

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 All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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.

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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



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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



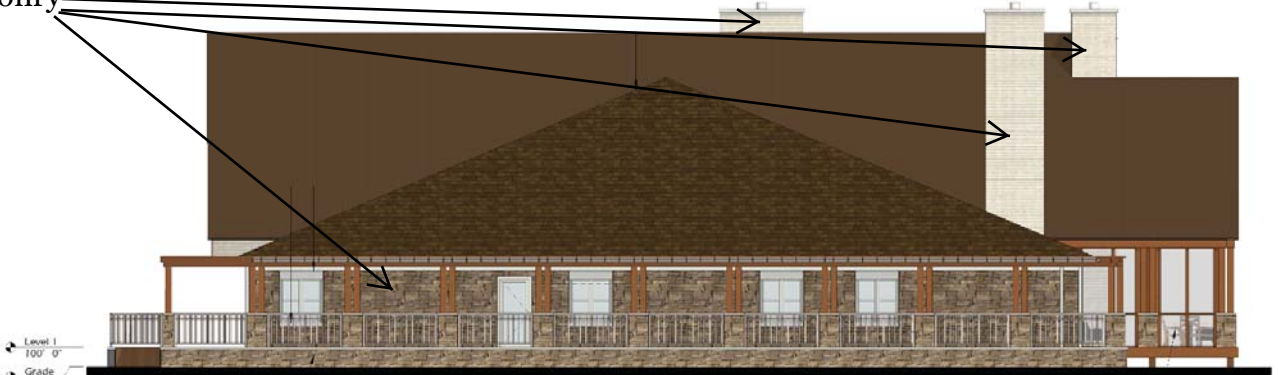
THOROUGHbred PUD

Masonry



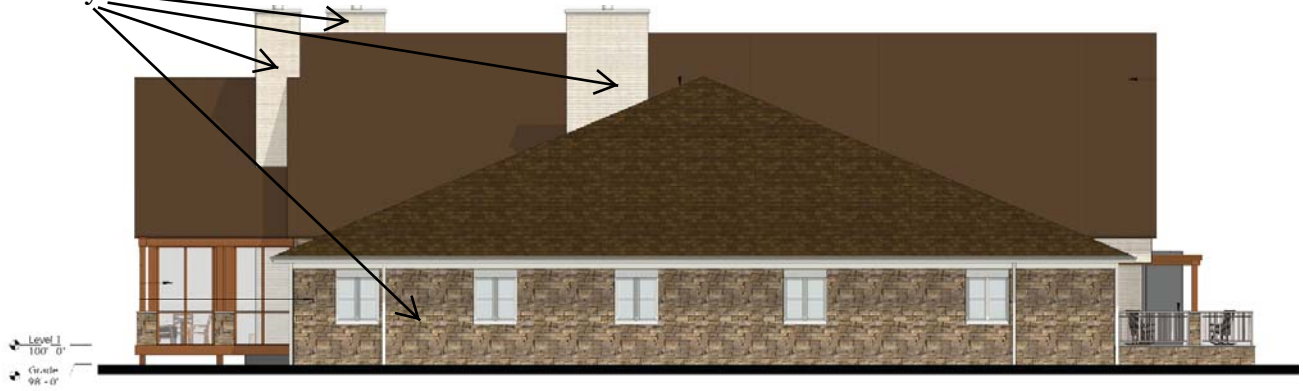
West Elevation
1/8" = 1'-0"

Masonry



North Elevation
1/8" = 1'-0"

Masonry



South Elevation
1/8" = 1'-0"

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

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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.

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1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall 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*.

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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

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

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



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.

Exhibit A

Area Map

