

Year

2018

VIVE EXTERIOR DESIGN PUD

City of Fishers
Planned Development
Ordinance
No. 052118I

VIVE EXTERIOR DESIGN PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 0521181 (this Ordinance") Adopted: <u>05/21/2018</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 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 Commercial-Planned Unit Development District (PUD-C), and that said PUD-C zoning district shall hereafter be known as the "Vive Exterior Design PUD."</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO 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 All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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>The purpose of this PUD is to encourage improved design in the development of land.</p>	<p>The following uses are permitted:</p> <p>Primary Uses:</p> <ul style="list-style-type: none"> • landscaping business • outdoor living business • garden center • greenhouse/nursery • garden/plant/tree sales • accessory and related uses • utility facility <p>Accessory Uses:</p> <ul style="list-style-type: none"> • accessory use subordinate to the primary use of the building • satellite television receiving-only antenna



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1.02 Applicability

- A. The standards of the UDO applicable to the **C2** *Neighborhood Business District* shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (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, attached hereto as **Exhibit A**, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. *Article 9.18(M)(l): Planned Unit Development; Concept Plan: Changes or Amendments: UDO/PUD Text Amendment* shall not apply. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant within fifteen (15) days of receipt of the submitted Development Plan of (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Vive Exterior Design PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.04 Development Standards

- A. **Cross References:** The regulations of *Article 5: Development Standards* shall apply except as modified by this Ordinance.
- B. **General Regulations:** *Article 2.26: C2 Commercial District Development Standards* shall apply, except as modified below:
- (1) The Minimum Lot Area shall be 17,000 square feet.
 - (2) The Minimum Building Separation shall not apply.
 - (3) The Maximum Building Height for an Accessory Building shall be 28'.
- C. **Accessory Structure Standards (AS):** shall apply, except as modified below:
- (1) The buildings, as generally shown and located on the Concept Plan, shall be permitted.
 - (2) *Article 5.09(A) AS-06 Accessory Structures; Commercial; Permitted Accessory Structures* shall apply. Additionally, Accessory Structures related to outdoor living displays shall be permitted.
 - (3) *Article 5.09(C) AS-06 Accessory Structures; Commercial; Enclosed Building Requirement* shall not apply.
- D. **Architectural Design Standards (AD):** shall apply, except as modified below:
- (1) The Architectural Design Standards shall not apply to any utility facility on the property; however, such facility must be screened with landscaping and fencing.
 - (2) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B**, 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 design may vary from the Illustrative Architectural Exhibit; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Architectural Exhibit.
 - (3) *Article 5.15(A)(2) AD-03 Architectural Design; Commercial; Exterior Materials*, shall apply, except as modified below:
 - (i) Polycarbonate panels and metal siding shall be permitted.

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- (ii) Heavy-gauge vinyl and vinyl shall not be permitted as a siding material.
- (4) *Article 5.15(D)(7) AD-03 Architectural Design; Commercial; Variation in Roofline*, shall apply for buildings with elevations in excess of one hundred twenty (120) feet in width.
- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply, except as modified below:
 - (1) *Article 5.29 EN-01 (G): Environmental Standards; General; Fuel Storage* shall apply. Additionally, fuel for heavy equipment related to the operation of a landscaping business may be stored in an above-ground fuel tank. The above-ground fuel tank shall be enclosed behind an opaque fence. The fence shall be a minimum of six (6) feet tall or one (1) foot taller than the fuel tank.
- 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.
- 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, except as modified below:
 - (1) *Article 5.61(D) OS-04 Outdoor Storage; Commercial* shall not apply.
- R. Parking Standards (PK): shall apply, except as modified below:
 - (1) Parking lots and drive aisles shall not be required to be curbed.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Permanent Outdoor Display Area Standards (PD): shall apply, except as modified below:
 - (1) *Article 5.78(F) PD-01 Permanent Outdoor Display Areas; Commercial; Maximum Area Standards* shall not apply.
 - (2) *Article 5.78(G) PD-01 Permanent Outdoor Display Areas; Commercial; Location Standards* shall not apply.
 - (3) *Article 5.78(H) PD-01 Permanent Outdoor Display Areas; Commercial; Screening Standards* shall not 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.
- 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.

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- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall not apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Development Name Standards (DN): shall apply.
- I. Easement Standards (EA): shall apply.
- J. Erosion Control Standards (EC): shall apply.
- K. Floodplain Standards (FL): shall apply.
- L. Lot Establishment Standards (LT): shall apply.
- M. Mixed Use Development Standards (MU): shall apply.
- N. Monument & Marker Standards (MM): shall apply.
- O. On-street Parking Standards (OG): shall apply.
- P. Open Space Standards (OP): shall apply. The areas depicted in green on the Concept Plan shall count as Open Space.
- Q. Pedestrian Network Standards (PN): shall apply.
- R. Perimeter Landscaping Standards: shall not apply. Instead, the landscaping shall be as shown on the Concept Plan.
- S. Prerequisite Standards (PQ): shall apply.
- T. Storm Water Standards (SM): shall apply.
- U. Street & Right-of-way Standards (SR): shall apply.
- V. Street Lighting Standards (SL): shall apply.
- W. Street Name Standards (SN): shall apply.
- X. Street Sign Standards (SS): shall apply.
- Y. Surety Standards (SY): shall apply.
- Z. Utility Standards (UT): shall apply.

1.06 Procedures

- A. The procedures set forth in *Article 9: Processes, Permits & Fees; Planned Unit Development* shall apply, as amended. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. If applicable: (1) 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*; and (2) prior to the Committee's review, the Mayor or Mayor's Designee shall review each building's preliminary architectural plan (e.g., elevations, roof plan, floor plan, and rendering) and approve such plan based upon compliance with the development and design standards set forth herein.
- C. The Committee, if applicable, and the Mayor or Mayor's Designee shall have discretion and flexibility to consider and approve modifications pertaining to any development and design standards established or referenced by this Ordinance if the Committee or Mayor or Mayor's Designee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

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1.07 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 thereof 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

<u>AYE</u>		
<u>[Signature]</u>	Todd Zimmerman,	_____
	President	
<u>[Signature]</u>	Richard W. Block,	_____
	Vice-President	
<u>David C. George</u>	David George,	_____
	Member	
<u>[Signature]</u>	C. Peter Peterson,	_____
	Member	
<u>[Signature]</u>	John Weingardt,	_____
	Member	
<u>[Signature]</u>	Eric Moeller,	_____
	Member	
<u>[Signature]</u>	Selina M. Stoller,	_____
	Member	
<u>Cecilia Coble</u>	Cecilia C. Coble,	_____
	Member	
<u>Brad DeReamer</u>	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
Jennifer Kehl, City Clerk

MAYOR'S APPROVAL
[Signature]
Scott A. Fadness, Mayor

DATE 5/21/2018



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.

1.08 Real Estate

LAND DESCRIPTION - SURVEYED DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 5 EAST; THENCE ON THE WEST LINE OF SAID SOUTHWEST QUARTER NORTH 00 DEGREES 19 MINUTES 03 SECONDS WEST 142.10 FEET; THENCE NORTH 69 DEGREES 45 MINUTES 27 SECONDS EAST 34.31 FEET TO THE EAST RIGHT OF WAY LINE OF PROMISE ROAD PER INSTRUMENT NO. 2010035820 AND THE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE ON SAID EAST RIGHT OF WAY LINE NORTH 00 DEGREES 48 MINUTES 19 SECONDS WEST 61.01 FEET TO THE A NON-TANGENT CURVE WITH A RADIUS OF 1085.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 55 MINUTES 04 SECOND BEING THE SOUTH RIGHT OF WAY LINE OF 126TH STREET PER SAID INSTRUMENT NO. 2010035820; THENCE ON SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING 4 COURSES 1) ON THE ARC OF SAID CURVE 225.69 FEET, HAVING A CHORD BEARING 74 DEGREES 24 MINUTES 12 SECONDS EAST; 2) THENCE SOUTH 87 DEGREES 18 MINUTES 49 SECONDS EAST 234.02 FEET; 3) THENCE SOUTH 77 DEGREES 31 MINUTES 36 SECONDS EAST 183.41 FEET; 4) SOUTH 68 DEGREES 50 MINUTES 27 SECONDS EAST 202.61 FEET TO THE NORTHWEST RIGHT OF WAY LINE OF INTERSTATE NO. 69; THENCE ON SAID RIGHT OF WAY LINE SOUTH 58 DEGREES 14 MINUTES 48 SECONDS WEST 299.42 FEET TO SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE ON SAID SOUTH LINE SOUTH 89 DEGREES 45 MINUTES 27 SECONDS WEST 352.57 FEET TO THE EAST LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN DEED BOOK 269, PAGE 774; THENCE ON SAID EAST LINE NORTH 00 DEGREES 19 MINUTES 03 SECONDS WEST 142.10 FEET TO THE NORTH LINE OF SAID TRACT; THENCE ON SAID NORTH LINE SOUTH 89 DEGREES 45 MINUTES 27 SECONDS WEST 209.69 FEET TO THE POINT OF BEGINNING, CONTAINING 3.49 ACRES, MORE OR LESS.

ADDITIONALLY:

PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

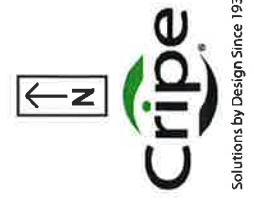
BEGINNING AT A POINT BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 5 EAST, AND PROCEEDING THENCE EAST 244 FEET EAST ON THE SOUTH LINE THEREOF; THENCE DEFLECTING 90 DEGREES TO THE LEFT, AND NORTH PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER 142.1 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER 244 FEET; THENCE SOUTH 142.1 FEET TO THE PLACE OF BEGINNING.

SUBJECT TO CURRENT REAL ESTATE TAXES NOT DELINQUENT.

SUBJECT TO EASEMENTS, ENCUMBRANCES, RESTRICTIONS, ASSESSMENTS AND RIGHTS-OF-WAY OF RECORD.

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Exhibit A: Concept Plan

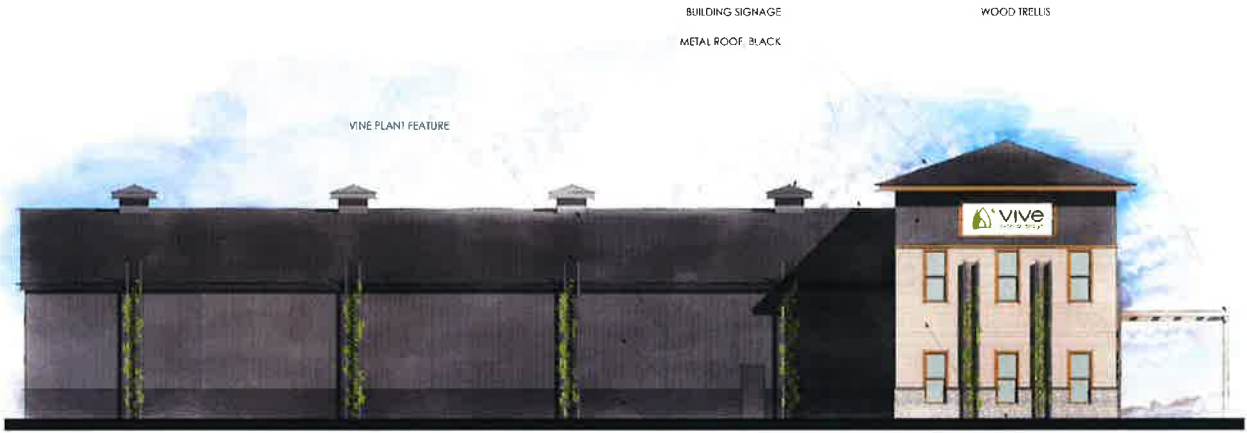


CONCEPT PLAN
 VIVE EXTERIOR DESIGN
 126TH STREET, FISHERS, IN



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Exhibit B: Illustrative Architectural Exhibit



BUILDING SIGNAGE
METAL ROOF, BLACK

WOOD TRELLIS

VINE PLANT FEATURE

METAL SIDING, CHARCOAL
METAL SIDING, BLACK

STONE, 4 TALL
CEMENT BOARD SIDING

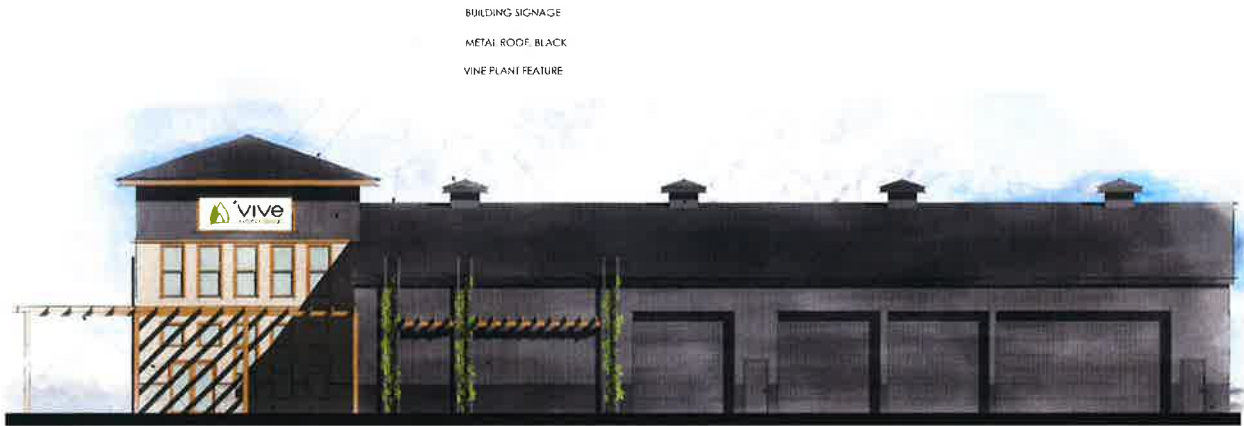


NORTH ELEVATION

VIVE EXTERIOR DESIGN
126TH STREET, FISHERS, IN



Solutions by Design Since 1937



BUILDING SIGNAGE
METAL ROOF, BLACK
VINE PLANT FEATURE

STONE, 4 TALL
CEMENT BOARD SIDING
WOOD TRELLIS

METAL SIDING, CHARCOAL

METAL SIDING, BLACK



SOUTH ELEVATION

VIVE EXTERIOR DESIGN
126TH STREET, FISHERS, IN



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Exhibit B: Illustrative Architectural Exhibit, continued



EAST/WEST ELEVATIONS

VIVE EXTERIOR DESIGN
126TH STREET, FISHERS, IN

