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Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



ORDINANCE NO. 101121D

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA, AMENDING THE DELAWARE PARK PUD
ORDINANCE # 020796B (the "Amendment").**

JDB

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-21-8 as required by law regarding the Amendment; and

WHEREAS, the Plan Commission at its November 3, 2021 meeting sent a Favorable recommendation to the Common Council by a vote of eight (8) in favor and zero (0) 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 shown in Exhibit A, to PUD-M.

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 plans, and illustrative architectural exhibits 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 _15th_ day of __November_____, 2021.

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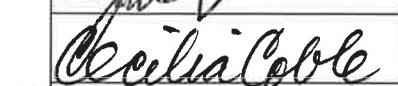
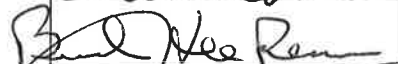

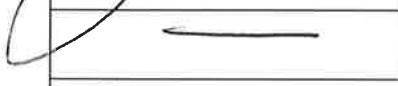
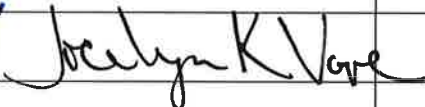



**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

101121D

YAY

NAY

ABSTAIN

	Selina Stoller President		
	C. Pete Peterson, Member		
	John Weingardt, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member	X	
	Crystal Neumann, Member		
	David Giffel, Member	X	

I hereby certify that the foregoing Ordinance/Resolution was delivered to City of Fishers Mayor Scott Fadness on the 15th day of November, 2021, at 8:45 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk





Scott A. Fadness, Mayor

MAYOR'S APPROVAL

11-16-2021

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

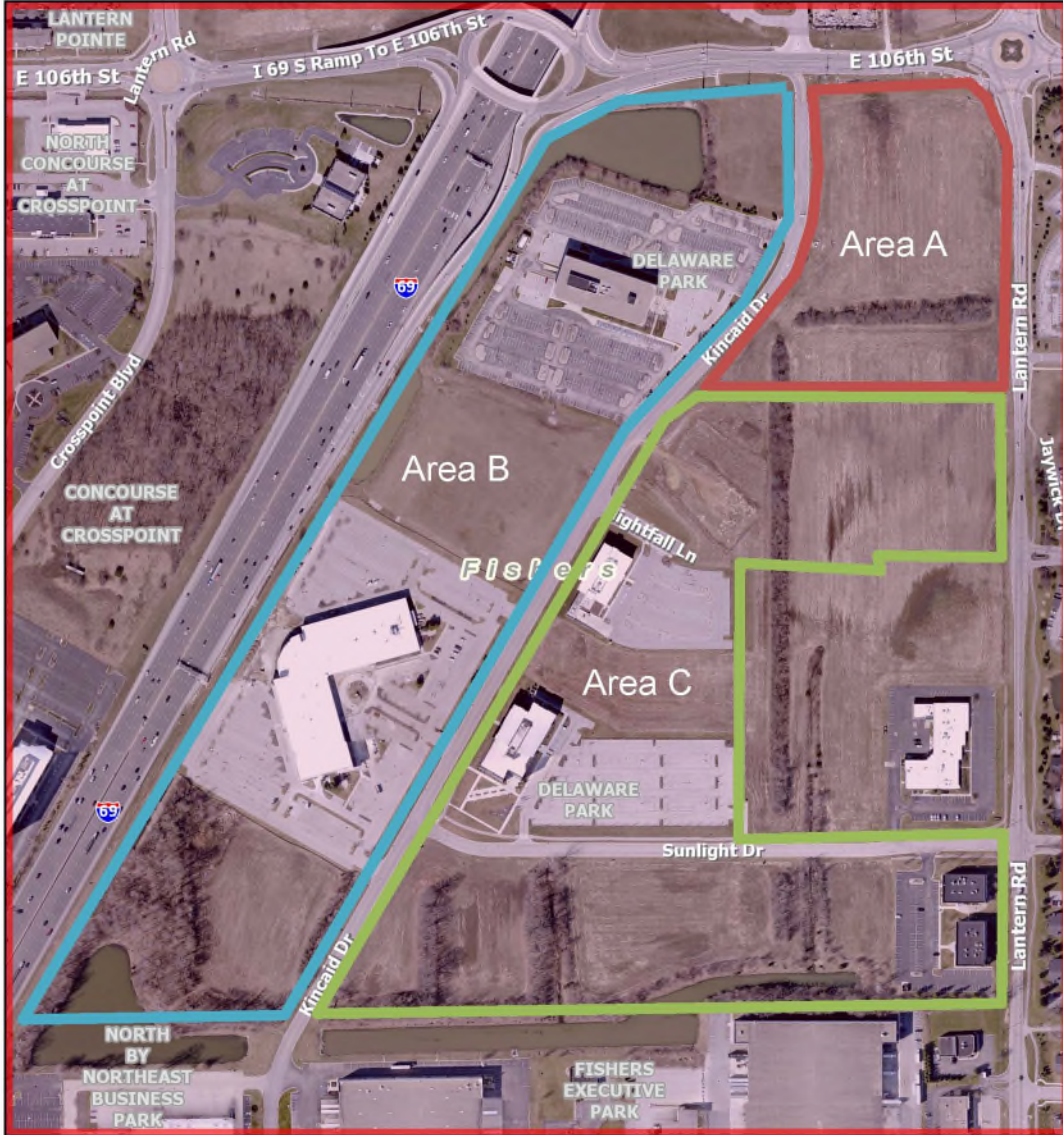
DATE

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

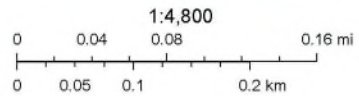
"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl

**EXHIBIT A – THE REAL ESTATE IS OUTLINED BELOW
IN RED, BLUE AND GREEN**

Hamilton County, Indiana



November 5, 2021



Author: Hamilton County
Hamilton County compiled this map. Although strict accuracy standards have been employed, Hamilton County does not warrant or guarantee the accuracy of the information contained herein and

LEGAL DESCRIPTION

EXHIBIT A

COMPOSITE PERIMETER DESCRIPTION:

A part of the Northeast Quarter of Section 12, Township 17 North, Range 4 East, of the Second Principal Meridian in Delaware Township, Hamilton County, Indiana, described as follows:

BEGINNING at the Northeast corner of said Northeast Quarter; thence, along the East line thereof, South 00 degrees 03 minutes 07 seconds East 84.93 feet to the Northwest corner of the Northwest Quarter of Section 7, Township 17 north, Range 5 East; thence, continuing along said East line. South 00 degrees 23 minutes 43 seconds East 2,576.02 feet to the southeast corner of said Northeast Quarter thence, along the south line of said Northeast Quarter; South 88 degrees 35 minutes 03 seconds West 2,373.80 feet; thence, North 00 degrees 23 minutes 03 seconds West 729.77 feet to the Easterly right-of-way line of Interstate 69 thence along said Easterly right-of-way North 29 degrees 10 minutes 00 seconds East 2,081.49 feet; thence, continuing along said Easterly right-of-way and the Southerly right-of-way of 106th Street the next four courses: (1) North 57 degrees 57 minutes 58 seconds East 88.19 feet; (2) North 84 degrees 29 minutes 12 seconds East 448.70 feet; (3) North 83 degrees 08 minutes 29 seconds East 201.00 feet; (4) North 77 degrees 30 minutes 43 seconds East 86.44 feet; thence North 01 degrees 32 minutes 57 seconds East 25.00 feet to the North line of said Northeast Quarter; thence along said North line, North 88 degrees 27 minutes 02 seconds East 541.24 feet to the POINT OF BEGINNING. Containing 119.261 acres more or less. Being subject to all easements and rights-of-way of record.

Except the following parcels:

Hamilton County Parcel No. 15 14 12 0009 004.202

Hamilton County Parcel No. 15 14 12 0009 004.102

Hamilton County Parcel No. 15 14 12 0009 004.101

Hamilton County Parcel No. 15 14 12 0009 004.112

2021

Delaware Park PUD - Exhibit B



Planning & Zoning Department

City of Fishers

Ordinance: _____



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

1. Declaration

- a. Ordinance No. 101121D (this "Ordinance")
- b. Adopted: 11/15/2021

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 071618F, 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 existing Delaware Park PUD Ordinance # 020796B is hereby repealed and replaced with this Ordinance. The intent of this amendment is to update the UDO references, maintain the existing permitted uses and adopt standards to support a mixed-use development. The zoning classification of the Real Estate is hereby designated as Planned Unit Development - Mixed Use District (PUD-M) and shall hereafter be known as the "Delaware Park 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

The standards of the UDO applicable to the *C3 Commercial District* shall apply to the development of the Real Estate, 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.

4. Allowed Uses

- a. Area A: All uses permitted in the *C3 Commercial District* and the *EN Employment Node District* and multi-unit living and Coffee House shall be permitted within Area A. The following uses shall be prohibited within Area A: vehicle fuel sales, self-service storage, & vehicle repair (major & minor).
- b. Area B: All uses permitted in the *C3 Commercial District* and the *EN Employment Node District* shall be permitted in Area B.
- c. Area C: All uses permitted in the *C3 Commercial District*, the *EN Employment Node District* and the *I1 Industrial District* shall be permitted within Area C.

B. Concept Plan

The Concept Plan for Area A, attached hereto as **Exhibit C**, is hereby incorporated. Area A'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. *Section 10.2.16.N* shall not apply. 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 Highline at Delaware Park 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.

Concept plans for parcels within Area B and Area C shall be reviewed and approved by both the Mayor or Mayor's Designee AND PUD Committee based upon compliance with the development and design standards set forth herein. The concept plans shall show in general terms the following: major circulation; generalized location and dimensions of buildings, structures, and Parking Areas; Open Space areas; Conservation and/or Preservation areas; recreation facilities; and other details to indicate the character of the proposed development.

C. Standards

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.

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

b. Article 3.3 Nonresidential Districts: Shall apply, except as modified below:

(1) *Sec. 3.3.3. C3 Commercial District:* Shall not apply. Instead, the following shall apply:

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Lot frontage – on public street with access from	n/a
2. Minimum Building Setbacks	
2a. Perimeter building setback (106 th Street/Kincaid Boulevard/Lantern Road/Sunlight Drive/Nightfall Drive) ²	20'
2b. Perimeter building setback (Interstate 69)	50'
2c. Internal building setback (Pearl Street/Highline Drive)	n/a
2d. Side	n/a
2e. Rear	n/a
2f. Building separation (min) ¹	10'

3. Maximum Building Height	
3a. Primary structure	65'
4. Building Floor Area	
4a. Living unit area (min) – Studio and 1-bedroom / 2-bedroom / 3 or more-bedroom	550/ 800/ 1,300 sf
4b. Non-residential buildings	n/a
5. Other	
5a. Requires public or municipal water and sewer hookup	
5b. Impervious area of lot (max)	90%
Notes: 1. Shall not apply to Accessory Structures. 2. Additional buffer yard requirements may apply. Buffer yards may be provided within, and not in addition to, the required setback.	

c. **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, except as modified below:

- (1) *Sec 5.4.8.D. Fast Food/Quick Service:* Shall not apply.
- (2) *Sec 5.7.2.G. Outdoor Dining for Eating Establishments:* Shall apply, except as modified below:
 - (a) Sec. 5.7.2.G.2. shall not apply.
 - (b) Sec. 5.7.2.G.3. shall not apply; however, if a fence or wall is installed, then it may be up to six (6) feet tall.
 - (c) patios and outdoor seating may encroach into the applicable setback.

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, except as modified below:
 - (1) *Sec 6.2.4.A. Common Community Structures:* Shall apply, except that detached garages may be located substantially consistent with the Concept Plan.
 - (2) *Sec 6.2.4.B. Common Community Structures:* Shall apply, except that cluster mailboxes may be incorporated into the clubhouse building, in which case, no stand-alone shelter shall be required.
- c. **Article 6.3. Architectural Design Standards:** Shall not apply; instead the following shall apply:
 - (1) The following shall apply to the buildings within Area A south of Pearl Street: The Illustrative Architectural Exhibit, attached hereto as **Exhibit D**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the buildings to be located south of Pearl Street. The final building designs may vary from the Illustrative Architectural Exhibit; however, the buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibit.
 - (2) The following shall apply to all other buildings: The location and architecture of buildings shall be reviewed and approved by the PUD Committee, pursuant to Article 10.A of this

Ordinance, prior to the issuance of a building permit for each building, respectively. Additionally,

- a) The following materials shall be permitted: composite wood materials, steel, aluminum, metal, precast concrete, stone, and porcelain/ceramic tile, masonry, glass, EIFS.
- b) All mechanicals shall be located and screened to minimize visibility from the Real Estate's property line and adjacent Rights-of-Way at the grade of the site.
- d. **Article 6.4. Entrance & Driveway Standards:** Shall apply.
- e. **Article 6.5. Exterior Lighting Standards:** Shall apply, except light fixtures within parking and vehicular areas may be no higher than 20 feet.
- f. **Article 6.6. Height Standards:** Shall apply.
- g. **Article 6.7. Landscaping Standards:** Shall apply, except as modified below:
 - (1) An alternative landscaping plan may be submitted for review and approval by the Mayor or the Mayor's designee as part of a development plan that includes alternative landscaping standards to accommodate the creative mixed-use nature of this development.
 - (2) *Sec 6.7.4. Buffer Yards:* Shall apply, except that it shall not apply between uses within the Real Estate.
 - (3) *Sec. 6.7.6.C. Minimum Distance from Sidewalk:* Shall not apply.
 - (4) Lots which abut Interstate 69 shall be required to maintain a 15' wide landscaping buffer along such frontage. The landscaping buffer shall be subject to Sec. 8.4.5. Perimeter Landscaping.
- h. **Article 6.8. Lot Standards:** Shall apply, except as modified by this Ordinance.
 - (1) *Sec. 6.8.D.2 Lot Frontage:* Shall not apply.
- i. **Article 6.9. Non-Residential Open Space:** Shall not apply; instead, open space shall be provided substantially as shown on the Concept Plan.
- j. **Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. **Article 6.11. Parking & Loading Standards:** Shall apply, except as modified below.
 - (1) An alternative landscaping plan may be submitted pursuant to Section 10, hereof, as part of the development plan that includes alternative landscaping standards to accommodate the creative mixed-use nature of this development.
- 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 apply.
- p. **Article 6.16. Setback Standards:** Shall apply, except as modified by this Ordinance.
- q. **Article 6.17. Signage Standards:** Shall apply; however, a comprehensive sign package may be submitted for review and approval by the Mayor or the Mayor's designee that may vary from the sign code as long as it is in keeping with the quality and character of the proposed development.
- r. **Article 6.18. Wall & Fence Standards:** Shall apply, except as modified by this Ordinance.
- s. **Article 6.19. Water & Sewer Standards:** Shall apply.
- t. **Article 6.20. Vision Clearance Standards:** Shall apply.
- u. **Additional Standards Applicable to Area A:**
 - (1) *Sustainability Standards:* The multi-family buildings shall: (a) be constructed with all LED lights; (b) include at least eight (8) EV charging stations; (c) include occupancy-sensing lights in common area hallways; (d) incorporate drought tolerate plant species in the landscaping plan; and (e) include a community garden.

(2) *Dwelling Units*: Up to 280 residential units shall be permitted within the Area A. At least 10% of the residential units within Area A shall be studios.

(3) *Accessibility*: All units shall comply with the Fair Housing Act, and all units shall be adaptable dwelling units per the Fair Housing Accessibility Guidelines.

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.

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:

(1) *Sec. 8.4.6.C and D. Minimum Open Space and Open Space Allocation*: shall not apply; instead, open space shall be provided substantially as shown on the Concept Plan.

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, except as modified below:

a. If applicable: (1) the location and architecture of buildings north of Pearl Street and in Areas B and C shall be assigned to the City's general PUD Committee (the "Committee") for review and approval; and (2) prior to the Committee's review, the Mayor or Mayor's Designee shall review each building's preliminary architectural plan (e.g., elevations, roof plan, floor plan, and rendering) and approve such plan based upon compliance with the development and design standards set forth herein.

b. The Committee, if applicable, and the Mayor or Mayor's Designee shall have discretion and flexibility to consider and approve modifications pertaining to any development and design standards established or referenced by this Ordinance if the Committee or Mayor or Mayor's Designee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

11. Enforcement & Penalties

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

12. Definitions

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

Exhibit C – Area A Concept Plan



Exhibit D – Illustrative Architectural Exhibit



View of Building 1 Looking South-East from Pearl Street

STUDIO M
ARCHITECTURE & PLANNING

Dellaware Park, LLC
10000-40 Blocks, Drive
Fishers, IN 46037

Highline at
Dellaware Park
Fishers, Indiana

Conceptual Rendering

June 23, 2021

A5.1



View of Building 2 Looking South-East from Kincaid Blvd