

051704A

ORDINANCE NO. ~~051704A~~

**AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF FISHERS, INDIANA - 1980.**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION.

The text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows: the Zoning Classification of the following described Real Estate is hereby zoned as PUD-R and this ordinance shall hereinafter be referred to as the Graystone PUD Ordinance: See "Exhibit 1" attached hereto.

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of this PUD-R is to provide an innovative residential use development which promotes creativity and flexibility in the development of the Real Estate.

SECTION 3. LAND USE.

Detached single-unit active adult dwellings are permitted, and all uses described in Section 151.064(B) Residential District R3 are permitted.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN.

The Concept Plan, attached hereto as "Exhibit 2," is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plan; such further approval is subject to the procedures set out in Section 6, below.

SECTION 5. DEVELOPMENT STANDARDS.

The development standards set forth herein replace the otherwise applicable standards set forth in the Fishers Zoning Code and related ordinances.

A. Bulk and Density

Standard	Detached Active Adult
Acres	16.99
Maximum number of units	40
Minimum Lot Area	6667 sq. ft.
Minimum Lot Width ¹	59'
Minimum Lot Depth	113'
Front Yard	25'
Side Yard	12' building separation
Rear Yard	25'
Minimum lot frontage ²	30'
Minimum Floor Area	1,500 sq. ft. – 1-story 1,800 sq. ft. – 2-story
Max. Bldg. Ht. Primary/ Accessory	35'/25'

B. Landscaping

The development of the Real Estate shall be in compliance with the Town of Fishers Landscape Ordinance in effect as of the effective date of this PUD Ordinance.

Residential streets shall have street trees on both sides of the street. Street trees shall be placed on average between 40 - 60 feet on center in a planting strip between the curb and the sidewalk if available. The planting strip shall be a minimum of four feet wide. Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. Trees shall be deciduous and selected from the Town's approved List of Recommended Species. Street Trees shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

C. Architecture – Detached Single-Family Active Adult. The following standards shall apply:

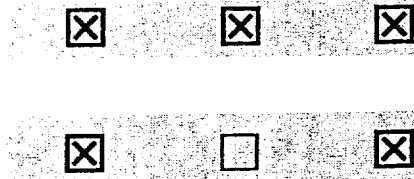
- a. Each residence shall have at least an 8" eave and overhang.
- b. At least 75% of the residences shall have at least 75% of the front elevation (excluding doors, windows and garage doors) brick or stone. All other residences shall have at least 50% of the front elevation (excluding doors, windows and garage doors) brick or stone.
- c. Exterior building materials shall include brick, stone, wood, stucco,

¹ To be measured at front building setback line.

² To be measured at the right-of-way line (or at the edge of pavement in the case of a private street).

HARDI PLANK, or wood. T1-11, vinyl and metal are prohibited.

- d. The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.
- e. Windows shall appear on at least three sides, with the front being one of the three required sides.
- f. A standard mailbox and post, selected by the developer, shall be installed on each residence.
- g. Concrete driveways are required.
- h. Acceptable exterior colors shall generally be defined as earth tones and other traditional colors.
- i. All residences shall have a minimum roof pitch of 6 vertical to 12 horizontal. Special exceptions may be made by the architectural review committee for porches and covered walkways.
- j. Ceilings on the first floor of all residences shall be a minimum of 9 feet.
- k. All residences shall have a limestone address block.
- l. All garages shall be finished and insulated, and shall have automatic garage doors.
- m. All model homes shall be the largest model offered by the builder in the neighborhood and shall include a finished basement.
- n. Homes that are the same model elevation or similar model elevation on the same side of the street, shall be separated by at least one lot. No same, or like, model elevations shall be directly across the street from one another and may not be duplicated for two (2) homes across the street from the residence.



D. Active Adult Features

- a. All residences constructed shall feature first floor living, with the master bedroom on the first floor. All residences will include no more than one master bedroom per residence.

- b. The homeowners association shall perform the following services:
- The homeowners association shall mow and fertilize the lawns at times and frequencies determined by the homeowners association;
 - Once a year, at a time determined by the homeowners association, the homeowners association shall change the mulch in the landscape beds;
 - The homeowners association shall provide for snow removal from the driveways and the walks up to the residence; and
 - The homeowners association shall collect mandatory assessments for the purpose of funding the obligations of the homeowners association.

E. Conservation/Preservation Plan

The developer of the Real Estate shall work with the Town's development staff to develop a tree preservation plan as part of the platting process for any significant woods located on the south perimeter of the Real Estate. Areas to be preserved shall be contained in a landscape preservation easement ("LPE") at a width to be determined by the Plan Commission at the time of platting. The clearing and clean up of woodlands designated to be preserved shall be minimized so as not to disturb the existing understory habitat (shelter, food source) of the wildlife that may live or visit the woodlands. It is acknowledged that certain areas of the perimeter may not be appropriate for an LPE due to drainage and utility needs.

SECTION 6. PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any detailed and final development Plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

SECTION 7. APPROVAL.

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.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 2nd day of July, 2004.
THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY
Scott H. Faultless

BY: _____

Scott Faultless,
President

Stuart F. Easley

Stuart F. Easley,
Vice President

Timothy O. Lima

Timothy O. Lima,
Member

Eileen N. Pritchard

Eileen N. Pritchard,
Member

Dan E. Henke

Dan E. Henke,
Member

Charles P. White

Charles P. White,
Member

David C. George
Member

David C. George

ATTEST:

Linda Gaye Cordell

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

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

Prepared by: Steven D. Hardin, Esq.
Bingham McHale LLP, 970 Logan Street, Noblesville, IN 46060

LAND DESCRIPTION

Page 1 of 2

(Shonkwiler Property)

Parcel I:

A part of the East Half of the Northeast Quarter of Section 34, Township 18 North, Range 5 East in Hamilton county, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the said Half Quarter Section; thence South 00 degrees 00 minutes 00 seconds (assumed bearing) along the West line of the said Half Quarter Section 1311.00 feet; thence North 89 degrees 26 minutes 19 seconds East parallel with the North line of the said Northeast Quarter Section 390.00 feet to the place of beginning; thence continue North 89 degrees 26 minutes 19 seconds East parallel with the said North line 886.08 feet to a point which lies on a line 50.00 feet West of and parallel with the East line of the said Northeast Quarter Section; thence South 00 degrees 01 minutes 42 seconds East parallel with the East line of the said Northeast Quarter Section 580.00 feet; thence South 89 degrees 26 minutes 19 seconds West parallel with the North line of the said Northeast Quarter Section 886.37 feet to a point which bears South 00 degrees 00 minutes 00 seconds from the said place of beginning; thence North 00 degrees 00 minutes 00 seconds parallel with the West line of the said Half Quarter Section 580.00 feet to the place of beginning, containing 11.799 acres, more or less.

Parcel II:

Part of the East Half of the Northeast Quarter of Section 34, Township 18 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the said Half Quarter Section South 00 degrees 00 minutes 00 seconds 1639.00 feet from the Northwest corner thereof; thence North 89 degrees 26 minutes 19 seconds East parallel with the North line of the said Northeast Quarter Section 390.00 feet; thence South 00 degrees 00 minutes 00 seconds parallel with the West line of the said Half Quarter Section 252.00 feet; thence South 89 degrees 26 minutes 19 seconds West parallel with the North line of the said Northeast Quarter Section 390.00 feet to the West line of the said Half Quarter Section; thence North 00 degrees 00 minutes 00 seconds along the said West line 252.00 feet to the place of beginning, containing 2.256 acres, more or less.

NOTE: The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.

Also including:

The entire width of the right-of-way Brooks School Road that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

LAND DESCRIPTION

Page 2 of 2

(Sherman Property)

Parcel I:

A part of the East Half of the Northeast Quarter of Section 34, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said East Half, 1311 feet South of the Northwest corner of said East Half; thence East 265 feet; thence South 328 feet parallel with said West line of the East Half of the Northeast Quarter; thence West 265 feet to a point on said West line; thence North 328 feet on and along said West line to the place of beginning, containing 2 acres, more or less.

Parcel II:

A part of the East Half of the Northeast Quarter of Section 34, Township 18 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

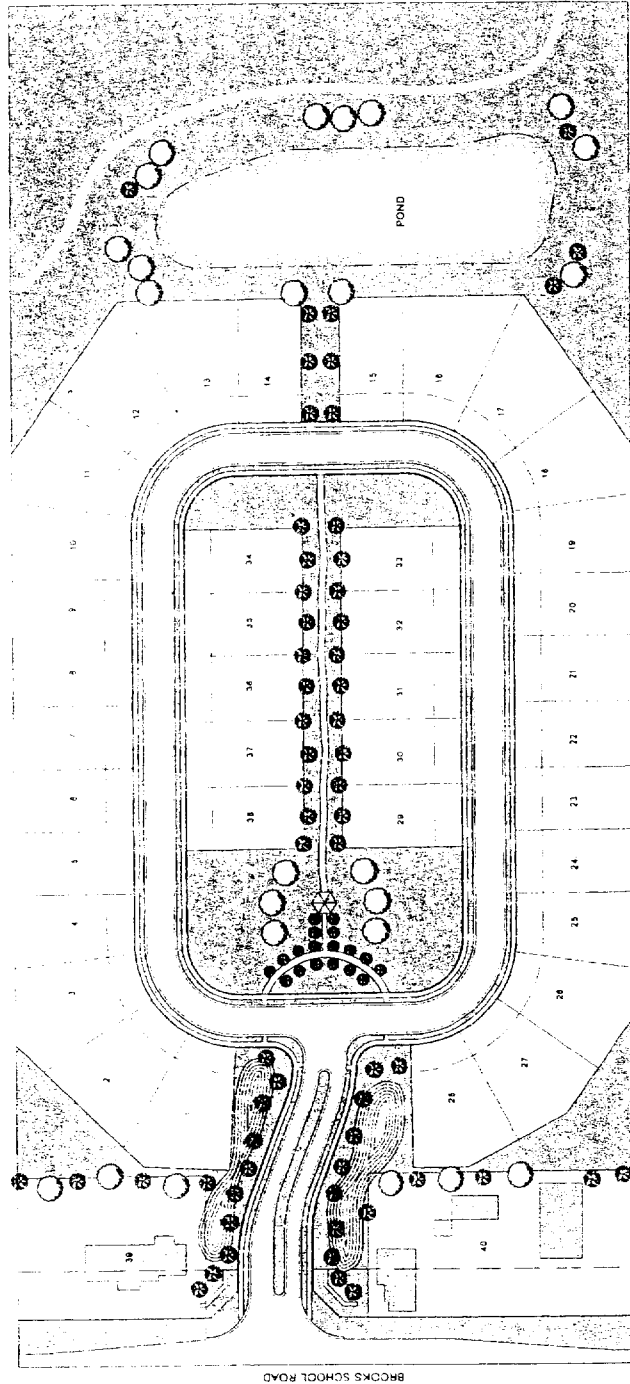
Commencing at a point on the West line of the said Half Quarter Section South 00 degrees 00 minutes 00 seconds 1311.00 feet from the Northwest corner thereof; thence North 89 degrees 26 minutes 19 seconds East parallel with the North line of said Northeast Quarter Section 265.00 feet to the place of beginning; thence continue North 89 degrees 26 minutes 19 seconds East parallel with the said North line 125.00 feet; thence South 00 degrees 00 minutes 00 seconds parallel with the West line of the said Half Quarter Section 328.00 feet; thence South 89 degrees 26 minutes 19 seconds West parallel with the North line of the said Northeast Quarter Section 125.00 feet; thence North 00 degrees 00 minutes 00 seconds parallel with the West line of the said Half Quarter Section 328.00 feet to the place of beginning, containing 0.941 acres, more or less.

NOTE: The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.

Also including:

The entire width of the right-of-way Brooks School Road that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

GRAYSTONE CONCEPT PLAN



Steppanovich & Associates, Inc.
 ENGINEERS, ARCHITECTS, PLANNERS
 1000 W. 10th Street, Suite 100
 Lincoln, Nebraska 68502