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THE PRESERVE AT ARBOR PINES PUD

City of Fishers
Planned Development
Ordinance
No. 041519D

THE PRESERVE AT ARBOR PINES PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 041519D (this Ordinance) Adopted: <u>4/15/2019</u></p> <p>The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 090605A, as amended, and the OFFICIAL ZONING MAP, CITY OF FISHERS, INDIANA, dated October 16, 2006, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:</p> <p>The zoning classification of the real estate legally described in Section 1.08 of this Ordinance (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "The Preserve at Arbor Pines PUD."</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All previous PUD Ordinances, and amendments thereto, applicable to the Real Estate are hereby repealed.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the UDO to the development of the Real Estate.</p>	<p>All uses described in the RS Residential District.</p>

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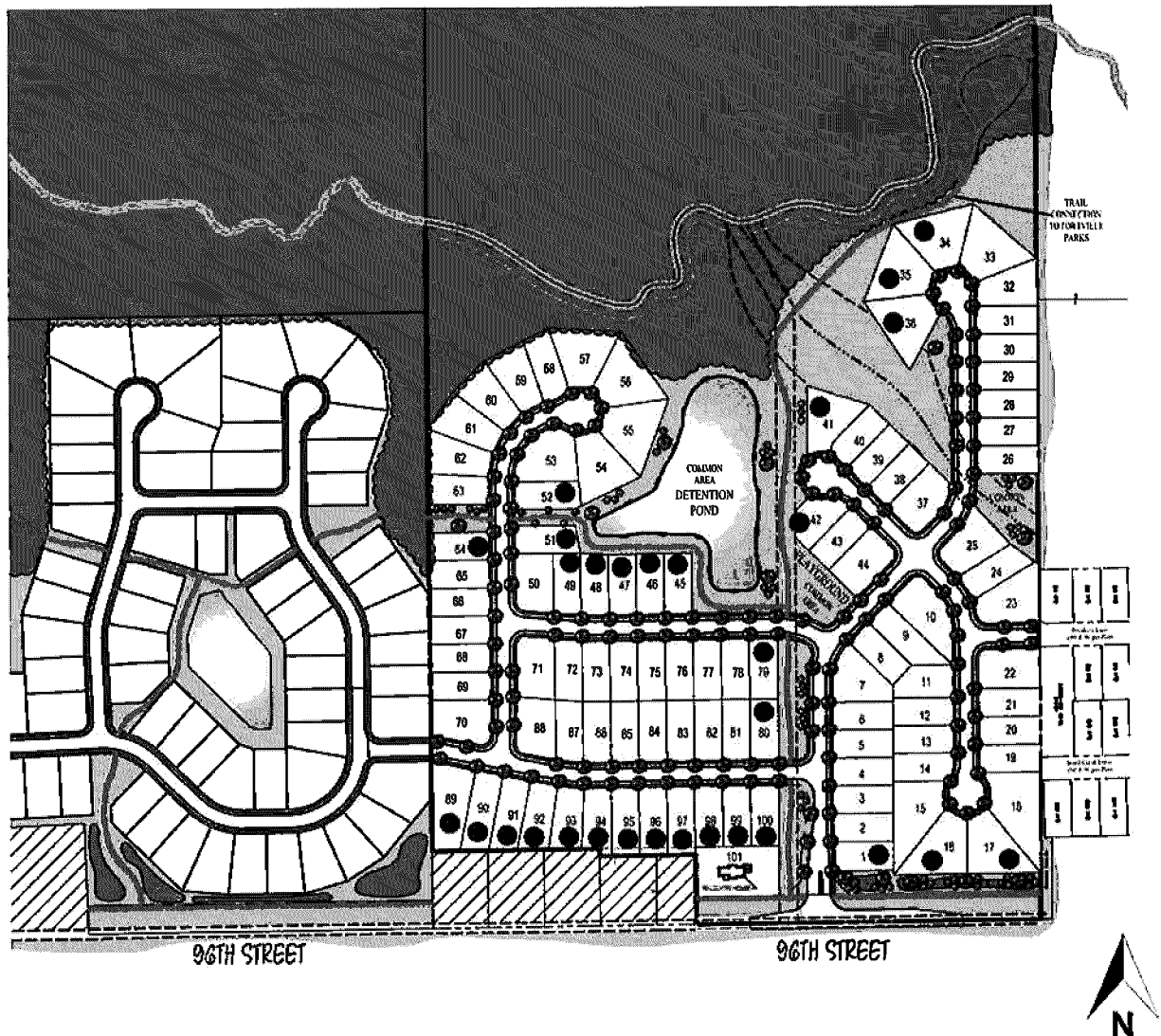
1.02 Applicability

- A. The standards of the UDO applicable to the **R5 Residential District** shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this Ordinance. "Article" cross-references of this 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 4.02(F): Amendments to the Unified Development Ordinance*, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Article 1.10: 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 9.17(A)(2)(a): Planned Unit Development District; General; Purpose & Intent*, the Concept Plan provides the Plan Commission and City Council with a general vision for the development of the Real Estate. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.

Concept Plan Exhibit



THE PRESERVE AT ARBOR PINES PUD

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 2.14: R5 Residential District Development Standards* shall apply, except as modified below:
- (i) Minimum Lot Width at Building Line: Sixty feet (60')
 - (ii) Minimum Lot Frontage: Forty feet (40')
 - (iii) Minimum Front Setback: Twenty-two feet (22')
 - (iv) Minimum Side Setback: Six feet (6')
 - (iv) Minimum Aggregate Side Setback: Shall not apply.
- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply, except as modified below:
- (1) Approved Elevations
 - (i) The City's PUD Committee, at its September 26, 2016, meeting, reviewed and approved the set of home plans on file with the City's Community Development Department (the "Approved Elevations"). The Illustrative Architectural Exhibit, attached hereto as **Exhibit A**, is a sampling and general representation of those Approved Elevations. The Approved Elevations are hereby incorporated and approved. All homes shall be substantially consistent with the Approved Elevations or otherwise comply with the standards set forth in this Ordinance. The Director of the Community Development Department, including his/her designees, shall review and approve home elevations at the time of filing of the Building Permit for compliance.
 - (ii) If a home elevation does not comply with Section 1.04(D)(1)(i), then the proposed home elevation(s) shall be submitted for review and approval by the PUD Committee. The PUD Committee's review of the home elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the PUD and the Approved Elevations.
 - (2) *Article 5.13 AD-01(A)(1)(b): Architectural Design; Single-Family Residential; Facade; Side and Rear Elevation* shall apply. Additionally, the following shall apply:
 - (i) References to "front" in §(A)(3): Architectural Features shall also apply to visible side and/or rear facades. Additionally, the following items shall be added to §(A)(3): Architectural Features and shall count as one point toward satisfying this requirement:
 - Minimum of two (2) additional trees along the visible facade.
 - (ii) Dwellings on lots designated with a black circle on the Concept Plan shall have masonry wainscot a minimum two (2) foot in height.
 - (3) *Article 5.13 AD-01(A)(2): Architectural Design; Single-Family Residential; Facade; Exterior Material* shall apply; however, aluminum, heavy-gauge vinyl, and vinyl shall not be permitted as a siding material.
 - (4) *Article 5.13 AD-01(A)(3): Architectural Design; Single-Family Residential; Facade; Architectural Features* shall apply. In addition, the architectural features listed below shall be added to the point system. Per Section 1.04(D)(2) of this Ordinance, all references to "front" shall also apply to visible side and/or rear facades. The following architectural features are worth one (1) point:
 - (i) Minimum of twenty-four (24) inch masonry wainscot on all sides.
 - (ii) Minimum one (1) inch by four (4) inch wood trim around all windows, unless surrounded by masonry, shutters or other architectural treatments.
 - (iii) More than one (1) siding profile on the front elevation (e.g., second siding profile such as shake, vertical, or other horizontal siding used as an accent).
 - (5) *Article 5.13 AD-01(A)(4): Architectural Design; Single-Family Residential; Facade; Dimensions* shall not apply. Instead, the following shall apply:
 - (i) The garage door shall not exceed more than fifty (50) percent of the front facade width.
 - (6) *Article 5.13 AD-01(D): Architectural Design; Single-Family Residential; Automobile Storage*; shall apply. In addition, two-car garages shall have a minimum of a four (4) foot extension for interior storage.

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- (7) *Article 5.13 AD-01(C)(3): Architectural Design; Single-Family Residential; Roof; Minimum Eave/Overhang Width* shall apply. In addition, side overhangs shall be required.
- (i) Every two (2) bays (not to exceed a maximum of twenty-five feet (25')) shall have a separate door, and shall be offset four (4) feet from adjacent door(s). The term "Frontloading" applies to and includes garages that load from a primary and/or secondary frontage.
- (8) *Article 5.13 AD-01(D)(4): Architectural Design; Single-Family Residential; Automobile Storage; Garage-forward Design* shall apply. In addition, each garage door shall include a "decorative" design with windows substantially similar in quality and character as illustrated in the Illustrative Architectural Exhibit, attached hereto as **Exhibit B**.
- (9) *Article 5.13 AD-01(G): Architectural Design; Single-Family Residential; Model Homes* shall not apply. Instead, the following shall apply:
- (i) If the builder produces more than one (1) model home at a time, then one (1) of the model homes shall exceed 2,800 square feet and include a sunroom, screened-in-porch or basement.
- (10) **Window Trim**: All windows on the sides and rear of all dwelling shall include a minimum one (1) inch by four (4) inch trim.
- (11) *Article 5.40 LA-02(D): Landscaping Standards; Street Trees; Arterial, Collector, and Local Streets* shall apply, except as modified below:
- (i) Planting strips between the curb and sidewalk shall be a minimum of six (6) feet wide.
- 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.
- 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.
- S. **Pedestrian Accessibility Standards (PA)**: shall apply.
- T. **Performance Standards (PF)**: shall apply.
- U. **Permanent Outdoor Display Area Standards (PD)**: shall apply.
- V. **Property Identification Standards (PI)**: shall apply.
- W. **Public Art Standards (PT)**: shall apply.
- X. **Public Improvement Standards (PV)**: shall apply.
- Y. **Setback Standards (SB)**: shall apply.
- Z. **Sewer & Water Standards (SW)**: shall apply.
- AA. **Sexually Oriented Business Standards (SX)**: shall apply.
- BB. **Sign Standards (SG)**: shall apply.
- CC. **Structure Quantity Standards (SQ)**: shall apply.
- DD. **Telecommunication Facilities Standards (TC)**: shall apply.
- EE. **Temporary Use/Structure Standards (TU)**: shall apply.
- FF. **Use-specific Standards (US)**: shall apply.
- GG. **Vision Clearance Standards (VC)**: shall apply.

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1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this 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 and 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.
- 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 apply. Per the UDO, a minimum of twenty-five percent (25%) Open Space shall be provided within the development. Per Article 7.25 OP-01 (C)(6): Open Space Standards; Residential; City Council-Approved Open Space, the required open space shall be provided as generally shown on the Open Space Exhibit, attached hereto as **Exhibit C**. In addition, the following amenities shall be included within the development: Basketball goal, playground, and trails (as generally shown on the Pedestrian Network Plan, attached hereto as **Exhibit D**).
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards (PL): shall apply.
- T. Prerequisite Standards (PO): shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- 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.

1.06 Procedures

- A. The procedures set forth in *Article 9: 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. The Real Estate shall be assigned to the City's general PUD Committee (the "Committee") for architectural review.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture design standards established or referenced by this Ordinance or the introduction of new elevations/home plans if the Committee determines such modifications or new elevations home plans are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

THE PRESERVE AT ARBOR PINES PUD

1.07 Adoption

This ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts of the UDO in conflict herewith are hereby repealed.

APPROVED by the Common Council of the City of Fishers this 15th day of April, 2019.

THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA
AYE NAY

<u>[Signature]</u>	Richard W. Block, President	_____
<u>[Signature]</u>	Eric Moeller, Vice-President	_____
<u>David C. George</u>	David George, Member	_____
<u>[Signature]</u>	C. Pete Peterson, Member	_____
<u>[Signature]</u>	John Weingardt, Member	_____
<u>Cecilia Coble</u>	Cecilia C. Coble, Member	_____
<u>Brad DeReamer</u>	Brad DeReamer, Member	_____
<u>[Signature]</u>	Selina M. Stoller, Member	_____
<u>[Signature]</u>	Todd Zimmerman, Member	_____

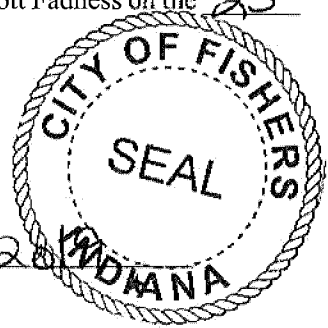
I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 25th day of April 2019, at 9:00 p m.

ATTEST: [Signature]
Jennifer L. Kehl, City Clerk

[Signature]
Scott A. Fadness, Mayor

MAYOR'S APPROVAL

04-15-2019
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

Approved by: Chris Greisl, City of Fishers, City Attorney
Prepared by: Steven D. Hardin, Esq.,
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,
Indianapolis, Indiana 46240. (317) 569-9600.

In accordance with Indiana Code, I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Mark R. Leach

THE PRESERVE AT ARBOR PINES PUD

1.08 Real Estate

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA, CONTAINING EIGHTY ACRES.

EXCEPTING THEREFROM, BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION EIGHT (8) AND RUNNING THENCE WEST UPON AND ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SECTION 1321.5 FEET TO A POINT; THENCE SOUTH UPON AND ALONG THE WEST SIDE OF THE EAST HALF OF SAID SOUTHEAST QUARTER 1118.7 FEET TO A POINT IN THE CENTER OF FLAT FORK CREEK; THENCE NORTHEASTERLY UPON AND ALONG THE MEANDERING CENTER OF SAID FLAT FORK CREEK TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH UPON AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION (8), 728.7 FEET TO THE POINT OF BEGINNING, CONTAINING 32.24 ACRES MORE OR LESS.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST AND RUN THENCE NORTH 166 FEET; THENCE EAST 120 FEET; THENCE SOUTH 166 FEET; THENCE WEST 120 FEET, TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, DESCRIBED AS FOLLOWS:

BEGIN 120 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE NORTH 166 FEET; THENCE EAST 120 FEET; THENCE SOUTH 166 FEET; THENCE WEST 120 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM, A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT 240 FEET EAST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, RUN EAST 121 FEET, NORTH 166 FEET, THENCE WEST 121 FEET, THENCE SOUTH 166 FEET TO THE PLACE OF BEGINNING, IN HAMILTON COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 361 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE NORTH 150 FEET; THENCE EAST 122 FEET; THENCE SOUTH 150 FEET; THENCE WEST 122 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.42 OF AN ACRE, MORE OF LESS, IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 483 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, AND RUN THENCE NORTH 150 FEET; THENCE EAST 85 FEET; THENCE SOUTH 150 FEET; THENCE WEST 85 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.294 OF AN ACRE MORE OF LESS.

Exhibit A - Illustrative Architectural Exhibit



Exhibit A - Illustrative Architectural Exhibit



Exhibit A - Illustrative Architectural Exhibit



Exhibit B - Decorative Garage Door Exhibit



Exhibit C - Open Space Exhibit



Open Space Legend	
Area (SF)	Area (Ac.)
OS 1 = 18,541	0.43
OS 2 = 12,141	0.28
OS 3 = 16,163	0.37
OS 4 = 18,531	0.43
OS 5 = 588,193	13.53
OS 6 = 7,800	0.18
Total Open Space = 15.21 Acres	
**Total Area = 43.67 Acres	
** = less proposed R/W of East 96th Street	
Open Space Percentage = 34.82%	

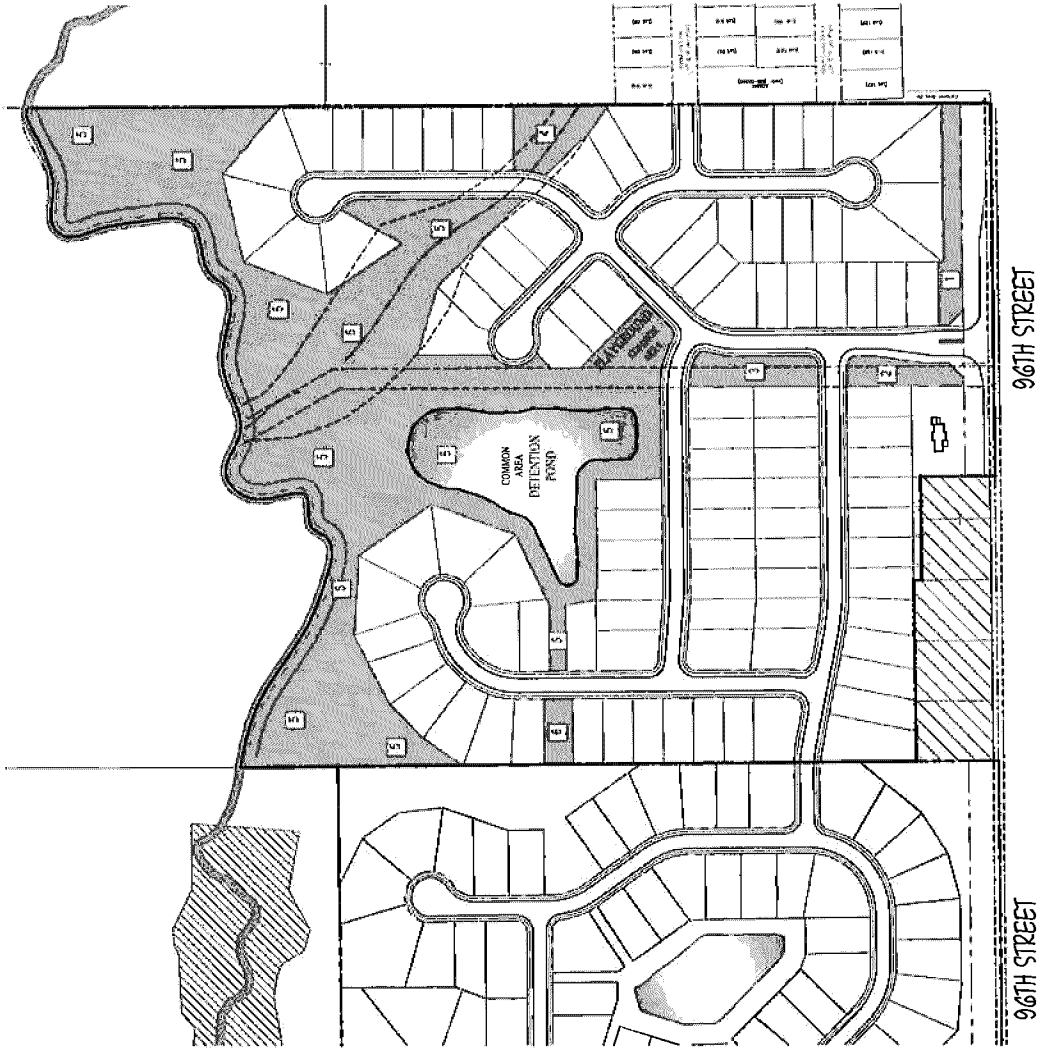
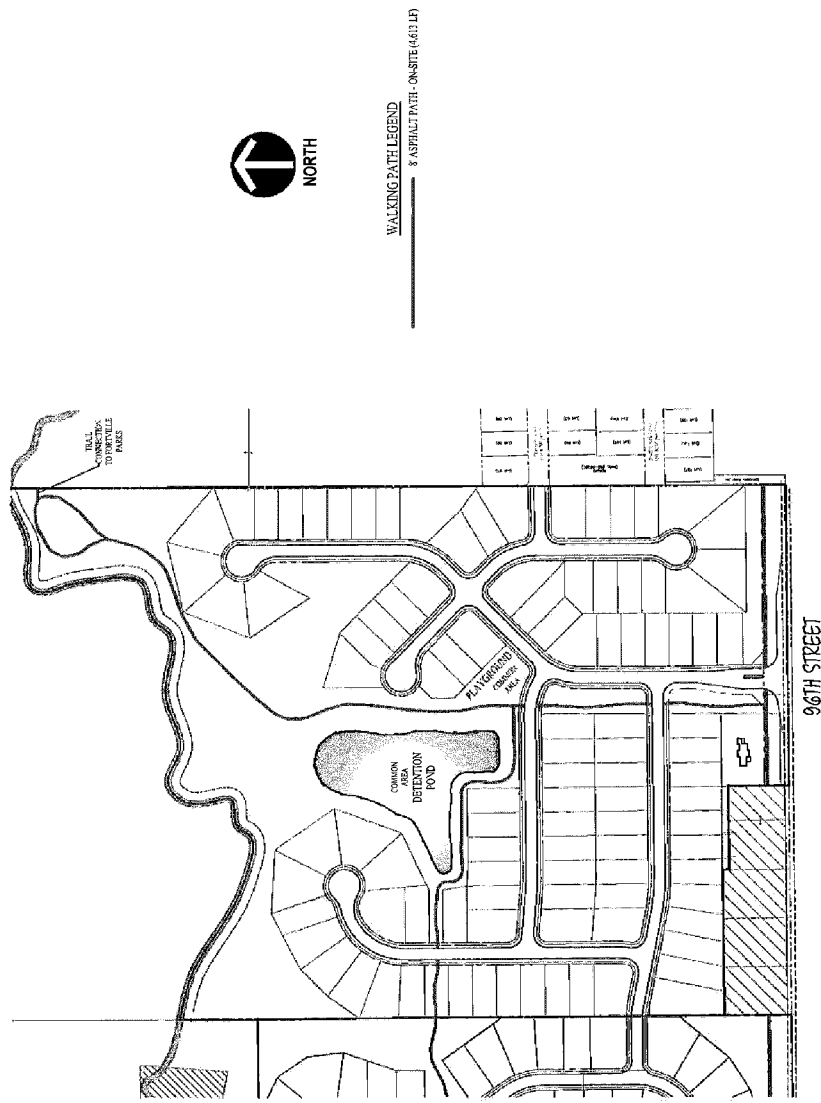


Exhibit D - Pedestrian Network Plan



Year

2019

THE PRESERVE AT ARBOR PINES PUD

City of Fishers
Planned Development
Ordinance
No. 041519D

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1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
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THE PRESERVE AT ARBOR PINES PUD

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 - (ii) Minimum one (1) inch by four (4) inch wood trim around all windows, unless surrounded by masonry, shutters or other architectural treatments.
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- 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.
- 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.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Permanent Outdoor Display Area Standards (PD): shall apply.
- V. Property Identification Standards (PI): shall apply.
- W. Public Art Standards (PT): shall apply.
- X. Public Improvement Standards (PV): shall apply.
- Y. Setback Standards (SB): shall apply.
- Z. Sewer & Water Standards (SW): shall apply.
- AA. Sexually Oriented Business Standards (SX): shall apply.
- BB. Sign Standards (SG): shall apply.
- CC. Structure Quantity Standards (SQ): shall apply.
- DD. Telecommunication Facilities Standards (TC): shall apply.
- EE. Temporary Use/Structure Standards (TU): shall apply.
- FF. Use-specific Standards (US): shall apply.
- GG. Vision Clearance Standards (VC): shall apply.

THE PRESERVE AT ARBOR PINES PUD

1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this 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 and 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.
- 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 apply. Per the UDO, a minimum of twenty-five percent (25%) Open Space shall be provided within the development. Per Article 7.25 OP-01 (C)(6): Open Space Standards; Residential; City Council-Approved Open Space, the required open space shall be provided as generally shown on the Open Space Exhibit, attached hereto as **Exhibit C**. In addition, the following amenities shall be included within the development: Basketball goal, playground, and trails (as generally shown on the Pedestrian Network Plan, attached hereto as **Exhibit D**).
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards (PL): shall apply.
- T. Prerequisite Standards (PO): shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- 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.

1.06 Procedures

- A. The procedures set forth in *Article 9: 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. The Real Estate shall be assigned to the City's general PUD Committee (the "Committee") for architectural review.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture design standards established or referenced by this Ordinance or the introduction of new elevations/home plans if the Committee determines such modifications or new elevations home plans are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

THE PRESERVE AT ARBOR PINES PUD

1.07 Adoption

This ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts of the UDO in conflict herewith are hereby repealed.

APPROVED by the Common Council of the City of Fishers this 15th day of April, 2019.

THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA
AYE
NAY

<u>[Signature]</u>	Richard W. Block, President	_____
<u>[Signature]</u>	Eric Moeller, Vice-President	_____
<u>David C. George</u>	David George, Member	_____
<u>[Signature]</u>	C. Pete Peterson, Member	_____
_____	John Weingardt, Member	_____
<u>Cecilia Coble</u>	Cecilia C. Coble, Member	_____
<u>Brad DeReamer</u>	Brad DeReamer, Member	_____
<u>[Signature]</u>	Selina M. Stoller, Member	_____
<u>[Signature]</u>	Todd Zimmerman, Member	_____

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 25th day of April 2019, at 9:00 p m.

ATTEST: [Signature]
Jennifer L. Kehl, City Clerk

[Signature]
Scott A. Fadness, Mayor

MAYOR'S APPROVAL

04-15-2019
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

Approved by: Chris Greisl, City of Fishers, City Attorney
Prepared by: Steven D. Hardin, Esq.,
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,
Indianapolis, Indiana 46240. (317) 569-9600.

In accordance with Indiana Code, I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Mark R. Leach

THE PRESERVE AT ARBOR PINES PUD

1.08 Real Estate

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA, CONTAINING EIGHTY ACRES.

EXCEPTING THEREFROM, BEING A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION EIGHT (8) AND RUNNING THENCE WEST UPON AND ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SECTION 1321.5 FEET TO A POINT; THENCE SOUTH UPON AND ALONG THE WEST SIDE OF THE EAST HALF OF SAID SOUTHEAST QUARTER 1118.7 FEET TO A POINT IN THE CENTER OF FLAT FORK CREEK; THENCE NORTHEASTERLY UPON AND ALONG THE MEANDERING CENTER OF SAID FLAT FORK CREEK TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH UPON AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION (8), 728.7 FEET TO THE POINT OF BEGINNING, CONTAINING 32.24 ACRES MORE OR LESS.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST AND RUN THENCE NORTH 166 FEET; THENCE EAST 120 FEET; THENCE SOUTH 166 FEET; THENCE WEST 120 FEET, TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, DESCRIBED AS FOLLOWS:

BEGIN 120 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE NORTH 166 FEET; THENCE EAST 120 FEET; THENCE SOUTH 166 FEET; THENCE WEST 120 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM, A PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT 240 FEET EAST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, RUN EAST 121 FEET, NORTH 166 FEET, THENCE WEST 121 FEET, THENCE SOUTH 166 FEET TO THE PLACE OF BEGINNING, IN HAMILTON COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 361 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION, TOWNSHIP AND RANGE; THENCE NORTH 150 FEET; THENCE EAST 122 FEET; THENCE SOUTH 150 FEET; THENCE WEST 122 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.42 OF AN ACRE, MORE OF LESS, IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA.

ALSO EXCEPTING THEREFROM, A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 483 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP SEVENTEEN (17) NORTH, RANGE SIX (6) EAST, AND RUN THENCE NORTH 150 FEET; THENCE EAST 85 FEET; THENCE SOUTH 150 FEET; THENCE WEST 85 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.294 OF AN ACRE MORE OF LESS.

Exhibit A - Illustrative Architectural Exhibit



Exhibit A - Illustrative Architectural Exhibit



Exhibit A - Illustrative Architectural Exhibit



Exhibit B - Decorative Garage Door Exhibit



Exhibit C - Open Space Exhibit



Open Space Legend	
Area (SF)	Area (Ac.)
OS 1 = 18,541	0.43
OS 2 = 12,141	0.28
OS 3 = 16,163	0.37
OS 4 = 18,531	0.43
OS 5 = 589,193	13.53
OS 6 = 7,800	0.18
Total Open Space =	15.21 Acres
**Total Area =	43.67 Acres
** = less proposed R/W of East 96th Street	
Open Space Percentage =	34.82%

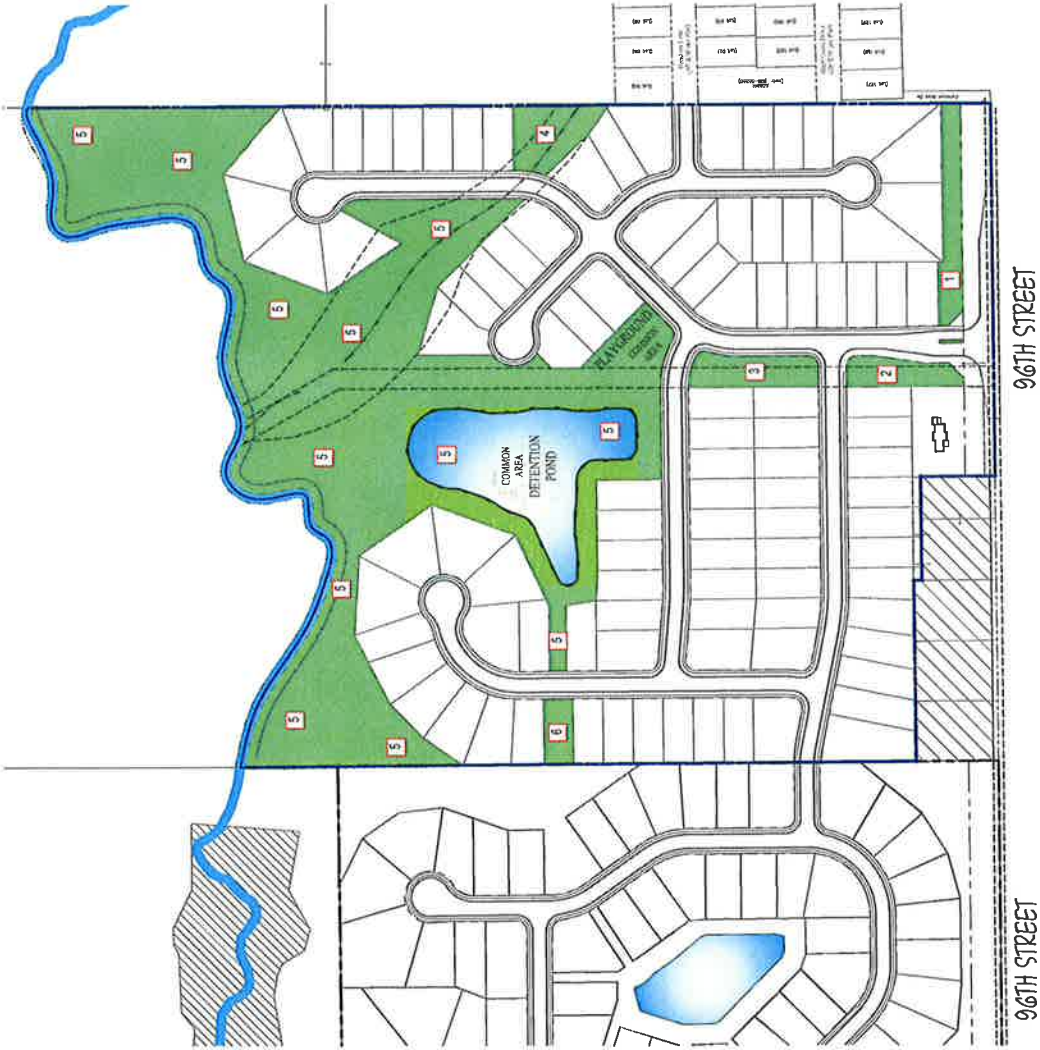


Exhibit D - Pedestrian Network Plan





Council Action Form

MEETING DATE	April 15, 2018			
TITLE	Text Amendment to the Preserve at Bridger Pines PUD to revise the name to Preserve at Arbor Pines and to reduce the planting strip width between the curb and sidewalk.			
SUBMITTED BY	Name & Title: Megan Schaefer, Planner II			
	Department: Planning & Zoning			
MEETING TYPE	<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
	<input type="checkbox"/> Executive			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 rd Reading
				<input checked="" type="checkbox"/> Final Reading
	Ordinance #: 041519D		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document must be recorded with the County Recorder's Office		<input type="checkbox"/> Document does not need recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office			

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	<p>Boomerang Development LLC requests a text amendment to the Preserve at Bridger Pines PUD to address a name change to the subdivision and to reduce the size of the planting strip width. The PUD name will be changed to reflect the new name of the neighborhood, the Preserve at Arbor Pines, and the planting strip width will be reduced to accommodate the utility infrastructure that was installed.</p> <p><i>1. Change the name of the PUD from the Preserve at Bridger Pines to the Preserve at Arbor Pines.</i></p> <p>The name of the neighborhood has been updated to the Preserve at Arbor Pines to distinguish it from Bridger Pines and associate the name more with the builder, Arbor Homes. The name of the PUD is proposed to be updated to align with this change.</p> <p><i>2. Reduce the planting strips between the curb and sidewalk.</i></p> <p>The PUD requires that planting strips between the curb and sidewalk be a minimum of seven and one-half (7 ½) feet wide within 56' of right-of-way. This standard was incorporated into the PUD to give street trees more room to grow and mitigate the problems tree roots have on sidewalks. The petitioner is now requesting an amendment to this standard to reduce the width to six (6) feet due to the water meter pit as-built location, which differs from the approved location on the construction plans. The water meter pits have been installed throughout Arbor Pines, Section 1 straddling the property lines in the front yards instead of being completely within the front yard. See below illustrated example. There are 65 lots within Section 1, with a total of 37 water meter pits having been installed. In order to properly install the sidewalks and avoid the meter pits and lids being located within the sidewalk, the sidewalk will need to be moved 1-1 ½' closer to the curb. See attached Petitioner's Packet for more explanation from the petitioner. Due to the planting strip width being reduced, staff will also require street trees be planted on the outside of the sidewalk rather than within this strip to prevent maintenance issues in the future.</p> <p>City Council approved a partial ROW Vacation on March 18th to ensure the water meter pits are now outside of the ROW.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
	1. Hold Final Reading and approve.	

OPTIONS (Include <i>Deny Approval</i> Option)	2.	Hold Final Reading and deny.
	3.	Continue.
	4.	
PROJECT TIMELINE	March 18, 2019 – City Council approved ROW Vacation April 10, 2019 – Plan Commission Public Hearing April 15, 2019 – Anticipated Final Reading at City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that City Council hold Final Reading and approve the text amendment.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Staff Report 2. Petitioner’s Packet (includes amended PUD ordinance)	