

ORDINANCE NO. 101804C

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION.

The text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, and Fishers Ordinance No. 121503D are hereby amended as follows: the Zoning Classification of the following described Real Estate is hereby zoned as PUD-M and this ordinance shall hereinafter be referred to as the The Village at Gray Eagle PUD Ordinance: See "Exhibit 1" attached hereto.

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of this PUD-M is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the Real Estate.

SECTION 3. LAND USE.

- Area A: Detached single-unit active adult dwellings are permitted.
- Area B: Detached single-unit active adult dwellings and two-unit and four-unit attached active adult dwellings are permitted. Church uses are also permitted. No residential dwellings shall be permitted south of the main entrance drive that connects the Real Estate to Olio Road (as shown on the attached Concept Plan).
- Area C: All uses described in Section 151.073 Commercial District C1. Church uses are also permitted. No adult entertainment uses are allowed.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN.

The Concept Plan, attached hereto as "Exhibit 2," is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plan; such further approval is subject to the procedures set out in Section 6, below.

SECTION 5. DEVELOPMENT STANDARDS.

The development standards set forth herein replace all other development standards set forth in the Fishers Zoning Code and related ordinances.

A. Bulk and Density

Residential Uses.

Modifications of up to ten percent (10%) of each Area's gross area shall be permitted when Detailed Development Plans of individual phases are submitted for the Plan Commission's consideration. In all events, however, when all residential densities are added together, the total number of dwelling units shall not exceed 62.

Area A

Standard	Detached Active Adult
Acres	2.99
Maximum number of units	16
Front Yard	25'
Side Yard	12' building separation
Rear Yard	25'
Minimum lot frontage ¹	30'
Minimum Floor Area	1,500 sq. ft. – 1-story 1,800 sq. ft. – 2-story
Max. Bldg. Ht. Primary/ Accessory	35'/25'

¹ To be measured at the right-of-way line.

Area B

Standard	Attached 2-unit and/or 4-unit active adult²
Acres	9.92
Maximum Number of Units	46
Front Yard	20' from edge of pavement
Side Yard	15' building separation for 4-unit buildings 12' building separation for all others
Perimeter Yard	No building shall be closer than 30' from the perimeter of Area B
Minimum lot frontage	None
Minimum Floor Area	1,400 sq. ft.
Max. Bldg. Ht. Primary/Accessory	35'/25'

² If the single-family active adult product is continued into Area B, then the Area A standards shall apply for that product in Area B, too.

Commercial Uses.

Area C

Standard	Commercial
Acres	6.43
Maximum Total Square Footage	55,000 sf
Front Yard	50'
Side Yard	10' (30' if adjacent to a side or rear yard of a residential use)
Rear Yard	20' (50' including a 30' buffer yard if adjacent to a side or rear yard of a residential use (not including a church use)). The rear yard may be used for off-street parking.
Additional Setbacks	No building may be located within 75' of the entrance road that connects the project to Olio Road.
Lot Coverage	Lot coverage shall not exceed 75 percent and is inclusive of buildings, parking areas and all other impervious surfaces which result in a open space requirement of 25 percent of the land area.

Except where in conflict with this ordinance (in which event, this ordinance will control), all other bulk and density standards shall be consistent with the C1 development standards numbered (2) and (4)-(5) as set forth in the Fishers Zoning Code as of this date.

B. Landscaping

The development of the Real Estate shall be in compliance with the Town of Fishers Landscape Ordinance, as amended.

Residential streets shall have street trees on both sides of the street. Street trees shall be placed on average between 40 - 60 feet on center in a planting strip between the curb and the sidewalk if available. The planting strip shall be a minimum of four feet wide. Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. Trees shall be deciduous and selected from the Town's approved List of Recommended Species. Street Trees shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

C. Architecture

1. Detached single-family active adult

- a. If any part of the Real Estate is developed as detached active adult, then the following standards shall apply:
- b. Each residence shall have at least a 6" eave and overhang.
- c. 50% of the front elevation, excluding windows and garage doors, shall be brick or stone
- d. Exterior building materials shall include brick, stone, wood, stucco, HARDI PLANK, or wood. T1-11, vinyl and metal are prohibited.
- e. All chimneys shall be stucco, brick, or stone, or HARDI PLANK. Wood chases shall not be permitted.
- f. Windows shall appear on at least three sides, with the front being one of the three required sides.
- g. A standard mailbox and post, selected by the developer, shall be installed on each residence.
- h. Concrete driveways are required.
- i. Acceptable exterior colors shall generally be defined as earth tones and other traditional colors.
- j. All residences shall have a minimum roof pitch of 6 vertical to 12 horizontal. Special exceptions may be made by the architectural review committee for porches and covered walkways.
- k. Ceilings on the first floor of all residences shall be a minimum of 9 feet.
- l. All residences shall have a limestone address block.
- m. All garages shall be finished and insulated, and shall have automatic garage doors.

2. Attached active adult

- a. If any part of the Real Estate is developed as attached active adult, then the following standards shall apply:
- b. Two-family attached and four-family attached units shall include 50% brick or stone on all front elevations not including doors, windows and other openings.
- c. Exterior building materials shall include brick, stone, wood, stucco, HARDI PLANK, or wood. T1-11, vinyl and

metal are prohibited.

- d. The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.
- e. All windows shall be wood, vinyl or a vinyl clad or aluminum clad type material
- f. Roof Pitch Requirements: One-family, two-family and four-family units: 6/12 minimum. All homes shall have 6" overhangs
- g. The facades that face the main entrance road (e.g., the road that connects the project to Olio Road as shown on the Concept Plan) shall include first floor brick or stone (not including doors, windows and other openings). For example, if the project is developed as shown on the Concept Plan, then this provision would apply to the 6 facades facing the main entrance road (e.g., 3 buildings with 2 facades each).

3. Commercial. If any part of the Real Estate is developed as commercial or office, then the following standards shall apply to that part:

a. PUD Committee Review. All architectural designs shall be approved by the 116th Street and Olio Road PUD Committee.

b. Compatibility. All structures shall be constructed with similar design, materials and architecture.

c. Facades. Façades that have greater than one hundred (100) feet in length, measured horizontally shall incorporate wall plane projections or recesses having a depth of at least five (5) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.

Building façades shall include a repeating pattern that includes no less than three (3) of the following elements:

- color change;
- texture change;
- material module change;
- an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

d. Mechanical Equipment. All buildings shall screen all mechanical equipment including that which is mounted to the roof and/or ground.

e. Roofs.

Roofs shall have some combination of the following features:

- a. All roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;
- b. Overhanging eaves, extending no less than three (3) feet past the supporting walls;
- c. Three or more roof slope planes.

Office uses, single story and buildings of less than 50,000 square feet must have pitched roofs to be more residential in character.

No more than 50 percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different section of flat roofs so the roof can be given articulation with different heights. The look of the building shall therefore be softened by the feel of the façade.

f. Materials and Colors

Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.

Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

g. Additional Architecture

All building facades which are visible from adjoining properties to the north or south of Area C and/or from public streets shall comply with the requirements of items C(3)(a) – (f), above. This provision shall not apply to the rear facades of a commercial building where a

mound and landscape buffer separates the commercial building and a multi-family use.

h. Accessory Uses

Dumpster and trash compactors shall be enclosed by a 6' minimum masonry enclosure and gated.

Accessory structures including trash dumpster and compactors are not permitted within any front yard or within any side or rear setback requirements.

No outdoor sales areas are permitted unless surrounded by a permanent structure consistent with material of the building.

Permanent outdoor display areas are permitted provided that they are surrounded by a combination of a 2.5-foot tall masonry wall or wrought iron fencing or combination of the two.

i. Signage

The Real Estate will conform to all applicable C1 standards relating to signage, landscaping and development requirements, as amended. Signage shall be neon channel back lit or externally illuminated. Ground signs shall be architecturally compatible.

j. Lighting

Light poles shall be limited to 20' in height, measured at the ground.

Lighting shall be limited to 0.5 foot candles at the property except at the entryway. The primary parking lot poles shall incorporate bulbs that are recessed and shielded.

Light fixtures shall be decorative along the entrance drives and along public rights-of-way as part of the overall architecture, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180-degree angle of light.

k. Pedestrian Circulation

Sidewalks shall be a minimum of six (6) feet in width, however, when applicable, they shall be eight (8) feet asphalt in conjunction with the Town Parks Plan and to integrate with neighborhoods. Sidewalks shall be provided along all sides of the lot that abut a public street.

Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail structures on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.

Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of any retail building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide a planting façade.

Internal pedestrian walkways provided in conformance with the above shall provide weather protection features such as awnings within thirty (30) feet of all customer entrances.

All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

I. Deliveries

Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 12:00 midnight and 6:00 a.m. with the exception of snow removal.

D. Parking

The development of the Real Estate shall be in compliance with the Town of Fishers Parking Ordinance, as amended.

E. Active Adult Features

Area A:

1. All residences constructed shall feature first floor living, with the master bedroom on the first floor
2. The homeowners association shall perform the following services:
 - a. The homeowners association shall mow and fertilize the lawns at times and frequencies determined by the homeowners association;
 - b. Once a year, at a time determined by the homeowners

association, the homeowners association shall change the mulch in the landscape beds;

- c. The homeowners association shall provide for snow removal from the driveways and the walks up to the residence; and
- d. The homeowners association shall collect mandatory assessments for the purpose of funding the obligations of the homeowners association.

Area B

The following standards will apply:

- If developed for single-family active adult dwellings, the same features as enumerated above for Area A will be provided.
- If developed for two- to four-unit active adult dwellings, the following features will be provided:
 - a. Mandatory maintenance fee for lawn mowing and maintenance, exterior building maintenance and snow removal shall be a part of the homeowners association dues.
 - b. All homes will feature 1st floor living, including master bedrooms and 9' ceilings on the first floor. No more than 3 bedrooms per unit.

SECTION 6. SUBDIVISION CONTROL CODE.

Single Family Residential. The Standards of the Fishers Subdivision Control Code, Chapter, 153 (the "SCC"), shall apply to Areas A and B, subject to any waivers granted by the Plan Commission at the time of plan approval.

~~Attached Residential. If Area B is developed as an attached residential neighborhood, then the SCC shall apply to Area B, subject to any waivers granted by the Plan Commission at the time of plan approval and with the exception of the following provision:~~

- ~~Alleys shall be permitted. Alley right-of-way, common area or easement shall be a minimum of 25 feet wide. Alley pavement width shall be a minimum of 16 feet for a one-way alley and 24 feet for a two-way alley.~~

SECTION 7. PROCEDURES.

The adoption of this 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.

SECTION 8. APPROVAL.

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.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 7th day of FEB, 2005.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY: <u>Scott M. Faultless</u> <hr/> <hr/> <u>Stuart F. Easley</u> <hr/> <u>Sam [unclear]</u> <hr/> <u>Charles P. White</u> <hr/> <u>David C. George</u> <hr/>	AYE Scott Faultless, President Eileen N. Pritchard, Stuart F. Easley, Vice President Timothy O. Lima, Member Stuart F. Easley, Eileen N. Pritchard, Member Dan E. Henke, Member Charles P. White, Member David C. George Member	NAY <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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ATTEST: Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana

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

Prepared by: Steven D. Hardin, Esq., Bingham McHale LLP, 970 Logan Street,
Noblesville, IN 46060, (317) 776-8650

EXHIBIT I

A part of the South one-half of the Northeast quarter of Section 35, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana more particularly described as follows:

Commencing at the Southeast corner of the Northeast quarter of Section 35, Township 18 North Range 5 East in Fall Creek Township, Hamilton County, Indiana, thence North 00 degrees 21 minutes 36 seconds West (assumed bearing) 470.25 feet along the East line of said Northeast Quarter to the Southeast corner of the real estate described in Instrument #9118687 in the Office of the Recorder of Hamilton County, Indiana, thence continuing North 00 degrees 21 minutes 36 seconds West 100.00 feet along said East One to a PK nail at the point of beginning thence South 89 degrees 26 minutes 30 seconds West 778.65 feet parallel with the South line of the real estate described in said Instrument #9118687, to a 5/8 inch diameter rebar w/cap marked "Weihe Engr LS 0021"; thence North 00 degrees 21 minutes 36 seconds West 765.97 feet parallel with the East line of said Northeast Quarter to a 5/8 inch diameter rebar w/cap marked "Weihe Engr LS 0012" on the North line of the real estate described in said Instrument #9118687; thence North 89 degrees 22 minutes 27 seconds East 778.65 feet on the North line of the real estate described in said Instrument Northeast Quarter; thence South 00 degrees 21 minutes 36 seconds East 766.89 feet on the East line of said Northeast Quarter to the point of beginning, containing 13.70 acres more or less.

Less and except the following:

A part of the South Half of the Northeast Quarter of Section 35, Township 18 North, Range 5 East, Hamilton County, Indiana, described as follows: Beginning at a point on the east line of said section North 0 degrees 02 minutes 49 seconds East 173.812 meters (570.25 feet) from the southeast corner of said quarter section, which point of beginning is the southeast corner of the grantor's land; thence South 89 degrees 50 minutes 55 seconds West 18.288 meters (60.00 feet) along the south line of the grantor's land; thence North 0 degrees 02 minutes 49 seconds East 119.117 meters (390.80 feet); thence South 89 degrees 57 minutes 11 seconds East 6.096 meters (20.00 feet); thence North 0 degrees 02 minutes 49 seconds East 114.638 meters (376.11 feet) to the north line of the grantor's land; thence North 89 degrees 46 minutes 52 seconds East 12.192 meters (40.00 feet) along said north line to the east line of said section; thence South 0 degrees 02 minutes 49 seconds West 233.748 meters (766.89 feet) along said east line to the point of beginning and containing 0.358 hectares (0.885 acres), more or less. The portion of the above - described real estate which is not already embraced within public right of way contains 0.233 hectares (0.576 acres), more or less.

Also including:

The entire width of the right-of-way of Ohio Road that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

A tract of land located in part of the Northeast Quarter of Section 35, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and being described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence North 00 degrees 21 minutes 37 seconds West (bearings are based on the Indiana State Plane Coordinate System, East Zone and are referenced to a survey by Evergreen Planners, dated July 6, 1995 and recorded as Inst. No. 9615579 in the Office of the Hamilton County Recorder) along the East line of said Northeast Quarter a distance of 407.25 feet to the northeasterly corner of a tract of land conveyed to Fall Creek Township and described in Deed Record Book 142, page 337 as recorded in the Office of the Hamilton County Recorder and being the POINT OF BEGINNING of this description; thence South 89 degrees 26 minutes 17 seconds West along the northerly line of said Fall Creek Township tract a distance of 778.65 feet; thence North 00 degrees 21 minutes 37 seconds West parallel with the East line of said Northeast Quarter a distance of 100.00 feet; thence North 89 degrees 26 minutes 17 seconds East 778.65 feet to the East line of said Northeast Quarter; thence South 00 degrees 21 minutes 37 seconds East along said East line 100.00 feet to the Point of Beginning and containing 1.788 acres more or less.

Subject to the right of way for Olio Road and to all other legal easements and rights of way of record.

Also including:

The entire width of the right-of-way of Olio Road that is contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

Acreage to be added to originally approved Village
at Gray Eagle PUD:

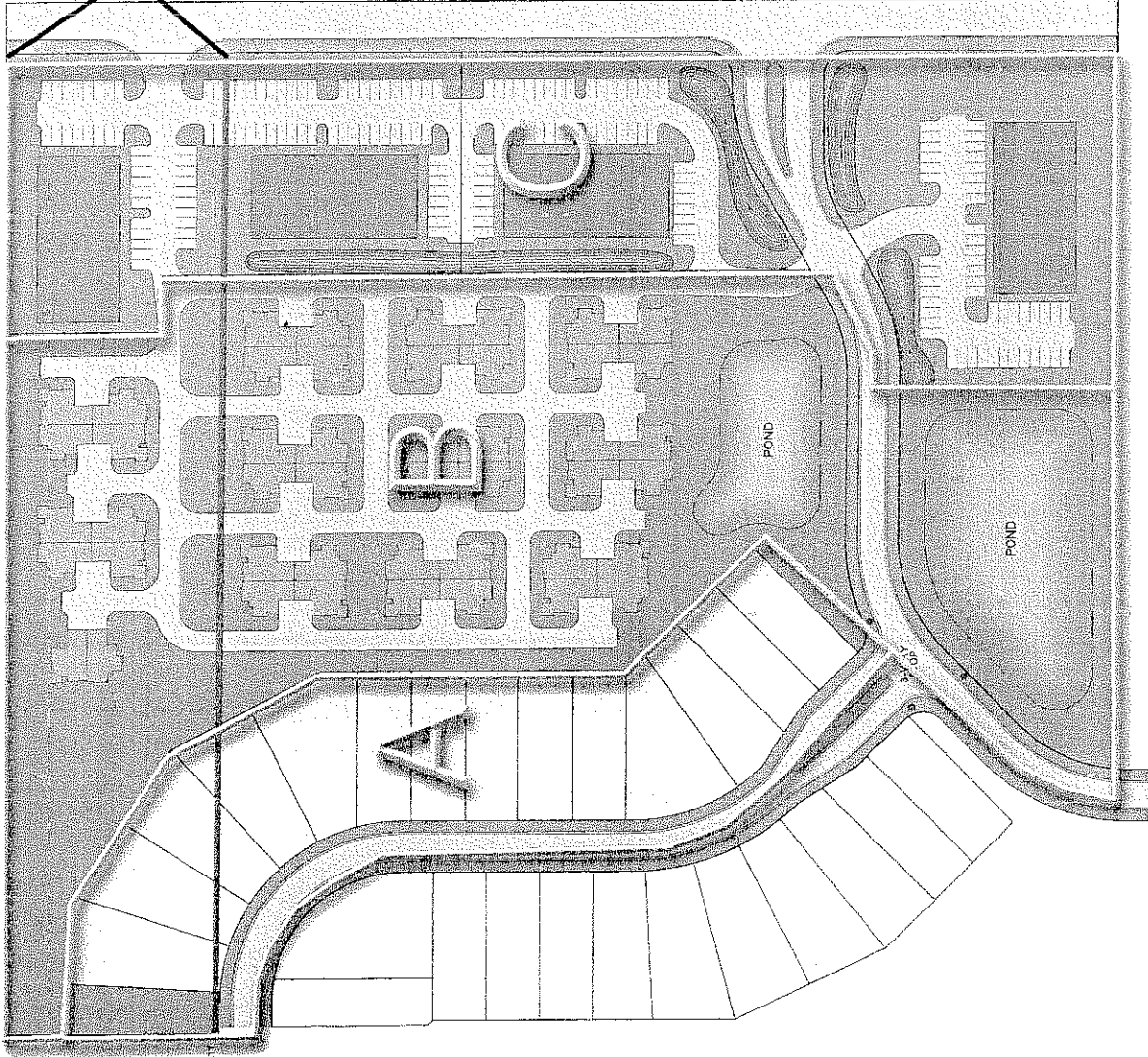
A part of the Northeast Quarter of the Northeast
Quarter of Section 35, Township 18 North, Range
5 East in Fall Creek Township, Hamilton County,
Indiana and being more particularly described as
follows:

Beginning at a point on the east line of the
Northeast Quarter of Section 35, Township 18
North, Range 5 East, said point being South 00
degrees 00 minutes 00 seconds (assumed bearing)
a distance of 1130.39 feet from the northeast
corner thereof; thence South 00 degrees 00
minutes 00 seconds on and along said east line
a distance of 206.61 feet to the southeast corner
of the Northeast Quarter of the Northeast Quarter
of Section 35, thence South 89 degrees 44 minutes
28 seconds West over and along the south line of
said quarter quarter a distance of 988.97 feet to
the west line of the east half of the west half
of said quarter quarter; thence North 00 degrees
02 minutes 28 seconds East on and along said west
line a distance of 205.85 feet; thence North 89
degrees 41 minutes 50 seconds East and parallel
to the north line of said Northeast Quarter a
distance of 988.82 feet to the point of beginning
and containing 4.74 acres, subject to all legal
easements and rights-of-way of record.

Also including: The entire width of the right-of-way
of Olio Road that is contiguous with the above described
real estate. Subject to all legal easements and
rights-of-way.

THE VILLAGE AT GRAY EAGLE

Area to be merged
into existing PUD



SCALE: 1"=50'

LEGEND

- SINGLE FAMILY
- COMMON AREA
- POND AREA
- STREETS



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