

ORDINANCE NO. 120213

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

This is an ordinance to amend Ordinance No. 041811A, the Silverleaf PUD, previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 14-TA-13 as required by law in regard to the application by Saratoga Holdings, LLC and Saratoga Development, LLC, (the "Developers") to amend the Silverleaf PUD; and,

WHEREAS, the Plan Commission at its December 10, 2013 meeting sent a unanimously favorable recommendation to the Town of Fishers Town Council;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting at its regular session, that the Silverleaf PUD is hereby amended as follows:

SECTION 1. The Silverleaf PUD name shall be changed and the PUD shall now be known as the Silverton PUD. Any recorded plats of any sections of the PUD shall be amended and a certificate of correction shall be recorded in the Recorder's Office of Hamilton County, reflecting the name change to Silverton.

SECTION 2. Section 1.04, Paragraph D., Subparagraph (7)(iii), shall be amended as follows; The sentence, "In addition, front-load garages shall not be permitted in the Estates.", shall be deleted and replaced by the sentence, "In addition, the Estates shall require a side-load or courtyard style garage entrance with the exception that up to 10% of the Estate lots shall be permitted a front-load garage configuration. Such an exception may only be granted if it is demonstrated that a 3-car side-load or courtyard garage cannot be placed due to the configuration of the lot. Any permitted front-load garages shall have doors of a "decorative" design with windows as a standard feature."

SECTION 3. All other provisions of the Silverleaf (RE:Silverton) PUD shall remain in effect with the adoption of this ordinance. All provisions and representations of the Silverleaf (RE:Silverton) PUD that conflict with the provisions of this ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this ordinance.

SECTION 4. 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 themembers of the Town Council this 20th day of January, 2014.

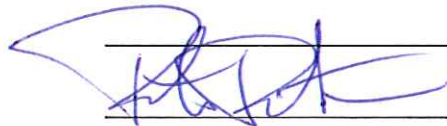
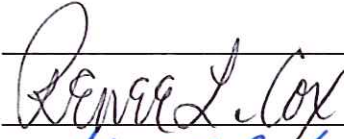
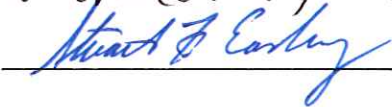

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THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

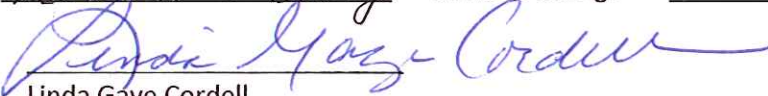
BY:

AYE

NAY

	John W. Weingardt, President	_____
_____	C. Pete Peterson Vice-President	_____
_____	Michael Colby	_____
	Renee Cox	_____
	Stuart Easley	_____
_____	Scott A. Faultless	_____
	David C. Geroge	_____

ATTEST:



Linda Gaye Cordell
The Town of Fishers, Indiana
Ordinance No. 120213

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney
Prepared by: Corby D. Thompson, Manager, Saratoga Holdings, LLC
11911 Lakeside Drive, Fishers, Indiana 46038 (317) 849-7607

EXHIBIT "A-1"

1.01 Silverton, Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 120213 Adopted: January 20, 2014 Attached hereto as Exhibit "A-1"</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting the following objectives:</p> <ul style="list-style-type: none">• Provide for the development of a residential neighborhoods;• Greater flexibility in applying the ordinances to the development of the Real Estate;• Innovative approach to meet the demands of the residential market;• The recognition of the interdependency of various markets;• Efficient use of land resulting in more cost effective networks of utilities, streets and other facilities; and• Coordination of architectural styles, building forms and relationships, graphics and other private improvements.	<p>Permitted Uses:</p> <ul style="list-style-type: none">• All uses described in <i>Article 02.009 R3 Residential District</i> <p>Excluded Uses:</p>

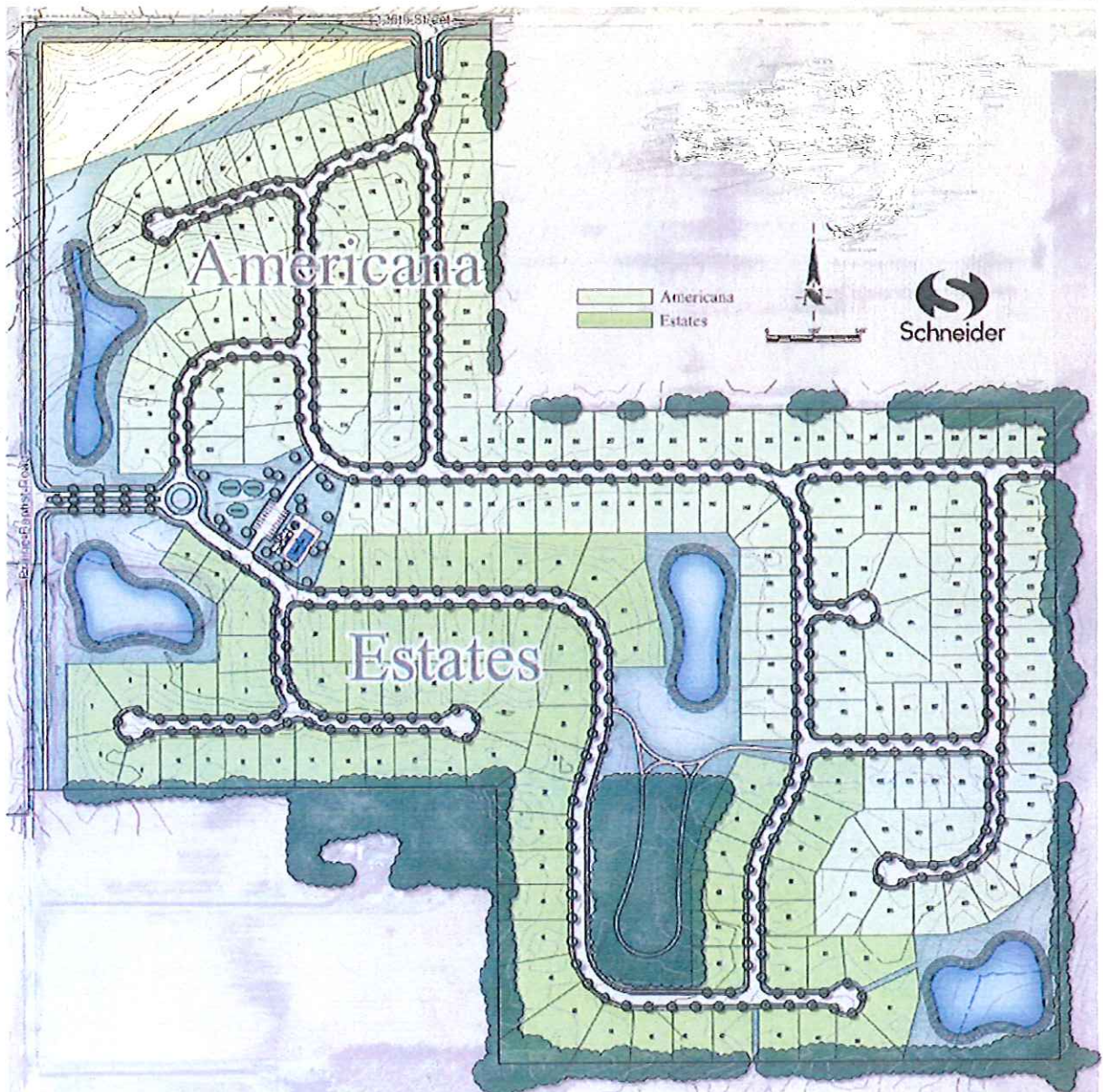
1.02 Applicability

A. The standards of the UDO applicable to the **R3 Residential District** shall apply to the development of the Estates area, as defined below, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (this "Ordinance"). The standards of the UDO applicable to the **R5 Residential District** shall apply to the development of the Americana area, as defined below, 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 04.002(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.

1.03 Concept Plan

A. The Concept Plan is hereby incorporated. 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. The District shall consist of two areas (the "Areas") to be known as "Estates" and "Americana", as generally shown on the Concept Plan.

Concept Plan Exhibit



1.04 Development Standards

A. Cross References: The regulations of *Article 02: Zoning Districts & Regulations* and *Article 05: Development Standards* shall apply except as modified by this Ordinance.

B. General Regulations:

- (1) The maximum number of Dwellings for the Real Estate shall not exceed two hundred and thirty eight (238). In addition, in no instance shall the maximum number of Dwellings in Americana exceed one hundred and sixty-one (161).
- (2) *Article 02.010: R3 Residential District Development Standards* shall apply to the Estates, except as provided below:
 - (i) Minimum Front Setback: 25 feet
 - (ii) Minimum Living Unit Area for two-story home: 2,400 square feet.
- (3) *Article 02.014: R5 Residential District Development Standards* shall apply to Americana, except as provided below:
 - (i) Minimum Living Unit Area for two-story home: 2,000 square feet.

C. Accessory Structure Standards (AS): shall apply.

D. Architectural Design Standards (AD): shall apply except as modified below:

- (1) *Article 05.012 AD-01(A)(2): Architectural Design; Single-Family Residential; Facade; Exterior Material* shall apply; however, aluminum and heavy-gauge vinyl shall not be permitted as a siding material.
- (2) *Article 05.012 AD-01(A)(1)(b)(ii): Architectural Design; Single-Family Residential; Facade; Masonry; Side and Rear Elevation* shall be replaced to provide that if the front elevation of the house conforms to §a(ii), the visible facade shall have the following: (i) a minimum of two (2) windows; (ii) enhanced landscaping to require one (1) additional tree along the visible facade (in addition to lot and foundation landscaping that may otherwise be required pursuant to *Article 05.040 LA-03*); and (iii) a total of one (1) or more points from the list of architectural features outlined in §A(3): Architectural Features.
- (3) *Article 05.012 AD-01(A)(3)(j): Architectural Design; Single-Family Residential; Facade; Architectural Features* shall apply and the following shall be added to list the following architectural features, which shall be worth one (1) point unless indicated otherwise:
 - (i) 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);
 - (ii) Large feature window on the second floor above the front door;
- (4) Dwellings on Lots 78 through 82 and 91 through 104, as shown on the Concept Plan, shall have at least one (1) of the following features: (i) a screened porch on the rear of the house; (ii) a sun porch on the rear facade; or (iii) a first floor brick or stone wrap on all elevations.
- (5) *Article 05.012 AD-01(C): Architectural Design; Single-Family Residential; Roof* shall apply except as modified below:
 - (i) *AD-01(C)(1): Minimum Roof Pitch* shall be increased to require that the main roof have a minimum pitch of 6 (vertical units):12 (horizontal units).
 - (ii) *AD-01(C)(2): Materials* shall apply to Americana; however, all dwellings within the Estates shall be required to have dimensional shingles.
 - (iii) *AD-01(C)(3): Minimum Eave/Overhang Width* shall be modified to require that all dwellings in the Estates shall have eaves or overhangs a minimum of eleven (11) inches deep. All dwellings in Americana shall have eaves or overhangs a minimum of eleven (11) inches deep on the front and rear elevations; no minimum overhang shall be required for the side elevations. Depth shall be determined prior to the installation of masonry.
- (6) *Article 05.012 AD-01(A)(4): Architectural Design; Single-Family Residential; Dimensions* shall be modified to provide that the garage shall not exceed more than sixty percent (60%) of the front facade width.
- (7) *Article 05.012 AD-01(D): Architectural Design; Single-Family Residential; Automobile Storage* shall apply except as modified below:
 - (i) *AD-01(D)(2) Garage Capacity of Three or More* shall be modified to require every two (2) bays shall have a separate door and shall be offset two (2) feet from the other bays.

(ii) *AD-01(D)(3): Architectural Design; Single-Family Residential; Automobile Storage; Minimum Garage Depth* shall be modified to twenty (20) feet.

(iii) *AD-01(D)(2) Garage-forward Design* shall apply. In addition, front-load garages shall not be permitted in the Estates.

(8) *Article 05.012 AD-01(G)(3): Architectural Design; Single-Family Residential; Model Homes; Largest Model* shall not apply.

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 05.038 LA-01(A): Landscaping Standards; Placement* shall only apply to perimeter and buffer yard landscaping.

(2) *Article 05.040 LA-03(B): Landscaping Standards; Residential Subdivision Lot and Foundation Plantings* shall be increased to require that all lots shall have a minimum of eight (8) shrubs planted along the foundation facing a street.

(3) A fifty (50) foot wide Conservation Easement shall be established along the rear property lines of Lots 37 through 43, as shown on the Concept Plan.

N. Lighting Standards (LT): shall apply.

O. Loading Standards (LD): shall apply.

P. Lot Standards (LO): shall apply, except as modified below:

(1) *Article 05.052 LO-01(D)(2): Lot Standards; General; Minimum Lot Width; Minimum Corner Lot Width* shall be modified to require that the minimum lot width for corner lots shall be the sum of the minimum lot width for the Area and fifteen (15) feet.

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. 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 Ordinance:

B. Access Road Standards (AC): shall apply.

C. Alley Standards (AL): shall apply.

D. Anti-monotony Standards (AM): shall apply, except as modified below:

- (1) *Article 07.008 AM-01(C)(1): Anti-monotony Standards; Residential Neighborhood; Anti-Monotony Code; Front Facade* shall be modified to provide that front facades on the same model shall not be duplicated as set forth in *Article 07.008 AM-01(C)(3)*.
- (2) *Article 07.008 AM-01(C)(2): Anti-monotony Standards; Residential Neighborhood; Anti-Monotony Code; Exterior Siding Color* shall be modified to provide that at the time the Certificate of Occupancy is issued, a dwelling may not have the same exterior siding color as a dwelling within two (2) lots on each side of the subject lot on the same side of the street or as the house directly across the street from the subject lot.

- 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.
- 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. Open Space shall be as depicted on the Concept Plan.
- 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.
- 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 09: Processes, Permits & Fees; Planned Unit Development* shall apply, however, *Article 09.017(C)(2) Planned Unit Development; General; PUD Committee; Jurisdiction* shall not apply. The PUD Committee shall have jurisdiction to review this District and as such, *Article 09.020(K) Planned Unit Development; Final Development Plan; Planned Unit Development Committee* shall apply.
- B. The PUD Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage and landscaping design standards established or referenced by this Ordinance if the Committee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

[Remainder of page intentionally left blank.]

1.07 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 _____ day of January, Two Thousand and Fourteen.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

BY:

John W. Weingardt,
President

C.Pete Peterson,
Vice President

Michael Colby,
Member

Renee Cox,
Member

Stuart Easley,
Member

Scott A. Faultless,
Member

David C. George,
Member

ATTEST:

Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 120213

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney
Prepared by: Corby D. Thompson, Manager, Saratoga Holdings, LLC
11911 Lakeside Drive, Fishers, Indiana 46038. (317) 849-7607.

1.08 Real Estate

Part of the Northwest Quarter of Section 30, Township 18 North, Range 6 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at a stone marking the Northwest corner of said Northwest Quarter Section, thence North 89 degrees 40 minutes 14 seconds East (basis of bearing being Indiana State Plane Coordinate System Grid North) along the North line of said Quarter Section 1,204.50 feet to the Northwest corner of land described in a Limited Warranty Deed to Hamilton Southeastern School recorded as Instrument Number 2007004307 in the Office of the Recorder of said Hamilton County, the following three courses being along the West and South lines of said land; (1) thence South 00 degrees 21 minutes 58 seconds East, parallel with the West line of said Quarter Section, a distance of 50.00 feet to the Point of Beginning; (2) thence continuing South 00 degrees 21 minutes 58 seconds East, parallel with the West line of said Quarter Section, a distance of 951.10 feet to the Southwest corner of said land; (3) thence North 89 degrees 40 minutes 14 seconds East, parallel with the North line of said Quarter Section, 870.25 feet to the Southeast corner of said land; thence continuing North 89 degrees 40 minutes 14 seconds East along a southern line of land described in a Warranty Deed to Fishers East, LLC, recorded as Instrument Number 200500051747 in said Recorder's Office, a distance of 566.54 feet to the East line of said Quarter Section; thence South 00 degrees 29 minutes 28 seconds East along said East line a distance of 1,661.02 feet to the Southeast corner of said Northwest Quarter Section; thence South 89 degrees 40 minutes 44 seconds West along the south line thereof 1,440.42 feet to a Southwest corner of land described in a deed to Saratoga Holdings, LLC, recorded as Instrument Number 2008057226 in said Recorder's Office, the next two courses being along the Western and Southern lines of said land; (1) thence North 00 degrees 21 minutes 58 seconds West parallel with the West line of said Northwest Quarter Section a distance of 706.49 feet; (2) thence South 89 degrees 40 minutes 44 seconds West parallel with the South line of said Quarter Section a distance of 1,154.50 feet to a point 50.00 feet east of and perpendicular to the East line of the Northeast Quarter of Section 25, Township 18 North, Range 5 East; thence North 00 degrees 21 minutes 58 seconds West parallel with said East line a distance of 1,606.45 feet to the Northwesterly line of the 100-Foot Pipeline Easement recorded as Instrument Number 200600030708 in said Recorder's Office, the following two courses being along the Northwesterly line of said easement; (1) thence North 70 degrees 51 minutes 22 seconds East a distance of 566.66 feet (2) thence North 68 degrees 57 minutes 13 seconds East a distance of 328.01 feet to a point 50.00 south of and perpendicular to the north line of the said Northwest Quarter of Section 30; thence North 89 degrees 40 minutes 14 seconds East parallel with said north line a distance of 311.13 feet to the beginning point. Containing 102.39 acres, more or less.

EXHIBIT "A"

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

The undersigned, Saratoga Holdings, LLC (hereafter "Property Owner"), makes the following Commitments Concerning the Use and Development of Real Estate to the Fishers Town Council ("Town Council").

1. Description of Real Estate:

See Exhibit "A" (hereafter "Real Estate")

2. Related Ordinance:

These Commitments are attached to and a part of the Town of Fishers Ordinance No. ORD041811A the ("Ordinance") and denoted as such as Exhibit "A", and are in accordance with Article 9.018(J)(4): Planned Unit Development; PUD District Ordinance & Concept Plan; Town Council; Commitments of the Town of Fishers Unified Development Ordinance.

3. Statement of Commitments:

- a. Property Owner commits that where any platted lots within the Real Estate abut the northern property line of that parcel known as Hamilton County, Indiana, Parcel Number 13-12-30-00-00-015.000 (Parcel 1), Property Owner shall install coniferous trees (Norway Spruce or similar) at a rate of twelve (12) trees per one hundred feet along that portion of Parcel 1 that is not presently wooded. Said trees shall be a minimum of six (6) feet in height at the time of planting and shall be planted no later than the first planting season following the paving of the streets abutting the aforementioned platted lots.
- b. Property Owner commits to install a fence (board on board or similar), six (6) feet in height on the Real Estate along the northern property line of the contiguous parcel known as Hamilton County, Indiana, Parcel Number 13-12-30-00-00-016.000 (Parcel 2). Additionally, Property Owner shall construct a similar fence on the Real Estate along the northern line of the presently wooded portion of Parcel 1. The fence shall be installed prior to the Town of Fishers issuing any permanent residential Certificate of Occupancy associated with the Real Estate. At the time of Secondary Plat, Property Owner shall cause an easement to be granted and recorded in favor of the owner of Parcel 1 and Parcel 2 such that said owner will have the right but not the obligation to enter upon the Real Estate to maintain the fence contemplated herein.

- c. Property Owner commits to extending a sanitary sewer connection to the north property line of Parcel 2, sized adequately to service one single family home. Property Owner will work with the water utility providing water service to the Real Estate to bring a water line, adequate to serve one single family home to the north line of Parcel 2. The water line contemplated herein shall not exceed one hundred fifty (150) feet in length.
- d. Property Owner acknowledges that the construction involved with the development of the Real Estate will require the pumping and dewatering of a portion of the Real Estate. If the dewatering causes any adverse consequences to the water well of any property owner within the vicinity of the Real Estate, Property Owner shall cause adequate temporary water service to be supplied to any affected property as well as the permanent repair or replacement to the well and pumps of any affected property.
- e. Property Owner commits to providing the Town of Fishers Engineering Department adequately engineered plans, designed by a Professional Engineer, registered in the State of Indiana, such that no adjacent property owner will be adversely affected by any alteration in the surface drainage of the Real Estate.
- f. Property Owner commits that there shall be a building line established along 136th Street, such that no structure may be built within one hundred ten (110) feet of the existing centerline of 136th Street or within fifty (50) feet of the south Right-of-Way line of 136th Street. This Commitment applies to lot number 235 as depicted upon the Concept Plan that is attached to and a part of the Ordinance.

4. Binding Effect.

- a. These Commitments are binding upon the Property Owner, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- b. These Commitments may be modified or terminated only by a decision of the Fishers Town Council made at a public hearing with public notice in accordance with the applicable rules and regulations.

5. Effective Date

These Commitments shall be effective on the date upon which the Town Council of Fishers, Indiana approves the Ordinance (the "Effective Date")

6. Recording

The Property Owner shall record these Commitments in the Office of the Recorder of Hamilton County, Indiana, attached as Exhibit "A" to the Town of Fishers Ordinance No. ORD041811A. The recording shall take place within thirty days of the Effective Date. The Property Owner shall deliver a

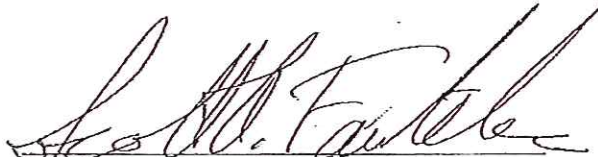
copy of the recorded instrument to the Town of Fishers Department of Development prior to applying for any subsequent permits applicable to the Real Estate.

7. Enforcement

These Commitments may be enforced by the Town of Fishers Plan Commission and by the Town Council of Fishers, Indiana.

The Town Council hereby accepts these Commitments in conjunction with the approval of the Ordinance.

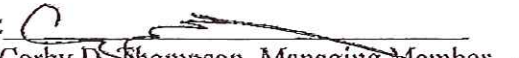
Dated this 6th day of June, 2011



Printed: Scott Faultless
President, Town of Fishers, Town Council

Executed this 6th day of June, 2011

SARATOGA HOLDINGS, LLC.

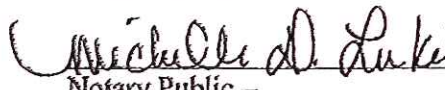
By: 
Corby D. Thompson, Managing Member

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Member Notary Public, in and for said County and State, appeared Corby D. Thompson, the Managing Member of Saratoga Holdings, LLC, and acknowledged the execution of the foregoing Commitment Concerning the Use and Development of Real Estate.

WITNESS my hand and Notarial Seal this 6th day of June, 2011.

My Commission Expires 10-16-2016
Residing in Hamilton County

 Michelle D. Luker
Notary Public
Seal
State of Indiana

I affirm, under penalties of perjury, that I have taken reasonable care to redact my Social Security Number in this document, unless required by law; Corby D. Thompson. My Commission Expires 10/16/2016

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

Prepared by: Corby D. Thompson, Saratoga Holdings, LLC
11911 Lakeside Drive, Fishers, Indiana 46038