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Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented

LSB



Year
2018

THE OVERLOOK AT WHITE RIVER PUD

City of Harris
Harris Development
Olmstead
No. 052106

Year
2018

THE OVERLOOK AT WHITE RIVER PUD

City of Fishers
Planned Development
Ordinance
No. 052118G

THE OVERLOOK AT WHITE RIVER PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 052118G (this Ordinance) Adopted: 5/21/2018</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 June, 2017, 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 Residential-Planned Unit Development District (PUD-R), and that said PUD-R zoning district shall hereafter be known as "The Overlook at White River PUD".</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, 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 All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.</p> <p>If any part of the Real Estate is developed for Single-Family Attached Dwelling uses, then the development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, specifically referenced in this Ordinance.</p> <p>If the Real Estate is not developed pursuant to this Ordinance, then the uses and standards of the UDO, as amended, applicable to the R2 Residential District shall continue to govern the Real Estate.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the ordinance to the development of the Real Estate.</p>	<p>All uses described in the R2 Residential District, and the following:</p> <ul style="list-style-type: none"> • Dwelling, Single-Family Attached <p>Use Restrictions:</p> <ul style="list-style-type: none"> • Commercial and Service Uses and Office Uses shall be prohibited.

THE OVERLOOK AT WHITE RIVER PUD

1.02 Applicability

- A. The standards of the UDO applicable to the **R2 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.



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 2.08: R2 Residential District Development Standards* shall apply, except as modified below:

THE OVERLOOK AT WHITE RIVER PUD

- (1) Maximum Building Height shall not apply. Instead, the maximum building height shall not exceed twenty-six (26) feet, measured to the mean height between the eaves and ridges, for any structure on the Real Estate.
 - (2) Minimum Lot Area shall not apply.
 - (3) Minimum Lot Width at Building Line shall not apply.
 - (4) Minimum Lot Frontage shall not apply.
 - (5) Minimum Front Setback shall be twenty (20) feet.
 - (6) Minimum Side Setback and Minimum Aggregate Side Setback shall not apply. Instead, the minimum building separation shall be twenty (20) feet.
 - (7) Minimum Rear Setback shall not apply.
 - (8) Maximum Impervious Surface Coverage shall not apply.
 - (9) Minimum Living Unit Area:
 - One-Story: 1,100 square feet
 - Two-Story: 1,700 square feet
 - (10) Additionally, the following standards shall apply:
 - Up to forty (40) Single-family Attached Dwelling units shall be permitted.
- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply, as amended below:
- (1) The Illustrative Architectural Exhibits, as shown below, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building designs may vary from the Illustrative Architectural Exhibits; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibit.

Illustrative Architectural Exhibit

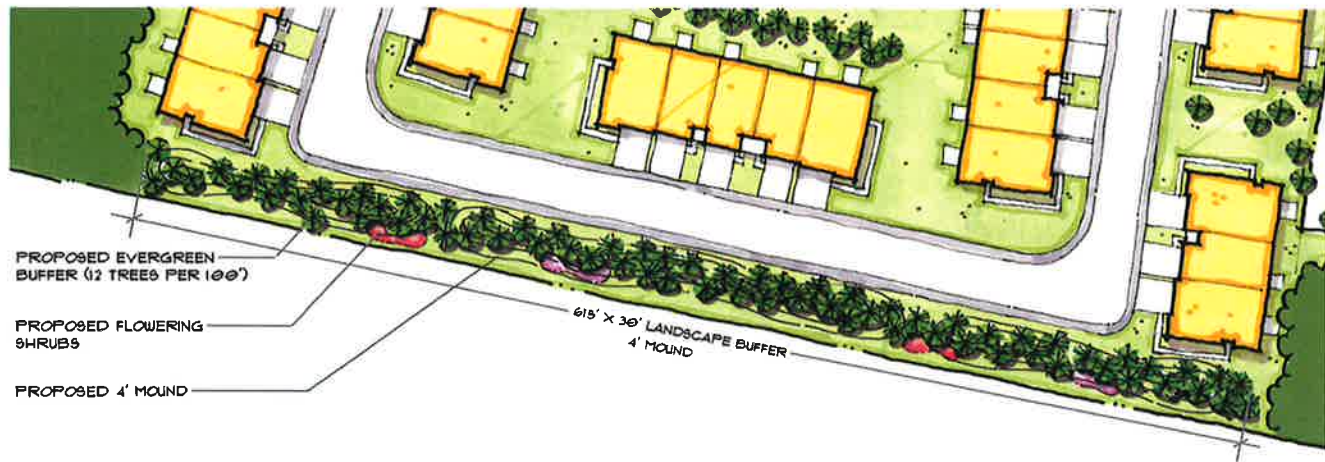


THE OVERLOOK AT WHITE RIVER PUD

- (2) *Article 5.13, AD-01: Architectural Design; Single-family Residential;*
 - (i) Vinyl siding shall be prohibited.
 - (ii) Garage doors shall be decorative and include windows.
 - (iii) All shingles shall be dimensional.
 - (iv) All dwellings shall include recessed windows with trim as shown on the Illustrative Architectural Exhibit and a mix of masonry veneer and fiber cement board or wood composite siding.
 - (v) *Minimum Eave/Overhang Width:* All dwellings shall have eaves or overhangs a minimum of twelve (12) inches deep on at least eighty percent (80%) of the roofline. Depth shall be determined prior to the installation of masonry.
 - (vi) The buildings designated with a black circle on the Concept Plan shall contain first floor brick veneer to the top plate on the side and rear elevations.
 - (vii) At least seventy five percent (75%) of the individual dwellings shall incorporate at least one rear feature, such as: rear porch, rear pergola, rear yard fence, or other rear feature.
- (3) *Article 5.13(A)(4), AD-01: Architectural Design; Single-family Residential; Facade; Dimensions:* shall not apply.
- (4) *Article 5.13(B), AD-01: Architectural Design; Single-family Residential; Entries:* shall not be required to have a presence toward the street.
- E. Density & Intensity Standards (DI): shall apply, as modified by this Ordinance.
- 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, as modified by this Ordinance.
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall apply, except as modified below:
 - (1) Buffer Yard Standards shall not apply; instead, the following shall apply:
 - (i) The removal of any existing tree over two and one half (2 ½) inch caliper in size shall not be permitted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision (the "Landscape Buffer") except for the following: (a) removal of dead or hazardous, exotic and invasive vegetation, pursuant to the City of Fishers Invasive & Poor Characteristic Species list; (b) removal of trees directed to be removed by municipal, county, state or federal authority; (c) removal of trees for installation of the mound and supplemental plantings required herein; or (d) removal of trees for installation of utility or drainage improvements with City of Fishers approval.
 - (ii) A minimum of twelve (12) evergreen trees per one hundred (100) lineal feet (the "Supplemental Plantings") shall be planted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision in the area shown on the Supplemental Plantings Exhibit. The evergreen trees shall be a mixture of evergreen tree varieties, including spruce, and shall be a minimum height of six (6) feet at planting.
 - (iii) A home currently exists within the Landscape Buffer. If and when the home is demolished, then at that time, plantings shall be planted within the Landscape Buffer where the home previously existed. Plantings shall be consistent with the Supplemental Plantings Exhibit (e.g., ratio, type, size). In addition, if and when the home is demolished, then at that time, the mound described below shall be extended to the tree line (e.g., the toe of the slope of the mound shall be within twenty (20) feet of the existing trees' dripline).
 - (iv) An easement for the Landscape Buffer, detailing the above restrictions, shall be recorded. The Owner shall provide the City of Fishers with a copy of the recorded easement.
 - (v) An undulating earthen mound with a minimum height of four (4) feet shall be installed within the Supplemental Planting Area, as shown on the Concept Plan.
 - (vi) The mound shall be installed prior to issuance of a building permit.

THE OVERLOOK AT WHITE RIVER PUD

Supplemental Plantings Exhibit



- N. Lighting Standards (LT): shall apply.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply, as modified by this Ordinance.
- 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, as modified by this Ordinance.
- 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.

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 not 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.

THE OVERLOOK AT WHITE RIVER PUD

- 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.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply.
- T. Prerequisite Standards (PQ): 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 review pursuant to *Article 9.20 Planned Unit Development; Final Development Plan*.
- C. The 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.

1.07 Previous Commitments

Certain Commitments concerning the Use and Development of the Real Estate were made in connection with the change of zoning approved by Ordinance No. 100311 (related to the development of the real estate north of the Real Estate) (the "Commitments"). The Commitments placed certain use, height and landscaping restrictions on the Real Estate. Those restrictions were incorporated into the approved Thoroughbred PUD Ordinance, and the Commitments were terminated. The restrictions remain included in Section 1.01: *Permitted Uses*, Section 1.04(B): *General Regulations*, and Section 1.04(M): *Landscaping Standards*.

1.07(A) Trail Area

The City of Fishers shall have the right to send to the Owner of the Real Estate a written notice (the "Notice") from the City that: (i) requests the Owner to grant the City the right to construct, use and maintain a public trail on the Real Estate within 50' of the White River (the "Trail Area"); (ii) includes a legal description and exhibit depicting the location of the Trail Area; and (iii) includes a form of right-of-way grant that reasonably reserves access and other uses in favor of the Owner (the "ROW Grant"). Within sixty (60) days after the Owner's receipt of the Notice, the City and the Owner shall approve the terms and conditions of the ROW Grant, and neither party shall withhold, condition or delay its approval unreasonably. Once the ROW Grant has been approved by both parties, then the Owner shall execute it and provide it to the City at no cost. The Owner, in its sole discretion, may elect to grant the City an easement instead of a right-of-way.

1.08 Real Estate

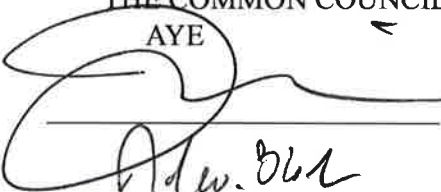
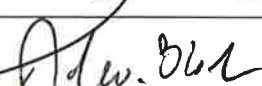


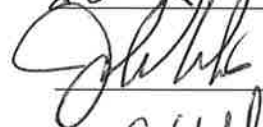

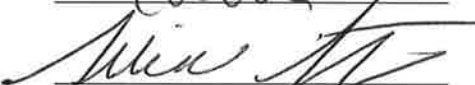


Lot 2 and Block A of GSA/Hawthorn Subdivision, recorded on August 20, 2012, in the Office of the Hamilton County, Indiana, Recorder as Instrument Number 2012049204.

1.09 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 21st day of MAY, 2018.

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

AYE		
	Todd Zimmerman, President	_____
	Richard W. Block, Vice-President	_____
	David George, Member	_____
	C. Pete Peterson, Member	_____
	John Weingardt, Member	_____
	Eric Moeller, Member	_____
	Selina M. Stoller, Member	_____
	Cecilia C. Coble, Member	_____
	Brad DeReamer, Member	_____

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 21st day of MAY, 2018, at 9:30 P m.

ATTEST: 
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE 5/31/2018



Approved by: Christopher P. Greisl, 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: Steven D. Hardin, Esq.



CITY COUNCIL STAFF REPORT

DEPARTMENT CONTACT:

Megan Schaefer, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038 T: (317) 595-3213

DOCKET NUMBER:

PRT-1802-37

PETITIONER/PROPERTY OWNER:

Westport Homes, Inc. by Faegre Baker Daniels

PUBLIC HEARING DATE:

May 21, 2018

PROPERTY ADDRESS/LOCATION:

Generally located at the southwest corner of 146th Street and Allisonville Road, also known as parcel 14-10-24-00-11-002.000.

SPECIFIC REQUEST: Consideration of a text amendment to the Thoroughbred PUD to allow forty (40) attached single-family dwelling units on approximately 9.34 acres.

SIZE OF PROPERTY:

9.34 acres

EXISTING ZONING:

PUD-R

EXISTING LAND USE:

Single-family home

PROJECT SUMMARY:

Westport Homes is proposing forty (40) attached single-family dwelling units on approximately 9.34 acres. This request is a part of a PUD text amendment to the Thoroughbred PUD, now to be known as the Overlook at White River PUD.

LOCATION MAP:



STAFF RECOMMENDATION

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> APPROVE WITH CONDITIONS	<input type="checkbox"/> DENY	<input type="checkbox"/> CONTINUE
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ATTACHMENTS

- SUBMITTED PLANS
- PUBLIC COMMENTS
- OTHER

- LEGAL NOTICE
- AGENCY COMMENTS
- LEGAL DESCRIPTION

PETITION HISTORY:

In 2015, City Council approved the Thoroughbred PUD Ordinance for an assisted living community with two-family and attached dwelling units. Westport Homes is now proposing a text amendment to the Thoroughbred PUD to remove the assisted living facility and two-family dwelling uses, and instead allow for forty (40) attached single-family dwelling units.

The PUD Text Amendment was approved by the PUD Committee at the March 7, 2018 meeting. The committee made the following recommendations:

- ✓ Increased architecture along the rear façade of residence’s facing Allisonville Road.
- ✓ Landscaping installed in the central common area.
- Path connecting existing retirement community to bench/fire pit/patio area, if approved by the retirement facility.

On April 11, 2018, the Advisory Plan Commission made a favorable recommendation to City Council with the following condition:

- ✓ Seventy-five (75) percent of all units provide one (1) rear architectural feature from builders specified list.
-

PETITION OVERVIEW:

Below is a list of proposed changes to the PUD Ordinance. Please refer to the Thoroughbred PUD Redline exhibit for more detailed information on each revision.

Proposed Development Standard Revisions

- Update to setback requirements.
- Remove impervious surface coverage standard.
- Reduce minimum living unit area for one-story units and establish minimum for two-story units.
- Remove language regarding separate areas and their allowed uses (Areas A-C).
- Updates to architectural design standards:
 - Allow wood composite siding.
 - Allow garages to exceed more than fifty percent (50%) of the façade width.
 - Allow unit entrances to be placed on the side of the home.
 - *Per the PUD Committee’s request*, increased brick veneer on the rear and side elevations of the home visible to Allisonville Road.
 - *Per Plan Commission commitment*, at least seventy-five percent (75%) of the individual dwellings shall incorporate at least one rear feature, such as: rear porch, rear pergola, rear year fence, or other rear feature.

Buffer Yard

The applicant has agreed to preserve a thirty (30) foot buffer yard along the south property line, which abuts the Kingston Estates residential subdivision. The landscape buffer will include the following:

- Conservation of existing trees.
- Evergreen trees at a rate of twelve (12) per one hundred (100) lineal feet.
- An undulating earthen mound with a minimum height of four (4) feet.

Common Area Landscaping

Per the PUD Committee’s request, evergreen trees will be installed in the central common area as shown on the Concept Plan.

PUBLIC COMMENTS:

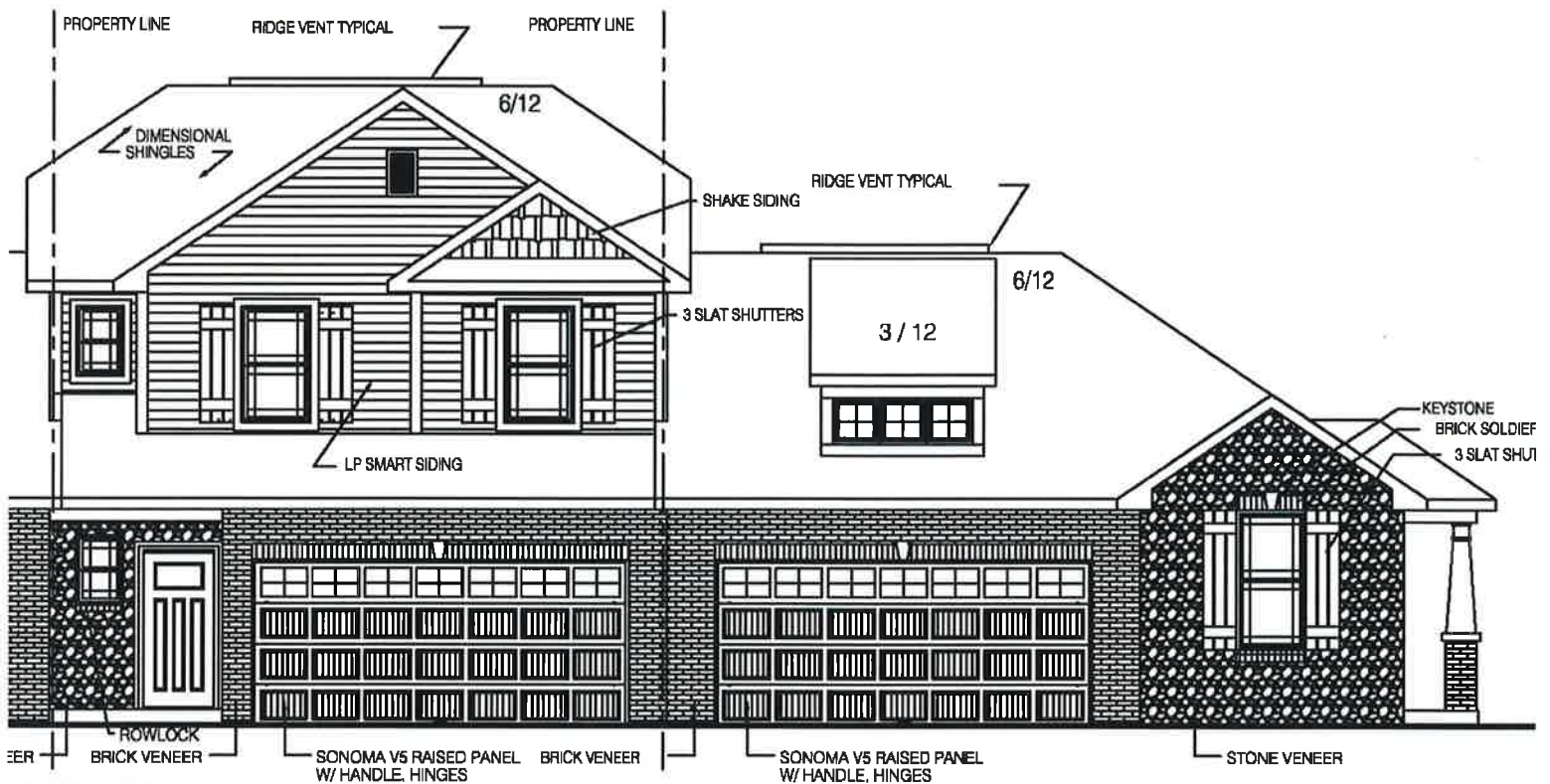
No comments have been received from the public at this time.

STAFF COMMENTS:

Staff is supportive of this request. The proposed Overlook at White River PUD encourages improved design with increased architecture and landscaping. The proposed development aligns with the Fishers Comprehensive Plan which identifies this lot as Attached Residential on the Future Land Use Map.

ATTACHMENTS: 1) Petitioner's Packet

The Overlook at White River Planned Unit Development



PRESENTED BY
STEVEN D. HARDIN, ESQ.
**FAEGRE BAKER
DANIELS**

City Council | May 21, 2018

TABLE OF CONTENTS

THE OVERLOOK AT WHITE RIVER PUD



TABLE OF CONTENTS

Applicant:

Westport Homes, Inc.
Matt Dunn
9210 North Meridian Street
Indianapolis, IN 46260

Attorney:

Steven D. Hardin, Esq.
Mark R. Leach, Land Use Planner

Faegre Baker Daniels LLP
600 E. 96th Street, Suite 600
Indianapolis, IN 46240

Telephone: 317.569.9600

Tab 1

Executive Summary

Tab 2

Aerial Location Map

Tab 3

Concept Plan

Tab 4

Illustrative Architectural Exhibit

Tab 5

Proposed PUD Ordinance

Tab 6

Previously Approved PUD Ordinance

TAB 1

EXECUTIVE SUMMARY

THE OVERLOOK AT WHITE RIVER PUD



Westport Homes, Inc. respectfully submits its proposed text amendment to the existing Thoroughbred PUD Ordinance for its planned single-family attached residential development. The development, known as “The Overlook at White River”, is located on the 9.43 +/- acres at the southwest corner of 146th Street and Allisonville Road. (Please see the attached Aerial Location Map at Tab 2.) The property is bounded by the White River on the west, Kingston Estates to the south, NorthRidge senior living to the North and Allisonville Road to the east.

The NorthRidge PUD Ordinance (called “The Residences at the Crossing PUD”) was approved in 2012, and the project was built in 2013-2014. The Thoroughbred PUD Ordinance was approved in 2015, and the sponsoring developer at that time proposed two assisted living buildings and several duplex buildings. The Thoroughbred developer ultimately did not move forward with that project.

Now, Westport proposes to amend the Thoroughbred PUD Ordinance to replace the assisted living project with its proposed single-family attached neighborhood. Each home will be located on an individually platted lot, and each owner will have fee simple ownership. The homes include both one-story and two-story residences, and they will be targeted to the “empty nester” and “adult single” homeowner looking for a low maintenance lifestyle. Homes prices are expected to average between \$215,000 - \$235,000. A Homeowners Association will be established to provide lawn care and snow removal for all homes and common areas in the development.

Highlights of Westport’s plan include:

- 100% residential neighborhood
- Maintain 26’ building height maximum
- Maintain 30’ wide supplemental planting area along south boundary
 - Extend supplemental planting area by approximately 240’ to the west (for a total planting area of approximately 600’ along south property line)
- Incorporate undulating 4’ mound with 12 evergreen trees per 100’

The City’s PUD Committee, at its March 7, 2018 meeting, reviewed and unanimously approved the proposed architecture.

On April 11, 2018, the Plan Commission held the public hearing on this proposal. No remonstrance was made, and, after conducting the public hearing, the Plan Commission voted unanimously to forward the proposed text amendment to the City Council with a favorable recommendation. The Plan Commission’s recommendation was conditioned upon updating the ordinance to require that at least 75 percent of the individual dwellings shall incorporate at least one rear feature, such as: rear porch, rear pergola, rear yard fence, or other rear feature. Westport has agreed to this condition, and the PUD Ordinance has been updated to reflect this change.

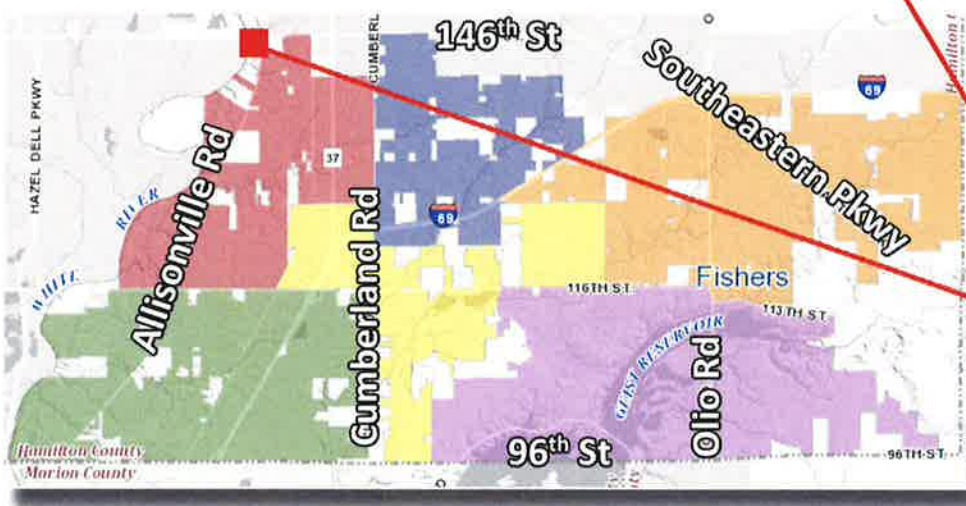
If approved, then site development work is anticipated to begin in summer 2018, with home construction starting in late 2018 or early 2019.

Thank you for your consideration.

TAB 2

AERIAL LOCATION MAP

THE OVERLOOK AT WHITE RIVER PUD



Site

TAB 3



CONCEPT PLAN
THE OVERLOOK AT WHITE RIVER PUD

The Overlook at White River

FISHERS, INDIANA



DPT BASIN EXPANSION

NORTHRIDGE RETIREMENT LIVING

ALBIONVILLE ROAD

PROPOSED EVERGREEN BUFFER (7 TREES PER 1000)

PROPOSED FLOWERING SHRUBS

PROPOSED 4' MOUND

6\"

TAB 4

ILLUSTRATIVE ARCHITECTURAL EXHIBIT

THE OVERLOOK AT WHITE RIVER PUD



TAB 5

~~THOROUGHbred PUD~~

~~THE OVERLOOK AT WHITE RIVER PUD~~

Year
~~2015~~
2018
v.04.17.18

City of Fishers
Planned Development
Ordinance
~~No. 092115E~~
No. XXXXXXXX

~~THOROUGHbred PUD~~ THE OVERLOOK AT WHITE RIVER PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 092445E XXXXXXX (this Ordinance") Adopted: _____</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 June, 2017, 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 Residential-Planned Unit Development District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Thoroughbred PUD," "The Overlook at White River PUD".</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, 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.</p> <p>If any part of the Real Estate is developed for an Assisted Living Facility, Two-Family Dwelling uses, or Single-Family Attached Dwelling uses, then the development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, specifically referenced in this Ordinance.</p> <p>If the Real Estate is not developed pursuant to this Ordinance, then the uses and standards of the UDO, as amended, applicable to the R2 Residential District shall continue to govern the Real Estate.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the ordinance to the development of the Real Estate.</p>	<p>All uses described in the R2 Residential District, and the following:</p> <ul style="list-style-type: none"> • Assisted Living Facility • Dwelling, Two-Family • Dwelling, Single-Family Attached <p>Use Restrictions:</p> <ul style="list-style-type: none"> • Commercial and Service Uses and Office Uses shall be prohibited.

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Concept Plan Exhibit



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 2.08: R2 Residential District Development Standards* shall apply, except as modified below:
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- (2) Minimum Lot Area shall not apply.
- (3) Minimum Lot Width at Building Line shall not apply.
- (4) Minimum Lot Frontage shall not apply.
- (5) **Minimum Front Setback shall be twenty (20) feet.**
- (6) **Minimum Side Setback and Minimum Aggregate Side Setback shall not apply.** Instead, the minimum building separation shall be twenty (20) feet.
- (7) **Minimum Rear Setback shall not apply.**
- (8) **Maximum Impervious Surface Coverage shall not apply.**
- (9) **Minimum Living Unit Area:**
 - **One-Story: ~~1,450 square feet~~ 1,100 square feet**
 - **Two-Story: 1,700 square feet**
- (10) **Additionally, the following standards shall apply:**
 - **Up to forty (40) Single-family Attached Dwelling units shall be permitted.**
 - **Use Areas (as shown on the attached Use Area Exhibit, attached hereto as Exhibit A):**
 - **Area A: up to two (2) Assisted Living Facilities**
 - **Area B: either (i) up to six (6) dwelling units (either two-family or single-family dwellings); or (ii) one (1) Assisted Living Facility**
 - **Area C: either (i) one (1) single-family dwelling; or (ii) one two-family dwelling. No dumpsters shall be permitted to be located within Area C.**

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

D. Architectural Design Standards (AD): shall apply, as amended below:

- (1) The Illustrative Architectural Exhibits, as shown below, **are is** hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building designs may vary from the Illustrative Architectural Exhibits; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibits.

Illustrative Assisted Living Facility Architectural Exhibits

Illustrative Two-Family Dwelling Architectural Exhibit

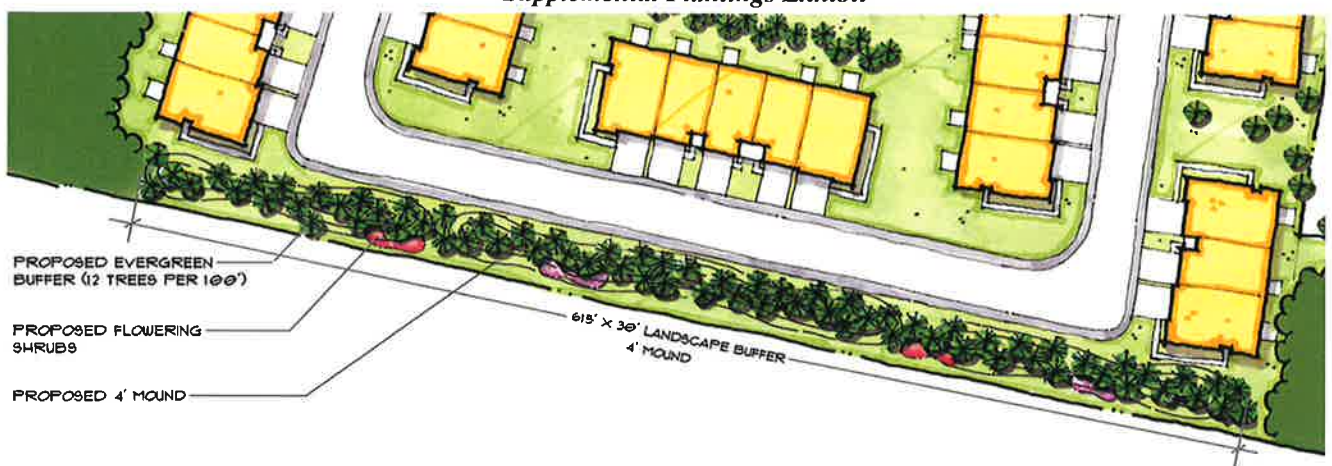


- (2) *Article 5.13(D), AD-01: Architectural Design; Single-family Residential;*
 - (i) Vinyl siding shall be prohibited.
 - (ii) Garage doors shall be decorative and include windows.
 - (iii) All shingles shall be dimensional.
 - (iv) All ~~two-family~~ dwellings shall include recessed windows with trim as shown on the Illustrative Two-Family Dwelling Architectural Exhibit and a mix of masonry veneer and fiber cement board ~~or wood composite~~ siding.
 - (v) *Minimum Eave/Overhang Width:* All dwellings shall have eaves or overhangs a minimum of twelve (12) inches deep on at least eighty percent (80%) of the roofline. Depth shall be determined prior to the installation of masonry.
 - (vi) The buildings designated with a black circle on the Concept Plan shall contain first floor brick veneer to the top plate on the side and rear elevations.
 - (vii) At least seventy five percent (75%) of the individual dwellings shall incorporate at least one rear feature, such as: rear porch, rear pergola, rear yard fence, or other rear feature.
- ~~(3) Article 5.13(D)(2) AD-01 Architectural Design; Single-family Residential; Automobile Storage; shall not apply to an Assisted Living Facility.~~
- (3) *Article 5.13(A)(4), AD-01: Architectural Design; Single-family Residential; Facade; Dimensions:* shall not apply.
- (4) *Article 5.13(B), AD-01: Architectural Design; Single-family Residential; Entries:* shall not be required to have a presence toward the street.

- E. Density & Intensity Standards (DI): shall apply, *as modified by this Ordinance.*
- 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, *as modified by this Ordinance.*
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall apply, except as modified below:

- (1) Buffer Yard Standards shall not apply; instead, the following shall apply:
 - (i) The removal of any existing tree over two and one half (2 ½) inch caliper in size shall not be permitted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision (the "Landscape Buffer") except for the following: (a) removal of dead or hazardous, exotic and invasive vegetation, pursuant to the City of Fishers Invasive & Poor Characteristic Species list; (b) removal of trees directed to be removed by municipal, county, state or federal authority; (c) ~~removal of trees for installation of the mound and supplemental plantings required herein;~~ or (e)(d) removal of trees for installation of utility or drainage improvements with City of Fishers approval.
 - (ii) A minimum of ~~ten (10)~~ *twelve (12)* evergreen trees per one hundred (100) lineal feet (the "Supplemental Plantings") shall be planted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision in the area shown on the ~~Concept Plan Supplemental Plantings Exhibit~~ *as "Supplemental Planting Area"*. The evergreen trees shall be a mixture of evergreen tree varieties, including spruce, and shall be a minimum height of six (6) feet at planting.
 - (iii) A home currently exists within the Landscape Buffer. If and when the home is demolished, then at that time, plantings shall be planted within the Landscape Buffer where the home previously existed. Plantings shall be consistent with the Supplemental Plantings ~~Exhibit~~ (e.g., ratio, type, size). In addition, if and when the home is demolished, then at that time, the mound ~~and fence~~ described below shall be extended to the tree line (e.g., the toe of the slope of the mound shall be within twenty (20) feet of the existing trees' dripline).

Supplemental Plantings Exhibit



- (iv) An easement for the Landscape Buffer, detailing the above restrictions, shall be recorded. The Owner shall provide the City of Fishers with a copy of the recorded easement.
- (v) An undulating earthen mound with a minimum height of three (3) four (4) feet shall be installed north of within the Supplemental Planting Area, as shown on the Concept Plan. A fence shall be placed on the top of the mound. The fence shall be a six (6) foot tall wood fence with masonry columns at each end and masonry columns then spaced approximately fifty (50) feet apart (the "Fence"). The Fence Exhibit is hereby incorporated. The Fence shall be substantially similar in quality and character to the fence depicted in the Fence Exhibit.
- (vi) The mound and Fence shall be installed prior to issuance of a building permit.
- N. Lighting Standards (LT): shall apply.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply, as modified by this Ordinance.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall apply, except as modified below:
 - (1) Article 5.073 Table PK-A, Number of Parking Spaces shall be modified to require one (1) space per employee on the largest shift plus one (1) space per three (3) bedrooms for an Assisted Living Facility.
- 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, as modified by this Ordinance.
- 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 not apply. Instead, more than one (1) Primary Structure shall be permitted on one (1) lot or parcel.
- 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.

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 not 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.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply.
- T. Prerequisite Standards (PQ): 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 review pursuant to *Article 9.20 Planned Unit Development; Final Development Plan*.
- C. The 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.

1.07 Previous Commitments

Certain Commitments concerning the Use and Development of the Real Estate were made in connection with the change of zoning approved by Ordinance No. 100311 (related to the development of the real estate north of the Real Estate) (the "Commitments"). The Commitments placed certain use, height and landscaping restrictions on the Real Estate. Those restrictions ~~now are~~ **were** incorporated into ~~this the approved Thoroughbred PUD Ordinance~~, and the Commitments ~~hereby are~~ **were** terminated. The restrictions ~~now are set forth herein~~ **remain included** in Section 1.01: *Permitted Uses*, Section 1.04(B): *General Regulations*, and Section 1.04(M): *Landscaping Standards*.

1.07(A) Trail Area

The City of Fishers shall have the right to send to the Owner of the Real Estate a written notice (the "Notice")

from the City that: (i) requests the Owner to grant the City the right to construct, use and maintain a public trail on the Real Estate within 50' of the White River (the "Trail Area"); (ii) includes a legal description and exhibit depicting the location of the Trail Area; and (iii) includes a form of right-of-way grant that reasonably reserves access and other uses in favor of the Owner (the "ROW Grant"). Within sixty (60) days after the Owner's receipt of the Notice, the City and the Owner shall approve the terms and conditions of the ROW Grant, and neither party shall withhold, condition or delay its approval unreasonably. Once the ROW Grant has been approved by both parties, then the Owner shall execute it and provide it to the City at no cost. The Owner, in its sole discretion, may elect to grant the City an easement instead of a right-of-way.

1.08 Real Estate

Lot 2 and Block A of GSA/Hawthorn Subdivision, recorded on August 20, 2012, in the Office of the Hamilton County, Indiana, Recorder as Instrument Number 2012049204.

~~THOROUGHbred PUD~~ THE OVERLOOK AT WHITE RIVER PUD

1.09 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 ____ day of _____, 20158.

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

- _____~~C. Pete Peterson~~, **Todd Zimmerman**, _____
President
- _____**John W. Weingardt**, **Richard W. Block**, _____
Vice-President
- _____**Stuart F. Easley**, **David George**, _____
Member
- _____**David C. George**, **C. Pete Peterson**, _____
Member
- _____**Eric Moeller**, **John Weingardt**, _____
Member
- _____**Selina M. Stoller**, **Eric Moeller**, _____
Member
- _____**Richard W. Block**, **Selina M. Stoller**, _____
Member
- _____**Cecilia C. Coble**, _____
Member
- _____**Todd P. Zimmerman** **Brad DeReamer**, _____
Member

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 20158, at _____ m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor DATE _____

Approved by: Christopher P. Greisl, 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: Steven D. Hardin, Esq.

TAB 6

Year
2015

THOROUGHBRED PUD

City of Fishers
Planned Development
Ordinance
No. 092115E

THOROUGHBRED PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 092115E (this Ordinance") Adopted: <u>December 21, 2015</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 Residential-Planned Unit Development District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Thoroughbred PUD."</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, 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.</p> <p>If any part of the Real Estate is developed for an Assisted Living Facility, Two-Family Dwelling uses, or Single-Family Attached Dwelling uses, then the development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO, as amended, specifically referenced in this Ordinance.</p> <p>If the Real Estate is not developed pursuant to this Ordinance, then the uses and standards of the UDO, as amended, applicable to the R2 Residential District shall continue to govern the Real Estate.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the ordinance to the development of the Real Estate.</p>	<p>All uses described in the R2 Residential District, and the following:</p> <ul style="list-style-type: none"> • Assisted Living Facility • Dwelling, Two-Family • Dwelling, Single-Family Attached <p>Use Restrictions:</p> <ul style="list-style-type: none"> • Commercial and Service Uses and Office Uses shall be prohibited.

THOROUGHBRED PUD

1.02 Applicability

- A. The standards of the UDO applicable to the **R2 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.

Concept Plan Exhibit



THOROUGHbred PUD

1.04 Development Standards

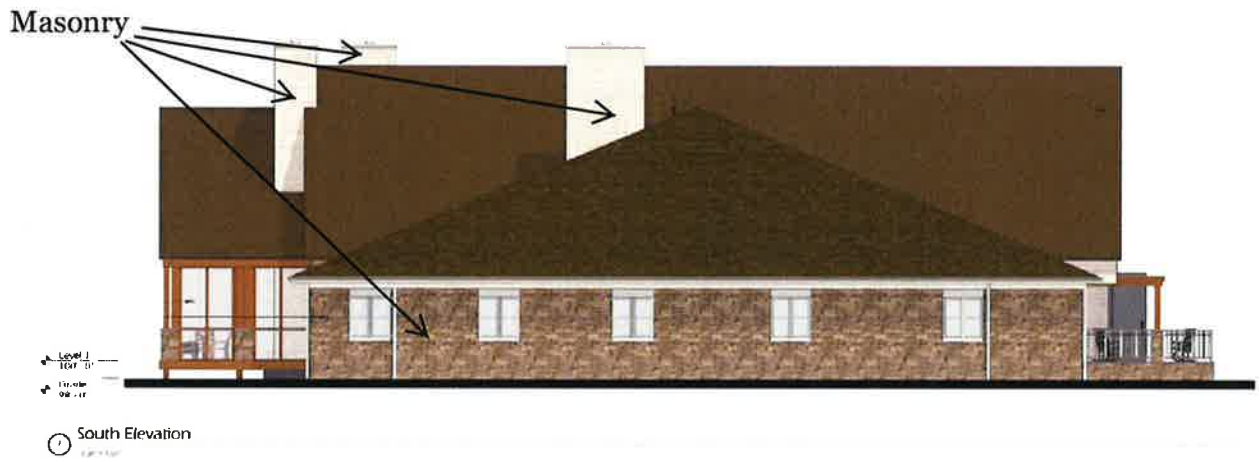
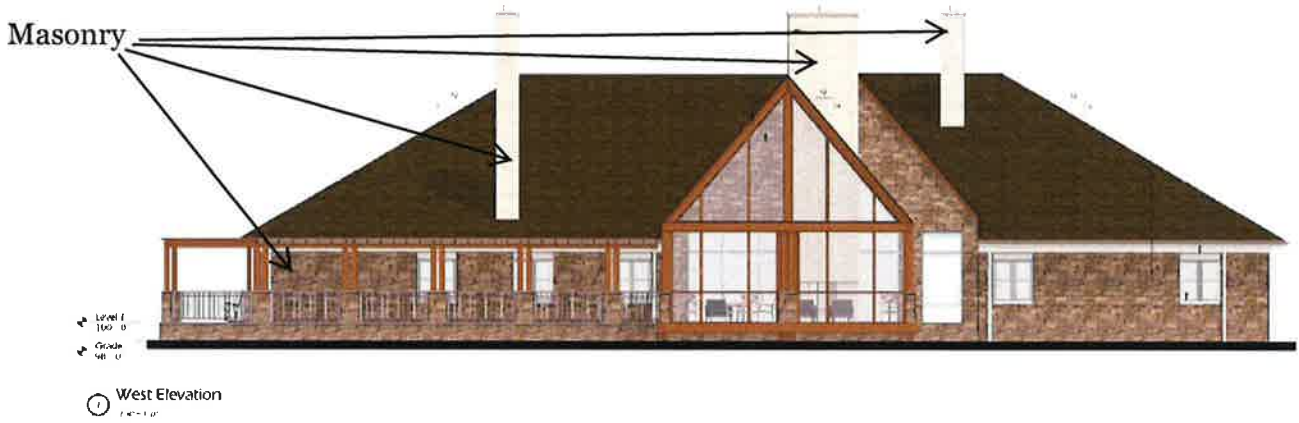
- A. Cross References: The regulations of *Article 05: Development Standards* shall apply except as modified by this Ordinance.
- B. General Regulations: *Article 2.08: R2 Residential District Development Standards* shall apply, except as modified below:
 - (1) Maximum Building Height shall not apply. Instead, the maximum building height shall not exceed twenty-six (26) feet, measured to the mean height between the eaves and ridges, for any structure on the Real Estate.
 - (2) Minimum Lot Area shall not apply.
 - (3) Minimum Lot Width at Building Line shall not apply.
 - (4) Minimum Lot Frontage shall not apply.
 - (5) Minimum Side Setback shall not apply. Instead, the minimum building separation shall be twenty (20) feet.
 - (6) Minimum Living Unit Area:
 - One-Story: 1,450 square feet
 - (7) Additionally, the following standards shall apply:
 - Use Areas (as shown on the attached Use Area Exhibit, attached hereto as Exhibit A):
 - Area A: up to two (2) Assisted Living Facilities
 - Area B: either (i) up to six (6) dwelling units (either two-family or single-family dwellings); or (ii) one (1) Assisted Living Facility
 - Area C: either (i) one (1) single-family dwelling; or (ii) one two-family dwelling. No dumpsters shall be permitted to be located within Area C.
- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply, as amended below:
 - (1) The Illustrative Architectural Exhibits, as shown below, are hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building designs may vary from the Illustrative Architectural Exhibits; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibits.

Illustrative Assisted Living Facility Architectural Exhibits



THOROUGHBRED PUD

Year
2015



Illustrative Two-Family Dwelling Architectural Exhibit



- (2) *Article 5.13 (D) AD-01 Architectural Design; Single-family Residential;*
 - (i) Vinyl siding shall be prohibited.
 - (ii) Garage doors shall be decorative and include windows.
 - (iii) All shingles shall be dimensional.
 - (iv) All two-family dwellings shall include recessed windows with trim as shown on the Illustrative Two-Family Dwelling Architectural Exhibit and a mix of masonry veneer and fiber cement board siding.
 - (v) *Minimum Eave/Overhang Width:* All dwellings shall have eaves or overhangs a minimum of twelve (12) inches deep on at least eighty percent (80%) of the roofline. Depth shall be determined prior to the installation of masonry.
- (3) *Article 5.13 (D) AD-01 Architectural Design; Single-family Residential; Automobile Storage* shall not apply to an Assisted Living Facility.

- 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) Buffer Yard Standards shall not apply; instead, the following shall apply:
 - (i) The removal of any existing tree over two and one half (2 ½) inch caliper in size shall not be permitted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision (the "Landscape Buffer") except for the following: (a) removal of dead or hazardous, exotic and invasive vegetation, pursuant to the City of Fishers Invasive & Poor Characteristic Species list; (b) removal of trees directed to be removed by municipal, county, state or federal authority; or (c) removal of trees for installation of utility or drainage improvements with City of Fishers approval.
 - (ii) A minimum of ten (10) evergreen trees per one hundred (100) lineal feet (the "Supplemental Plantings") shall be planted within thirty (30) feet of the Real Estate's southern property line abutting the Kingston Estates subdivision in the area shown on the Concept Plan as "Supplemental Planting Area". The evergreen trees shall be a mixture of evergreen tree varieties, including spruce, and shall be a minimum height of six (6) feet at planting.
 - (iii) A home currently exists within the Landscape Buffer. If and when the home is demolished, then at that time, plantings shall be planted within the Landscape Buffer where the home previously

THOROUGHbred PUD

existed. Plantings shall be consistent with the Supplemental Plantings (e.g., ratio, type, size). In addition, if and when the home is demolished, then at that time, the mound and fence described below shall be extended to the tree line (e.g., the toe of the slope of the mound shall be within twenty (20) feet of the existing trees' dripline).

- (iv) An easement for the Landscape Buffer, detailing the above restrictions, shall be recorded. The Owner shall provide the City of Fishers with a copy of the recorded easement.
- (v) An earthen mound with a minimum height of three (3) feet shall be installed north of the Supplemental Planting Area, as shown on the Concept Plan. A fence shall be placed on the top of the mound. The fence shall be a six (6) foot tall wood fence with masonry columns at each end and masonry columns then spaced approximately fifty (50) feet apart (the "Fence"). The Fence Exhibit is hereby incorporated. The Fence shall be substantially similar in quality and character to the fence depicted in the Fence Exhibit.
- (vi) The mound and Fence shall be installed prior to issuance of a building permit.



Fence Exhibit

- 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, except as modified below:
 - (1) *Article 5.073 Table PK-A; Number of Parking Spaces* shall be modified to require one (1) space per employee on the largest shift plus one (1) space per three (3) bedrooms for an Assisted Living Facility.
- 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 not apply. Instead, more than one (1) Primary Structure shall be permitted on one (1) lot or parcel.
- 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.

THOROUGHBRED 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 not 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. In addition, any unimproved areas of the Real Estate shall qualify as open space as permitted per *Article 7.25 (C)(6) OP-01: Open Space Standards; Residential; Site Features that Qualify as Open Space; City Council-approved Open Space*.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply.
- T. Prerequisite Standards (PQ): 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 review pursuant to *Article 9.20 Planned Unit Development; Final Development Plan*.
- C. The 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.

1.07 Previous Commitments

Certain Commitments concerning the Use and Development of the Real Estate were made in connection with the change of zoning approved by Ordinance No. 100311 (related to the development of the real estate north of the Real Estate) (the "Commitments"). The Commitments placed certain use, height and landscaping restrictions on the Real Estate. Those restrictions now are incorporated into this Ordinance, and the Commitments hereby are terminated. The restrictions now are set forth herein in Section 1.01 *Permitted Uses*, Section 1.04 (B) *General Regulations*, and Section 1.04 (M) *Landscaping Standards*.

THOROUGHbred PUD

1.07(A) Trail Area

The City of Fishers shall have the right to send to the Owner of the Real Estate a written notice (the "Notice") from the City that: (i) requests the Owner to grant the City the right to construct, use and maintain a public trail on the Real Estate within 50' of the White River (the "Trail Area"); (ii) includes a legal description and exhibit depicting the location of the Trail Area; and (iii) includes a form of right-of-way grant that reasonably reserves access and other uses in favor of the Owner (the "ROW Grant"). Within sixty (60) days after the Owner's receipt of the Notice, the City and the Owner shall approve the terms and conditions of the ROW Grant, and neither party shall withhold, condition or delay its approval unreasonably. Once the ROW Grant has been approved by both parties, then the Owner shall execute it and provide it to the City at no cost. The Owner, in its sole discretion, may elect to grant the City an easement instead of a right-of-way.

1.08 Real Estate

Lot 2 and Block A of GSA/Hawthorn Subdivision, recorded on August 20, 2012, in the Office of the Hamilton County, Indiana, Recorder as Instrument Number 2012049204.

1.09 Adoption

COPY

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 21st day of December, 2015.

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

AYE

NAY

C. Pete Peterson, President

John W. Weingardt, Vice-President

Stuart F. Easley, Member

David C. George, Member

Eric Moeller, Member

Selina M. Stoller, Member

Richard W. Block, Member

Cecilia C. Coble, Member

Todd P. Zimmerman, Member

[Handwritten signature]

David C. George

Selina M. Stoller

Cecilia C. Coble

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 21st day of December 2015, at 9 P m.

ATTEST:

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

12-21-2015

Approved by: Chris Greisl, 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: Steven D. Hardin, Esq.

2016000516 RESOLUTION \$19.00
01/06/2016 11:39:19A 4 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

Exhibit A

Area Map





Council Action Form

MEETING DATE	May 21, 2018			
TITLE	Consideration of a text amendment to the Thoroughbred PUD, now to be known as Overlook at White River, to allow forty (40) attached single-family dwelling units on approximately 9.34 acres.			
SUBMITTED BY	Name & Title: Megan Schaefer, Planner II Department: Community Development			
MEETING TYPE	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
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 checked="" type="checkbox"/> 3 rd Reading
	Ordinance #: 052118G		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			
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 – Name of Reviewer:			

<p>BACKGROUND (Includes description, background, and justification)</p>	<p>In 2015, City Council approved the Thoroughbred PUD Ordinance for an assisted living community with two-family and attached dwelling units. Westport Homes is now proposing a text amendment to the Thoroughbred PUD to remove the assisted living facility and two-family dwelling uses, and instead allow for forty (40) attached single-family dwelling units.</p> <p>The proposed Overlook at White River PUD encourages improved design with increased architecture and landscaping. The proposed development aligns with the Fishers Comprehensive Plan which identifies this lot as Attached Residential on the Future Land Use Map.</p>	
<p>BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)</p>	Budgeted \$:	Not Applicable (N/A)
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
<p>OPTIONS (Include Deny Approval Option)</p>	1.	Approve the proposed Ordinance
	2.	Continue to the June 18, 2018 Council meeting
	3.	Deny the proposed Ordinance
	4.	
<p>PROJECT TIMELINE</p>	<p>Plan Commission: April 11, 2018 City Council: May 21, 2018</p>	
<p>STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)</p>	<p>Staff recommends approval of the proposed text amendment on the basis it aligns with the Fishers 2040 Future Land Use Map.</p>	
<p>SUPPLEMENTAL INFORMATION (List all attached documents)</p>	<p>1) Staff Report 2) Petitioner Packet with proposed Ordinance</p>	