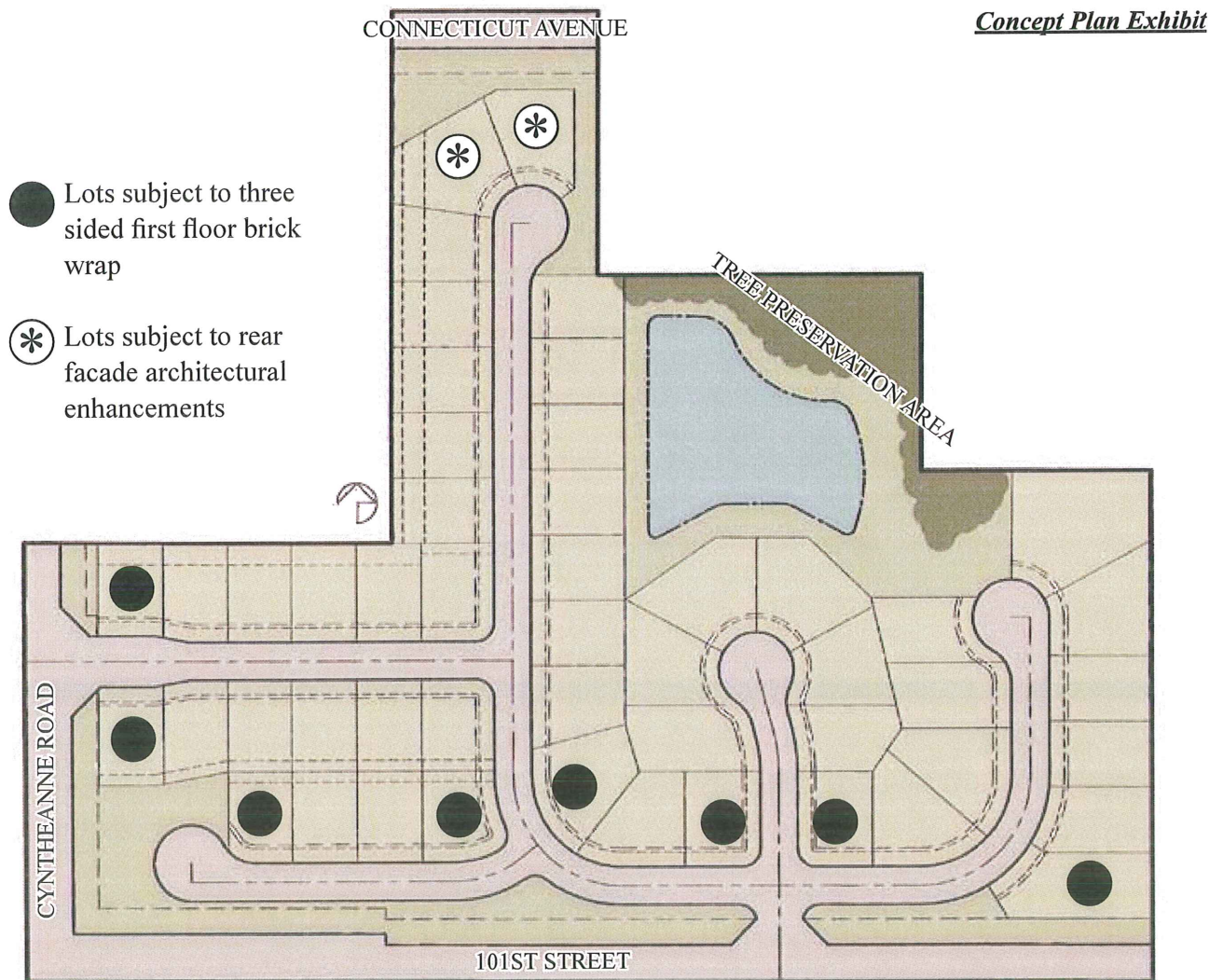
Declaration	Purpose and Intent	Permitted Uses
<p><b>Ordinance No. 040212B</b> <b>Adopted: May 21, 2012</b></p> <p>The text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A, as amended (the "UDO"), and the Briarwood at Fishers Planned Unit Development District Ordinance No. 080706B (the "PUD Ordinance") applicable to the real estate legally described in Section 1.07 of this Ordinance (the "Real Estate"), are hereby amended as follows:</p> <p>The Real Estate may continue to be developed pursuant to the terms of the PUD Ordinance. Alternatively, the Real Estate may be developed pursuant to the terms of this Ordinance. The home elevations attached hereto and other substantially similar elevations (the "Approved Elevations") are hereby approved. If home elevations other than the Approved Elevations are proposed to be built, then such home elevations shall comply either with the architectural standards of the PUD Ordinance or this Ordinance or otherwise be approved by the PUD Committee, which committee shall have the discretion to approve modifications to the architectural standards of the PUD Ordinance and this Ordinance.</p> <p>All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting the following objectives:</p> <ul style="list-style-type: none"> <li>• Provide for the development of a residential neighborhoods;</li> <li>• Greater flexibility in applying the ordinances to the development of the Real Estate;</li> <li>• Innovative approach to meet the demands of the residential market;</li> <li>• The recognition of the interdependency of various markets;</li> <li>• Efficient use of land resulting in more cost effective networks of utilities, streets and other facilities; and</li> <li>• Coordination of architectural styles, building forms and relationships, graphics and other private improvements.</li> </ul>	<p><b>Permitted Uses:</b></p> <ul style="list-style-type: none"> <li>• All uses described in <i>Article 02.011 R4 Residential District</i></li> </ul> <p><b>Excluded Uses:</b></p>

## 1.02 Applicability

- A. The standards of the UDO applicable to the **R4 Residential District** shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (this "Ordinance"). "Article" cross-references of this Ordinance shall hereafter refer to the *Article* section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein shall have the meaning ascribed to them in the UDO. Pursuant to *Article 04.002(F): Amendments to the Unified Development Ordinance*, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard and *Article 01.010: Basic Provisions: Transition Rules* also shall apply to amendments.

## 1.03 Concept Plan

- A. The Concept Plan is hereby incorporated. The Real Estate's development plan may vary from the Concept Plan; however, per *Article 09.017(A)(2)(a): Planned Unit Development District; General; Purpose & Intent*, the Concept Plan provides the Plan Commission and Town Council with a general vision for the development of the Real Estate.



## 1.04 Development Standards

- A. **Cross References:** The regulations of *Article 02: Zoning Districts & Regulations* and *Article 05: Development Standards* shall apply except as modified by this Ordinance.

- B. General Regulations: *Article 02.012: R4 Residential District Development Standards* shall apply except as provided below:
- |  |   |
|--|---|
| (1) Maximum Number of Dwelling Units:            | 50  |
| (2) Minimum Side Setback:                        | 5 feet (minimum 15 feet aggregate side setback) |
| (3) Minimum Living Unit Area for two-story home: | 2,400 square feet                               |
- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply except as modified below:
- (1) *Article 05.012 AD-01(A)(2): Architectural Design; Single-Family Residential; Facade; Exterior Material* shall apply; however, aluminum and heavy-gauge vinyl shall not be permitted as a siding material.
  - (2) *Article 05.012 AD-01(A)(1)(b): Architectural Design; Single-Family Residential; Facade; Masonry; Side and Rear Elevation* shall not apply; rather, the following shall apply:
    - (i) Dwellings on lots designated with a black circle on the Concept Plan shall have a minimum three-sided first floor brick or stone wrap.
    - (ii) The rear facade of dwellings on lots designated with a circled asterisk on the attached Concept Plan shall incorporate one (1) or more of the following features: first floor masonry, rear sun room, rear screen porch, or a breakfast nook with landscaped patio (minimum one tree and eight shrubs).
  - (3) *Article 05.012 AD-01(A)(3): Architectural Design; Single-Family Residential; Facade; Architectural Features* shall apply and the following architectural features, which shall be worth one (1) point unless indicated otherwise:
    - (i) More than one (1) siding profile on the front elevation (e.g., second siding profile such as shake, vertical or other horizontal siding used as an accent);
    - (ii) Large feature window on the second floor above the front door;
    - (iii) A reverse gable peak;
    - (iv) A thirty-two (32) inch brick or stone plinth with water table on all sides;
    - (v) Decorative shutters.
  - (4) *Article 05.012 AD-01(C): Architectural Design; Single-Family Residential; Roof* shall apply except as modified below:
    - (i) *AD-01(C)(1): Minimum Roof Pitch* shall be increased to require that the main roof have a minimum pitch of 6 (vertical units):12 (horizontal units).
    - (ii) *AD-01(C)(2): Materials* shall apply. All dwellings shall be required to have dimensional shingles.
    - (iii) *AD-01(C)(3): Minimum Eave/Overhang Width* shall be modified to require that all dwellings shall have eaves or overhangs a minimum of eleven (11) inches deep. Depth shall be determined prior to the installation of masonry.
  - (5) *Article 05.012 AD-01(A)(4): Architectural Design; Single-Family Residential; Dimensions* shall be modified to provide that the garage shall not exceed more than sixty percent (60%) of the front facade width.
  - (6) *Article 05.012 AD-01(D): Architectural Design; Single-Family Residential; Automobile Storage* shall apply except as modified below:
    - (i) *AD-01(D)(2) Garage Capacity of Three or More* shall be modified to require every two (2) bays shall have a separate door and shall be offset two (2) feet from the other bays.
    - (ii) *AD-01(D)(3): Architectural Design; Single-Family Residential; Automobile Storage; Minimum Garage Depth* shall be modified to twenty (20) feet.
  - (7) *Article 05.012 AD-01(G)(3): Architectural Design; Single-Family Residential; Model Homes; Largest Model* shall not apply.
- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.

- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall apply except as modified below:
  - (1) *Article 05.038 LA-01(A): Landscaping Standards; Placement* shall only apply to perimeter and buffer yard landscaping.
  - (2) *Article 05.040 LA-03(B): Landscaping Standards; Residential Subdivision Lot and Foundation Plantings* shall be increased to require that all lots shall have a minimum of eight (8) shrubs planted along the foundation facing a street.
  - (3) The Commitments to Adjoining Property Owners, attached as Exhibit B to the PUD Ordinance, regarding buffer yards shall continue to apply.
- N. Lighting Standards (LT): shall apply.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply, except as modified below:
  - (1) *Article 05.052 LO-01(D)(2): Lot Standards; General; Minimum Lot Width; Minimum Corner Lot Width* shall be modified to require that the minimum lot width for corner lots shall be ninety (90) feet.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall apply.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Property Identification Standards (PI): shall apply.
- V. Public Improvement Standards (PV): shall apply.
- W. Setback Standards (SB): shall apply.
- X. Sewer & Water Standards (SW): shall apply.
- Y. Sexually Oriented Business Standards (SX): shall apply.
- Z. Sign Standards (SG): shall apply.
- AA. Structure Quantity Standards (SQ): shall apply.
- BB. Telecommunication Facility Standards (TC): shall apply.
- CC. Temporary Use/Structure Standards (TU): shall apply.
- DD. Use-specific Standards (US): shall apply.
- EE. Vision Clearance Standards (VC): shall apply.

## 1.05 Design Standards

- A. Cross References: The regulations of *Article 07: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall apply, except as modified below:
  - (1) *Article 07.008 AM-01(C)(1): Anti-monotony Standards; Residential Neighborhood; Anti-Monotony Code; Front Facade* shall be modified to provide that front facades on the same model shall not be duplicated as set forth in *Article 07.008 AM-01(C)(3)*.
  - (2) *Article 07.008 AM-01(C)(2): Anti-monotony Standards; Residential Neighborhood; Anti-Monotony Code; Exterior Siding Color* shall be modified to provide that at the time the Certificate of Occupancy is issued, a dwelling may not have the same exterior siding color as a dwelling within two (2) lots on each side of the subject lot on the same side of the street or as the house directly across the street from the subject lot.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Density & Intensity Standards (DE): shall apply.
- I. Development Name Standards (DN): shall apply.
- J. Easement Standards (EA): shall apply.
- K. Erosion Control Standards (EC): shall apply.

- L. Floodplain Standards (FL): shall apply.
- M. Lot Establishment Standards (LT): shall apply.
- N. Mixed Use Development Standards (MU): shall apply.
- O. Monument & Marker Standards (MM): shall apply.
- P. On-street Parking Standards (OG): shall apply.
- Q. Open Space Standards (OP): shall apply. Open Space shall be as generally depicted on the Concept Plan.
  - (1) Landscape Preservation Easement. A tree preservation easement (the "Easement") as approximately shown on the Concept Plan as "Preservation Area" shall be recorded. The exact location of the Easement from the Real Estate's perimeter property line shall be established with the approval of the Detailed Development Plan and prior to any site improvements on the Real Estate. The Easement shall not include those areas needed for utilities and drainage. The Easement shall be determined by the Developer meeting with the Development Department to discuss the conservation plan (the "Conservation Plan"), to be prepared in accordance with *Article 07.027 OP-03: Open Space Standards; Conservation Area Protection*.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- W. Street Lighting Standards (SL): shall apply.
- X. Street Name Standards (SN): shall apply.
- Y. Street Sign Standards (SS): shall apply.
- Z. Surety Standards (SY): shall apply.
- AA. Utility Standards (UT): shall apply.

## 1.06 Procedures

- A. The procedures set forth in *Article 09: Processes, Permits & Fees; Planned Unit Development* shall apply, however, *Article 09.017(C)(2) Planned Unit Development; General; PUD Committee; Jurisdiction* shall not apply. The PUD Committee shall have jurisdiction to review this District and as such, *Article 09.020(K) Planned Unit Development; Final Development Plan; Planned Unit Development Committee* shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. The PUD Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage and landscaping design standards established or referenced by this Ordinance or the PUD Ordinance if the Committee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

## 1.07 Real Estate

A part of the Northwest Quarter of Section 8, Township 17 North, Range 6 East, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Quarter Section; thence North 00 degrees 36 minutes 24 seconds West along the West line of said Quarter Section a distance of 600.00 feet; thence North 89 degrees 33 minutes 52 seconds East 511.50 feet; thence North 00 degrees 36 minutes 24 seconds West 727.51 feet to a point on the North line of the South Half of said Quarter Section; thence North 89 degrees 25 minutes 49 seconds East along said North line 285.00 feet; thence South 00 degrees 36 minutes 24 seconds East 359.33 feet; thence North 89 degrees 25 minutes 49 seconds East 450.00 feet; thence South 00 degrees 36 minutes 24 seconds East 269.90 feet; thence North 89 degrees 33 minutes 52 seconds East 313.50 feet; thence South 00 degrees 36 minutes 24 seconds East 700.00 feet to a point on the South line of said Quarter Section; thence South 89 degrees 33 minutes 52 seconds West along said South line 1,560.00 feet to the place of beginning, containing 30.785 acres, more or less.

1.08 Adoption

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

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this Twenty-First day of May, Two Thousand and Twelve.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

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NAY

BY:

*Scott A. Faultless*

Scott A. Faultless,  
President

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*Michael Colby*

Michael Colby,  
Vice President

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*Stuart F. Easley*

Stuart F. Easley,  
Member

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*David C. George*

David C. George,  
Member

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*Renee Cox*

Renee Cox,  
Member

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*C. Pete Peterson*

C. Pete Peterson,  
Member

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*John W. Weingardt*

John W. Weingardt,  
Member

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ATTEST:

*Linda Gaye Cordell*

Linda Gaye Cordell, Clerk-Treasurer,  
The Town of Fishers, Indiana  
Ordinance No. 040212B

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

Prepared by: Steven D. Hardin, Esq., Attorney at Law, Faegre Baker Daniels, LLP  
Jesse M. Pohlman, Land Use Consultant, Faegre Baker Daniels, LLP  
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.