

**SAND CREEK FARMS
ORDINANCE NO. 080502A**

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

THIS ORDINANCE # 080502A (the "Sand Creek Farms PUD") IS AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA, DATED NOVEMBER 3, 1980. Ordinance No. 110380, as amended (the "Zoning Ordinance"), which Zoning Ordinance includes the Comprehensive Plan - Chapter 150, as amended (the "Comprehensive Plan") and the Zoning Code, Chapter 151, as amended (the "Zoning Code");

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 Zoning Ordinance and the Official Zoning Map (the "Zone Map") of the Town, which accompanies and is part of the Zoning Code, are hereby amended as follows:

That the Zoning Classification of the real estate described in what is attached hereto and incorporated herein by this reference as Exhibit "A" (the "Real Estate") is hereby zoned PUD-R per the terms and conditions of this Sand Creek Farms PUD.

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of the Sand Creek Farms PUD 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 family residential use is a permitted use under this Sand Creek Farms PUD.

SECTION 4. PRELIMINARY DEVELOPMENT PLAN.

The Preliminary Development Plan is attached hereto and incorporated herein by reference as Exhibit "B" (the "Preliminary Development Plan"). The Preliminary Development Plan is conceptual and preliminary in nature and is subject to revision in the procedures specified in Section Seven (7) below. All references in this Sand Creek Farms PUD Ordinance to lots identified in the Preliminary Plan are for illustrative purposes, only.

SECTION 5. RESIDENTIAL DEVELOPMENTAL STANDARDS.

With the exception of the reduction in building separation from 20 feet to 15 feet, all of the development standards of the R3-C District of the Zoning Ordinance in effect on the date of the enactment of this Sand Creek Farms PUD are met or exceeded by the development standards which follow and which apply to the development of the Real Estate:

Development Standards

- (1) Lot coverage shall not exceed 35 percent and shall include buildings, but not including parking areas or other impervious surfaces.
- (2) All homes on corner lots shall include on the side elevation facing the street a minimum of

- (i) two windows, or (ii) one window and one door, or (iii) one window and one chimney chase.
- (3) A standard landscaping package shall be included with each residence sold. This landscape package shall provide for trees and shrubs around the residence. Lots shall be planted with at least (i) two deciduous trees or two evergreen trees, and (ii) a minimum of eight shrubs. At planting, the deciduous trees shall be of at least two inch caliper as measured twelve inches from the ground, and the evergreen shall be at least six feet in height.
- (4) The front yard landscaping requirements specified in paragraph three above shall apply to the yards adjacent to both street frontages on corner lots.
- (5) For residences with a garage equal to or exceeding 50 percent of the width of the residence, the garage shall be either (i) side-loading or court entry with two windows located on the front elevation of the garage, or (ii) recessed a minimum of four feet behind the front facade. The foregoing standards in this paragraph numbered five apply to two car garages, only.
- (6) If the garage is less than 50 percent of the width of the residence, the garage may be front loading, but shall not protrude more than 14 feet from the first floor facade. Front-loading garages protruding more than eight feet shall also contain a window on the side of the garage facing the entry. If the garage protrudes more than 12 feet, it shall contain two windows on the side of the garage facing the entry. Garages that protrude more than 14 feet shall have a side-loaded or court entry and shall have two windows located on the front elevation of the garage. The foregoing standards in this paragraph numbered six apply to two and three car garages.
- (7) A third car garage may be added to residences with front load garages if the front elevation is over 50 feet in width and if a minimum of 23 feet of residential facade is indicated in the front elevation. The third car garage entrance must be recessed four feet from the two car garage entrance. Any three-car driveway must taper to a maximum of 16 feet wide at the property line. On lots more than 65 feet in width, residences with a front-loading garage that protrudes in front of the first floor facade shall be equal to or greater than 40 feet wide. The foregoing standards in this paragraph numbered seven apply to three car garages.
- (8) Streets shall have sidewalks and street trees on both sides of the street. Street trees shall be placed approximately 35 feet on center in a planting strip between the street and sidewalks. The planting strip shall be a minimum of four feet wide. Trees shall be a minimum two inch caliper, as measured 12 inches from the ground. Trees shall be deciduous and selected from the Town's approved List of Recommended Species.
- (9) Fifty percent of the front elevation of all homes (windows, doors, garage doors, accompanying frames and any other opening are excluded from calculations of the total area) shall be brick or shall include a covered front porch with railings (of at least eight feet in width and four feet in depth or a minimum of 32 square feet), and shall further have at least two of the following significant architectural design features:
- a. Reverse gable peak
 - b. Thirty two-inch brick or stone plinth with water table on all sides
 - c. Architectural treatment on gable ends
 - d. Separate overhead door per car for each garage
 - e. Covered front stoop/steps with pathway leading from sidewalk or driveway
 - f. Bay-window on front elevation
 - g. Architecturally treated entranceways (for homes without a front porch)
 - h. Garage doors containing windows of high standard and quality
 - i. Transom windows

- j. Veranda/balcony
 - k. Two or more roof planes
 - 1. Brick accent area of at least 25 percent of the front elevation
 - m. A minimum of two dormers
 - n. At least two feet of relief at two or more points along the front facade elevation, excluding relief for doors and windows and garage
 - o. Decorative shutters
 - p. Architecturally-enhanced articulated trim moldings, (i.e., fipons above windows)
- (10) All homes shall have a minimum of nine inch overhang or soffit from all exterior walls.
- (11) Twenty feet of common area shall exist between 136th Street and the adjacent frontage road. This common area shall not be used as part of utility easements. This common area shall contain an earthen berm in combination with shrubs. Shrubs shall be installed in varying clusters at ten per 100 lineal feet with a minimum of 15 inches in height at planting. A minimum of 50 percent of the shrubs shall be evergreen. Evergreen or deciduous trees shall be planted at a rate six tree per 100 lineal feet and may be evenly spaced or clustered. Evergreen trees shall be a minimum of six feet in height at planting, and deciduous trees shall have a minimum caliper of two inches measured 12 inches from the ground. These improvements shall be provided by the developer.
- (12) All signage shall be in conformance with the Town of Fishers sign ordinance as amended.
- (13) At least one model home, built at the entry way, shall have a side-loaded or court entry garage and a basement.

SECTION 6. DEVELOPMENT STANDARDS MATRIX.

In addition to the development standards specified above, the development standards in the development standards matrix attached hereto and incorporated herein as Exhibit "C" shall also apply to the development of the Real Estate.

SECTION 7. PROCEDURES.

The adoption of this Sand Creek Farms PUD 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 (the "PUD Procedures").

The petitioner shall follow all PUD Procedures. In addition, the petitioner shall:

- (1) Meet with staff to discuss the project,
- (2) Meet with the PUD Committee to present preliminary plans and drawings for the project and for architectural review for compliance with this Sand Creek Farms PUD and the corresponding written commitments; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission,
- (3) Submit material samples, color boards and other materials which further illustrate the project to the PUD Committee,
- (4) Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project,
- (5) A fee for PUD architectural review shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance.

SECTION 8. APPROVAL.

This Sand Creek Farms PUD Ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 7th day of October, 2002.

THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

BY:

Scott A. Faultless /s/

Scott A. Faultless,
President

Timothy O. Lima /s/

Timothy O. Lima,
Vice President

Charles P. White /s/

Charles P. White,
Member

Stuart F. Easley,
Member

Eileen Pritchard /s/

Eileen Pritchard,
Member

James W. Wallace /s/

James W. Wallace,
Member

Dan E. Henke /s/

Dan E. Henke,
Member

ATTEST:

Linda Gaye Cordell /s/

Linda Gaye Cordell
Clerk-Treasurer
Town of Fishers, Indiana

DATE: _____

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

Prepared by: Charles D. Frankenberger, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, IN 46280, (317) 844-0106.

EXHIBIT "A"

Legal Description of Real Estate

A part of the North Half of Section 28, Township 18 North, Range 5 East, Hamilton County, Indiana, more particularly described as follows:

Beginning the Northwest corner of the Northeast Quarter of Section 28; thence North 89 degrees 42 minutes 55 seconds East (assumed bearing) along the North line of said Northeast Quarter 982.51 feet to a point which is the Northeast corner of the West thirty (30) acres of the North Half of said Northeast Quarter; thence South 00 degrees 12 minutes 06 seconds East along the East line of said West thirty (30) acres and parallel with the West line of the said Northeast Quarter 1,329.01 feet to the South line of the

North Half of said Northeast Quarter; thence South 89 degrees 35 minutes 32 seconds West along said South line 982.52 feet to the West line of said Northeast Quarter; thence South 00 degrees 12 minutes 06 seconds East along said West line 559.9 feet, more or less, to the center of Sand Creek; thence southwesterly following the meanderings of said Sand Creek to a point which lies 454.0 feet West of the East line of the Northwest Quarter of Section 28; thence North 00 degrees 12 minutes 06 seconds West parallel with the East line of said Northwest Quarter 1,081.2 feet, more or less, to the South line of the Northeast Quarter of said Northwest Quarter; thence North 89 degrees 37 minutes 02 seconds East along said South line 92.49 feet; thence North 00 degrees 38 minutes 08 seconds West along an existing fence line 964.56 feet; thence North 89 degrees 41 minutes 04 seconds East parallel with the North line of the said Northwest Quarter 231.00 feet; thence North 01 degrees 38 minutes 35 seconds East 367.21 feet to the North line of the Northwest Quarter of Section 28; thence North 89 degrees 41 minutes 04 seconds East along said North line 126.00 feet to the place of beginning, containing 48.010 acres, more or less.

EXHIBIT "B"

Preliminary Development Plan

SAND CREEK FARMS SITE EXHIBIT

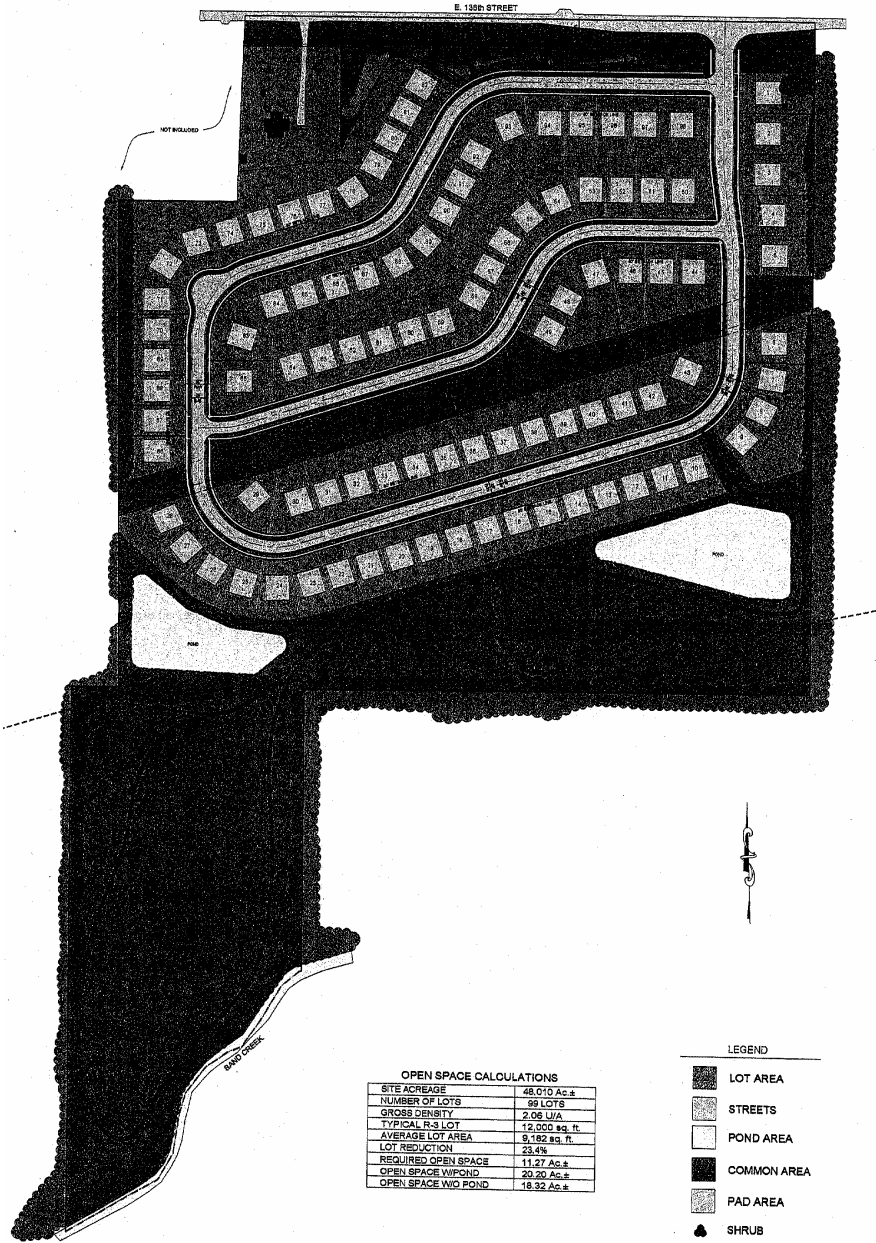


EXHIBIT "C"

Sand Creek Farms

Land Use Type	Permitted Land Use	Acreage	Open Space Required	Open Space Provided w/ponds	Open Space Provided w/o ponds	Dwelling Units (Max.)	Density	Square Feet per Residential Unit	Lot Width (Min.)	Front Setback (Min.)	Rear Setback	Separation Between Homes (Min.)	Bldg. Ht. (Max.)
Single-family detached	R3-C	48.01	11.27	20.2	18.32	99	2.06	1400 sq. ft. single story 1800 sq. ft. multi-story ¹	602	30'	30'	15'	35'

¹ Provided, however, that all homes along the eastern boundary of the Real Estate in the area identified on the Preliminary Plan as lots one (1) through nine (9) shall be two (2) stories and a minimum of two thousand two hundred (2,200) square feet.

² Measured at building set back