

Year

2012

v.05.16.12

Watermark @ Exit 5

An amendment to Ordinance No. 08-17-88

*Town of Fishers
Planned Development
Ordinance
031912*

Watermark @ Exit 5

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 031912 (this "PUD Ordinance") Adopted: May 21, 2012</p> <p>Development of the Real Estate, as described in Section 1.10 herein, shall henceforth be controlled and governed by (i) the provisions of this PUD Ordinance, (ii) Ordinance No. 08-17-88 (the "Sunbeam Ordinance"), and (iii) the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A, and the OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated October 16, 2006, which accompanies and is a part of the Zoning Code of the Town of Fishers, Indiana, as amended (the "UDO").</p> <p>All provisions of the UDO or the Sunbeam Ordinance that conflict with the provisions of this PUD Ordinance as applied to the Real Estate shall be superseded by the terms of this PUD Ordinance.</p>	<p>This PUD Ordinance modifies the development standards that are applicable for a multi-family/apartment development and adjacent commercial outlot (the "Outlot") on the Real Estate.</p>	<p>The Sunbeam Ordinance establishes permitted uses for the Real Estate, and those permitted uses continue to be permitted and applicable.</p> <p>Those permitted uses include among others:</p> <p>Permitted Uses:</p> <ul style="list-style-type: none"> • All uses described in Article 02.017 M2 Multifamily Residential District <p>Accessory Uses:</p> <ul style="list-style-type: none"> • All Accessory Uses described in Article 02.017 M2 Multifamily Residential District

1.02 Applicability

- A. If any portion of the Real Estate is developed to include **M2** uses consistent with the Concept Plan, then the provisions of this PUD Ordinance shall apply to that portion of the Real Estate, and said provisions shall replace and supersede in its entirety the standards of the Sunbeam Ordinance otherwise applicable to that portion of the Real Estate.
- B. If any portion of the Real Estate is developed for uses other than **M2** uses consistent with the Concept Plan, then the provisions of the Sunbeam Ordinance shall apply to the development of that portion of the Real Estate.
- C. The provisions of the Sunbeam Ordinance shall continue to apply to the development of the Outlot parcel, as shown on the Concept Plan; however, buffer yards between the Real Estate's residential and non-residential uses shall not be required.
- D. The standards of the UDO applicable to the **M2** *Multifamily Residential District* shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD Ordinance. "Article" cross-references of this PUD 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 PUD Ordinance unless this PUD 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.



Concept
Plan Exhibit

Watermark @ Exit 5

1.04 Development Standards

- A. Cross References: The regulations of *Article 05: Development Standards* shall apply except as modified by this Ordinance.
- B. General Regulations: *Article 02.018: M2 Multifamily Residential District Development Standards* shall apply except as modified below¹:
- (1) Maximum Number of Dwelling Units: 220
 - (2) Minimum Project Area shall not apply; rather the project area shall be the Real Estate.
 - (3) Minimum Setbacks shall apply except as follows:
 - Minimum Side Setback: 40 feet
 - Minimum Rear Setback: 40 feet
 - Parking areas:
 - South property line (abutting access easement depicted on the Concept Plan): 5 feet
 - West property line: 10 feet
 - Side/Rear Yard (all other): 10 feet
 - Front yard (all others): 20 feet
 - (4) Minimum Living Unit Area
 - One-bedroom: 650 square feet
 - Two-bedroom: 1050 square feet
 - Three-bedroom: 1300 square feet
 - (5) Maximum Structure Height
 - Primary Structure: 45 feet
- C. Accessory Structure Standards (AS): shall apply except as modified below:
- (1) Accessory structures shall be permitted in the Established Front Yard as generally shown on the Concept Plan.
 - (2) Accessory structures shall be of a design and constructed of materials compatible with the Real Estate's primary structure.
 - (3) Carports shall be prohibited.
- D. Architectural Design Standards (AD): shall apply except as modified below:
- (1) *Article 05.013 AD-02(A)(2): Architectural Design; Multifamily Residential; Facade; Materials* shall apply; however, aluminum and vinyl siding shall be prohibited.
 - (2) *Article 05.013 AD-02(D)(3) and (4): Architectural Design; Multifamily Residential; Automobile Storage; Garage Depth and Width* shall be modified to require a minimum depth of twenty (20) feet and a minimum width of eleven (11) feet.
 - (3) The Illustrative Character Exhibit is hereby incorporated to conceptually illustrate the elements and anticipated character and to establish a benchmark for the architecture and design of the Real Estate's buildings. The final building design may vary from the Illustrative Character Exhibit; however, buildings shall be substantially similar in quality and character to the building shown in the Illustrative Character Exhibit.



Illustrative Character Exhibit

¹ The applicable Maximum Impervious Surface Coverage standard replaces all other applicable open space standards set forth in the UDO.

Watermark @ Exit 5

- 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 05.044 LA-07(E): Landscaping Standards; Buffer Yards* shall not apply; rather, perimeter landscaping shall consist of perimeter parking lot landscaping pursuant to *Article 05.043 LA-06: Landscaping Standards; Parking Lot Plantings* and *Article 07.032 PL-01: Perimeter Landscaping Standards; Residential Development* where otherwise applicable.
- N. Lighting Standards (LT): shall apply.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall apply except as modified below:
 - (1) *Article 05.065 PK-03(A): Parking Standards; Multifamily Residential; Off-Street Parking Spaces* shall be modified to require a minimum number of parking spaces (including visitor parking spaces) of 1.8 spaces per dwelling unit. At least ten percent (10%) of the parking spaces shall be covered.
 - (2) *Article 05.065 PK-03(C)(1): Parking Standards; Multifamily Residential; Visitor Parking Spaces* shall not apply. See Section 1.04(R)(1) of this PUD Ordinance. Visitor parking shall be spread evenly throughout the Real Estate.
- 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 PUD Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall apply.
- 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.

Watermark @ Exit 5

- 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 not apply. See Section 1.04(B) of this PUD Ordinance.
- 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. The Developer shall dedicate additional right-of-way along Cumberland Road (the "ROW") pursuant to the Town's Thoroughfare Plan at the time of Final Development Plan approval. Perimeter Landscaping may be located within the ROW upon review and approval by the Town's Development and Engineering Departments. If and when Cumberland Road is widened in the future, then the Developer will work with the Town regarding any modifications to the Perimeter Landscaping and such modifications shall not cause the Real Estate to otherwise become nonconforming.
- 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.

1.08 Procedures

- A. The procedures set forth in *Article 09: Processes, Permits & Fees; Planned Unit Development* shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. This Real Estate shall be assigned to the Town's general PUD Committee (the "Committee") for review pursuant to *Article 09.020 Planned Unit Development; Final Development Plan*.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage and landscaping design standards established or referenced by this PUD Ordinance if the Committee determines such modifications are consistent with the intent of this PUD Ordinance and consistent with the quality and character represented in this PUD Ordinance.

1.09 Miscellaneous

- A. Amenities. The following amenities shall be incorporated into the development of the Real Estate:
 - (1) Multimedia recreation area located in clubhouse;
 - (2) Internet hot spots (e.g., WiFi or other as technology may provide) throughout clubhouse and pool area;
 - (3) Fitness center;
 - (4) Resort-style swimming pool; and
 - (5) Poolside entertainment area with gas grills.

1.10 Real Estate

A part of Lot 1 in Exit 5 Run as recorded in Instr. No. 200400046199, Plat Cabinet 3, Slide 437, in the Office of the Recorder of Hamilton County, Indiana, and a part of the Southwest Quarter of Section 32, Township 18 North, Range 5 East, of the Second Principal Meridian, Delaware & Fall Creek Townships, Hamilton County, Indiana, more particularly described as follows: Beginning at the southwest corner of said Lot 1 on the north right-of-way line of 116th Street; thence the following six (6) courses along the boundary of said Lot 1 (the basis of bearings for this description are per said Exit 5 Run): North 00 degrees 03 minutes 32 seconds West 232.90 feet; thence South 88 degrees 39 minutes 06 seconds West 235.00 feet; thence North 00 degrees 03 minutes 52 seconds West 17.11 feet to the point of curvature of a curve having a radius of 278.30 feet, the radius point of which bears North 89 degrees 56 minutes 08 seconds East; thence northerly and northeasterly along said curve an arc distance of 207.21 feet to the point of tangency thereof, said point bearing North 47 degrees 24 minutes 23 seconds West from the radius point; thence North 42 degrees 35 minutes 37 seconds East 70.89 feet to the point of curvature of a curve having a radius of 358.30 feet, the radius point of which bears North 47 degrees 24 minutes 23 seconds West; thence northeasterly and northerly along said curve an arc distance of 221.65 feet to the northwest corner of said Lot 1; thence continuing along said curve, being the east right-of-way line of Cumberland Road per Instr. No. 99-43228

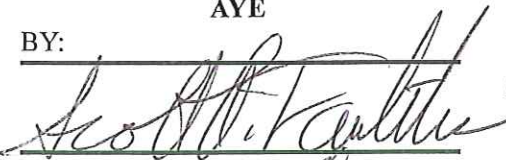

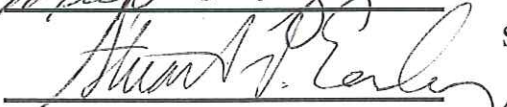




in the aforesaid Recorder's Office, an arc distance of 45.13 feet to the point of tangency thereof, said point bearing North 89 degrees 55 minutes 59 seconds East from the radius point; thence North 00 degrees 04 minutes 01 seconds West along said right-of-way line 43.07 feet; thence North 89 degrees 31 minutes 08 seconds East 503.53 feet; thence South 00 degrees 04 minutes 01 seconds East 486.23 feet; thence North 89 degrees 55 minutes 59 seconds East 44.88 feet; thence South 00 degrees 04 minutes 01 seconds East 285.00 feet to the south line of the aforesaid Lot 1; thence South 89 degrees 31 minutes 38 seconds West along said line 530.00 feet to the point of beginning, containing 10.33 acres, more or less.


1.10 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~~ ^{18th} day of ~~May~~ ^{JUNE}, Two Thousand and Twelve.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY:	AYE	NAY
<u></u>	Scott A. Faultless, President	_____
<u></u>	Michael Colby, Vice President	_____
<u></u>	Stuart F. Easley, Member	_____
<u></u>	David C. George, Member	_____
<u></u>	Renee Cox, Member	_____
<u></u>	C. Pete Peterson, Member	_____
<u></u>	John W. Weingardt, Member	_____

ATTEST: 
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 031912

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.

M2 Multifamily Residential District

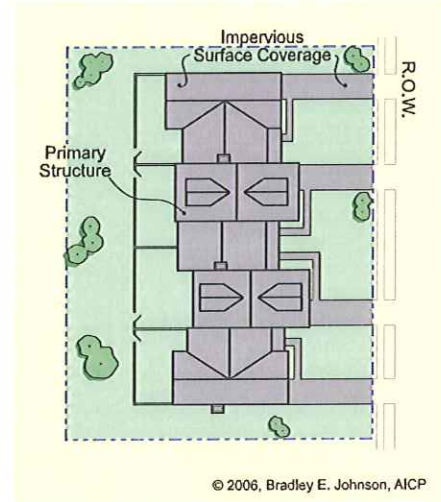
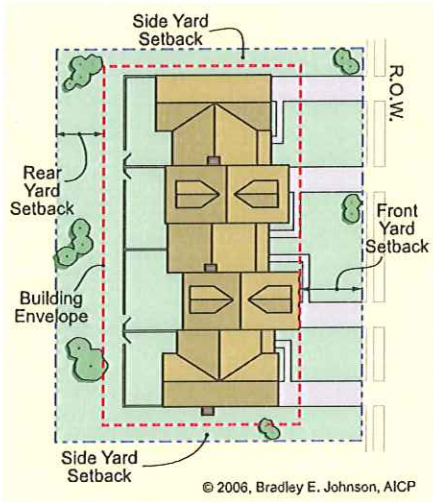
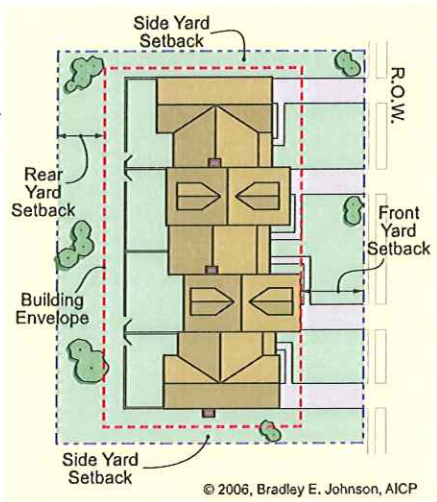
2.017 M2 District Intent and Permitted Uses

District Intent
<p>The M2 Multifamily Residential District is intended to provide for the development of attached multifamily homes in a higher density range of approximately 8.0 dwelling units per acre.</p> <p>Required Approvals:</p> <ul style="list-style-type: none"> • Development Plan approval required for all developments.

Permitted Uses
<p>Accessory Uses:</p> <ul style="list-style-type: none"> • garage, attached or detached • man-made lakes and ponds, for both aesthetic and utilitarian purposes • satellite television receiving-only antenna • utility building with permanent foundation, self contained <p>Institutional Uses:*</p> <ul style="list-style-type: none"> • cemetery • golf course • library • park • place of worship • public safety facility • pumping station for water, sewage, or storm water • school • swimming pool <p>Residential Uses:</p> <ul style="list-style-type: none"> • amenity area • dwelling, multifamily • dwelling, single-family attached • group home • keeping of domestic pets* • recreational area • residential facility for the developmentally disabled • residential facility for the mentally ill • townhouse <p><i>*see also Article 05; §US: Use-specific Standards.</i></p>

M2 Multifamily Residential District

2.018 M2 District Development Standards



Minimum Project Area:

- 4,500 square feet per one-bedroom unit
- 5,500 square feet per two-bedroom unit
- 6,500 square feet per three-bedroom unit

Minimum Lot Width:

- n/a

Minimum Project Lot Frontage:

- 150 feet on a Public Street with access from said Public Street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Setback*:

- 25 feet on local streets
- 40 feet all others

Minimum Internal Front Setback:

- 25 feet

Minimum Side Setback*:

- 50 feet

Minimum Rear Setback*:

- 50 feet

*Note: Additional Buffer Yard requirements may apply

Minimum Building Separation:

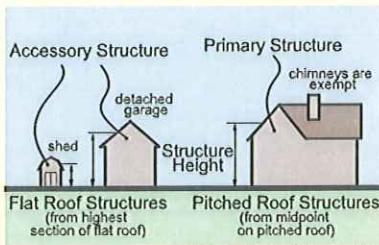
- 30 feet

Maximum Impervious Surface Coverage:

- 75% of Lot Area

Minimum Living Unit Area:

- One-bedroom: 850 square feet
- Two-bedroom: 1,100 square feet
- Three-bedroom: 1,300 square feet



Maximum Structure Height:

- Primary Structure: 35 feet
- Accessory Structure: 18 feet

Additional Development Standards that Apply

<ul style="list-style-type: none"> • Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-02 Page 5-4 • AS-05 Page 5-7 • Architectural Design (AD) <ul style="list-style-type: none"> • AD-02 Page 5-14 • Density & Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-25 • Entrances/Drives (ED) <ul style="list-style-type: none"> • ED-01 Page 5-26 • Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-29 • Fence & Wall (FW) <ul style="list-style-type: none"> • FW-01 Page 5-30 • FW-03 Page 5-32 • Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-33 • Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-41 • Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-42 • Home Occupation (HO) <ul style="list-style-type: none"> • HO-01 Page 5-43 	<ul style="list-style-type: none"> • Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-46 • LA-02 Page 5-48 • LA-04 Page 5-49 • LA-05 Page 5-49 • LA-06 Page 5-50 • LA-07 Page 5-51 • Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-53 • LT-03 Page 5-54 • Lot (LO) <ul style="list-style-type: none"> • LO-04 Page 5-59 • Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-02 Page 5-60 • OS-03 Page 5-60 • Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-62 • PK-03 Page 5-64 • Table PK-A Page 5-68 • Pedestrian Accessibility (PA) <ul style="list-style-type: none"> • PA-01 Page 5-73 • Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-75 	<ul style="list-style-type: none"> • Property Identification (PI) <ul style="list-style-type: none"> • PI-01 Page 5-78 • Public Improvement (PV) <ul style="list-style-type: none"> • PV-01 Page 5-79 • Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-80 • SB-02 Page 5-81 • Sewer & Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-83 • Signs (SG) <ul style="list-style-type: none"> • SG-01 Page 5-85 • Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-91 • Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-95 • TU-03 Page 5-99 • Use-specific (US) <ul style="list-style-type: none"> • US-01 Page 5-102 • US-02 Page 5-107 • US-04 Page 5-108 • US-05 Page 5-109 • Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-112
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5.013 AD-02: Architectural Design; Multifamily Residential

This Architectural Design Standards section applies to the following zoning districts:

M1 M2 TCMS

A. Facade:

1. *Detailing*: Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid blank walls.
2. *Materials*: All siding shall be masonry, wood, fiber cement plank siding, stucco, composite lap siding, decorative precast panels, integrally colored block, aluminum, EIFS, or heavy-gauge vinyl (minimum of 0.042" gauge). Lap siding shall have a maximum nine-inch (9") exposed board face.

B. Entries: Entries shall be clearly defined and accented with such features as awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches.

C. Roof:

1. *Minimum Pitch*: 5 (vertical units):12 (horizontal units)
2. *Materials*: Quality roof materials such as tile, slate, three-dimensional asphalt or fiberglass shingles shall be used on all structures.
3. *Minimum Eave/Overhang Width*: All multifamily buildings shall have eaves or overhangs a minimum of twelve (12) inches deep. Depth shall be determined prior to the installation of masonry.
4. *Facade and Roof Articulation*: Any structure with three (3) or more units shall incorporate significant wall and roof articulation to reduce apparent scale. Elements such as balconies, porches, arcades, dormers, cross gables, secondary hipped or gabled roofs can be used to achieve this appearance.

D. Automobile Storage:

1. *Minimum Garage Capacity*: In the M1 zoning district, a minimum two-car, attached garage is required.
2. *Garage Access*: All attached garages shall provide access internally from the garage to individual units.
3. *Minimum Garage Depth*: Twenty-two (22) feet.
4. *Minimum Garage Width*: Twenty (20) feet.
5. *Carport*: Where established, carports shall:
 - a. Meet all setback standards around the perimeter of the site applicable to a primary structure.
 - b. Be designed in keeping with the primary structure and the materials shall be compatible with those of the primary structure.

E. Windows: Windows are required on all sides of the building that are:

1. Adjacent to a street; or
2. Adjacent to a common area; or
3. Not perpendicular to the street.

F. Architectural Features: Each multifamily building shall each have a total of ten (10) or more points from the following list. All features are worth one (1) point unless indicated otherwise.

1. *Front Entry*:
 - a. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
 - b. Covered stoop/steps with a connection pathway from sidewalk;
 - c. Architecturally treated entrances for dwellings without a front porch;
 - d. Decorative front door or side lights;
2. *Roof*:
 - a. Hip roof;
 - b. Multiple gables on the front elevation;
 - c. Cross gable;
 - d. Architectural treatments on gable ends;
 - e. Two (2) or more roof planes visible from the front of the structure: (2 points);
 - f. Two (2) or more dormers;
 - g. Overhangs or soffits of at least fifteen (15) inches over all exterior walls;

3. *Garage:*
 - a. Decorative garage doors on front- or side-loading garages;
 - b. Windows in front- or side-loading garage doors;
 - c. A separate overhead door per car for each garage bay on front- or side-loading garages;
 - d. No front-loading garage: (2 points);
4. *Wall Planes:*
 - a. At least a four-foot (4') deep offset at one (1) or more points along the front elevation;
 - b. At least a two-foot (2') deep offset at two (2) or more points along the front elevation;
5. *Masonry:*
 - a. Full first floor masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require masonry to be laid above the roof);
 - b. Masonry accent areas on one hundred percent (100%) of the front elevation, excluding openings and areas that will not support masonry;
 - c. More than two (2) masonry materials on the front elevation;
 - d. Masonry detailing (either multiple quoins or other features such as arches, keystones);
 - e. Fiber cement siding in all areas not covered by other masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require masonry to be laid above the roof);
6. *Projections from the Facade Plane:*
 - a. Veranda/balcony;
 - b. Sunroom (perimeter and corner lots, only);
 - c. Screened porch (perimeter and corner lots, only);
 - d. Breakfast nook;
 - e. Turret: (2 points);
7. *Windows:*
 - a. Transom window;
 - b. Bay window;
 - c. Decorative shutters on front elevation;
8. Architecturally enhanced/articulated trim moldings (such as sunburst louvers above windows);
9. Decorative columns composed of wood or glass.
- G. Mechanical and Utility Equipment Screening: In the **M2** zoning district, all mechanical equipment, trash compactors, pallets, and the like shall be screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.
- H. REMOVED (ORDINANCE # 081808, EFFECTIVE 12/1/2008)

5.038 LA-01: Landscaping Standards; General

Intent: The intent of §LA: *Landscaping Standards* is to:

- A. Treat landscape material the same as other development requirements (e.g. parking lots) by requiring regular maintenance and ongoing compliance with the regulations; and
- B. Encourage the use of appropriate species and to disallow invasive plant species.

This Landscaping Standards section applies to the following zoning districts:



- A. Placement: With the exception of street trees, landscape material shall not be planted or placed in rights-of-way or easements without permission from the Town or the easement holder unless otherwise required by this Unified Development Ordinance. Required landscaping shall be located in landscape easements or designated common areas that are exclusive of utility or drainage easements. A tree canopy may project over a right-of-way or easement.
- B. Maintenance: Trees, vegetation, irrigation systems, fences, walls and other landscape material are essential elements of a project. The petitioner and/or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Specifically:
 1. All plant material shall be maintained alive, healthy, and free from disease and pests.
 2. All landscaped areas shall be free of weeds, litter, graffiti, and similar signs of deferred maintenance.
 3. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound condition.
 4. The maintenance and routine care of plant material located within the rights-of-way shall be the responsibility of the adjacent property owners. For purposes of §LA: *Landscaping Standards*, maintenance and care shall include but not be limited to pruning, watering, fertilizing, and mulching, or any item that would constitute a safety hazard to pedestrian or vehicular traffic.
- C. Landscape Plan: Landscape Plans shall include the following features:
 1. Property lines;
 2. North arrow;
 3. Scale;
 4. Existing and proposed structures;
 5. Existing and proposed pavement;
 6. Rights-of-way;
 7. Easements;
 8. Topography (may require two-foot (2') contour lines);
 9. Mounds shown by one-foot (1') contour lines;
 10. Utilities;
 11. Fences and walls;
 12. Existing wooded areas; and
 13. Proposed plant material with:
 - a. Identification of botanical and common name;
 - b. Caliper/size;
 - c. Quantity; and
 - d. Planting details.
- D. Recommended Species: Plant material shall be selected from the *Town of Fishers Approved List of Recommended Species*. Proposals for additions and substitutions to the list may be submitted to the Development Department for approval as the list is intended to be a guide and is not inclusive of all appropriate selections available.

- E. Invasive and Poor Characteristic Species: Species identified in *Exhibit LA-B: Invasive & Poor Characteristic Species* of the *Town of Fishers Approved List of Recommended Species* shall be avoided and shall not be counted toward landscaping requirements for projects requesting an Improvement Location Permit. Some species identified in *Exhibit LA-B: Invasive & Poor Characteristic Species* may be suitable for naturalizing in natural areas on a limited basis.
- F. Vision Clearance: Landscape material exceeding three (3) feet in height shall be located outside of the vision clearance triangle as defined in *Article 05; §VC: Vision Clearance Standards*.
- G. Minimum Size at Installation: Minimum sizes shall apply to plant materials throughout *§LA: Landscaping Standards*.
 - 1. *Deciduous Tree*: One and one-half-inch (1½”) caliper measured using standard nursery practices.
 - 2. *Evergreen Tree*: Six (6) feet tall.
 - 3. *Shrub*: Two-gallon container size or eighteen (18) inches tall from the adjacent ground level.
- H. Landscape Plan Installation Extension:
 - 1. *Time Limit*: Upon request, the Director of Development may grant an extension of up to one hundred eighty (180) days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials.
 - 2. *Performance Guarantee*: As a condition of the extension, the Director of Development may require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.
- I. Irrigation Systems: The installation of irrigation systems is strongly encouraged to ensure establishment and long term survivability of plant material.
- J. Live Plantings: All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized by the Town as contributing to required landscaping.
- K. Alterations to Landscape Plan: The Director of Development may allow required plant material to be moved to alternate locations both on- and off-site, but only if there are site features or constraints that prevent installation or it is determined that there is no appreciable improvement to the site by installing the landscape materials. Any lessening of the requirements shall be noticed to adjacent property owners prior to construction or installation, and may be appealed to the Plan Commission by an interested party within thirty (30) days of the public notice.
- L. Plant Protection Zone: When wooded areas, tree rows or specimen trees are designated to be conserved or have been included in the commitments, the petitioner shall take the following measures:
 - 1. Prior to the commencement of grading or construction, install highly visible (orange) construction fencing, or other approved identification method, at least three (3) feet outside the drip line of the trees.
 - 2. Avoid injuring roots when installing anchoring posts for fencing.
 - 3. Post signs clearly identifying the plant protection zone.
- M. Cross Reference: See *Article 07; §PL: Perimeter Landscaping Standards* for perimeter landscaping requirements applicable to subdivisions, Development Plans, and Planned Unit Developments.

5.039 LA-02: Landscaping Standards; Street Trees

Intent: The intent of this Landscaping Standards section is to:

- A. Maintain community character and enhance aesthetics along public streets;
- B. Provide a barrier between pedestrians on sidewalks and vehicles on the streets;
- C. Provide pedestrians shelter and relief from rain, sun and wind; and
- D. Better define the edge of streets for vehicular safety and flow.

This Landscaping Standards section applies to the following zoning districts:



A. Interstate and State Highways:

1. Properties that abut an interstate or a State highway shall install a minimum of one (1) canopy deciduous or evergreen tree per sixty (60) feet of property that is contiguous to the roadway. If the abutting property has more than five (5) feet and less than seventy-five (75) feet contiguous to the roadway, then a minimum of one (1) tree shall be planted.
2. Street trees along an interstate or State highway shall be planted within fifteen (15) feet of the property line that abuts the right-of-way.

B. Arterial and Collector Streets: Street trees for arterial and collector streets shall be required at a ratio of one (1) canopy tree per fifty (50) feet. Street trees may be planted with a maximum distance of seventy-five (75) feet between street trees.

C. Local Streets: Street trees for local streets shall be required at a ratio of one (1) canopy tree per forty (40) feet. Street trees may be planted with a maximum distance of sixty (60) feet between them.

D. Arterial, Collector, and Local Streets: Trees along an arterial, collector, or local street shall be planted in a minimum five-foot (5') wide planting strip between the curb and sidewalk if available. If a planting strip is not available then the trees shall be planted within the outer ten (10) feet of right-of-way. If space is not available within the outer ten (10) feet of right-of-way, then the trees shall be planted on the abutting property within ten (10) feet of the right-of-way and may be credited toward applicable perimeter planting.

E. Minimum Distance from Sidewalk and Curb: Trees shall be planted at least two and one-half feet (2'6") from a sidewalk or curb edge.

F. Vision Clearance: Trees shall be planted outside the vision clearance triangle as defined in *Article 05; §VC: Vision Clearance Standards*. Within seventy-five (75) feet of an intersection, trees may be planted back of sidewalk in order to maintain site distances for traffic control signs. Low-branching species shall not be allowed within seventy-five (75) feet of an intersection. Trees shall be located a minimum of ten (10) feet from a driveway cut or street light, and a minimum of three (3) feet from a fire hydrant.

G. Frontage Roads: Street trees are not required on both sides of a frontage road. Street trees shall only be required on the side of the street where primary structures are located.

H. Escrow: When circumstances prevent the planting of street trees, the petitioner shall provide the Town an itemized estimate, prepared by a certified arborist, a nurseryman, or a licensed landscape architect, of the cost of the required street trees and the labor to install the trees. The estimate shall be reviewed by the Town and either accepted or adjusted. Once a figure for the acquisition and installation of the street trees has been finalized, the petitioner shall submit one hundred ten percent (110%) of that amount to the Town, which shall deposit the sum into an escrow account established by the Town for the purpose of funding street tree plantings. The funds submitted by the petitioner shall be used exclusively for installing the required street trees along the public street frontages adjacent to the subject property. If after two (2) years from the date of the submission of the escrow funds the Town has not established the street tree improvements, the petitioner may apply to the Town for a full refund of the escrow deposit amount.

Landscaping Standards (LA)

5.040 LA-03: Landscaping Standards; Residential Subdivision Lot and Foundation Plantings

This Landscaping Standards section applies to the following zoning districts:

ER R1 R2 R3 R4 R5 TCR

- A. **Single-family Residential:** The following planting requirements apply to all single-family residential uses:
1. Lots with 6,000 or less square feet shall be required to plant one (1) deciduous tree or one (1) evergreen lawn tree in the lot planting area in the front yard. If the Department of Development determines that there is not sufficient area for the tree to be placed in the front yard, then the Department of Development may permit the required tree to be planted in a side yard.
 2. Lots over 6,000 square feet but less than 15,000 square feet shall be required to plant two (2) trees in the lot planting area in the front or side yard within ten (10) feet of the established building line.
 3. Lots over 15,000 square feet shall be required to plant three (3) trees in the lot planting area with at least one (1) in the front yard.
- B. **Minimum Number of Shrubs:** All lots shall have a minimum of six (6) shrubs planted along the foundation facing a street. Corner lots shall install six (6) shrubs per side facing a street.

5.041 LA-04: Landscaping Standards; Commercial, Multifamily, Industrial Lot and Foundation Plantings

This Landscaping Standards section applies to the following zoning districts:

M1 M2 MP C1 C2 C3 I1 TCCR TCGC TCMD TCS TCTR

- A. **Lot Planting:** The following lot planting requirements apply:
1. Lots over 15,000 square feet but less than 30,000 square feet shall be required to plant one (1) canopy tree.
 2. Lots over 30,000 square feet but less than 45,000 square feet shall be required to plant two (2) trees, one (1) of which shall be a canopy tree.
 3. Lots over 45,000 square feet shall be required to plant three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
- B. **Foundation Planting:** The following foundation planting requirements apply to primary structures:
1. The foundation plantings shall be located within twenty (20) feet of the foundation wall.
 2. At least one (1) shrub or ornamental tree shall be planted for every twelve (12) lineal feet of building circumference exclusive of window, door, and loading dock openings.
 3. Trash enclosures and ground-mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.

5.042 LA-05: Landscaping Standards; Nonresidential Uses; Lot and Foundation Plantings

This Landscaping Standards section applies to nonresidential uses in the following zoning districts:

AG OS ER R1 R2 R3 R4 R5 M1 M2 MP
OM C1 C2 C3 MA I1 TCCR TCGC TCMD TCMS TCR TCS TCTR

- A. **Lot Planting:** The following lot planting requirements apply:
1. Lots over 15,000 square feet but less than 30,000 square feet shall be required to plant one (1) canopy tree.
 2. Lots over 30,000 square feet but less than 45,000 square feet shall be required to plant two (2) trees, one (1) of which shall be a canopy tree.
 3. Lots over 45,000 square feet shall be required to plant three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
- B. **Foundation Planting:** The following foundation planting requirements apply to primary structures:
1. The foundation plantings shall be located within twenty (20) feet of the foundation wall.
 2. At least two (2) shrubs or ornamental tree shall be planted for every twelve (12) lineal feet of building circumference exclusive of window, door, and loading dock openings. Foundation plantings may be evenly distributed or clustered in planters or in the ground.
 3. Trash enclosures and ground-mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.

Landscaping Standards (LA)

5.043 LA-06: Landscaping Standards; Parking Lot Plantings

Intent: Require a reasonable amount of plant materials around parking lots such to reduce glare, reduce heat buildup, enhance visual quality of developments, screen and mitigate potential conflict between land uses, reduce noise pollution, reduce erosion, minimize storm water runoff, and improve air quality.

This Landscaping Standards section applies to the following zoning districts:

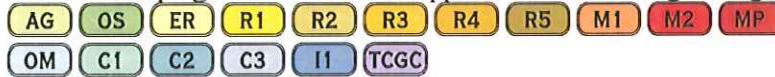


- A. **Perimeter Landscaping:** Parking lots with six (6) or more spaces shall have the following perimeter planting:
 1. Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds.
 2. Shrubs shall be planted at a maximum ratio of one (1) shrub per four (4) lineal feet around the perimeter and be maintained at a height of at least thirty-six (36) inches tall at maturity in order to minimize headlights projecting onto adjacent properties. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.
 3. A wall or mound may be installed in lieu of shrubs. Walls or mounds, if used, shall be a minimum of thirty-six (36) inches.
 4. One (1) deciduous tree per thirty-five (35) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge.
 5. The screen may be broken into segments to allow for pedestrian movement.
 6. Drive aisles located along property lines shall be required to have half of the above landscaping requirement.
- B. **Interior Parking Lot Landscaping:** Parking lots with twenty (20) or more parking spaces are required to have the following:
 1. One (1) landscape island or peninsula shall be provided per twenty (20) spaces and the islands shall be distributed equally throughout the parking lot.
 2. Each island or peninsula shall be at least one hundred eighty (180) square feet in size.
 3. Each island or peninsula shall contain at least one (1) tree per one hundred eighty (180) square feet.
 4. One-third (1/3) of trees planted in islands or peninsulas shall be canopy trees.
 5. Each landscape island or peninsula shall be designed such that any tree when planted is not within three and one-half (3'6") feet of a curbed or paved edge.
 6. Each landscape island or peninsula shall be bordered by a four-inch (4") or higher curb above the surface of the parking lot.
 7. Parking lot landscape areas shall not be filled with gravel or impervious surface. They shall be free of litter and be maintained with plant materials and mulch.
 8. *Exception:* The portion of an institutional use's parking lot used primarily for bus circulation and staging is not required to install the landscape islands or peninsulas required in this section.
- C. **Graphic Depiction:** The Department of Development may require a graphic depiction (perspective sketch or elevation) of the parking lot landscaping as seen from the street.
- D. **Parking Lot Encroachment into Perimeter Landscaping Areas:** Parking lots may project into the perimeter landscaping areas by up to ten (10) feet. When a parking lot extends into any portion of a perimeter landscape area, the requirements in §A: *Perimeter Landscaping* are no longer required in those areas. However, fencing (as noted in *Article 07*; §PL: *Perimeter Landscaping Standards*) shall be used instead of mounding within the perimeter landscaping area.

5.044 LA-07: Landscaping Standards; Buffer Yards

Intent: To soften the potential conflicts between uses in one zoning district from the uses in an adjacent zoning district by using distance, plantings, fences, walls and mounds. The degree of conflict (or potential conflict) between two zoning districts will determine the extent of the buffering required.

This Landscaping Standards section applies to the following zoning districts:



- A. **Applicability:** The buffer yard standards only apply along the property lines (front, side, and rear property lines included) where conflicting zoning districts meet. Buffer yards are in addition to required setbacks.
- B. **Responsibility for Installation:** The property which is zoned for higher intensity uses is responsible for installing the buffer yard.
- C. **Arrangement:** A natural or irregular row and spacing of trees is preferred. However, trees shall be planted no more than twenty (20) feet apart. A plant list including a “living fence” category is included in the *Town of Fishers Approved List of Recommended Species*. Plant material shall be installed within the buffer yard within the setback. On sites three (3) or more acres in area, buffer yard planting materials may be established outside the buffer yard if the Department of Development working with the petitioner determines that a more flexible planting arrangement will better serve the intent of the buffering.
- D. **Substitution:** If the petitioner can produce evidence that the planting area is too wet for evergreen trees, the petitioner may substitute another type of tree as approved by the Director of Development.
- E. **Small-sized Buffer Yard:** The following small-sized buffer yard is required where single-family uses abut either a multifamily, nonresidential, institutional, or (C1)-commercial use. The following quantities are minimums:
 1. Minimum thirty-foot (30’) buffer yard.
 2. Three (3) canopy trees and three (3) evergreen trees per one hundred (100) lineal feet. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet of contiguous boundary with the conflicting zoning district or use.
 3. All trees shall be planted in the setback between five (5) and fifteen (15) feet from the property line that is contiguous to the conflicting zoning district or use, exclusive of any easement.
 4. Ten (10) shrubs shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district or use.
 5. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the subject property should be made.
 6. Undulating mounds with a minimum height of three (3) feet shall be installed for a distance equivalent to sixty percent (60%) of the distance contiguous to the conflicting zoning district or use. Maximum height of undulating mounds is eight (8) feet.
 7. A six-foot (6’) fence may also be used for screening.
- F. **Medium-sized Buffer Yard:** The following medium-sized buffer yard is required where (C1) zoning districts, or single-family, multifamily, or institutional uses abut a (C2) or (C3) zoning district. The following quantities are minimums:
 1. Minimum forty-foot (40’) buffer yard.
 2. Four (4) canopy trees and four (4) evergreen trees shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district or use. Each evergreen tree may not be spaced more than twenty-five (25) feet from each another. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet.
 3. All trees shall be planted in the setback within twenty-five (25) feet from the property line that is contiguous to the conflicting zoning district or use, exclusive of any easement.
 4. Ten (10) shrubs shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district or use.
 5. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the subject property should be made.

Landscaping Standards (LA)

6. Undulating mounds with a minimum height of four (4) feet shall be installed for a distance equivalent to sixty percent (60%) of the distance contiguous to the conflicting zoning district or use. Maximum height of undulating mounds is eight (8) feet.
 7. A six-foot (6') fence may also be used for screening.
- G. **Large-sized Buffer Yard:** The following large-sized buffer yard is required where single-family, multifamily, commercial, or institutional uses abut an industrial zoning district. The following quantities are minimums:
1. Minimum fifty-foot (50') buffer yard.
 2. Five (5) canopy trees shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district.
 3. Five (5) evergreen trees shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet
 4. All trees shall be planted within twenty-five (25) feet from the property line that is contiguous to the conflicting property, exclusive of any easement.
 5. Twenty (20) shrubs shall be planted for every one hundred (100) feet of contiguous boundary with the conflicting zoning district.
 6. Undulating mounds with a minimum height of four (4) feet shall be installed for a distance equivalent to sixty percent (60%) of the distance contiguous to the conflicting property. Maximum height of undulating mounds is eight (8) feet.
 7. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the subject property should be made.
 8. A minimum six-foot (6'), maximum eight-foot (8') fence shall also be used for screening.

Adjacent Land Use	Buffer Yard Requirements
Single-family abutting multifamily or C1 zoning district	6 trees (50% canopy; 50% evergreen) per 100 feet, plus minimum 3-foot mound
Residential abutting C2 or C3 zoning district	8 trees and 10 shrubs per 100 feet, plus minimum 4-foot mound for 60% of distance
Residential abutting I1 zoning district	10 trees and 20 shrubs per 100 feet, plus minimum 4-foot mound for 60% of distance and a fence the entire length of the bufferyard

5.045 LA-08: Landscaping Standards; Town Center; General

This Landscaping Standards section applies to the following zoning districts:

TCCR **TCGC** **TCMD** **TCMS** **TCR** **TCS** **TCTR**

- A. Where a sidewalk is attached to the street, street trees shall be established within an area no less than two and one-half feet (2' 6") behind the sidewalk or in conformance with the established tree line in the zoning district.
- B. To maintain sight lines, trees shall be planted at least twenty (20) feet from the curb of an intersecting street, five (5) feet from a driveway, and ten (10) feet from a street light.
- C. Trees shall be deciduous and be a minimum of one and one-half-inch (1½") caliper.
- D. **Parking Lot Perimeter Landscaping:**
 1. Parking lots shall be screened from adjacent uses and the street. Screening shall consist of a fence, masonry wall, evergreen and deciduous plant material, or a combination of such elements.
 2. Screening shall achieve a minimum continuous height of thirty-six (36) inches at maturity. Minimum height at planting shall be twenty-four (24) inches from the ground plane.
 3. The visual screen may be broken into segments to allow for pedestrian movement.
 4. Where a parking lot is established adjacent to another Town Center zoning district, no buffer yard is required, only the required parking lot perimeter plantings.
- E. Plants shall be selected from the *Town of Fishers Approved List of Recommended Species*. Proposals for substitutions or alternates shall be submitted in writing to the Director of Development for review and approval.
- F. Shrub plant material shall be provided where possible to further enhance the Trash receptacle wall enclosure required per *Article 05; §AD-05(E): Trash receptacle and Storage Area Screening*.
- G. **Tree Grates:** Where there is adequate clearance, trees may be planted in a paved area in a minimum twenty-five (25) square-foot cutout covered with a tree grate to maintain a flush grade.

Lighting Standards (LT)

5.046 LT-01: Lighting Standards; General

This Lighting Standards section applies to the following zoning districts:



- A. **Uniformity:** All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and are compatible with the architecture of the building.
- B. **Cutoff:** All freestanding lights and lights mounted on walls or facades shall have at least semi-cutoff luminaires.
- C. **Glare:** All lighting shall be fully shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- D. **Architectural Accent Lighting:** All ground lighting used to cast light on building facades, building features or signs shall have shields to ensure that light does not project beyond the building or sign, and shall utilize the minimum amount of light necessary to light the facade, building feature or sign. The light fixture and bulb shall be shielded from view of any street, sidewalk, or parking lot.
- E. **Light Trespass:**
 - 1. When the adjacent property is either zoned or used for residential purposes, lighting from the subject property shall not cause more than five (5) lucas of illumination beyond the property line.
 - 2. When the subject property is zoned for commercial or industrial use and the adjacent property is also zoned and used for commercial or industrial use, then the allowable light at the property line is twenty (20) lucas (only on the sides of the property that are adjacent to the similar zoning district).
- F. **Sport Field Lighting:** Sport field lights shall not exceed one hundred (100) feet in height and shall be shut off by 11:00 p.m. on any given night.
- G. **Enforcement:** Measurements of light readings shall be taken along any portion of a property line of the subject property with a light meter laid on the property line and facing the center of the property.
- H. **Exemptions (ORDINANCE #111907A, Effective 1/7/2008):** Town owned Olio Field Softball Complex, located south and east of the intersection of Olio Road and 126th Street, more specifically the property with a Parcel Identification Number of 19-11-36-00-00-011.101 containing 18 acres is exempt from the lighting standards of this Unified Development Ordinance.

5.047 LT-02: Lighting Standards; Residential

This Lighting Standards section applies to the following zoning districts:



- A. **Cutoff:** All freestanding lights and lights mounted on walls or facades shall have at least semi-cutoff luminaires.
- B. **Glare:** All lighting shall be fully shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent lots.
- C. **Architectural Accent Lighting:** All ground lighting used to cast light on building facades or building features shall have shields to ensure that light does not project beyond the building, and shall utilize the minimum amount of light necessary to light the facade or building feature. The light fixture and bulb shall be shielded from view of any street, sidewalk, or adjacent lot.
- D. **Light Trespass:**
 - 1. When the adjacent property is either zoned or used for residential purposes, lighting from the subject property shall not cause more than five (5) lucas of illumination beyond the property line.
 - 2. When the adjacent property is zoned and used for commercial or industrial use, then the allowable light at the property line is twenty (20) lucas (only on the sides of the property that are adjacent to the commercial or industrial zoning district).
- E. **Enforcement:** Measurements of light readings shall be taken along any portion of a property line of the subject property with a light meter laid on the property line and facing the center of the property.

Lighting Standards (LT)

F. Exemptions (ORDINANCE #111907A, Effective 1/7/2008): Town owned Olio Field Softball Complex, located south and east of the intersection of Olio Road and 126th Street, more specifically the property with a Parcel Identification Number of 19-11-36-00-00-011.101 containing 18 acres is exempt from the lighting standards of this Unified Development Ordinance.

5.048 LT-03: Lighting Standards; Multifamily, Commercial, & Industrial

This Lighting Standards section applies to the following zoning districts:

M2 **C1** **C2** **C3** **I1** **TCCR** **TCGC** **TCMS** **TCS** **TCTR**

- A. Maximum Luminaire Elevation: Parking lot lights shall not exceed twenty-five (25) feet in height.
- B. REMOVED (ORDINANCE #081808, Effective 12/1/2008)
- C. Decorative Light Fixtures: Decorative light fixtures shall be provided along the entrance drives and public rights-of-way, or buildings and pedestrian pathways
- D. Lighting Plan: The Lighting Plan shall be reviewed as part of the Improvement Location Permit application.

5.049 LT-04: Lighting Standards; Town Center; General

This Lighting Standards section applies to the following zoning districts:

TCCR **TCGC** **TCMD** **TCMS** **TCR** **TCS** **TCTR**

- A. Except for single-family residential uses, exterior lighting shall be part of the architectural concept. Photometrics, fixtures, standards and all exposed accessories shall complement the building design and shall be reviewed and approved by the Town Center Review Committee.
- B. Bollard lighting and uplights or downlights are encouraged to light pathways, signs, building facades, *etc.* Cobra style lighting is not permitted.

5.050 LT-05: Lighting Standards; Town Center; Special District

This Lighting Standards section applies to the following zoning district:

TCS

- A. Retail, Office, and Multifamily Areas:
 1. Site lighting shall complement the architectural character of the buildings.
 2. Light standards (poles) shall not exceed twenty-five (25) feet in height from the adjacent grade.
 3. Light levels shall not exceed five (5) lucas at the property line.
 4. Cutoff, semi-cutoff, or full cutoff fixtures with metal halide lamps shall be used.
- B. Multifamily Area: No lighting shall be placed in the setback area on the western side.

Perimeter Landscaping Standards (PL)

7.032 PL-01 Perimeter Landscaping Standards; Residential Development

Intent: The intent of this Perimeter Landscaping Standards section is to:

- A. Buffer the public right-of-way from developments;
- B. Provide a soft barrier between pedestrians and developments;
- C. Better define the edge of streets for vehicular safety and flow; and
- D. Maintain community character goals and enhance aesthetics along public streets.

This Perimeter Landscaping Standards section applies to the following types of development:



- A. Applicability: The perimeter landscaping standards shall apply to any portion of a residential development that abuts an expressway, interstate highway, primary arterial, secondary arterial, or collector.
- B. Perimeter Landscaping Area: The perimeter landscaping area shall be at least twenty (20) feet in depth and as long as the length of the frontage. Perimeter landscaping area shall be designated as common area on the plat. [Note: The area of perimeter landscaping that is at least fifty (50) feet deep counts one hundred percent (100%) toward the minimum open space requirement in *Article 07; §OP: Open Space Standards.*]
- C. Single-family and Multifamily Residential: Single-family and multifamily residential development shall install the following landscape elements:
 1. Trees and Shrubs:
 - a. Minimum Number of Trees: Trees shall be provided at a rate of nine (9) trees per one hundred (100) lineal feet of perimeter planting. Along a street frontage on which street trees are also required, the perimeter tree planting is excused, and only the street tree planting is required. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.
 - i. If a solid, decorative fence is installed, the associated planting materials per one hundred (100) lineal feet shall be:
 - [a] Four (4) trees; and
 - [b] Five (5) shrubs.
 - ii. If a masonry wall is installed, the associated planting materials per one hundred (100) lineal feet shall be:
 - [a] Six (6) trees; and
 - [b] Seven (7) shrubs.
 - b. Minimum Number of Shrubs: Shrubs shall be provided at a rate of ten (10) per one hundred (100) lineal feet of perimeter planting.
 - c. Calculation: Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet.
 - d. Ratio: It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen.
 - e. Planting Pattern: It is suggested that the required trees and shrubs be planted in clusters or irregular patterns; and combined with perimeter fences, walls, and/or mounds.
 - f. Location: All required plant materials shall be located on the street-side of any fence or wall established within the perimeter landscaping area, unless the fence is at least eighty percent (80%) transparent.
 - g. Replacement: Any plant materials that were installed as perimeter landscaping shall not be removed unless diseased or dead. If perimeter landscaping is removed, an equivalent type of replacement plant shall be installed. Additionally, a minimum of two-thirds (2/3) of the DBH of the removed landscaping shall be installed, whether as one plant or multiple plants.
 - h. Additional Landscaping: Additional landscaping may be added to common areas as long as it is outside any easement that prevents that activity.

Perimeter Landscaping Standards (PL)

2. *Perimeter Fences and Walls*: The design of perimeter fences and walls shall be approved by the Plan Commission.
 - a. A high quality perimeter fence or wall common to the development's character shall be combined with plant material per §1: *Trees & Shrubs*.
 - b. Perimeter fences and walls shall be constructed of masonry, stone, wood, or metal. Perimeter fences constructed of synthetic materials that simulate natural materials will also be allowed subject to Plan Commission approval.
 - c. Height Standards:
 - i. Minimum Height: Thirty-six (36) inches
 - ii. Maximum Height: Seventy-two (72) inches.
 - d. Perimeter fences or walls installed by the developer or owners' association shall be consistent in size, shape, character, and design. Perimeter fences and walls may only be erected as approved by the Plan Commission.
 - e. Perimeter fences or walls may only be provided by the developer or owners' association. Perimeter fences and walls may only be located in the area designated as "common area" or "landscape easement".
3. *Perimeter Mounds*:
 - a. Mounds shall be combined with plant material, as described in §1: *Trees & Shrubs*, and may include fencing.
 - b. Mounds shall be located in an area designated as "common area" or "landscape easement."
 - c. Minimum Height: Mounds shall be a minimum of three (3) feet in height.
 - d. Maximum Slope: Maximum side slope shall not exceed a three to one (3 (horizontal units): 1 (vertical unit)) ratio.
 - e. Minimum Setback: Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property.
4. *Common Area*: Where a common area is designated on the plat or Development Plan of a commercial or residential project, an owner's association shall be formed and shall be required to provide necessary maintenance to said common areas (see also *Article 07; §CE: Covenant Standards*).
- D. Recommended Species: Plant material shall be selected from *Article 05; Exhibit LA-A: List of Recommended Species*. Additions and substitutions to the list may be submitted to the Development Department for approval as the list is intended to be a guide and is not inclusive of all appropriate selections available.
- E. Invasive and Poor Characteristic Species: Species identified in *Article 05; Exhibit LA-B: Invasive & Poor Characteristic Species* shall be avoided and shall not be counted toward landscaping requirements for projects requesting an Improvement Location Permit. Some species identified in *Article 05; Exhibit LA-B: Invasive & Poor Characteristic Species* may be suitable for naturalizing in natural areas on a limited basis.
- F. Vision Clearance: Landscape material exceeding three (3) feet in height shall be located outside of the vision clearance triangle as defined in *Article 05; §VC: Vision Clearance Standards*.

Parking Standards (PK)

5.063 PK-01: Parking Standards; General

Intent: The intent of this Parking Standards section is to:

- A. Require minimal parking standards in order to assure public health, safety and welfare;
- B. Minimize risks to the natural environment; and
- C. Minimize conflict and promote vehicular and pedestrian safety along roadways by minimizing on-street parking.

This Parking Standards section applies to the following zoning districts:



A. Surface:

- 1. Impervious Surface: All parking required in this Unified Development Ordinance shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Under no circumstances shall gravel, stone, rock, dirt, sand or grass be permitted as parking areas.
- 2. Exception: Parcels one (1) acre or more in area that are not part of a platted subdivision and are being used solely for single-family dwelling may utilize a gravel driveway for parking, so long as a concrete apron is provided between the street and the right-of-way line.

B. Paving Required: All ingress/egress onto a driveway or into a parking area shall be paved.

C. Pervious Surfaces: Parking of motor vehicles is not permitted on lawns or other pervious-surfaced areas on a lot.

D. Expansion of Legally Nonconforming Parking Areas: Existing gravel, stone, or rock parking areas may be expanded one (1) time up to ten percent (10%) of its existing size with Site Plan review and approval.

E. Parking Space Dimensions:

- 1. Minimum Area: Each parking space shall be a minimum of one hundred eighty (180) square feet in area.
- 2. Minimum Width: Each parking space shall be a minimum of nine (9) feet wide.
- 3. Minimum Length:
 - a. Standard: Each parking space shall be a minimum of eighteen (18) feet long.
 - b. Adjacent to Landscape Areas: The minimum length of a parking space may be reduced to sixteen (16) feet if the parking space butts into a landscape area such that a car's front end may project into the landscape area.
 - c. Adjacent to Sidewalks: The minimum length of a parking space may be reduced to sixteen (16) feet if the parking space butts into a sidewalk such that a car's front end may project over the sidewalk. In the event that a car projects over a sidewalk, the sidewalk shall be two (2) feet wider than the required width. Under no circumstance shall a sidewalk have less than four (4) feet of clear area for pedestrians to pass when a vehicle's front end is projecting over part of the sidewalk; however, under no circumstance shall an off-street parking space overhang into a public or private street right-of-way.

F. Access: Off-street parking spaces may not be fully or partially in a public or private right-of-way or access easement.

G. Driving Lanes: Driving lanes in parking lots that provide access to parking aisles shall be clearly striped and shall be curbed.

H. Parking Lot Layout: Where a Development Plan is required, the Plan Commission shall review the parking lot layout to ensure that vehicular circulation to and within the parking lot are managed in a manner that creates conditions favorable to health, safety, convenience, and harmonious development by confirming:

- 1. That the design and location of proposed street and highway access points minimize safety hazards and congestion;
- 2. That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
- 3. That the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.

I. Parking Lot Striping: Parking spaces in parking lots shall be striped so as to clearly show each parking space. These stripes shall be maintained in clearly visible condition.

Parking Standards (PK)

- J. **Parking for the Disabled:** All parking spaces required by ADA standards shall be striped and have vertical signs. These stripes and vertical signs shall be maintained in clearly visible condition.
- K. **Display and Storage:** Parking spaces shall not be used for display or storage of merchandise or similar.
- L. **Number of Parking Spaces Required:**
1. **Administrative Increase:** The minimum number of parking spaces may be increased as required by the Director of Development when deemed necessary.
 2. **Land Use Determination:** If a use is not clearly noted in *Table PK-A*, the Director of Development shall determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The last edition of the ITE, **Parking Generation: Summary of Parking Occupancy Data** may also be used as a guide for determining the appropriate number of parking spaces in the event a use is not listed in *Table PK-A*.
 3. **Excessive Parking:** A parking lot that exceeds the minimum parking space requirements (listed in *Table PK-A*) by more than ten percent (10%) shall also:
 - a. Increase the number of landscape bumpouts (in single-aisle parking lots) or landscape bumpouts and islands (in multiple-aisle parking lots) required in *Article 05; §LA: Landscaping Standards* by the same percentage. [Example: If the number of parking spaces is increased by thirty percent (30%), then the number of landscape islands and/or bumpouts shall be increased by thirty percent (30%)]
 - b. Each additional landscape island and/or bumpout shall be installed according to the requirements of *Article 05; §LA: Landscaping Standards*.
 4. **Reduced Parking:** A parking lot may be built with fewer spaces than the required minimum spaces in *Table PK-A* if the following standards are met:
 - a. Adequate and appropriate space shall be landbanked such that the full number of parking spaces required in *Table PK-A* can be built on-site at a later date, should the need arise.
 - b. The property owner shall record a plat in the County Recorder's office that clearly denotes the landbanked area, and that identifies the area as a "no build zone."
 - c. The property owner shall present a design showing how the full number of parking spaces required in *Table PK-A* would be installed, and how drainage would be handled, should the need arise. This design shall be recorded in the County Recorder's office.
 - d. Under no circumstances shall less than forty percent (40%) of the parking spaces required in *Table PK-A* be permitted to be installed.
 5. **Fire Department:** Any parking space that is eliminated by the Fire Department for emergency access or parking shall not be counted toward the minimum required parking spaces and shall be relocated or "made-up" somewhere else on the site.
 6. **Storage:** Any parking space that is used for a cart corral or similar use shall not be counted toward the minimum number of required parking spaces.
 7. **Subordinate Accessory Use Area:** Where a structure incorporates subordinate accessory use areas that will not be used simultaneous to the primary use areas, or where such accessory use areas serve those utilizing the primary use areas of the structure, the Director of Development may determine that the parking requirement for the primary use areas of the structure is adequate without providing additional parking spaces based on the square footage of the accessory use areas.
- M. **Bicycle Parking:**
1. **Minimum Number of Spaces:** A minimum of one (1) bicycle parking space shall be provided per thirty (30) vehicle parking spaces. No more than fifteen (15) bicycle parking spaces shall be required for any primary structure.
 2. **Proximity to Primary Structure:** The bicycle parking spaces shall be located in close proximity to the main entryway into the primary structure or be located inside the primary structure.
 3. **Bike Rack Requirement:** A bike rack shall be installed to secure the bicycles.
 4. **Pedestrian Ways:** Bicycle parking areas shall be designed such that when fully occupied, the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.

Parking Standards (PK)

5.064 PK-02: Parking Standards; Single-family Residential

Intent: The intent of this Parking Standards section is to:

- A. Require minimal parking standards such to assure public health, safety and welfare; and
- B. Minimize vehicular and pedestrian safety along roadways by minimizing on-street parking.

This Parking Standards section applies to the following zoning districts and any single-family or duplex uses in the Town's planning jurisdiction:

R1 R2 R3 R4 R5 TCCR TCGC TCR

- A. A minimum of three (3) off-street parking spaces are required per dwelling unit.
- B. The parking spaces required may include spaces within car ports or garages.

5.065 PK-03: Parking Standards; Multifamily Residential

Intent: The intent of this Parking Standards section is to ensure that each dwelling unit has adequate parking spaces to eliminate the need for on-street parking such to maximize visibility along streets and minimize the risk of inadvertent collision.

This Parking Standards section applies to the following zoning districts and any multifamily use in the Town's planning jurisdiction:

M1 M2

- A. Off-street Parking Spaces: A minimum of two (2) off-street parking spaces are required per dwelling unit, at least one (1) of which shall be covered (*i.e.* in a garage or carport).
- B. On-street Parking Spaces:
 1. *Minimum Number:* A minimum of one (1) off-street guest parking space is required per two (2) dwelling units.
 2. *Location:* On-street guest parking spaces shall be located in close proximity to the front doors of the dwellings they serve.
 3. *Design:* On-street guest parking spaces shall be designed as:
 - a. Parallel parking on an internal street of appropriate width, as designated in the Transportation Plan; or
 - b. Vertical spaces that back onto internal drives, as designated in the Transportation Plan.
 4. *Pedestrian Access:* On-street guest parking spaces shall have continuous access to the front doors of the units they serve via a minimum five-foot (5') wide concrete sidewalk.
 5. *Exception:*
 - a. *Single-family Attached:* Single-family attached dwellings that provide pedestrian access from the dwellings' driveways to the front doors do not have to meet the on-street guest parking requirement.
 - b. *Multifamily:* Multifamily developments that provide pedestrian access from a standard parking lot to the front doors do not have to meet the on-street guest parking requirement, if the development also meets the requirements of §C: *Visitor Parking Spaces*.
- C. Visitor Parking Spaces:
 1. At least one (1) off-street space per two (2) units is required for visitor parking and shall be spread evenly throughout the development.
 2. Visitor parking spaces cannot include spaces in car ports or garages.
- D. Parking Lot Connectivity:
 1. *Requirement:* Where a parcel abuts one or more parcels that are also zoned for multifamily use (including Planned Unit Development zoning districts that allow multifamily development), parking spaces, parking aisles and driving lanes shall be laid out in a manner that will allow for the connection of the parking areas on the abutting parcels.
 2. *Cross-access Easements:*
 - a. *Requirement:* Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Article 07; §EA: Easement Standards*.
 - b. *Width:*
 - i. *Minimum Width:* Cross-access easements shall not be less than twenty (20) feet in width.
 - ii. *Maximum Width:* Cross-access easements shall not exceed thirty (30) feet in width.

- K. **Exceptions:** The following site features are exempt or partially exempt from the setback requirements as stated:
1. *Fences and Walls:* Fences and walls are exempt from the setbacks in this section, but shall abide by the fence and wall standards in *Article 05; §FW: Fence & Wall Standards.*
 2. *Utility Poles, Lines, and Junction Boxes:* Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
 3. *Landscaping:* Landscaping is exempt from this section, but shall abide by the landscaping standards in *Article 05; §LA: Landscaping Standards.*
 4. *Trails:* Trails in parks and recreation facilities are exempt from the setbacks in this section.
 5. *Sidewalks:* Sidewalks and multiuse paths along any right-of-way or ingress/egress easement and that connect buildings to the public sidewalk system are exempt from the setbacks in this section.
 6. *Single-family Residential Driveways:* Driveways in single-family residential zoning districts are exempt, but shall not be closer than one (1) feet to side and rear property lines unless a shared drive is utilized in accordance with *Article 05; §ED: Entrance & Driveway Standards.*
 7. *Commercial, Industrial, Institutional and Multifamily Entrances and Driveways:* Entrances and driveways in commercial, industrial, multifamily and institutional zoning districts are exempt from front setbacks, but shall abide by *Article 05; §ED: Entrance & Driveway Standards.*
 8. *Overhangs, Wingwalls and Residential Chimneys:* Overhangs, wingwalls, bay windows, and residential chimneys may project into any required yard not more than two (2) feet.
 9. *Porch:* A porch that does not extend above the level of the first floor of the building may encroach into any required front or side yard not more than four (4) feet.
 10. *Window Wells:* Window wells shall encroach no more than two (2) feet into a required side setback; however, window wells shall not encroach into any easement.
 11. *Guard House:* In order to ensure adequate vision clearance, a guard house located in the median of a boulevard entrance shall be set back a minimum of twenty-five (25) feet from the right-of-way of the intersecting street, but is otherwise exempt from the setback standards for the zoning district.
 12. *Accessory Structure:* See *Article 05; §AS: Accessory Structure Standards.*
- L. **Easements (ORDINANCE #081808, Effective 12/1/2008):** No structure, except fences, shall encroach upon any easement.

5.083 SB-02: Setback Standards; Multifamily Residential

This setback standards section applies to the following zoning districts:

M1 **M2**

- A. Parking is not permitted in the required side yard wherever the project abuts adjoining perimeter property.
- B. In projects containing two (2) or more buildings, minimum side and rear yards, or minimum building separations shall be provided between all buildings, in accordance with the following standards:
 1. The minimum depth of yards or separations, for purposes of these standards, shall be measured between the nearest points on the building wall and the property line or right-of-way line.
 2. Open balconies, uncovered porches, and patios may project up to two (2) feet into minimum yard and separation areas.

5.084 SB-03: Setback Standards; Commercial

This setback standards section applies to the following zoning districts:

C1 **C2** **C3**

- A. No part of any structure or building, excluding eaves or a cornice overhang not exceeding four (4) feet, or a canopy over an entrance not exceeding fifteen (15) feet, shall be built within the required yard areas.
- B. In addition to the buffer yard standards of *Article 05; §LA: Landscaping Standards*, where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards apply:
 1. The side yard shall be not less than thirty (30) feet, exclusive of any driveway or parking area, and the rear yard shall be not less than fifty (50) feet.
 2. The rear yard may be used for off-street parking, provided that a buffer yard thirty (30) feet wide be maintained along the entire length of the yard exclusive of any easement.

Setback Standards (SB)

3. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists upon such adjoining property or abutting frontage property, although residentially zoned.

5.085 SB-04: Setback Standards; Commercial

This setback standards section applies to the following zoning districts:

C2 **C3**

- A. Frontage roads or drives paralleling any road or street shall require a setback or front yard of fifty (50) feet.
- B. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending across fifty percent (50%) of the length of the side yard exclusive of any easement.

5.086 SB-05: Setback Standards; Industrial

This setback standards section applies to the following zoning district:

I1

- A. No part of any structure or building, excluding eaves or a cornice overhang, not exceeding four (4) feet, or a canopy over an entrance, not exceeding fifteen (15) feet, shall be within a required yard area.
- B. Frontage roads or drives paralleling any of the above roads or streets shall require a setback or front yard of one hundred (100) feet.
- C. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending fifty percent (50%) of the length of the side yard exclusive of any easement.
- D. In projects containing two (2) or more separate buildings, the minimum side yards shall be equal to the combined total of all required side yards.
- E. Where a front yard abuts a street, on the opposite side of which is a residential zoning district, either zoned or occupied, the following standards apply:
 1. The minimum front setback shall be one hundred (100) feet.
 2. The front yard may not be used for parking, unless the street is designated as an expressway, interstate, major thoroughfare or thoroughfare.
- F. Where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards apply:
 1. The side yard shall be not less than seventy-five (75) feet, exclusive of any driveway or parking area, and the rear yard shall be not less than one hundred (100) feet.
 2. The rear yard may be used for off-street parking, provided that a buffer yard fifty (50) feet wide be maintained along the entire length of the yard exclusive of any easement.
 3. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists upon such adjoining property or abutting frontage property, although residentially zoned.

5.087 SB-06: Setback Standards; Open Space

This setback standards section applies to the following zoning district:

OS

- A. No part of any structure or building, excluding eaves or a cornice overhang, not exceeding four (4) feet, or a canopy over an entrance, not exceeding fifteen (15) feet, shall be within a required yard area.

5.088 SW-01: Sewer & Water Standards; General

This Sewer and Water Standards section applies to the following zoning districts:

AG **OS** **ER** **R1** **R2** **R3** **R4** **R5** **M1** **M2** **MP**
OM **C1** **C2** **C3** **MA** **I1** **TCCR** **TCGC** **TCMD** **TCMS** **TCR** **TCS** **TCTR**