

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE PARKSIDE PUD
ORDINANCE No. 030294C
OF FISHERS, INDIANA

THIS ORDINANCE No. _____ (the "Amendment to the Parkside PUD") IS AN ORDINANCE APPLICABLE TO THE REAL ESTATE WHICH IS LEGALLY DESCRIBED EXHIBIT "A" HERETO AND AMENDING THE TEXT OF AN ORDINANCE OF FISHERS, INDIANA, DATED March 2, 1994 - Ordinance No. 030294C (the "Parkside PUD") as amended;

SECTION 1, DECLARATION

It is hereby ordained by the Town Council (the "Council") of the Town of Fishers, Indiana (the "Town") that the text of the Parkside PUD, as amended, is hereby amended as set forth in this Amendment to the Parkside PUD. To the extent there is any conflict between the Parkside PUD, as amended, and this Amendment to the Parkside PUD, this Amendment to the Parkside PUD shall control. Any provisions of the Parkside PUD, as amended, that are not specifically amended by this Amendment to the Parkside PUD shall remain in full force and effect.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this Amendment to the Parkside PUD is to amend certain and specific provisions of the Parkside PUD, as amended, pertaining to the list of permitted land uses and the development standards for those land uses. This Amendment to the Parkside PUD hereby establishes Senior Apartments, defined as multi-family apartment rental units restricted to tenants that are 55 years old and over, as a permitted residential land use and also establishes specific development standards for said Senior Apartments.

SECTION 3. AMENDMENTS TO THE PARKSIDE PUD, AS AMENDED

The following constitute the amendments to the Parkside PUD, as amended:

A. Section 2 Land Use is hereby appended with the following:

In addition to C2 and I1 land uses, Senior Apartments shall be a permitted land use subject to the development standards, architectural guidelines and other restrictions defined herein. Senior Apartments shall be eligible as a permitted use only within the 16.027 acre area located on the east side of Parkside Drive described and depicted in Exhibit "A" hereto (the "Eligible Area").

B. Section 3. Development Standards, paragraph C is hereby replaced with the following paragraph C:

C. RESIDENTIAL USE.

The following development standards and definitions shall apply to residential land use within the Eligible Area. For the purposes of this Ordinance, residential use shall be limited to Senior Apartments, which are defined as multi-family apartment rental units restricted to tenants who are 55 years old and over. Any such Senior Apartments that are proposed for Detailed Development Plan approval shall provide to the Plan Commission the form of a deed restriction requiring the age restriction for tenants as described herein. The recorded deed restriction shall be provided to the Department of Development as a condition of the release of any building permits for Senior Apartments.

(1) EXISTING TREE CONSERVATION

- a. Any existing trees along the property lines of any Senior Apartments shall be conserved as part of the bufferyard screening required in the Unified Development Ordinance.
- b. Through creative site design the developer will endeavor to conserve all trees with an 8" caliper or greater.
- c. For continuing maintenance of tree areas that have been conserved, the only existing trees that may be removed are:
 - i. those that interfere with roadway, drainage or utility installation and maintenance as required by the appropriate government or utility agency; or
 - ii. Dead or diseased trees.

(2) MAXIMUM NUMBER OF UNITS

- a. The maximum number of Senior Apartments permitted within the Eligible Area shall not exceed 150.
- b. The maximum density of Senior Apartments shall not exceed 24 units/acre.

(3) PARKING

- a. Parking Ratio. The required off-street parking ratio for Senior Apartments shall be 1.33 parking spaces/unit.
- b. Land Banking. Any applicant seeking Detailed Development Plan approval shall submit a site plan showing how they propose to comply with the required number of parking spaces. Up to 15% of the required parking spaces may be land banked in order to create additional green space, tree preservation, or recreational open space on the site. The PD Committee shall approve any proposed land banking of parking area at the Detailed Development Plan approval stage. If upon observation by the Town or the applicant that said land banking has created an under parked condition on the site, then the additional parking spaces that were land banked shall be installed as soon as practicable.

- c. Parking spaces enclosed within a detached garage shall be offered to residents during initial lease-up. The number of these garages units shall be established by the demand at that time.
- d. A special parking area shall be established on the east side of the apartment building depicted in Exhibit C for a shuttle/van vehicle that will provide periodic transportation for apartment residents to local retail and service providers. Said parking area will be clearly reserved for use of the shuttle/van only and be located near a building ingress/egress point.

(4) SITE DEVELOPMENT STANDARDS

- a. Side Yard Setback - minimum 40 feet.
- b. Lot Frontage - minimum 40 feet
- c. A landscape buffer shall be provided along east edge of any wooded area abutting existing residential land use, subject to the following requirements:
 - i. A 30' wide Tree Preservation Area shall be provided along the property line. No existing trees or shrubs may be removed from this area unless they are dead or they pose a threat to property or public safety.
 - ii. A detailed tree preservation plan illustrating preservation techniques shall be submitted at the time of site construction plan review.
 - iii. A 10' strip of additional landscaped area shall be maintained along the west side of the length of the Tree Preservation Area. Said landscaped area shall be planted with ground cover, trees, and shrubs and shall remain free from parking lot and building improvements. Shrubs planted within the 10' landscaped area shall be evergreen and shall have a mature height of at least 4'. The total combined landscaped area/Tree Preservation Area shall be 40' in width.
 - iv. Because of the undisturbed natural condition of the Tree Preservation Area, bufferyard design standards shall not apply and the Tree Preservation Area shall be kept in its natural state.

(5) ARCHITECTURAL GUIDELINES

- a. The Senior Apartments shall be substantially similar in size and

design to the elevations and floor plans attached hereto as Exhibit "B".

- b. A proposed concept plan for Senior Apartments is attached hereto as Exhibit "C".
- c. All exterior building materials shall be of durable high-quality products. No PVC, vinyl or aluminum siding will be permitted.
- d. Minimum initial project size shall be 2.5 acres.
- e. Maximum building height shall be three stories above grade, which shall in no case exceed 45 feet.
- f. Brick or stone masonry shall be required on all sides of any building and the front elevation shall require a minimum of 50 % brick or stone masonry, excluding the area of doors, windows and vents.
- g. Minimum 1 bedroom dwelling unit size shall be 775 square feet. Minimum 2 bedroom dwelling unit size shall be 875 square feet.

- (6) Project Amenities - The following Unit, Building and Site Amenities shall be provided:

Unit Amenities

Universal design features, including:

- Zero-step entry
- Wider doors
- Wider hallways
- Levered door hardware

Breakfast bars

In-room laundry facilities

Walk-in closets

10% ADA units (double the number required for apartments), including the following features:

- Roll-in showers
- Roll-under sinks
- Grab bars
- Lower countertops

Building Amenities/Services

Elevators

Electronic Secure Entry Point

Full-time on-site manager

Business center with computers, fax, high-speed internet access

Fitness center

Club lounge

Senior service referral coordinator
Theater room
Banquet/Event Room
Garbage chutes
Building common laundry facility

Site Amenities

30' Tree preservation buffer on east side
Walking path around water feature
Shelter structure
Decorative concrete surface features
Crosswalk connection to existing paths

(7) OTHER RESIDENTIAL STANDARDS

Any residential standard for Senior Apartments not specifically defined in this Ordinance or established by deed restrictions recorded with the land shall follow the standards of the M2 district as defined in the Town of Fishers Unified Development Ordinance.

C. Section 3. paragraph C is hereby relabeled as paragraph D:

D. Section 3. paragraph D is hereby relabeled as paragraph E:

SECTION 4. PROCEDURES

The Parkside PUD, as amended, as hereby amended by this Amendment to the Parkside PUD, shall remain in full force and effect.

SECTION 5. APPROVAL

This Amendment to the Parkside PUD shall be in full force and effect from and after its passage by the Town Council.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 17th day of OCTOBER, 2011.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

BY:

Michael Colby

Scott Faultless,
President

Scott Faultless

Ed Hoffer

Michael Colby,
Vice president

Edward H. Offerman
Member

Eileen N. Pritchard
Member

Eileen N. Pritchard

Stuart F. Easley

Daniel E. Henke
Member

Stuart F. Easley
Member

David C. George

Linda Gaye Cordell

David C. George
Member
LINDA GAYE CORDELL
C-T

ATTEST:

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

DATE:

10/17/11

081511C

EXHIBIT "A"

Legal Description of Eligible Area
Parkside Residential
Page 1 of 2

Land Description

Part of the West Half of the Southeast Quarter of Section 30, Township 18 North, Range 5 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 30, Township 18 North, Range 5 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana; thence South 00 degrees 11 minutes 00 seconds East (basis of bearings is South 00 degrees 07 minutes 49 seconds East on the East line of said Southeast Quarter - Indiana State Plane Coordinates - Indiana East Zone NAD83) a distance of 1050.22 feet on the East line of the West Half of said Southeast Quarter to the Southeast corner of Parkside - Lot Six, the plat of which is recorded in Plat Cabinet 2, Slide No. 300 as Instrument No. 199909948156 in the Office of the Recorder, Hamilton County, Indiana; thence continuing South 00 degrees 11 minutes 00 seconds East 681.80 feet on the East line of the West Half of said Southeast Quarter to the **POINT OF BEGINNING**; thence continuing South 00 degrees 11 minutes 00 seconds East 672.76 feet on the East line of the West Half of said Southeast Quarter to the Northeast corner of the real estate described in Instrument No. 2007056454 in said Recorder's Office; thence South 89 degrees 30 minutes 21 seconds West 382.13 feet on the North line of the real estate described in said Instrument No. 2007056454 to the Easterly line of an Access/Ingress-Egress Easement described as Exhibit B-1 in Instrument #2002-00037932 in said Recorder's Office, being the point of curvature of a non-tangent curve, concave Southwesterly, the radius point of which bears South 63 degrees 17 minutes 18 seconds West 140.00 feet from said point; thence Northwesterly 155.54 feet on said curve to the left and said Access/Ingress-Egress Easement to the point of tangency thereof, said curve subtended by a chord that bears North 58 degrees 32 minutes 18 seconds West 147.66 feet; thence South 89 degrees 38 minutes 05 seconds West 39.23 feet; thence North 00 degrees 21 minutes 55 seconds West 80.00 feet parallel with the East line of Lot 1 Parkside Phase II, the plat of which is recorded as Instrument No. 2007033572 in said Recorder's Office; thence North 89 degrees 38 minutes 05 seconds East 8.66 feet; thence North 44 degrees 13 minutes 37 seconds East 47.63 feet; thence North 63 degrees 34 minutes 38 seconds East 81.61 feet; thence North 04 degrees 44 minutes 53 seconds West 125.16 feet; thence North 78 degrees 25 minutes 55 seconds West 50.68 feet; thence North 67 degrees 30 minutes 07 seconds West 61.06 feet; thence North 00 degrees 21 minutes 55 seconds West 288.72 feet to a

EXHIBIT "A"

Legal Description of Eligible Area (con't.)

Parkside Residential

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point that bears South 89 degrees 49 minutes 00 seconds West from the point of beginning; thence North 89 degrees 49 minutes 00 seconds East 548.95 feet to the **POINT OF BEGINNING**, containing 7.813 acres, more or less.

AND, ALSO

Part of the West Half of the Southeast Quarter of Section 30, Township 18 North, Range 5 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 30, Township 18 North, Range 5 East of the Second Principal Meridian, Delaware Township, Hamilton County, Indiana; thence South 00 degrees 11 minutes 00 seconds East (basis of bearings is South 00 degrees 07 minutes 49 seconds East on the East line of said Southeast Quarter - Indiana State Plane Coordinates - Indiana East Zone NAD83) a distance of 1050.22 feet on the East line of the West Half of said Southeast Quarter to the Southeast corner of Parkside - Lot Six, the plat of which is recorded in Plat Cabinet 2, Slide No. 300 as Instrument No. 199909948156 in the Office of the Recorder, Hamilton County, Indiana to the **POINT OF BEGINNING**; thence continuing South 00 degrees 11 minutes 00 seconds East 681.80 feet on the East line of the West Half of said Southeast Quarter; thence South 89 degrees 49 minutes 00 seconds West 548.95 feet; thence North 00 degrees 21 minutes 55 seconds West 226.69 feet; thence North 44 degrees 12 minutes 32 seconds West 143.78 feet to the Easterly line of an Access/Ingress-Egress Easement described as Exhibit B-1 in Instrument #2002-00037932 in said Recorder's Office; the following four (2) courses are on the perimeter of said Access/Ingress-Egress Easement; 1) North 47 degrees 12 minutes 00 seconds East 177.41 feet to the point of curvature of a tangent curve, concave Northwesterly, said curve having a radius of 405.00 feet; 2) thence Northeasterly through a central angle of 37 degrees 25 minutes 22 seconds a distance of 264.53 feet on said curve to the left to the Southwest corner of said Parkside - Lot Six; thence North 89 degrees 17 minutes 28 seconds East 394.39 feet on the South line of said Parkside - Lot Six to the **POINT OF BEGINNING**, containing 8.214 acres, more or less.

Containing a total of 16.027 acres, more or less.

