

2022009564 ORDI \$25.00
02/22/2022 02:53:06PM 17 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



AMM

ORDINANCE NO. 122021A

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE 22.72 +/- ACRES FROM R2 TO PUD-R FOR A PROJECT KNOWN AS COURTYARDS OF FISHERS PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, this is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance, (“UDO”), for the City of Fishers (the “City”), previously enacted pursuant to Ind. Code § 36-7-4 *et seq.* as amended.

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. RZ-21-10 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission at its February 2, 2022 meeting sent a _____ recommendation to the Common Council by a vote of ____ () in favor and ____ () opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, MEETING IN REGULAR SESSION AS FOLLOWS:

SECTION 1. The City’s Official Zoning Map is hereby amended to designate the Real Estate, as described and depicted in **Exhibit A**, to PUD-R.

SECTION 2. This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SECTION 3. The specific zoning standards, concept plan, and illustrative architectural exhibit shall be approved as shown in **Exhibit B** (“Petitioner’s Packet”), attached.

SO BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA this 21st day of February, 2022.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

122021A

YAY		NAY	ABSTAIN
<i>[Signature]</i> X	Todd Zimmerman, President		
<i>[Signature]</i> X	John Weingardt, Vice President		
<i>[Signature]</i> X	C. Pete Peterson, Member		
<i>Cecilia Coble</i> X	Cecilia C. Coble, Member		
	Brad DeReamer, Member	<i>Brad DeReam</i> X	
<i>[Signature]</i> X	Selina Stoller, Member		
<i>Jocelyn K Vare</i> X	Jocelyn Vare, Member		Should be Nay Confirmed w/Jocelyn (JLK) X
	Crystal Neumann, Member	<i>[Signature]</i> X	
<i>D/AM</i> X	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 21st day of February 2022, at 9:00 p.m.

ATTEST: *[Signature]*
Jennifer L. Nehl, Fishers City Clerk

MAYOR'S APPROVAL

[Signature]
Scott A. Fadness, Mayor

February 21, 2022
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl


Exhibit A – Real Estate Description and Depiction

SUBJECT TRACT AS-SURVEYED LAND DESCRIPTION

Part of the Northwest Quarter of Section 5, Township 17 North, Range 6 East of the Second Principal Meridian, in Fall Creek Township, Hamilton County, Indiana, based upon an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor #21500017, HWC Engineering Job #2021-244, dated October 22, 2021, more particularly described as follows:

BEGINNING at the southwest corner of the East Half of the Southwest Quarter of Section 32, Township 18 North, Range 6 East, marked by a stone, said corner bearing North 89 degrees 04 minutes 48 seconds East 40.45 feet from a stone marking the northwest corner of the East Half of the Northwest Quarter of said Section 5; thence North 88 degrees 58 minutes 49 seconds East (grid bearing, Indiana Geospatial Coordinate System, "Hamilton" Zone) along the south line of the East Half of the Southwest Quarter of said Section 32 a distance of 752.52 feet to the west right-of-way line of Southeastern Parkway as described in Instrument Numbers 200600064170, 200600058317, and 200600056156 in the Office of the Recorder of Hamilton County, Indiana, the following six (6) courses being along said west right-of-way line of said Southeastern Parkway and along the north right-of-way line of 113th/ Street; (1) thence South 01 degrees 04 minutes 08 seconds East a distance of 264.21 feet; (2) thence South 01 degrees 08 minutes 42 seconds West a distance of 951.42 feet; (3) thence South 28 degrees 54 minutes 52 seconds West a distance of 91.66 feet; (4) thence South 87 degrees 06 minutes 48 seconds West a distance of 295.35 feet; (5) thence South 63 degrees 04 minutes 17 seconds West a distance of 71.16 feet; (6) thence South 04 degrees 09 minutes 35 seconds East a distance of 8.55 feet to the centerline of said 113th/ Street, the following four (4) courses being along said centerline; (1) thence South 85 degrees 50 minutes 27 seconds West a distance of 65.62 feet; (2) thence South 86 degrees 27 minutes 25 seconds West a distance of 139.79 feet; (3) thence South 85 degrees 54 minutes 15 seconds West a distance of 85.54 feet; (4) thence South 84 degrees 17 minutes 04 seconds West a distance of 46.14 feet to the east line of a tract of land described in Instrument Number 2021022867 in said Recorder's Office; thence North 00 degrees 00 minutes 00 seconds East along said east line and the northerly extension thereof a distance of 1361.97 feet to the POINT OF BEGINNING, containing 22.724 acres, more or less.



 REAL ESTATE

2022

Exhibit B – Courtyards of Fishers PUD



Planning & Zoning Department

City of Fishers

Ordinance: 122021A



A. Declaration, Purpose and Intent, Applicability, and Allowed Uses

1. Declaration

- a. Ordinance No. 122021A (this "Ordinance")
- b. Adopted: _____

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described and depicted in **Exhibit B.1**, attached hereto and incorporated herein (the "Real Estate"), is hereby designated as Planned Unit Development - Residential District (PUD-R) and shall hereafter be known as the "Courtyards of Fishers PUD".

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. 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.

3. Applicability

- 4. The standards of the UDO applicable to the *R5 Residential District* shall apply to the development of the Real Estate, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Sec. 1.3.6. Transition Ordinance* also shall apply to amendments.

5. Allowed Uses

All uses permitted in the *R5 Residential District* shall be permitted in the Real Estate.

B. Concept Plan

The Concept Plan, attached hereto as **Exhibit B.2**, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Courtyards of Fishers PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

C. Standards for the District

1. Introductory Provisions

The regulations of *CHAPTER 1. INTRODUCTORY PROVISIONS* shall apply.

2. Administration

The regulations of *CHAPTER 2. ADMINISTRATION* shall apply.

3. Zoning Districts

The regulations of *CHAPTER 3. ZONING DISTRICTS* shall apply, except as modified by this Ordinance. The total maximum number of lots within the Courtyards of Fishers PUD shall not exceed 50 lots.

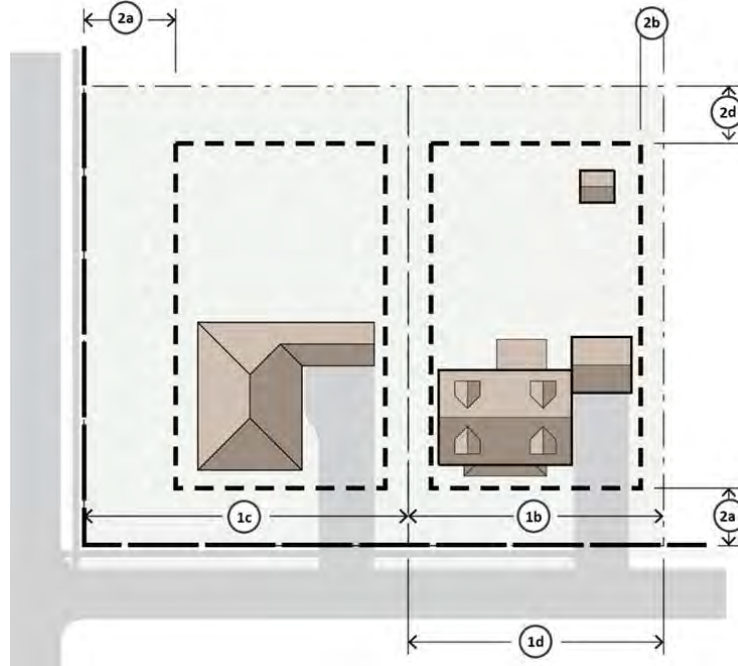
a. Article 3.1. Establishment of Zoning Districts: Shall apply.

b. Article 3.2. Residential Districts: Shall apply, except as modified below:

c. Sec. 3.2.6. R5 Residential District: Shall not apply. Instead, the following shall apply to the District:

District Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	6,000 sf
1b. Lot width at building line – standard	52'
1c. Lot width at building line – corner	67'
1d. Lot frontage	35'
2. Minimum Building Setbacks	
2a. Front - garage / porch	20' / 10'
2b. Side, primary structure	5'
2c. Building Separation	10'
2d. Rear, primary structure	10'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	1,400 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	65%
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5d. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>
6. Maximum Lots Permitted	
6a. Maximum Number of Lots	50



d. **Article 3.3. Nonresidential Districts:** Shall not apply.

e. **Article 3.4. Other Districts:** Shall apply.

4. Overlay Zoning Districts

The regulations of *CHAPTER 4. OVERLAY ZONING DISTRICTS* shall apply.

5. Use Regulations

The regulations of *CHAPTER 5. USE REGULATIONS* shall apply.

6. Development Standards

The regulations of *CHAPTER 6. DEVELOPMENT STANDARDS* shall apply, except as modified by this Ordinance.

a. **Article 6.1. General Provisions:** Shall apply.

b. **Article 6.2. Accessory Structure Standards:** Shall apply.

c. **Article 6.3. Architectural Design Standards:** Shall not apply; instead, the following shall apply:

- (1) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B.3**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit; however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit.
- (2) Four-Sided Architecture: Four-sided architecture shall be required on all homes, meaning that there shall be a consistent use of materials and design elements on all sides of the structure. The term “four-sided architecture” shall mean:
 - (i) At a minimum all residential structures shall include masonry on the front façade. This masonry on the homes shall vary in style and amount to provide diversity of design and texture along the street. Full masonry front facades are discouraged since they make the home look heavy and monotonous.

- (ii) Horizontal lap siding, shake siding, and vertical board-and-batten siding may be used on the balance of the front façade.
 - (iii) The side and rear elevations of each home may use horizontal lap siding and vertical board-and-batten siding; however, the courtyard side of the homes shall only use horizontal lap siding.
 - (iv) Rear facades on perimeter lots designated with a black asterisk on the Additional Architecture Exhibit, attached hereto as **Exhibit B.4**, shall include a minimum of one (1) or two (2) additional windows (faux windows shall be permitted) as deemed appropriate based upon the façade’s massing (a double-window shall count as two (2) windows); referred to as the “Façade Enhancement.”
 - (v) Side facades on corner lots where the side façade is visible from the public right-of-way shall include either: (a) a courtyard; or (b) the Façade Enhancement. The yard adjacent to this side façade shall include a minimum of one tree (shade, ornamental or evergreen) and five shrubs.
- (3) Residential Materials
- (i) Aluminum, heavy-gauge vinyl, and vinyl shall not be permitted as a siding material.
- (4) Garage Design
- (i) Front loaded garages shall be setback a minimum of two (2) feet from the front façade plane or from the front of the porch.
- d. Article 6.4. Entrance & Driveway Standards:** Shall apply.
- e. Article 6.5. Exterior Lighting Standards:** Shall apply.
- f. Article 6.6. Height Standards:** Shall apply.
- g. Article 6.7. Landscaping Standards:** Shall apply, except as modified below:
- (1) The required landscaping in all common areas/open spaces shall be native species selected from the City of Fishers Planting Guide list of Approved Species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially installed on individual lots shall be native species. Non-native species may be installed with prior approval by City staff.
 - (2) *Section 6.7.3.G. Installation & Selection of Plant Materials; Live Plantings:* Shall be modified to allow artificial turf in the dwelling’s courtyard area to be recognized as contributing to required landscaping.
 - (3) *Section 6.7.5. Lot & Foundation Plantings:* Shall not apply; instead, the following shall apply:
 - (i) The Typical Planting Plans, attached hereto as **Exhibit B.5**, are hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the Lot and Foundation plantings on the Real Estate. The final plantings may vary from the Typical Planting Plans; however, the plantings shall be substantially similar in quality and character to the plantings shown in the Typical Planting Plans.
- h. Article 6.8. Lot Standards:** Shall apply, except as modified by this Ordinance.
- i. Article 6.9. Non-Residential Open Space:** Shall not apply.
- j. Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. Article 6.11. Parking & Loading Standards:** Shall apply.
- l. Article 6.12. Pedestrian Accessibility Standards:** Shall apply.
- m. Article 6.13. Permitted Non-residential Structure Standards:** Shall apply.
- n. Article 6.14. Property Identification Standards:** Shall apply.
- o. Article 6.15. Public Art Standards:** Shall not apply.
- p. Article 6.16. Setback Standards:** Shall apply, except as modified by this Ordinance, and as modified below:

ORDINANCE NO. 122021A

- (1) *Section 6.16.3.B.1. Setback Encroachment; Mechanical Equipment and Utility Lines:* Mechanical equipment may also extend into a required utility easement, if such extension is at least three (3) feet from the vertical plane of any lot line.
- (2) Stormwater shall be piped from the roof downspouts to the rear yard of the homes, not to the side yards.

q. Article 6.17. Signage Standards: Shall apply, except as modified below:

- (1) *Section 6.17.6.B. Free-Standing Signs; Signs Located at a Subdivision/Condominium/Apartment Complex:* Shall be modified to allow a permanent hanging post sign with a height of eight (8) feet, not including the post, at the entrance to the Real Estate.

r. Article 6.18. Wall & Fence Standards: Shall apply.

s. Article 6.19. Water & Sewer Standards: Shall apply.

t. Article 6.20. Vision Clearance Standards: Shall apply.

7. Subdivision Regulations

The regulations of *CHAPTER 7. SUBDIVISION DISTRICTS* shall apply.

8. Subdivision & Planned Unit Development Design Standards

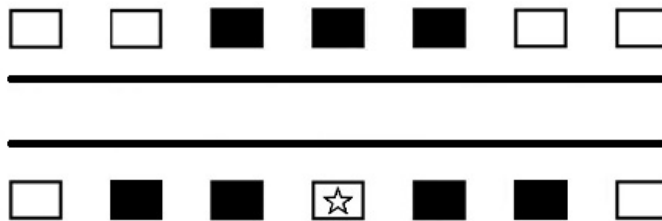
The regulations of *CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS* shall apply, except as modified by this Ordinance.

a. Article 8.1. General Provisions: Shall apply.

b. Article 8.2. Block, Lot & Access Standards: Shall apply, except as modified below:

- (1) *Section 8.2.2.C.1. Anti-Monotony; Anti-monotony Code; Front Façade:* Shall not apply. Instead, the following shall apply:

- (i) The same front façade on the same building model shall not be duplicated for two (2) lots on each side of the subject lot on the same side of the street. Also, the same front façade for the same building model may not be duplicated for three (3) lots across the street from the subject lot. (Please refer to the illustration below.) No more than 30% of the same front façade shall be built on the same street.



- (2) *Section 8.2.2.C.3. Anti-Monotony; Anti-monotony Code; Masonry Package:* Shall not apply.
- (3) *Section 8.2.3.C.2. Blocks; Block Perimeters; Block Standards:* Shall apply, except that, the maximum length for a dead-end street shall be 900 feet.
- (4) *Section 8.2.4.B.4. Lots; Lot Standards; Corner Lots:* Shall not apply.
- (5) *Section 8.2.5.C. Subdivision Access; Stub Streets:* Shall not apply to the boundary of the abutting property to the north of the Real Estate.

c. Article 8.3. Street & Alley Standards: Shall apply.

d. Article 8.4. Open Space, Common Area & Amenity Standards: Shall apply, except as modified below:

ORDINANCE NO. 122021A

- (1) *Section 8.4.6. Open Space:* Shall not apply. Instead, Open Space shall be provided as generally shown on the Concept Plan. The layout of the pond and pedestrian path through the common area shall be determined at time of final site engineering.
- (2) *Section 8.4.5.B. Perimeter Landscaping, Number of Trees and Shrubs Required:* Shall not apply; instead, perimeter landscaping shall include the following:
 - (i) A black, four-rail horse fence and/or a black, cross buck fence shall be installed along the right-of-way of Southeastern Parkway and E. 113th Street,
 - (ii) A minimum of ~~four (4)~~**eight (8)** evergreen trees, **and** three (3) shade trees, ~~and three (3) ornamental trees~~ per one hundred (100) feet of external street frontage, and
 - (iii) No shrubs nor berms shall be required.

e. Article 8.5. Other Design Standards: Shall apply.

9. Floodplain Standards

The regulations of *CHAPTER 9. FLOODPLAIN STANDARDS* shall apply.

10. Procedures & Permits

The regulations of *CHAPTER 10. PROCEDURES & PERMITS* shall apply.

11. Enforcement & Penalties

The regulations of *CHAPTER 11. ENFORCEMENT & PENALTIES* shall apply.

12. Definitions

The regulations of *CHAPTER 12. DEFINITIONS* shall apply.

13. Sustainability and Accessibility Standards

The following sustainability and accessibility standards shall apply:

- a.** The buildings shall be constructed with all LED lights.
- b.** Rain barrels shall be permitted to be connected to the roof downspouts.
- c.** A universal design option shall be offered for each home plan built on the Real Estate.

14. Impact Fees

Regardless of the Real Estate’s annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

(Remainder of page intentionally left blank.)

Exhibit B.1 – Real Estate Description and Depiction

SUBJECT TRACT AS-SURVEYED LAND DESCRIPTION

Part of the Northwest Quarter of Section 5, Township 17 North, Range 6 East of the Second Principal Meridian, in Fall Creek Township, Hamilton County, Indiana, based upon an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor #21500017, HWC Engineering Job #2021-244, dated October 22, 2021, more particularly described as follows:

BEGINNING at the southwest corner of the East Half of the Southwest Quarter of Section 32, Township 18 North, Range 6 East, marked by a stone, said corner bearing North 89 degrees 04 minutes 48 seconds East 40.45 feet from a stone marking the northwest corner of the East Half of the Northwest Quarter of said Section 5; thence North 88 degrees 58 minutes 49 seconds East (grid bearing, Indiana Geospatial Coordinate System, "Hamilton" Zone) along the south line of the East Half of the Southwest Quarter of said Section 32 a distance of 752.52 feet to the west right-of-way line of Southeastern Parkway as described in Instrument Numbers 200600064170, 200600058317, and 200600056156 in the Office of the Recorder of Hamilton County, Indiana, the following six (6) courses being along said west right-of-way line of said Southeastern Parkway and along the north right-of-way line of 113th/ Street; (1) thence South 01 degrees 04 minutes 08 seconds East a distance of 264.21 feet; (2) thence South 01 degrees 08 minutes 42 seconds West a distance of 951.42 feet; (3) thence South 28 degrees 54 minutes 52 seconds West a distance of 91.66 feet; (4) thence South 87 degrees 06 minutes 48 seconds West a distance of 295.35 feet; (5) thence South 63 degrees 04 minutes 17 seconds West a distance of 71.16 feet; (6) thence South 04 degrees 09 minutes 35 seconds East a distance of 8.55 feet to the centerline of said 113th/ Street, the following four (4) courses being along said centerline; (1) thence South 85 degrees 50 minutes 27 seconds West a distance of 65.62 feet; (2) thence South 86 degrees 27 minutes 25 seconds West a distance of 139.79 feet; (3) thence South 85 degrees 54 minutes 15 seconds West a distance of 85.54 feet; (4) thence South 84 degrees 17 minutes 04 seconds West a distance of 46.14 feet to the east line of a tract of land described in Instrument Number 2021022867 in said Recorder's Office; thence North 00 degrees 00 minutes 00 seconds East along said east line and the northerly extension thereof a distance of 1361.97 feet to the POINT OF BEGINNING, containing 22.724 acres, more or less.

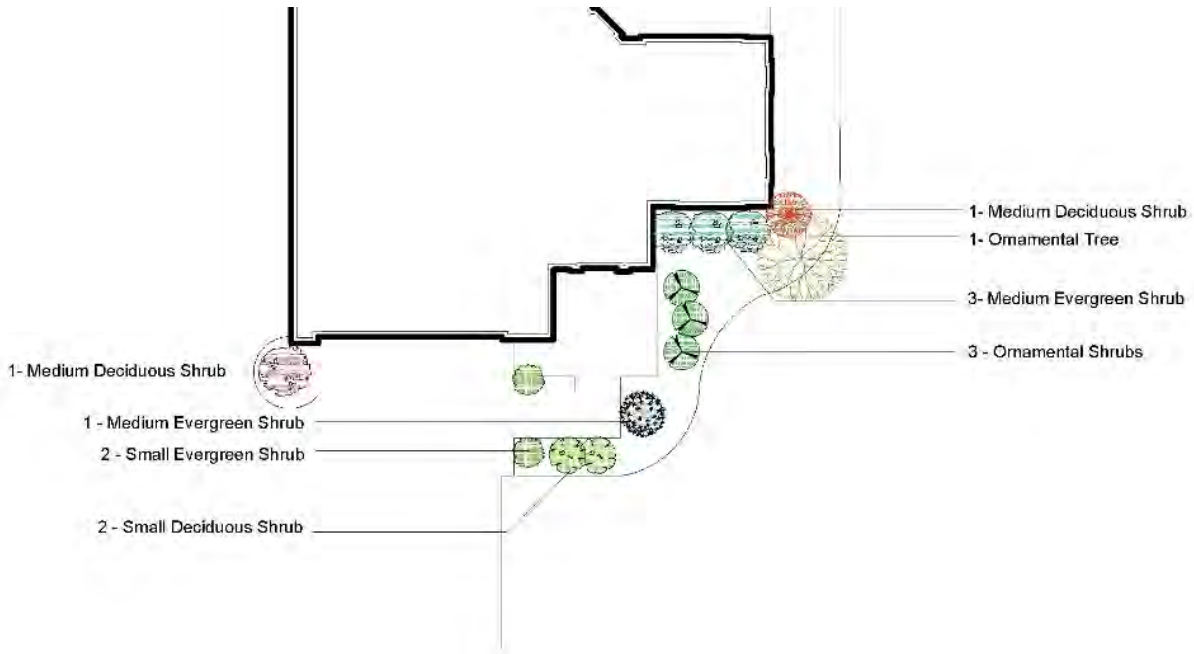


 REAL ESTATE

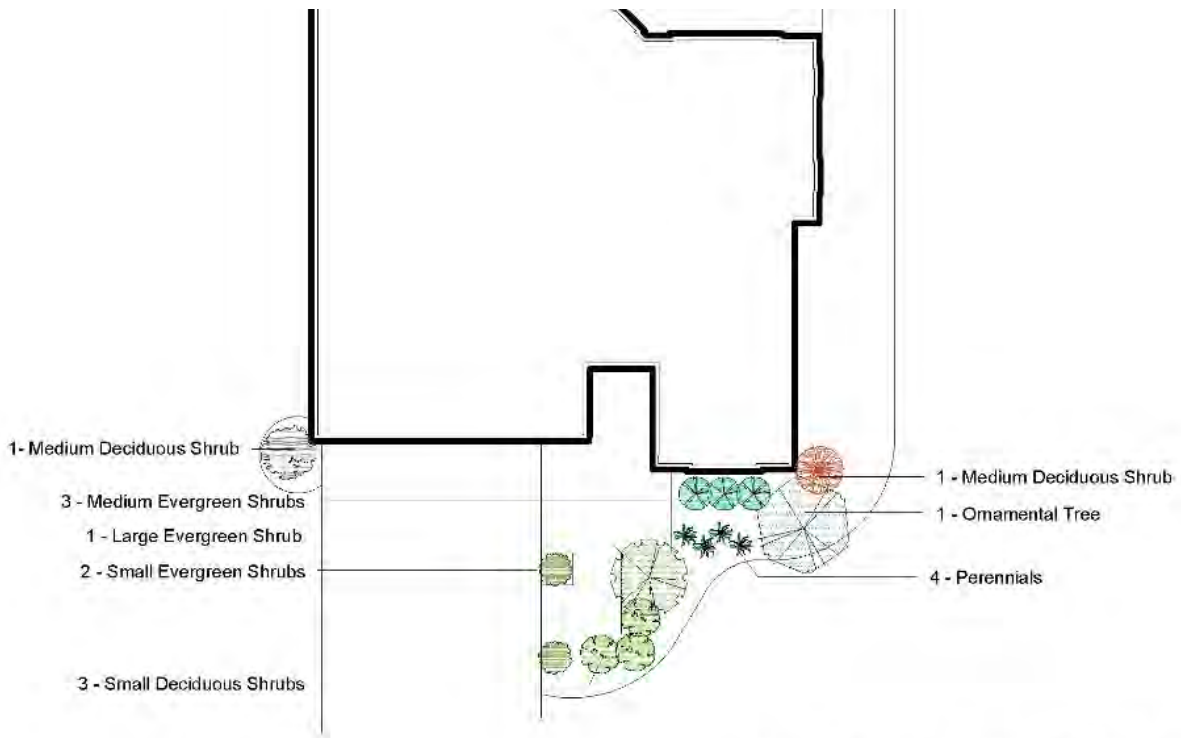
Exhibit B.3 – Illustrative Architectural Exhibit



Exhibit B.5 – Typical Planting Plans



NOTE : Landscape Plans are Conceptual. Species and Quantities May Change Based on Availability.



NOTE : Landscape Plans are Conceptual. Species and Quantities May Change Based on Availability.

Exhibit B.5 – Typical Planting Plans, Continued

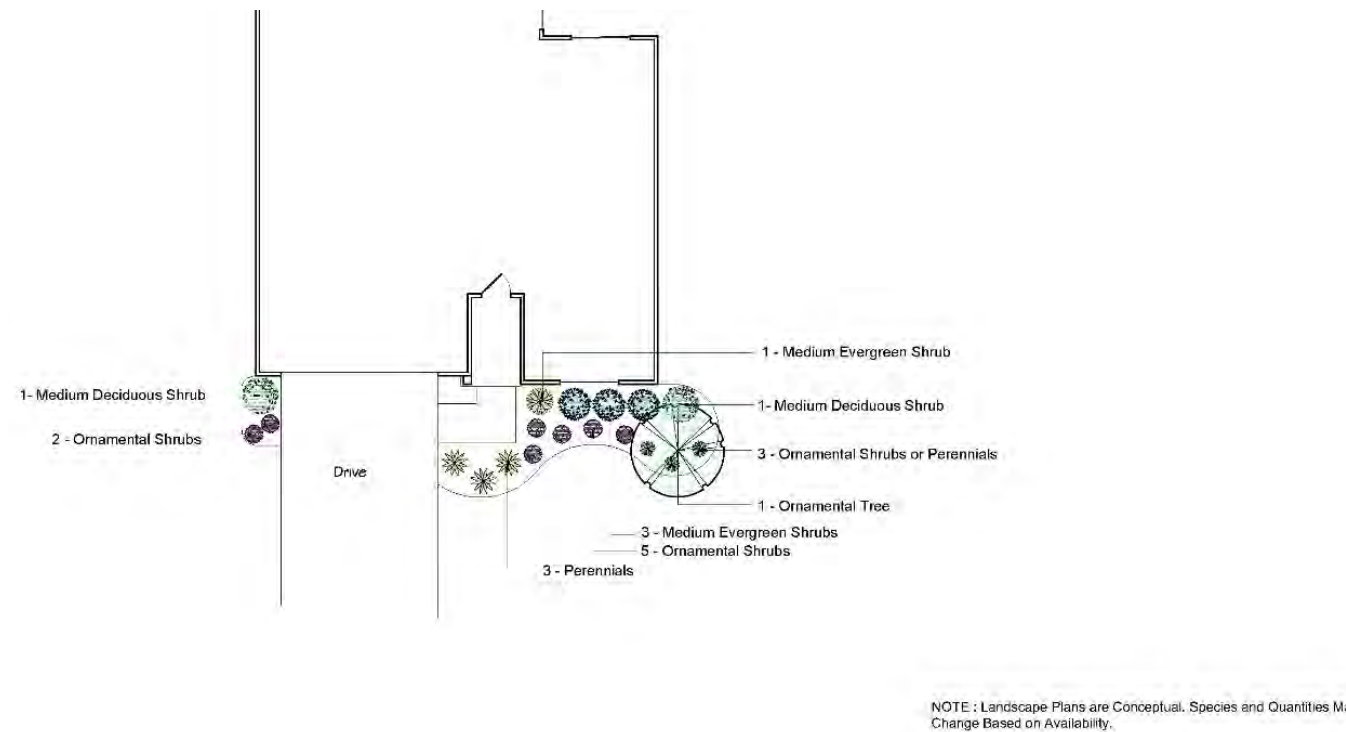
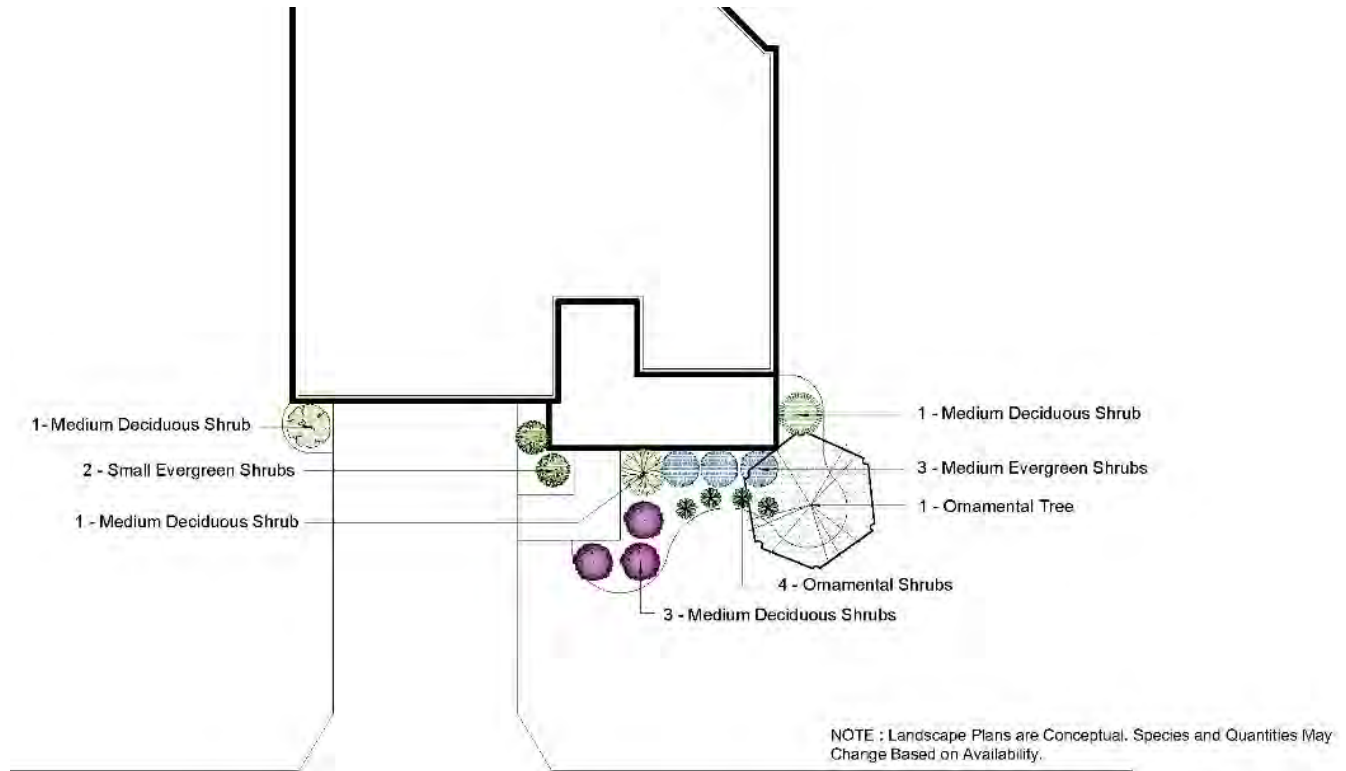
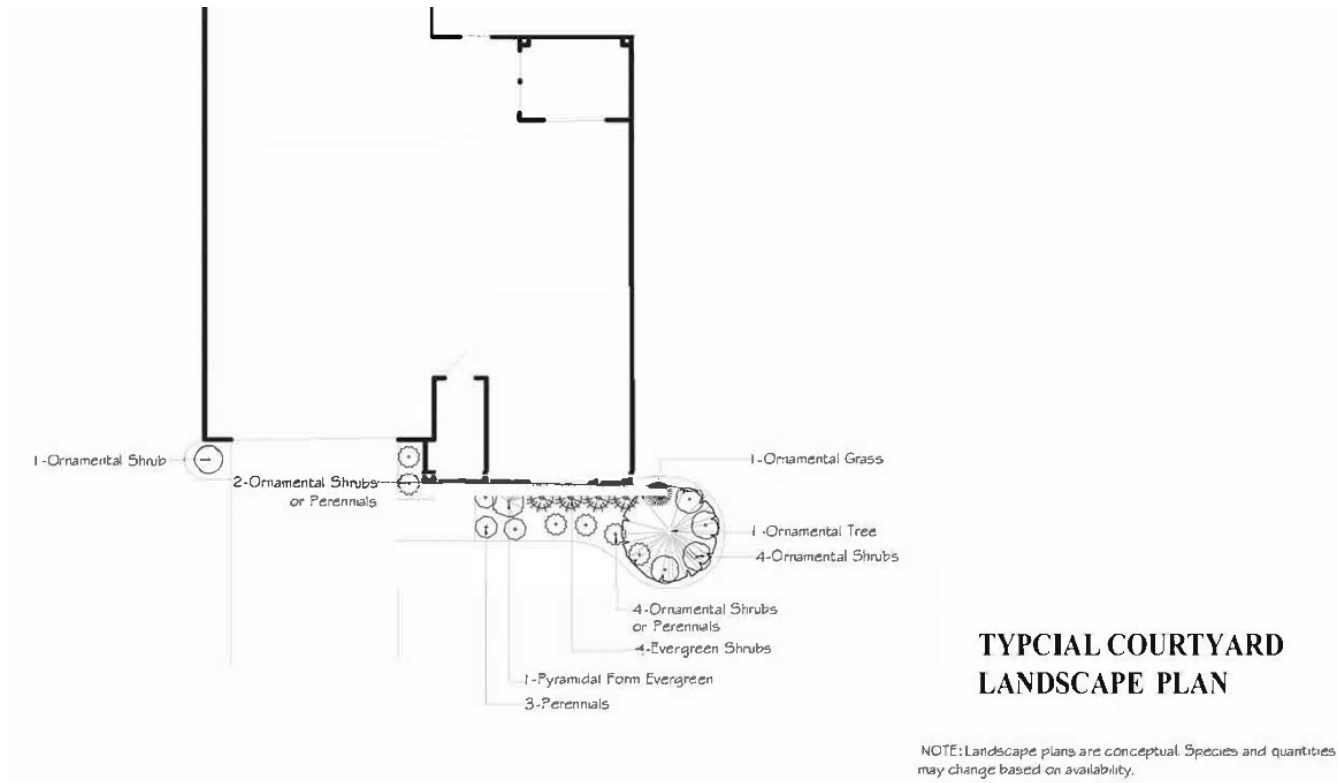


Exhibit B.5 – Typical Planting Plans, Continued





CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Ross Hilleary, Assist. Director, Planning & Zoning, 1 Municipal Drive, Fishers, IN T: 317.588.1436 E:hillearyr@fishers.in.us

DOCKET NUMBER:

RZ-21-10

PETITIONER/PROPERTY OWNER:

Faegre Drinker LLP on behalf of Epcom Community, Inc.

PUBLIC HEARING DATE:

Monday, Feb 21, 2022

PROPERTY ADDRESS/LOCATION:

16000 E 113th St, Fishers, 46038

SPECIFIC REQUEST: Consideration of a rezone from R2 to PUD-Residential for a 50 unit single-family age-targeted development, known as the Courtyards of Fishers PUD.

SIZE OF PROPERTY:

22.1 acres

EXISTING ZONING:

R2

EXISTING LAND USE:

Vacant

LOCATION MAP:



STAFF RECOMMENDATION

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> NO RECOMMENDATION	<input type="checkbox"/> DENY	<input type="checkbox"/> CONTINUE
---	--	-------------------------------	-----------------------------------

ATTACHMENTS

- PETITIONER'S PACKET
- PUBLIC COMMENTS

- AGENCY COMMENTS
- OTHER

PETITION OVERVIEW:

Faegre Drinker, LLP is requesting approval of a rezone from R2 to PUD-R for the Courtyards of Fishers PUD. This petition seeks to rezone 22.1 acres of vacant R2 land to PUD-R to permit construction of a 50-lot single-family age-targeted residential subdivision. Please reference the Petitioner's Packet for the proposed Concept Plan and Illustrative Architectural Exhibit for the proposed homes to be built.

As this development is age-targeted, the developer predicts an average community member age of 55 years. As such, the homes are to be constructed with Universal Design Features in mind.

Development Standards

The underlying zoning district for this PUD will incorporate the R5 – Residential District development standards found within the City's Unified Development Ordinance (UDO), except as modified by the proposed ordinance identified below in red.

Courtyards of Fishers		UDO R5 Residential
1a. Lot area	6,000 sf	7,500 sf
1b. Lot width at building line	52'	70'
1d. Lot frontage	35'	50'
2. Minimum Building Setbacks		
2a. Front - local street / other street	10'	25' / 40'
2b. Side, primary structure	5'	10'
2c. Rear, primary structure	10'	25'
3. Maximum Building Height		
3a. Primary structure	35'	35'
4. Building Floor Area		
4a. Living unit area, 1-story (min)	1,400 sf	1,000 sf
4b. Living unit area, 2-story (min)	-	1,200 sf
5. Other		
5b. Impervious area of lot (max)	65%	50%
6. Maximum Lots Permitted		
6a. Maximum Number of Lots	50	N/A

Architectural Exhibits

The Illustrative Architectural Exhibit will be incorporated into the PUD Ordinance to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit; however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. The Illustrative Architectural Exhibits were approved at the February 9, 2022, PUD Committee Meeting, with a 4-0 vote.

All homes will be required to meet the following additional architectural standards, in addition to the minimum established in the UDO:

- All residential structures shall include masonry on the front façade
- Front loaded garages shall be setback a minimum of two (2) feet from the façade plane
- Aluminum, heavy-gauge vinyl, and vinyl shall not be permitted
- Side facades on corner lots shall be additional architectural features as identified
- Rear facades on perimeter lots, marked with an asterisk, shall include additional architectural features as identified
- Horizontal lap siding, shake siding, and vertical board-and-batten siding may be used on the balance of the front façade
- The side and rear elevations of each home may use horizontal lap siding and vertical board-and-batten siding; however, the courtyard side of the homes shall only use horizontal lap siding

The floor plans and elevations reflect an interior courtyard building form that replaces resident's backyards with landscaped and furnished side yards. Please refer to Tab 8 for renderings and examples of the courtyard feature. This feature can be found in the Anderson Hall subdivision (located south of 141st St and west of Promise Rd) as well.

Architectural features of note to be included are as follows:

- Reverse gables
- Varied corner molding
- Varied decorative entryways
- Multiple roof planes
- Decorative window casings
- Roof line brackets

Open Space and Landscaping

The concept plan depicts the area to be incorporated into the PUD-R. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth in the PUD.

The concept plan includes a perimeter path around the drainage pond located in the SW corner of the development for pedestrian use that provides connection to the adjacent Grantham subdivision as well as a pavilion/pond overlook. The City's acquirement of ROW for future road improvements, per the Transportation Plan, along 113th and Southeastern Parkway is depicted as well.

Rain barrels are available to be included to roof downspouts through Fishers DPW, and all homes shall be constructed with LED lights.

Of further note is the inclusion of certain sustainability standards within the ordinance. Specifically, Article 6.7 is amended to promote drought-tolerant native species as follows:

Article 6.7. Landscaping Standards: Shall apply, except as modified below:

- (1) The required landscaping in all common areas/open spaces shall be native species selected from the City of Fishers Planting Guide list of Approved Species, and emphasis shall be given to selecting drought tolerant varieties,

at the discretion of the developer and/or property owner. All required plantings initially installed on the individual lots shall be native species. Non-native species may be installed with prior approval by City staff.

Modifications to the original draft ordinance includes the following after having one-on-one meetings with neighbors:

Article 8.4. Open Space, Common Area & Amenity Standards

(2) *Section 8.4.5.B. Perimeter Landscaping, Number of Trees and Shrubs Required:* Shall not apply; instead, perimeter landscaping shall include the following:

- (i) A black, four-rail horse fence and/or a black, cross buck fence shall be installed along the right-of-way of Southeastern Parkway and E. 113th Street,
- (ii) A minimum of ~~four (4)~~ **eight (8)** evergreen trees **and** three (3) shade trees, ~~and three (3) ornamental trees~~ per one hundred (100) feet of external street frontage, and
- (iii) No shrubs nor berms shall be required.

Site Access and ROW

A local road will be constructed off Southeastern Parkway. It is important to highlight that all access and ROW improvements will need to be reviewed by the City's Engineering Department through the Technical Advisory Committee (TAC) and are subject to additional comments by staff. A pedestrian path is proposed along E 113th Street and Southeastern Parkway to provide pedestrian connection to the Grantham subdivision future connections.

PUBLIC COMMENTS:

Councilor DeReamer provided a Public Comment to the Plan Commission that highlighted the property is zoned R2-Residential and they can build R2 - Residential under our current UDO standards and if they want to rezone to R5-Residential they could built R5 - Residential. He does not believe the proposed PUD is close to the underlying R5-Residential.

STAFF COMMENTS:

Fishers 2040

Per the Comprehensive Plan this area is identified as "Low Density Suburban Residential" which is defined as single-family detached residential at low densities ranging from one to two dwelling units per acre. A variety of densities within the permitted range is encouraged to allow for more diversity in housing type. Staff feels this project is consistent with this policy prescription and is of a high architectural and material quality and a housing type that currently limited within our community.

Furthermore, the area in the SE corner of Southeastern Parkway is identified as an area to be considered for (commercial) Neighborhood Services, such as low-intensity retail, restaurants, etc. Staff feels this development would amply serve such a commercial development if/when proposed, thus achieving the intent of the prescriptions of the Comprehensive Plan.

Current Conditions

The proposed development is surrounded by Estate Residential to the north and south, R2 residential to the east, and PUDR (Grantham) to the west.

City Council

This item was given First Reading at City Council on December 20, 2021. No comments were provided.

PUD Committee

During the February 9, 2022 meeting the PUD Committee reviewed the site plan and the home elevations provided in the PUD Document. PUD Committee **APPROVED** the Site plan and building elevation by a vote of 4 to 0.

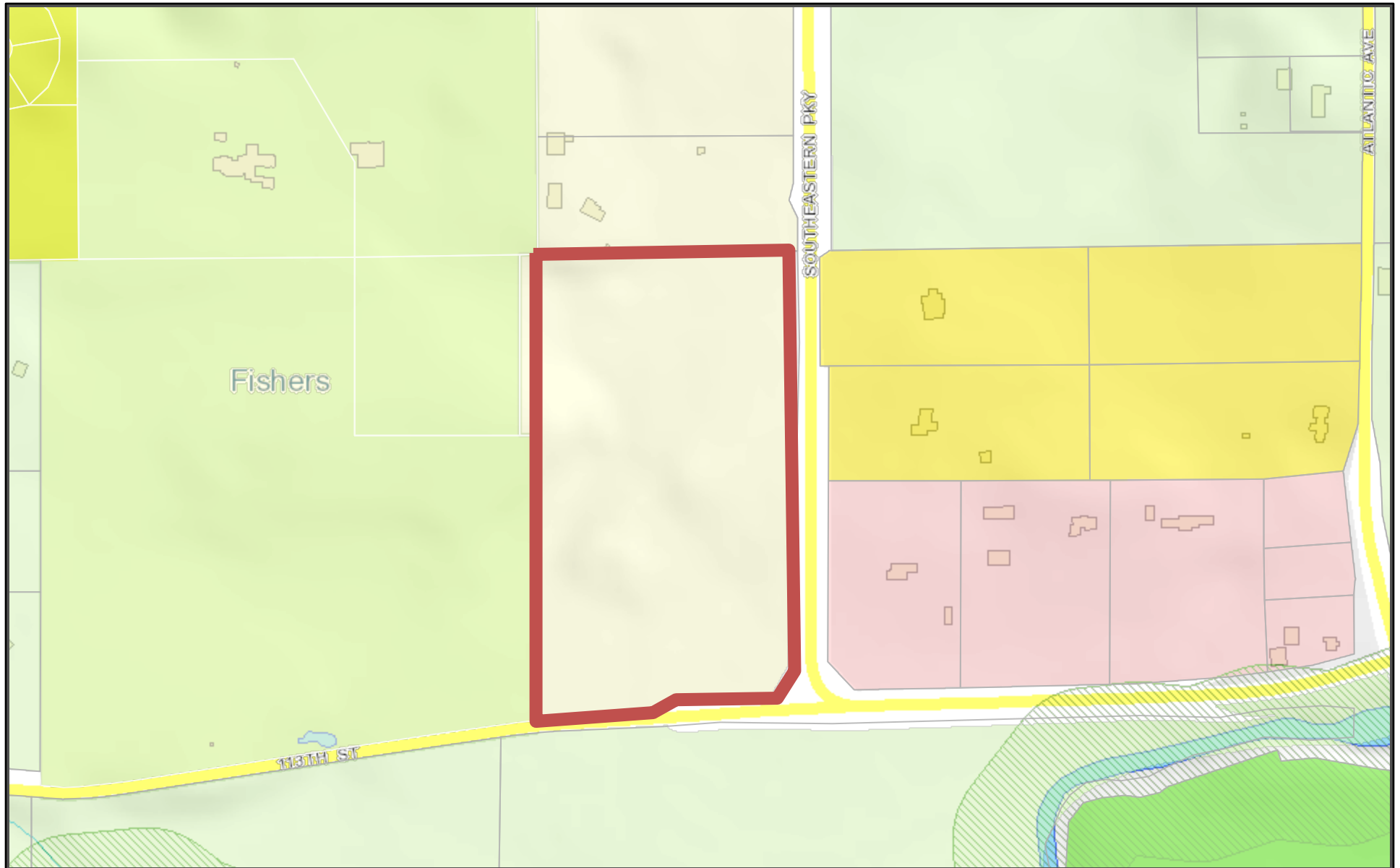
Plan Commission

During the February 9, 2022 meeting the Fishers Advisory Plan Commission held a public hearing. Two (2) residents spoke at the public hearing. Concerns that the area is no longer estate residential in nature and that the development does not match the Future Land Use Plan. The Future Land Use Map shows this parcel as “Low Density Suburban Residential”. Plan Commission sends a **FAVORABLE RECOMMENDATION** to City Council by a vote of 9 to 0.

Staff Recommendation

Therefore, staff recommends **APPROVAL** of the petition as presented.

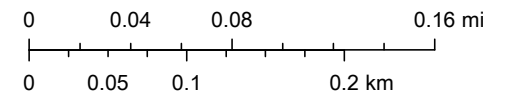
Courtyards of Fishers PUD Rezone - Low Density Suburban Residential



February 14, 2022

- | | | | | |
|----------------------|--------------------------|----------------------|------------------------|--------------------|
| Parcels | CompPlan_Open | Estate Residential | Core Residential | Regional Mixed Use |
| Fishers CompPlan_Use | Low Density Suburban Res | Attached Residential | | |
| Other | Special Study Area | Suburban Residential | Neighborhood Mixed Use | |

1:4,800



Fishers, IN GIS



Council Action Form

MEETING DATE	February 21, 2021			
TITLE	Consideration of a rezone from R-2 to PUD-R for 50 single-family homes. Property is located at the northwest corner of Southeastern Parkway and E 113 th Street. Project is known as Courtyards of Fishers PUD, case #RZ-21-10			
SUBMITTED BY	Name & Title: Ross Hilleary, Assistant Director of Planning & Zoning			
	Department: Planning & Zoning			
MEETING TYPE	<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
	<input type="checkbox"/> Executive			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
				<input checked="" type="checkbox"/> Final Reading
	Ordinance #: 122021A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office			

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Faegre Drinker LLP on behalf of Epcom Community, Inc. request a of a rezone from R-2 to PUD-R. The new zoning district will be known as “The Courtyards of Fishers PUD” and is generally located at the northwest corner of Southeastern Parkway and E 113th Street. The underlying zoning district for this PUD will incorporate the R5 – Residential Zoning District development standards found within the City’s Unified Development Ordinance (UDO), except as modified by the proposed ordinance. The project consists of 50 lots. Please reference the Petitioner Packet for the proposed Concept Plan and Illustrative Architecture Exhibit for the proposed homes to be built. Parcel ID: 13-16-05-00-00-004.001</p> <ul style="list-style-type: none"> - Concept Plan and Home Elevations were approved at the February 9, 2022, Meeting, 4-0. - Plan Commission held a Public Hearing, and sends a favorable recommendation to City Council at the February 9, 2022, Meeting, 9-0. 	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	Not applicable (N/A)
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold a Final Reading
	2.	Continue to February 18, 2022, Council Meeting
	3.	Send back to Plan Commission
	4.	No Action
PROJECT TIMELINE	<p>December 20, 2021 – 1st Reading at City Council February 9, 2022 –Architecture Review at PUD Committee February 9, 2022 –Public Hearing at Plan Commission February 21, 2022 – Proposed Final Reading at City Council</p>	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	<p>Staff recommends that Council approves the Rezone Request RZ-21-10 for the Courtyards of Fishers PUD, Ordinance #122021A as presented.</p>	
SUPPLEMENTAL INFORMATION (List all attached documents)	<ol style="list-style-type: none"> 1. Staff Report 2. Petitioner’s Packet 3. Future Land Use Map 4. Ordinance 	