



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Plan Commission Meeting

DATE: 1/4/2023, at 6:00 PM

DIRECTIONS: Launch Fishers Theater , 12175 Visionary Way, Fishers, IN 46038

Members of the public can [submit comments to the board via form submittal](#) before 12pm on the day of the meeting.

Members of the public may [stream the live meeting](#) online.

In accordance with the Americans with Disabilities Act (ADA), the City of Fishers will, upon request, provide appropriate aid (i.e. interpreters) and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should [email Kelly Lewark](#), Office Manager, no later than 48 hours before the scheduled event or call at (317) 595-3487.

1. **Call to Order**
2. **Pledge of Allegiance to The Flag of The United States**
3. **Roll Call**
4. **Approval of Previous Minutes**
 - a. 12-7-22
5. **Public Hearings**
 - a. **RZ-22-8 Cyntheanne Woods**

Rick Lawrence is requesting Consideration of a rezone of 41.45 acres from Planned Unit Development-Commercial(PUD-C - Creekside Shoppes) to Planned Unit Development-Residential (PUD-R) for a 61-unit residential subdivision to be known as Cyntheanne Woods. Generally located on the southeast corner of 136th Street and

Cyntheanne.
Petitioner: Rick Lawrence (rick@nf-law.com)

b. **TA-22-38 UDO Text Amendment**

Consideration of a Text Amendment to various sections of the Unified Development Ordinance (UDO) to clean-up language discrepancies.

Petitioner: City of Fishers

6. Staff Communication

- a. 2023 Architecture Objectives – Residential

7. Adjournment

**CITY OF FISHERS
ADVISORY PLAN COMMISSION MINUTES
CITY HALL AUDITORIUM
December 7, 2022**

The meeting of the Advisory Plan Commission convened at 6:00 p.m.

Mr. Peterson confirmed quorum and called the meeting to order.

A roll call was taken and those members present were: Rick Fain, Kim Logan, Bill Stuart and Selina Stoller via Teams , Bruce Molter, Todd Zimmerman, Pete Peterson

Absent: Dawn Lang, Steve Richards, Howard Stevenson

Others present: Rodney Retzner, Megan Vukusich, Kay Prange, Tracy Gaynor, Bre King, Lawrence Summers, Chris Cooke, and Andy Mattingly.

Mr. Peterson asked for a Motion to approve the Minutes from the 11-2-22 meeting. Mr. Fain made a Motion to approve, seconded by Mr. Peterson. The Minutes were approved, 7-0.

Public Hearings:

a. RZ-22-4 Magnolia Grove Salon REQUEST TO TABLE. ACTION FROM COMMISSION REQUIRED

Bill Butz of Kimley-Horn is requesting consideration of a rezone of 1.76 acres from R2 to C1. Subject site is located at 13483 E 116th.

Megan Vukusich presented the request from the Petitioner to table. Petitioner has 90 days to pull or refile. If the Petitioner wants to come back before the Plan Commission, it would be refiled.

Mr. Peterson made a Motion to table, seconded by Mr. Molter. The Motion to table was approved, 7-0.

b. Resolution for the Maple Del EDA- Expansion

Lawrence Summers, Controller's Office, presented the Plan Commission Order confirming that the RDC vote to approve the expansion of the EDA conforms to the Comprehensive Plan.

Mr. Peterson asked for a Motion. Mr. Zimmerman made a Motion to approve, seconded by Mr. Molter. The Motion was approved, 7-0.

Staff Communication: Council updates were reviewed.

The Meeting was adjourned at 6:05 p.m.

Respectfully Submitted by:

Kay Prange, Recording Secretary



Advisory Plan Commission Staff Report

Meeting Date: January 4, 2023

DEPARTMENT CONTACT:

Bre King, Senior Planner (kingb@fishers.in.us)

CASE NUMBER:

RZ-22-8

PETITIONER:

Rick Lawrence on behalf of William Tres
Development (rick@nf-law.com)

PROPERTY ADDRESS/LOCATION:

Southeast corner of 136th Street and
Cyntheanne

REQUEST: Consideration of a rezone of 41.45 acres from Planned Unit Development-Commercial (PUD-C - Creekside Shoppes) to Planned Unit Development-Residential (PUD-R) for a 61-unit, single family residential subdivision to be known as Cyntheanne Woods.

EXISTING ZONING:

PUD-Commercial (Creekside
Shoppes Ordinance No.
080408)

PROPOSED ZONING:

PUD-Residential
(Cyntheanne Woods
Ordinance No. 111422)

FISHERS 2040:

Neighborhood Service Center,
Estate Residential & Open Space
Overlay

LOT SIZE: 41.45 acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ZONING HISTORY:

The current zoning of the property is PUD-Commercial (Creekside Shoppes Ordinance No. 080408). This zoning designation was approved on November 5, 2008. The current zoning is intended to allow all uses described in the C1, C2 and I1 districts of the Unified Development Ordinance (UDO) with some additional use restrictions.

The property is currently vacant and has been vacant / farmland since at least 1936 according to photographic evidence taken from the city's GIS maps.

SURROUNDING LAND USE & ZONING:

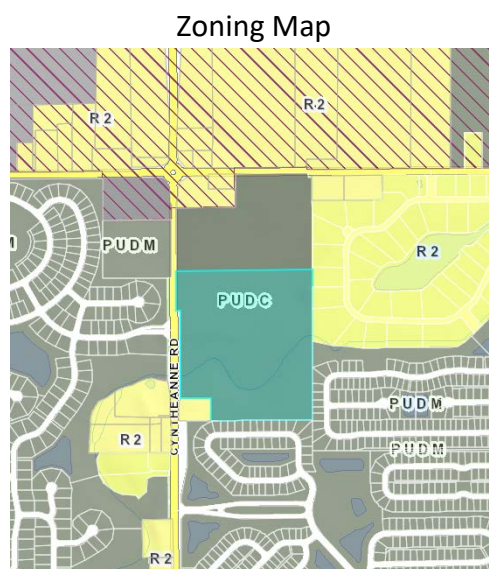
North: PUD-M Britton Falls Ordinance No. 041513 (Vacant)

East: R2 Residential (Barrington Estates) & PUD-M Britton Falls Ordinance No. 041513 (Britton Falls)

South: PUD-M Britton Falls Ordinance No. 041513 (Britton Falls)

West: PUD-M Britton Falls Ordinance No. 041513 (Hunters Run)

The proposed development is surrounded by single-family residential on the East, South and West, ranging from R2 to PUD communities. To the North is another parcel zoned PUD-C- Creekside Towns and is currently vacant. The proposed single-family development aligns with the current conditions and character of the surrounding land use.



SUMMARY OF PUBLIC COMMENTS:

Neighborhood Meetings – The developer met with the Britton Falls (11/9/22), Hunters Run (12/7/22) and Barrington Estates (11/15/22) to provide the surrounding neighborhoods an overview of the new development and solicit feedback. A summary of these meetings and responses has been provided by the developer and included on the agenda. City staff did not attend these neighborhood meetings, but the primary concerns are indicated below as detailed by the developer.

- Density of housing
- Desire for open space / tree preservation
- General amount of development around the city
- Desire for commercial uses

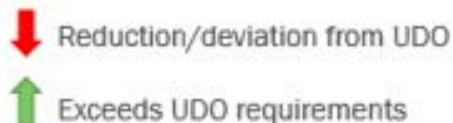
City Council – This item was given First Reading at City Council on 11/14/2022. Below is an overview of the comments made

- Councilperson Coble would like to see enhanced architecture on the rear elevations facing Cyntheanne Road. Staff Echoes this sentiment and would like to see additional architectural features on the rear garage elevations.
- All Council members voiced support for the greenway connection proposed South of the proposed homes on the property.

PETITION OVERVIEW:

This new zoning district will be known as the “Cyntheanne Woods PUD” and is generally located on the southeast corner of 136th and Cyntheanne Rd. The underlying zoning district for this PUD will be the R5 Residential Zoning District found within the City’s Unified Development Ordinance (UDO), except as modified by the proposed ordinance. When additional permits are applied for (Primary Plat, Secondary Plat, Subdivision Improvement Permit), the permits will be reviewed by the Technical Advisory Committee for code compliance.

The image below provides an overview of the Cyntheanne Woods PUD deviations from the UDO and items that exceed UDO Requirements. This rezone was reviewed by the Technical Advisory Committee (TAC) on 11/17/2022. All staff TAC comments have been addressed.



Density Standards	
Lot Size	
Frontage	
Setbacks	
Impervious Area	
Building Floor Area	

Other Standards	
Architecture	
Open Space	
Tree Preservation & Native Landscaping	

Development Standards – Compared to R5 Zoning District.

Cyntheanne Woods PUD		UDO R5 Residential
1a Lot Area	3,500 sf	7,500 sf
1b Lot width at building line – Standard	40'	70'
1c Lot width at building line – corner	50'	84'
1d Lot Frontage	20'	50'
2 Minimum Building Setbacks		
2a. Front – local street / other street type	10'	25'/40'
2b. Side, primary structure	*1'	10'
2c. Rear	15'	25'
2d. Minimum Building Separation	**10'	-
3. Maximum Building Height		
3a. Primary structure	35'	35'
4. Building Floor Area		

4a. Living unit area, 1-story (min)	1,800 sf	1,000 sf
4b. Living unit area, 2-story (min)	1,800 sf	1,200 sf
5. Other		
5a. Requires municipal water and sewer hookup		
5b. Impervious area of lot (max)	75%	50%
5c. Alternative standards	Sec.8.4.7. Conservation Development	Sec.8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot	Sec. 6.8.1.G. Structures Per Lot

* There shall be a minimum three (3) foot wide reciprocal use and access easement along side lot lines of adjoining lots where the side yard building setback is less than three (3) feet.

** There shall be a minimum ten (10) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.

Architecture – The Illustrative Architectural Exhibits will be reviewed by PUD Committee for approval on January 4, 2023. At the request of staff, the petitioner has included the provision that rear elevations facing a public view (where visible from roadways, common areas and pedestrian areas) enhancements to dwellings shall be added. Additionally, a minimum of one (1) window shall be added to the rear of any garage area where the garage area is along the rear of the dwelling. More information will be provided during staff presentation at Plan Commission on the PUD Committee decision.

Open Space – To meet open space requirements, the developer has agreed to dedicate the open space area to the City of Fishers for a future park. Activation of this area with trails, including connections to surrounding neighborhoods, will be determined by the City at a later date.

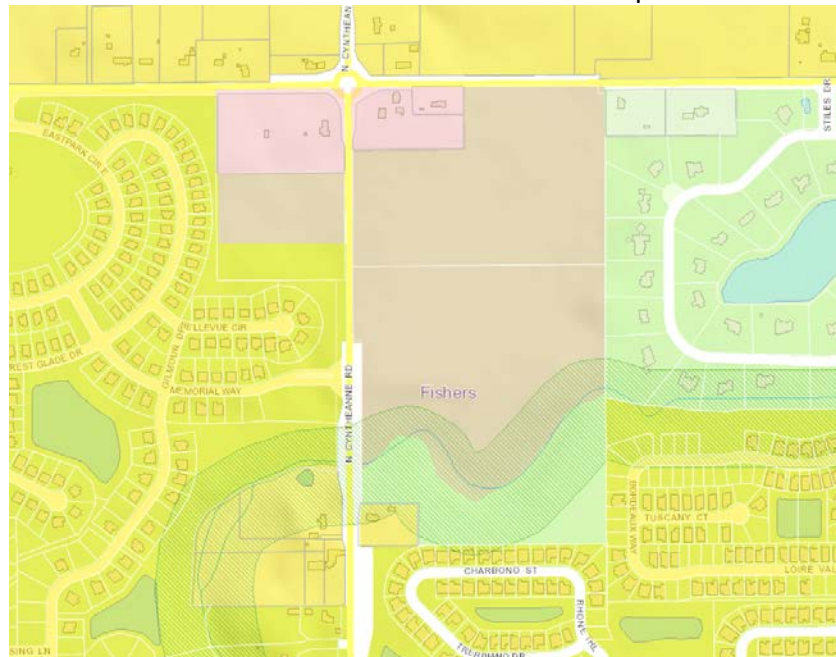
Native Landscaping – All required landscaping will be native species as selected from the City of Fishers Planting Guide list of Approved Species. In addition, the species will be required to be varied so that no more than 30% of a total plant material may be one species to increase resistance against pest or disease. In addition, the detention pond will have native species planted along the edge of the pond to assist with natural water quality improvements.

Site Access & Right of Way – All proposed roads will be designated as local and public. The city Engineering Department has a plan in place to widen 136th in 2024 to assist with traffic flow. The development proposes one entrance off Cyntheanne road to be placed directly across from the entrance to Hunters Run Subdivision. A second emergency service access will be provided north of this entrance. The development will also provide a stub street to the North to connect

with future development. It is important to highlight that all access and ROW improvements will need to be reviewed by the City's Engineering Department through the Technical Advisory Committee (TAC) and are subject to additional comments by staff.

Fishers 2040 – The Fishers 2040 Future Land Use Map identifies this area as Neighborhood Service Center on the northern portion of the property and Estate Residential on the area in the proposed tree preservation area of the development.

Fishers 2040 Future Land Use Map



Neighborhood Service Center is defined as a land use intended to provide daily retail uses, personal services and community gathering space for the convenience of neighborhoods in which they are located. Integrated residential uses may be appropriate and neighborhood centers should be integrated to coordinate with surrounding residential uses to provide support and pedestrian activity.

Estate Residential is intended to establish and preserve land that is used for single-family homes on large lots, less than one unit per acre. Uses may include residential single-family development that is integrated with compatible agricultural or ecological uses.

There is also a band of Open Space Overlay following the route of Thorpe Creek on the property. The Open Space Overlay is land identified for development or redevelopment on the future land use map include environmentally sensitive areas, such as wood lots, tree rows or stream corridors, or key connection points within the city's larger greenway network. The

Future Land Use Map includes a greenway overlay that conceptually illustrates open space preservation and greenway connection opportunities throughout the planning area.

The development is residential in nature similar to the estate residential category in the plan. However, because the development is preserving the native landscape, they have proposed higher density in the Northern portion of the property. The Comprehensive Plan still shows the potential for commercial rezones / development on the Southeast and Southwest corner of 136th and Cyntheanne. Despite the commercial uses allowed on the subject property since 2008, no commercial development has occurred.

STAFF RECOMMENDATION:

When making their decision, Plan Commission shall be reasonable regard to:

1. The Comprehensive Plan;
2. Current conditions and the character of structures and uses in each zoning district;
3. The most desirable use for which the land in each zoning district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Staff recommends Plan Commission send a **favorable recommendation** to City Council. This item is anticipated to go to City Council on January 17th, 2023, for final reading.

STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

Cyntheanne Woods

Planned Unit Development (PUD) / Rezone

CITY OF FISHERS, INDIANA

**January 4, 2021
Plan Commission**

Applicant: William Tres, LLC

Attorneys: Nelson & Frankenberger, LLC
Rick Lawrence, Attorney
Jon C. Dobosiewicz, Land Use Professional
317-844-0106

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3. Aerial Exhibit
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6. Home Character Exhibits
Rear Elevations - Photographs
7. Streetscape Exhibits
8. Cyntheanne Woods PUD Ordinance

TAB 1

EXPLANATION OF REQUEST

The applicant, William Tres, LLC, has filed a rezone application pertaining to a parcel of real estate that consist of approximately 40.5 acres that are located east of and adjacent to Cyntheanne Road 1/8 mile south of 136th Street (collectively, the “Real Estate”). The Real Estate is shown on the Site Location Exhibit included behind Tab 2 and is currently zoned per the terms of the Creekside Shoppes PUD-C. The current use of the property is agricultural in use which can be seen on the Aerial Exhibit included behind Tab 3. Surrounding property to the north (south of 136th Street), is agricultural in use as well. To the east is the Barrington Estates subdivision. Also adjacent to the east and south of the Real Estate is the Britton Falls subdivision. One single-family residence exists south of the site along Cyntheanne Road. Located to the west of the Real Estate, across Cyntheanne Road, is the Cyntheanne Christian Church and the Hunters Run subdivision.

William Tres, LLC is seeking to rezone the Real Estate to the “Cyntheanne Woods Planned Unit Development Ordinance” (“Cyntheanne Woods PUD”) in order to develop a high-quality, for-sale, residential community consisting of sixty-one (61) single family detached homes on the Real Estate. Expected prices for homes will be from the \$400,000’s. Character exhibits of the proposed homes are included behind Tab 6. Homes include recessed garages and significant architectural detailing on all sides, as shown on the Character Exhibits. Rear Elevations are enhanced as illustrated on the last page of Tab 6. The exhibit included behind Tab 7 includes streetscape examples from a similar community which includes the proposed homes. In addition to the architectural design, the reduced front yards along with the recessed garage format will create a welcoming pedestrian oriented street frontage within the neighborhood.

As illustrated on the Concept Plan (see Tab 4), the single family detached homes are to be constructed on lots located generally along the western and northern area of the Real Estate. Details of the proposed lot style are included behind Tab 5 which includes the recessed garage layouts and setbacks. As shown on the Conceptual Plan, and requested by City Staff, the better part of the Real Estate will be dedicated to the City of Fishers to become part of the City’s Greenway Trail Corridor. This Greenway area provides an open space transition between the single family homes and the existing neighborhoods to the east and south.

The Cyntheanne Woods PUD, included behind Tab 8, contains specific development requirements for the single family detached homes, as well as specific architectural requirements for the home product. To this end, Illustrative Architectural Exhibits of the potential home product and specific rear elevation and garage door enhancements are included as exhibits to the Cyntheanne Woods PUD.

We look forward to presenting this request to you on January 4, 2022.

Respectfully submitted,

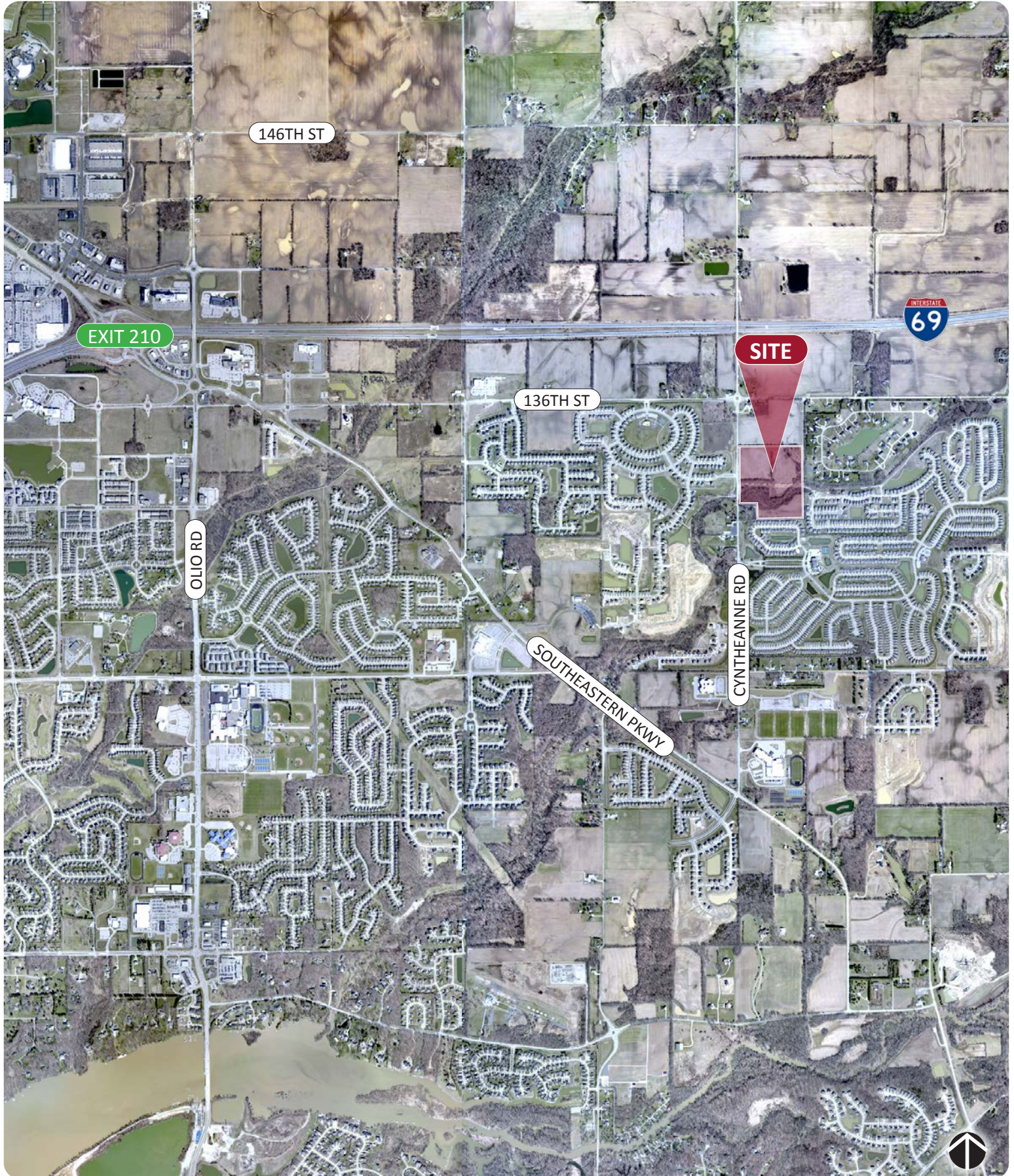


Rick Lawrence



Jon C. Dobosiewicz

TAB 2



TAB 3

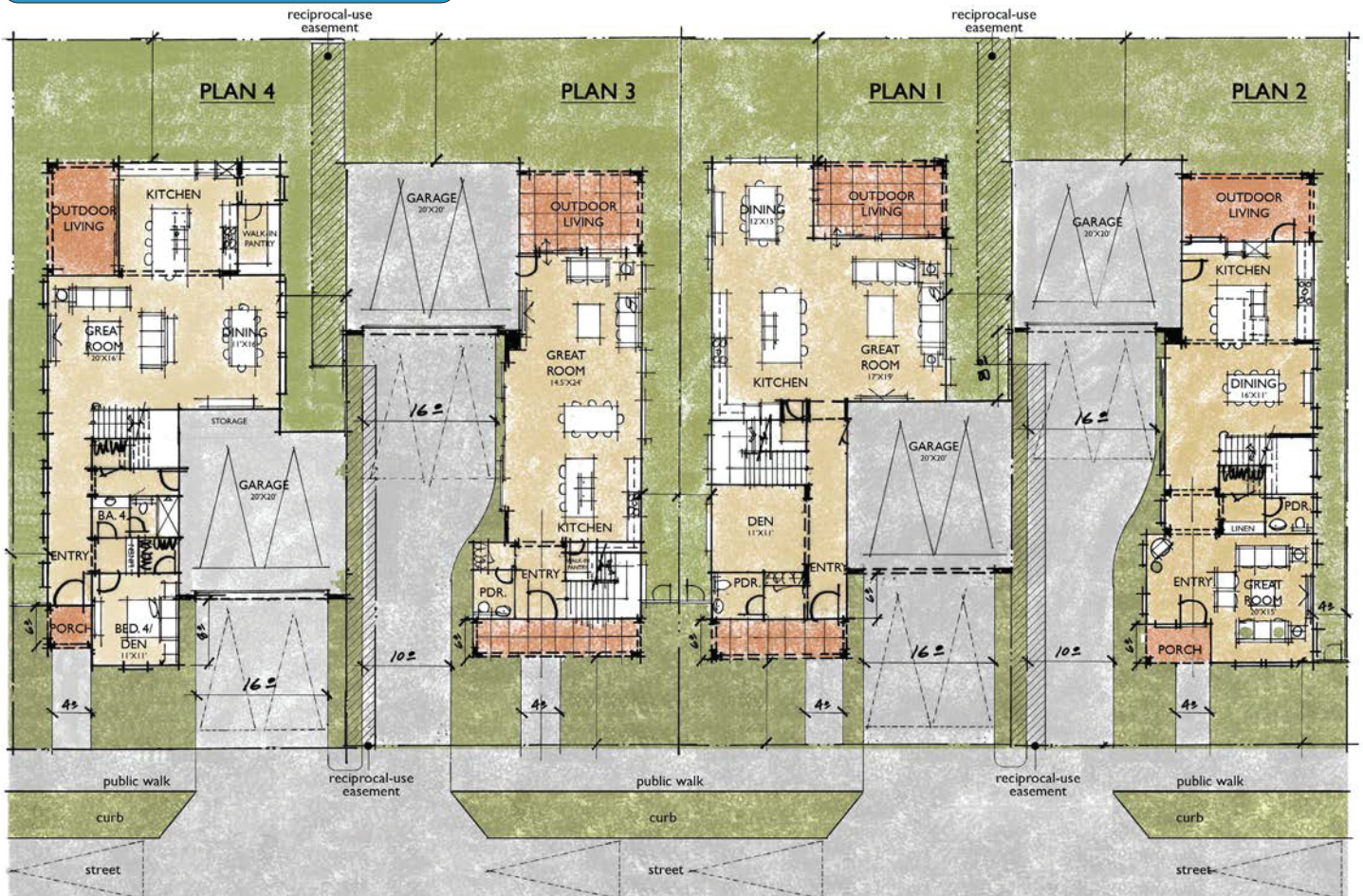


TAB 4

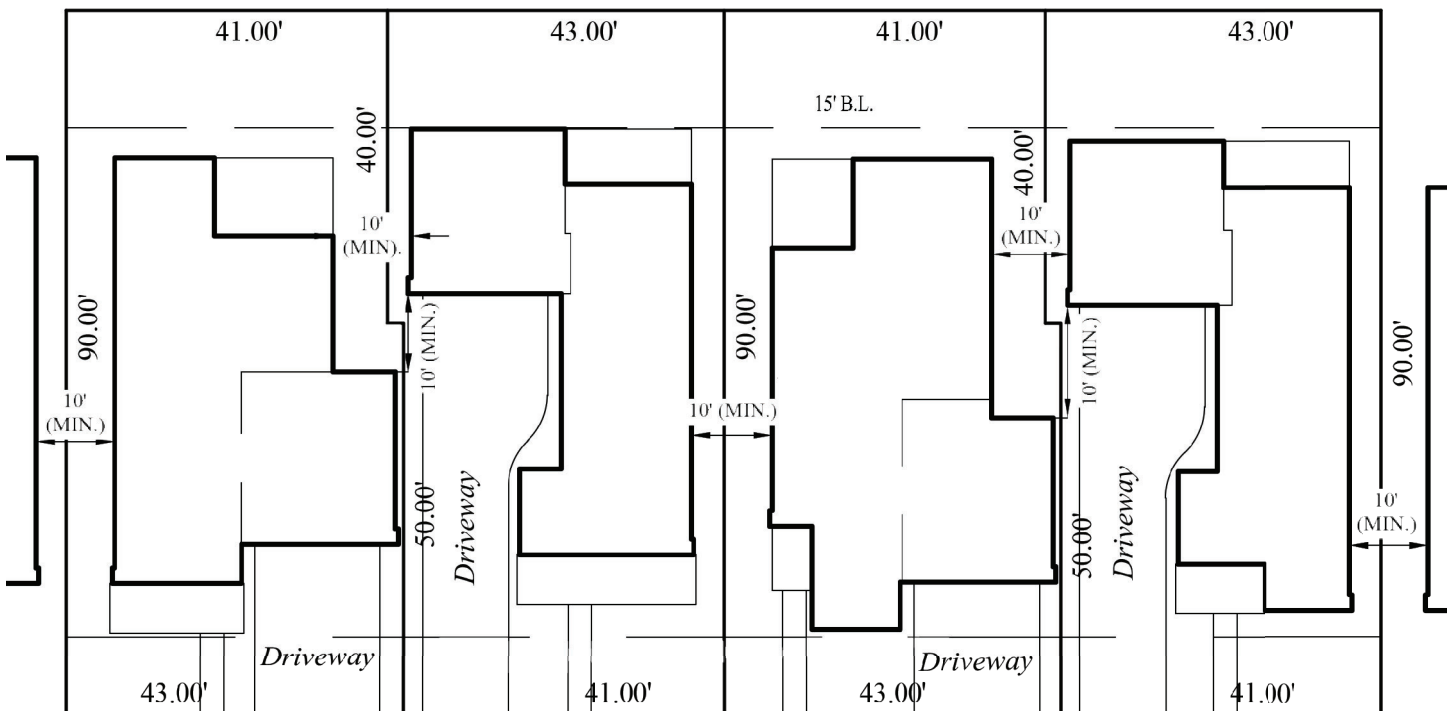


TAB 5

FIRST FLOOR - LOT PLAN EXAMPLE



TYPICAL PLOT PLAN

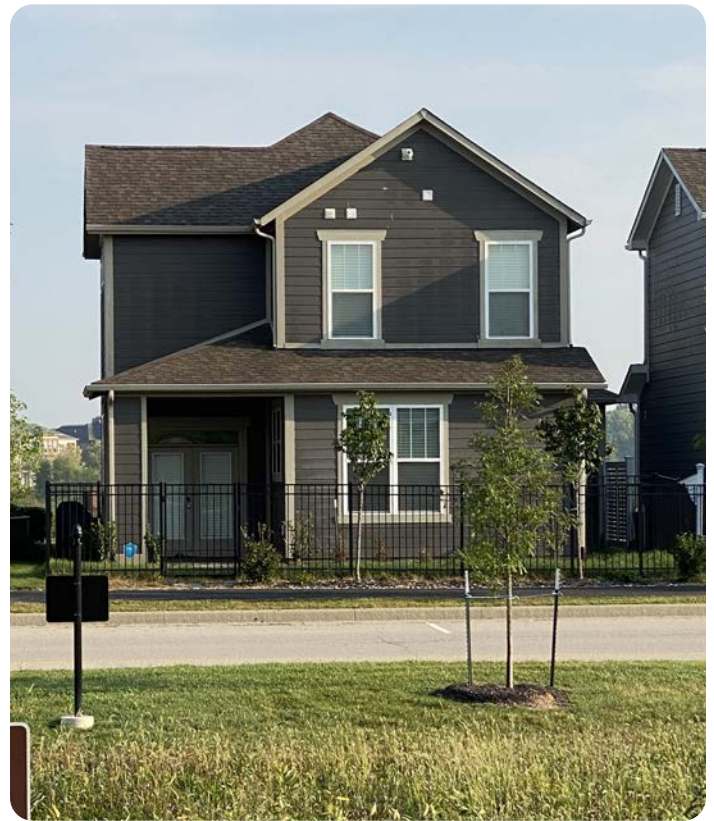


TAB 6





REAR ELEVATIONS - PHOTOGRAPHS



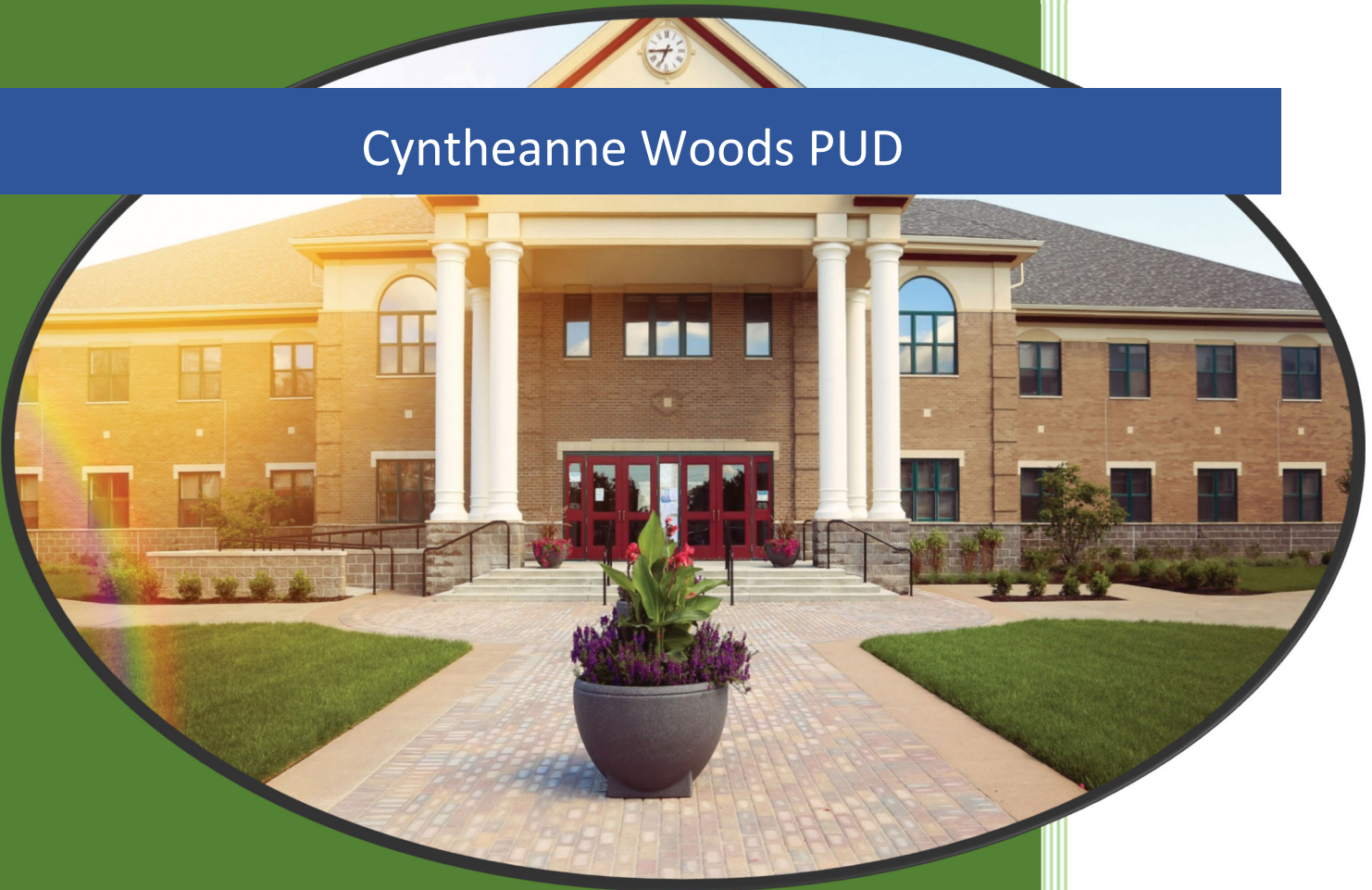
TAB 7



TAB 8

2023

Cyntheanne Woods PUD



Planning & Zoning Department
City of Fishers
Ordinance:



1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaration

1. Ordinance No. _____ (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Cyntheanne Woods PUD."

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.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted in the Real Estate.

1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, 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. 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 in writing within ten (10) business 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 Cyntheanne Woods 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.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Cyntheanne Woods PUD shall not exceed 61 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

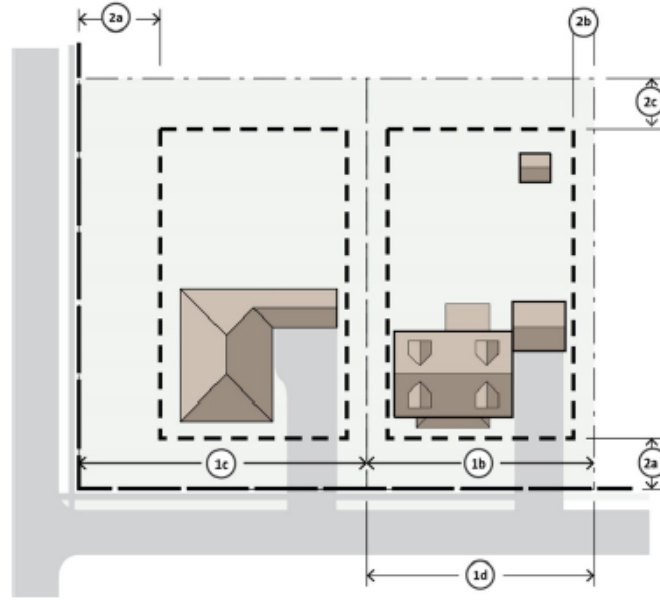
(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the District:

District Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	3,500 sf
1b. Lot width at building line – standard	40 feet
1c. Lot width at building line – corner	50 feet
1d. Lot frontage	20 feet
2. Minimum Building Setbacks	
2a. Front - local street / other street type	10 feet
2b. Side	*1 foot
2c. Rear	15 feet
2d. Minimum Building Separation	**10 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	1,800 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

* There shall be a minimum three (3) foot wide reciprocal use and access easement along side lot lines of adjoining lots where the side yard building setback is less than three (3) feet.

** There shall be a minimum ten (10) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



D. Article 6.1 General Regulations: Shall apply.

E. Article 6.2 Accessory Structure Standards: Shall apply.

F. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The “Illustrative Architectural Exhibit” included in **Exhibit C** is hereby incorporated into this Cyntheanne Woods PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in **Exhibit D** Garage Door Illustrations.
- 3) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 4) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 5) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**). Variations, as illustrated below, shall be permitted.



6) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on **Exhibit C** and **Exhibit E**.

- a. Article 6.3.4.B.2(a-d) shall apply, as compliance is demonstrated in Exhibit E.
- b. Along rear elevations are facing a public view (where visible from roadways, common areas and pedestrian areas) enhancements to dwellings shall be as generally depicted on **Exhibit E**. Additionally, a minimum of one (1) window shall be added to the rear of any garage area where the garage area is along the rear of the dwelling (see **Exhibit E** “*”).

G. Article 6.4 Entrances & Driveways: Shall apply.

H. Article 6.5 Exterior Lighting Standards: Shall apply.

I. Article 6.6 Height Standards: Shall apply.

J. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- 1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- 2) Required landscaping that can not be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- 3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.
- 4) **Section 6.7.4 Bufferyards** - Shall not apply.

- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family Lots:** 1 canopy tree per frontage, which canopy tree shall be one and the same as the tree required under Section 6.7.5.
- K. **Article 6.8 Lot Standards:** Shall apply.
- L. **Article 6.9 Outdoor Display & Storage Standards:** Shall apply.
- M. **Article 6.10 Parking & Loading Standards:** Shall apply.
- N. **Article 6.11 Pedestrian Accessibility Standards:** Shall not apply to the Greenway Trail Corridor Area (as identified on the Concept Plan (Exhibit B.2)).
- O. **Article 6.12 Permitted Nonresidential Structure Standards:** Shall apply.
- P. **Article 6.13 Property Identification Standards:** Shall apply.
- Q. **Article 6.14 Public Art Standards:** Shall apply.
- R. **Article 6.15 Setback Standards:** Shall apply.
- S. **Article 6.16 Signage Standards:** Shall apply.
- T. **Article 6.17 Wall & Fence Standards:** Shall apply.
- U. **Article 6.18 Water & Sewer Standards:** Shall apply.
- V. **Article 6.19 Vision Clearance Standards:** Shall apply.

1.3. Planned Unit Development Design Standards

- A. **Cross Reference:** The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.
 - 1) **Article 8.1 General Provisions:** Shall apply.
 - 2) **Article 8.2 Block, Lot & Access Standards:** Shall apply.
 - 3) **Article 8.3 Street & Alley Standards:** Shall apply.
 - 4) **Article 8.4 Open Space, Common Area & Amenity Standards:** Development of the Real Estate shall not be subject to the Open Space requirements of UDO. Dedication of the part of the Real Estate, as generally illustrated and labeled as Greenway Trail Corridor Area on Exhibit B.2, to the City of Fishers at the time of Secondary Plat shall satisfy all applicable Open Space requirements of the UDO. If the City desires to improve the dedicated area prior to its dedication, then the property owner shall work in good faith with the City to accommodate the City's plans.
 - 5) **Article 8.5 Other Design Standards:** Shall apply.

1.4. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.5. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.6. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.7. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

1.8. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

PUD Draft E 122022

Exhibit B.1 – Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HAMILTON, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER, SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST, LOCATED IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 18 NORTH, RANGE 6 EAST; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST (ASSUMED BEARING) 521.13 FEET ON AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 1215.50 FEET ON AND ALONG SAID NORTH LINE TO A MAG NAIL; THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS EAST 1320.50 FEET PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 00 DEGREES 09 MINUTES 25 SECONDS WEST 1435.50 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0038; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 980.50 FEET PARALLEL WITH SAID SOUTH LINE TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST 220.00 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED S0083; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS WEST 340.00 FEET PARALLEL WITH SAID SOUTH LINE TO THE POINT OF BEGINNING.

Exhibit B.2 – Concept Plan



Exhibit C – Illustrative Architectural Exhibit



Exhibit C – Illustrative Architectural Exhibit

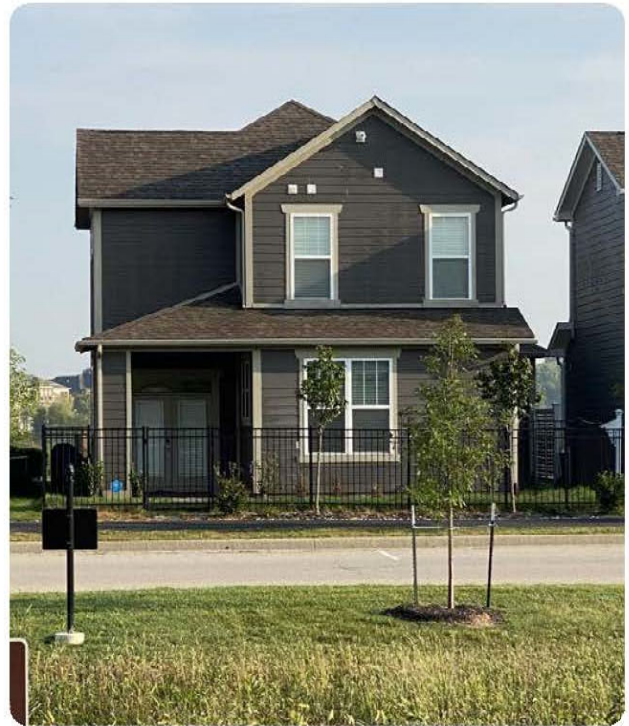


Exhibit D – Garage Door Illustrations



Exhibit E – Rear Elevation Enhancement Illustrations

REAR ELEVATIONS - PHOTOGRAPHS



* A minimum of one (1) window shall be added to the garage in the areas noted with an * for those dwellings facing a public view.

Neighborhood Concern and Meeting Summary

Britton Falls -

Immediately below you will find a summary of Britton Falls neighbor comments as provided to us by Councilor DeReamer, including the question that was asked of the residents. The full list of comments is attached for your review. Further below you will find a list of questions and answers that were asked at the neighborhood meeting held on November 9th at Britton Falls.

- 1) Attached is a proposed 61 unit cottage home for sale (not rental) development. Please let me know your opinions on this.
 - Density concerns for the proposal
 - Questions concerning specifics as to the proposed product and demographic of the buyer
 - Questions regarding preservation of the open space
 - Desire for commercial in the area
 - Too much development in the area
 - Preference for cottage style homes as proposed
 - Concern with impact on existing home valuation, traffic and schools
 - Rental versus sale
 - What is a “cottage” home
- 2) What would Britton Falls like to see done with the area labeled tree preservation and the area south of the creek?
 - Maintain the entire area as it currently exists/undeveloped
 - Add walking paths/benches
 - Add more native trees to help flood control
 - City park/picnic area
 - Dog park
 - Respite area similar to Richey Woods
 - Britton Falls to acquire the area south of the creek

Neighborhood meeting questions/answers:

- 3) What is the plan for the area where the sewer was installed? (area to remain undeveloped, subject to easement for sewer line and maintenance)
- 4) Will a turn lane be required at entrance on Cyntheanne Road, across from Hunters Run entrance? (most likely, turn lane would be required)
- 5) What is the distance between houses? (5 foot setback with 10 foot foundation-to-foundation between homes)
- 6) What is R-2 zoning? (a zoning designation under the UDO indicating density and other development standard requirements)
- 7) What happens with the open space and can a restrictive covenant be added to the area south of the creek? (We are currently open to ideas from neighboring property owners/HOA and the City as to the ultimate use and ownership of the open space)
- 8) Where is the floodway/floodplain? (shown via reference to concept plan)

- 9) Is there a plan to continue the path through to Cyntheanne Road? (open to working with City and neighbors as to whether a path is installed and where it is located)
- 10) What is the advantage of buying all 40 acres instead of just the portion north of the creek? (that is what the seller is selling)
- 11) What will be done to mitigate environmental/health issues related to installation of the cement fiberboard siding? (OSHA and manufacture installation guidelines will be followed)
- 12) Is there a plan to continue farming the proposed undeveloped ground? (depends on ultimate use or ownership of that property)
- 13) Will the tree line along Britton Falls remain? (yes to the extent dead or dying trees must be removed)
- 14) What is the plan to mitigate issues related to dust during the development stage? (water can be sprayed on the dirt to minimize dust during the dry season)
- 15) Are basements an option? (no)
- 16) Is the developer willing to commit to tree preservation along the creek? (yes as was done with the existing PUD)
- 17) When would construction begin? (ideally, break ground in spring '23 with first home construction started in Nov. '23)
- 18) How long is the buildout? (2-3 years)
- 19) Do you build spec homes? (No)
- 20) Comment: houses too close and community too dense

Barrington Estates –

A meeting was held with the HOA board (4 members present, 2 on speaker phone) representing Barrington Estates on November 15th. Below are the items discussed:

- 1) Minimum square footage (1800 to approximately 2450 square feet)
- 2) Estimated sales price (\$400k-\$450k)
- 3) Possible trail connection to the path north of Britton Falls (it is our understanding that path is privately owned by Britton Falls and any path that would traverse the subject property would need permission to connect to that path)
- 4) Side yard setbacks (5 foot setback with 10 foot foundation-to-foundation between homes)
- 5) Are basements an option? (no)
- 6) When would construction begin? (ideally, break ground in spring '23 with first home construction started in Nov. '23)

Hunters Run –

A neighborhood meeting with the Hunters Run neighborhood is currently scheduled for Dec. 7th at 6:30pm at Crossroads Community Church, 14885 Southeastern Parkway. All are welcome to attend and participate.

RESPONSES FROM BRITTON FALLS RESIDENTS

ON THE DEVELOPMENT

Attached is a proposed development to the north of Britton Falls.

This is a proposed 61 units cottage homes for sale (not rental)

Please let me know your opinions on this

Send response to Brad@DeReamer.org

Too dense! Maybe 40 buildings?

Hopefully there will be ways for those of us who have migrated south for the winter to participate in discussions with the developer.

Some questions:

- o What/who is target market for the homes? First-time home buyers, retirement?
- o What price range for the homes? Are these meant to be "affordable housing" units?
- o What sizes for the homes?
- o What amenities in the neighborhood? Is there a clubhouse? Any intent for assisted living?
- o How will their pond connect, if at all, to BF ponds?
- o Does the emergency access "road" divide the development from the tree preserve? If so, how does this limit what can be done with the tree preserve?

It doesn't seem like we can stop the progress of development. At least the homes are not rental.

With all of the areas being considered for development such as the School House 7 area and 136th and Cyntheanne, I would hope that somewhere there might be a limited Food and Pharmacy facility even with Fuel if necessary. I know a bank is is one proposal which is not significant as far as I am concerned nor is apartment complex. I have never thought of Assisted Living or Long Term Care as needed in the area, but looking at the density growth, I might be wrong. Even Bank and apartments may be indicated at some point.

61 homes in such a small area????

I'm supportive of the development

Prefer to have a grocery store. No housing rentals or sales.

I do not approve of this new proposal of cottage homes. There are 2 new residential developments under construction on 136th just west of CYNTHEANNE and new residential

development just east of Cyntheanne and Southeastern. The infrastructure cannot handle and will not handle the traffic and over population of our area. Vote it down!

I think it's fine. Better than apartments

I'm opposed to any further development near Britton Falls until 136th Street is widened to handle the increased traffic.

If there had to be a development on the tract of land in question, I'd favor cottage homes.

I like the idea of the cottage homes.

Brad, I guess I have a few questions about this subdivision:
Are these ranch style homes, 2 story, or ranch with lofts?
Will they be marketed for families or empty nesters?
What is the price range for these homes?

I basically don't have a problem with this proposed use of the land

Cottage homes next to BF won't help our home appraisals More competition for the same style home but without the amenities. I've counted approximately ten new building subdivisions between Geist and 136th

I think we've all said ENOUGH. but who is listening? It's commendable that you keep us posted and try for alternatives but I think the powers that be don't care about our quality of life but just satisfying the builders

I'm frustrated. Traffic is horrible and the subdivisions are being built before the road capacity. Same for schools. Our library is far away. Again, is quality of life; ie services even a political thought?

We keep being told that commercial isn't interested in that property Not big enough. Too close to mall. Yet there is a strip mall on less property at 136th and 12 in the next county Again, housing builders' rule in crowded Fishers No city planning whatsoever

Again, thanks for serving us

Initial reaction is I would support this. Excellent buffer for Britton Falls from whatever might be developed in the commercial zone immediately north.

I would like to see new amenities bringing in a mini-Walmart grocery that hosts necessary products only. we all need to develop shopping that is simple and has the selection of food needed but not another giant.

Another small but active 55 single level apartments only with no amenities such as BF has.

Cottage homes are ok as long as people do not buy them to rent them out. Can this be done?

Too many new subdivisions too soon. Schools are overcrowded.

Is there a legal definition of a 'Cottage' home? What is the density? Is there a HOA (a must!). Generally, no objection as presented without much detail.

- I am in favor of this development assuming it's consistent with what was shared with us a couple of years ago. I'd much rather see homes here than apartments or commercial properties.

Homes look very nice

I think the location is well suited for cottage homes, I think it would fit nicely with the surrounding communities.

I am opposed to the new homes' development. Enough is enough.

I think that development's ship has sailed and there is probably nothing that is going to change it at this point. But, if I have a chance to influence, I would say we need to curtail any further residential development until roads are improved (widened), especially 136th and Cyntheanne north of 136th. Also, we need to have some small commercial around here, such as gas station, grocery and restaurants.

I think the development is fine.

As an owner in Britton Falls, I am against any more development, the traffic is bad enough now and what are "cottage homes" I don't like the sound of that

I'm concerned about the increased traffic. Also, the proposed 61-home development illustration shows only a single entrance/exit.

I would like to understand more about the homes and who they will be marketing to.

We have no concerns

Didn't know from your message if you wanted us to comment or not. The Cottage Home development...hard to say no to with any logical reason other than increased traffic on Cyntheanne Road

Not sure how to interpret "cottage homes", but concern would lie in the translation meaning low income, low priced homes. If that is case, we have concerns. Previous life and county

government showed us that that type taxed the infrastructures and had more fire and police calls.

We would not be in favor of this type of development

Thank you for sending out the info re: the proposed development N of BF. I think the proposed Conceptual Plan from William Tres Development is a great addition.

The development is to offer homes for sale, but I assume there is nothing to prevent a landlord to swoop in and buy up one or more homes. If the development has an HOA (or a developer HOA), I'd like to see the city put some rental limitations. This may be a pipe dream, though.

Looks nice.

What are plans for additional traffic surrounding the area. Roads are narrow and busy

I support the development of the cottage homes and see no reason at this time to object to them.

What I would like to see is a grocery store on one of the corners of 136th street and Cyntheanne.

Maintain the integrity of the current Ecosystem and make sure the new development does not result in flooding at Britton Falls.

I don't have a problem with the proposed development.

I don't see a problem with the proposed cottage homes, but will reserve any more comment would like to know what the price setting of these homes will be.

My husband and I value nature and open space. We would like to preserve the area south of the trees without having development there

RESPONSES FROM BRITTON FALLS RESIDENTS
TREE PRESERVATION AREA

Second – The area immediately north of Britton Falls labeled Tree Preservation -
What would you like to see done with area south of the trees (Thorpe Creek) next to Britton Falls?

Send your ideas to: Brad@DeReamer.org

Leave it alone.

I would prefer the area south of the trees (Thorpe Creek) next to Britton Falls remain undeveloped. Perhaps a small nature preserve.

- o Possible walking paths also thru the trees?
- o I think we'll prefer "no noise" use

Nothing done with Thorpe Creek area.
Leave it natural and retain what little open space we have left.

More native trees planted to help provide for flood control, spaces for wildlife and the tranquility that natural areas provide to humans.

Let it be.

So glad the trees can be kept.

Leave as many trees as possible; and occasional bench, make trails gravel/mulch for walking. People need GREEN areas.

PLEASE KEEP THE TREES!

We would like to see any area that is covered with trees to remain that way

The tree preservation area should include walking trails where surrounding areas can enjoy the trees.

Gravel/mulch trail - with occasional bench for setting. Leave as many trees as possible.

I would hope that the area in question north of BF remain Green Space of some sort even if not a formal city park area. Let the fox, coyote, and deer have it. They deserve it probably. Thank you for your service.

Add walking trails and benches. Let it be a place to relax and enjoy nature.

The tree area etc. would make for a nice city park.

Thorpe area – let it be

Leave the area south of ‘tree preservation’ just as it is, now.

The area south of the trees might be a good place for a dog park since several homeowners have requested this amenity.

Might also consider a respite area similar to Ritchey Woods.

I like the idea of keeping the area in front of it as green space, keeping the trees.

I would like to see the Thorpe Creek area to have paved walking/biking trails that connect to our trails in BF preserving as many trees as possible.

In terms of the area south of the trees, I would like to see it turned into a picnic area. Perhaps with picnic tables, some stationary grills and even a shelter house. My caveat, is I don’t know what it would cost and who would bear the expense! If the expense is too great, then just keeping it as meadow would be nice, as well.

Why must we cover all the green space around BF? We don't need any more housing subdivisions, but we need green space. Traffic is getting heavy around here and it's enough!

Gravel/mulch trail - with occasional bench for setting. Leave as many trees as possible.

Tree preservation should be done as much as possible while putting in walking trails and a few benches.

I would like to see the Thorpe Creek area to have paved walking/biking trails that connect to our trails in BF preserving as many trees as possible.

I agree with the preservation of trees, walking trails, if possible connected to ours and a few benches or swings 😊

I'm not sure that I'm reading the map correctly. It appears that preservation area is outside of the Britton Falls community. I would be opposed to any outside trails connecting to BF! We fought hard to get signage for our own walking paths to be private and for residents use only. I live on Mondavi where the path is uncomfortably close to my patio door. As a new widow, security is more a concern than ever before. Any outside path or trail connecting to BF is a potential for opening up more foot traffic that would certainly make us vulnerable.

Save the trees! 🌳 🌳 🌳

Would be nice if it could become a small park maintained by the city, but not very likely. Maybe best to just leave it natural? I would say those BF folks whose back yards adjoin the area should have the most say.

Keep the tree area.

Also please leave tree preservation area alone.

Re the Thorpe Creek trees:

Leave it as a natural zone--no walkways, paths or benches. And most of all no connection to our PRIVATELY maintained paths.

We need to maintain the privacy and safety of Britton Falls homes on paths--they are not public streets-we have the liability for them.

Also, any open space that surrounds the tree area should be maintained as open maintained green space and not developed in any way.

We would love for BFalls to purchase this property and put in another entrance for the newer stts. It could be a more direct access for those residents rather than come down Mondavi to turn right on Del Webb Parkway .

I would love to see the Tree Preservation area stay wooded.

- I'm curious about access to the property in question...is it from Cyntheanne through the wooded area, or ? I'd suggest a small "pocket park" maybe with a walking trail through the woods and a picnic area in the open space. I don't think anything that would draw a crowd or lead to noisy gatherings makes sense, especially for the BF neighbors that abut the property. We (Britton Falls folks) could volunteer to take care of the area if Fishers would put it in and police it.

I think the tree line should remain as is, it provides for a natural buffer zone.

Tree preservation please leave as is.

I would say do nothing. Don't develop. Don't make it into a park. It provides a good buffer between Britton Falls and anything north of it. In fact, just plant more trees there. Or, of course, an ice rink.

Brad I strongly urge the city council to protect the tree preservation area along Thorpe Creek.

I agree. Please keep the trees. We need to preserve what little wooded area we have left.

I think it should be left natural.

We like it the way it is.

Personally still would prefer to see no buildings allowed. Natural preservation area.

I want to see it left as is with some kind of maintenance on a regular basis. In the past a farmer has planted that land but if left alone it could be an eye sore. There is a herd of deer living on the property proposed to be the residential neighborhood and although I know progress takes priority those deer have been fun to watch.

Hopefully, efforts will be made to save the trees along Thorpe Creek.

I think it is best to maintain the Tree Preservation area, preferably on both north and south sides of Thorpe Creek.

Please leave the tree preservation area as it is now! Thanks

I like both concepts especially the tree preservation. Can it be left in its natural state with maybe a clean up to prevent a fire hazard with a walking path along the creek. Who will own and maintain this property.

Proposals for the woods preservation area--would be really nice to have a walking trail along this, or at the least, a clean up and general organization of the areas adjacent to the creek itself.

Wouldn't it be nice if that area could remain natural with nothing built on it.

Thanks for the update. I would like to see the trees preserved.

I also definitely would like the tree preservation area along Thorpe Creek to remain without question.

The tree preservation area should definitely maintain the tree preservation concept with perhaps some benches placed inside if it is a walking area.
Do everything to maintain and preserve the existing trees.

In the tree preservation area, consider a dog park or a quiet park area, unlike Cyntheanne Park, which is designed for sports and recreation.

I also support no changes to the tree preserve. I say "Preserve it!"

Area south of Thorpe Creek - leave as is or give back to the earth and expand the tree preservation.

Perhaps the tree line and land adjacent to Britton Falls could be a park with walking path through the trees and a nice dog park.

Thank you for the heads up about the land usage plans for the area north of Del Webb. I would highly vote for keeping the land as a tree sanctuary. We must protect and keep areas for animals and birds, never mind the process of protecting the source of oxygen in our world! Thank you for the opportunity to express my opinion.

I feel the area south of the tree preservation area should be incorporated into the tree preservation area as an extension of that area. Habitat areas are being eaten up at a high rate these days and we need to slow it down.

I would love to see this area used for a completely fenced-in dog park for BF residents & their dogs. Also, some seating in there for people to sit and chat.

Being an ecologist, my feeling would be to preserve the tract of land between Britton Falls and the new development. Some people may not like this preserve as deer, fox and even coyotes may find it and then wander into Britton Falls, the new development and Barrington Estates. If it was used for anything else, the access would be along that easement which would go against the intent of the easement.

Keep the trees and narrow walking paths to keep as much green as possible

Regarding the 61 cottage homes proposed-
I would prefer to see half that number built and
remaining acreage for a moderately priced
breakfast/lunch cafe type restaurant that could accommodate groups of twenty in a separate
area. This would be utilized by Britton Falls I am sure!



Advisory Plan Commission Staff Report

Meeting Date: January 4, 2023

DEPARTMENT CONTACT:
Megan Vukusich, Director
(vukusichm@fishers.in.us)

CASE NUMBER:
TA-22-38

PETITIONER:
City of Fishers – Planning & Zoning

PROPERTY ADDRESS/LOCATION:
Citywide

REQUEST: Consideration of a Text Amendment to various sections of the Unified Development Ordinance (UDO) to clean up language discrepancies.

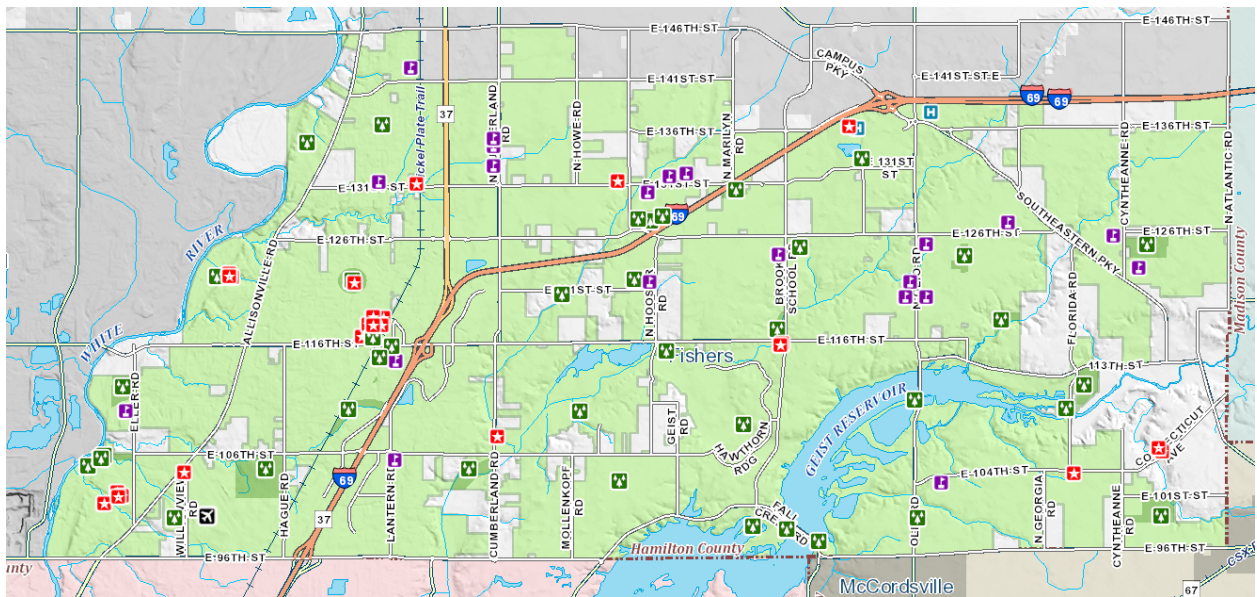
EXISTING ZONING:
N/A

PROPOSED ZONING:
N/A

FISHERS 2040:
N/A

LOT SIZE: N/A

LOCATION MAP



STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ZONING HISTORY:

The Unified Development Ordinance (UDO) was adopted on July 20, 2018 under Ordinance 071618F. Since its adoption there have been several text amendment updates approved with the most recent being Ordinance 091922D, adopted 10/10/2022.

SUMMARY OF PUBLIC COMMENTS:

No public comments have been received at the time of writing this staff report.

PETITION OVERVIEW:

This is a clean-up ordinance to the City's Unified Development Ordinance (UDO).

Changes include removal of unnecessary language, clarification of definitions and standards, and reorganization of some chapters.

STAFF RECOMMENDATION:

When making their decision, Plan Commission shall be reasonable regard to:

1. The Comprehensive Plan;
2. Current conditions and the character of structures and uses in each zoning district;
3. The most desirable use for which the land in each zoning district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Staff recommends Plan Commission send a **favorable recommendation** to City Council. This item is anticipated to go to City Council on January 17th, 2023, for final reading.

STAFF RECOMMENDATION

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

ORDINANCE NO. 121922E

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA – 1980, AS AMENDED.

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-22-38 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission, at its meeting on the 4th day of January, 2023 sent a _____ recommendation to the Common Council by a vote of ____ in favor and ____ opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. AMENDMENT. This Text Amendment amends certain sections of the Unified Development Ordinance;

Section 2. PRUPOSE STATEMENT. The purpose of this ordinance is to refine certain regulatory language in the furtherance of the overall Purpose & Intent provisions of Section 1.2.2. (UDO Introductory Provisions).

Section 3. CHANGES TO THE UDO REGULATIONS. The following sections of the UDO regulations shall be changed, as follows:

Sec. 1.3.5. ~~Calculations—Rounding Measurements and Calculations~~

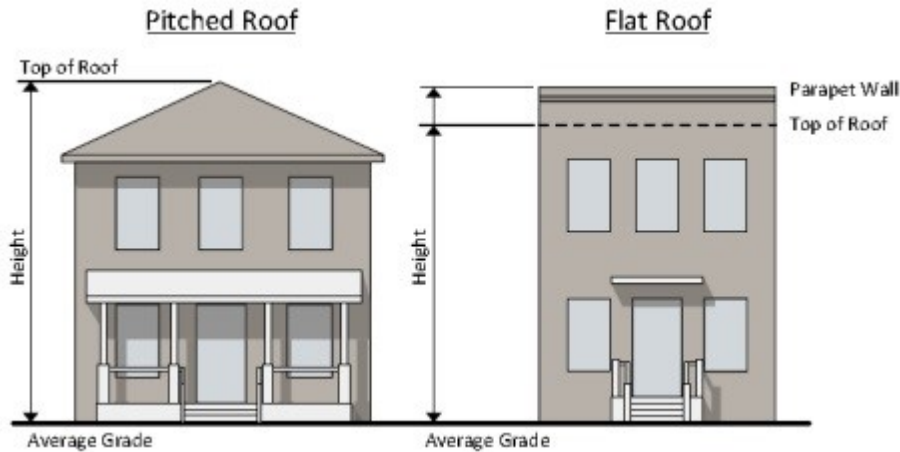
Sec. 1.3.5. B. Lot Measurements.

- a. Lot Area. As defined, shall be set forth by the Zoning District or Overlay District.**
- b. Lot Width for Interior and Through Lots. Lot width for Interior and Through lots is to be measured at the front setback required per zoning district.**
- c. Lot Width for Corner Lots. Lot width for Corner Lots is to be measured based on the Lot Standards outlined in Sec. 8.2.4.B.4.**
- d. Lot Width and Depth for Cul-de-Sacs Lots. Lot width and depths for cul-de-sac lots is to be measured based on Lot Standards outlined in Sec. 8.2.4.B.9.**
- e. Impervious Area. As defined, shall be set forth by the Zoning District or Overlay District. (Image added)**

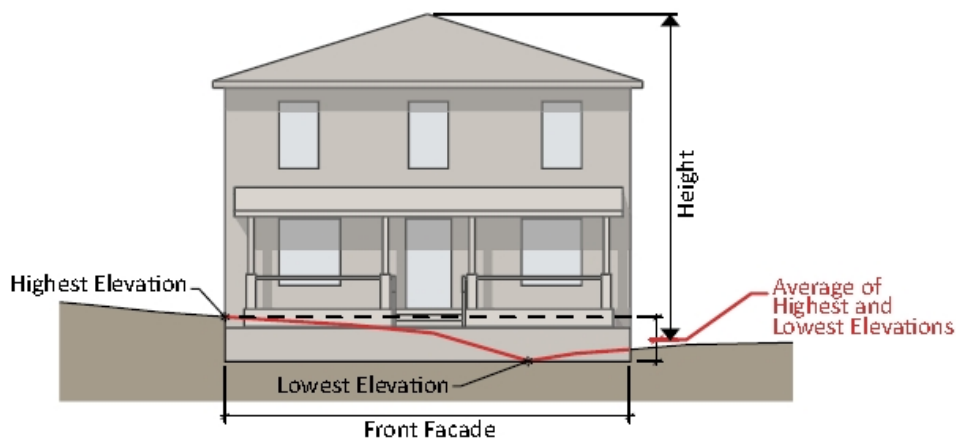
$$\text{Impervious Area} = \frac{\text{Sum of areas covered by impervious surface (sq. ft.)}}{\text{Lot Area (sq. ft.)}}$$

Sec. 1.3.5. C. Building Measurements

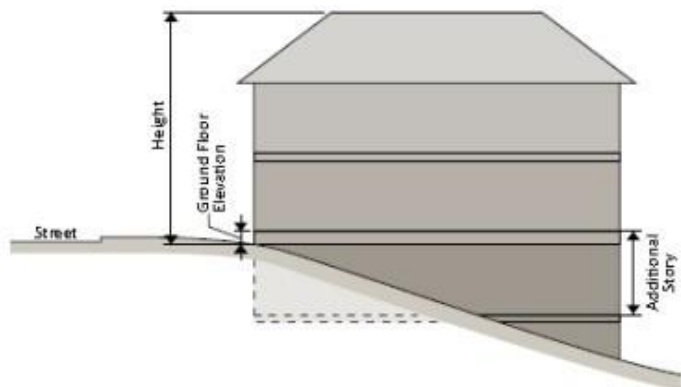
1. The maximum structure height shall be determined in the applicable zoning district.
2. Building Height Measurement. The height is measured from the average grade to the top of the highest point of a pitched roof or flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is six (6) feet (see image below).



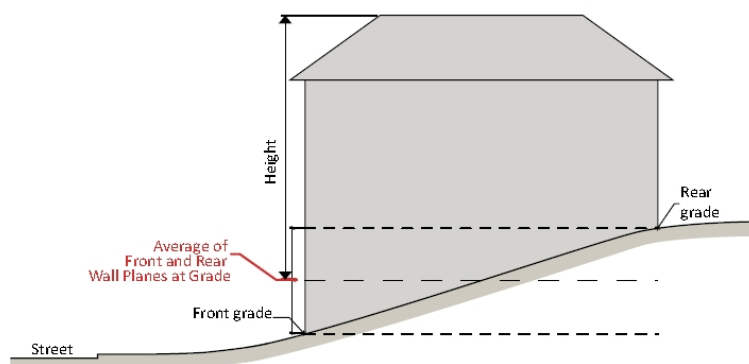
3. Average Grade.
 - a. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading (see the following image).



- b. Where a lot slopes downward from front the property line, one (1) additional story may be built on the lower portion of the lot with the overall height measured from the grade above (see image below).

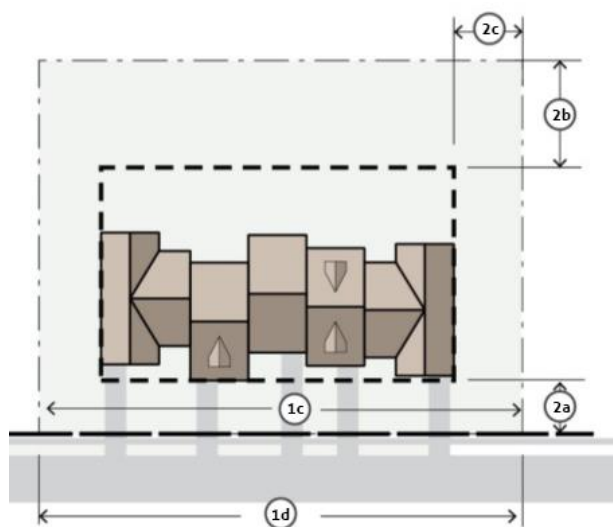


- c. Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane (see the following image).



- d. A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounded by finished grade is not considered in the measurement of the overall height limit of a zoning district.

Sec. 3.2.9. M2 Multi-Family Image corrected (2b and 2c had been reversed).



ORDINANCE NO. 121922E

Sec. 5.1. Allowed **Property Uses & Maintenance Standards**

Sec. 5.1.6. General Health & ~~Safety-Use-Maintenance~~-Standards

Sec. 5.1.6.L. Debris/Refuse 2. The storage or parking of any Inoperable Vehicle or Junk Vehicles ~~as those terms are~~ **are subject to the terms** defined in Chapter 12. Definitions.

Sec. 5.1.5.M. **Light Pollution. All lighting shall comply with requirements of Article. 6.5. Exterior Lighting Standards to not be detrimental to adjacent and surrounding properties to an extent to cause a nuisance or disturb a local habitat.**

Sec. 5.7.2.C. Home Occupation. 1. Defined. An occupation that provides a service or product that is conducted wholly within a residential dwelling in a residential zoning district **as an accessory use that does not change the residential character of the property or neighborhood.** Examples of permitted home businesses **can** include, but are not limited to, the following:

- ~~i. Office support services (e.g. data entry, research, telephone based services).~~
- ~~j. i. Childcare home in accordance with I. C. 36-7-4-1108.~~

Sec. 5.7.2.C. Home Occupation. 2. Use Standard. a. **The property owner must use the residential dwelling as their primary place of residence.** Only residents of the subject residential dwelling may operate, engage in, or conduct the home-based business. Nonresidents are not allowed to work at the subject residential dwelling where a home occupation is being conducted.

Sec. 5.7.2.C. Home Occupation. 4. Nuisance. No home business shall ~~create electrical interference (e.g., interfere with local radio and television reception), odors, noise, vibration, light, smoke, fumes, or anything offensive~~ **cause a nuisance as defined by Sec. 5.1.6.**

Sec. 5.7.2.C. Home Occupation. 5. Appeals. Any use claimed as a home occupation may be deemed not permitted if, in a public hearing on the matter, the Board **of Zoning Appeals** rules the use to be a nuisance or that it does not comply with this Section. The Director or any person reasonably affected by the home occupation may request such a hearing in accordance with Sec. 10.2.3. Appeal of Administrative Determination.

Sec. 5.8.1. General. H. Cumulatively, all Temporary Use Permits issued on a lot shall not exceed 120 days per calendar year, or 90 days consecutively, **unless otherwise noted.**

Sec. 5.8.2. A. Construction Trailers.

~~3. A Landscaping Plan shall be submitted for any construction trailer that will be on site for more than six (6) months. Screening shall be provided for the construction trailer.~~

~~4.~~ **3.** Construction Trailers shall successfully pass all applicable inspections (e.g., electrical, **fire**) and receive a Certificate of Occupancy prior to the commencement of use.

Sec. 5.8.2. B. Institutional Temporary Uses.

3. Portable Classrooms – Portable Classrooms require a Temporary User Permit. Portable Classrooms are permitted for no more than two (2) years.

Sec. 5.8.2.G. Temporary Trash Receptacles, ~~and Temporary~~ Storage Units, ~~and Outdoor Storage~~

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1. Temporary trash receptacles, ~~and temporary~~ storage units (e.g., PODS), **and outdoor storage of building materials** are permitted on any lot or lots used in combination as follows.

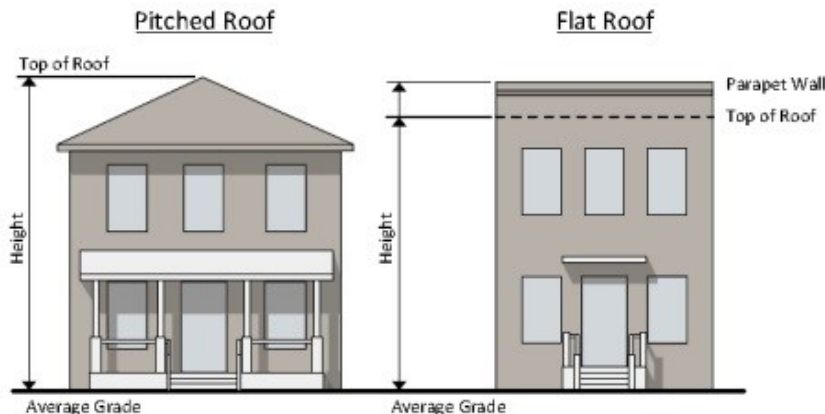
Sec. 6.2.6. Mechanical & Utility Equipment.

- A. Application. Mechanical and utility equipment not shown on **construction** plans **during ILP, SIP, or other permit review** (due to unknown location or other reasons) or mechanicals **or utility equipment** added that were not originally planned for do not remove the developer **or applicants'** responsibility to comply with ~~these the~~ following standards.
- B. Location. Mechanical and utility equipment shall not be **located** in a front yard or along the front facade of any building, **unless there is a life-safety concern as determined by the Director, or unless the lot in question has three (3) or more frontages.**

Article 6.6. ~~Height Standards~~ Height Encroachments

Sec. 6.6.1. Building Height

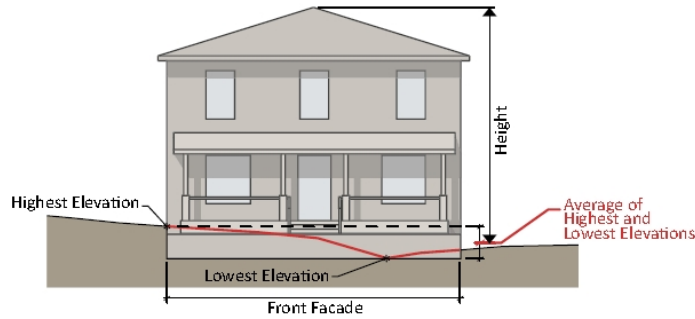
- ~~A. The maximum structure height shall be determined in the applicable zoning district.~~
- ~~B. Building Height Measurement. The height is measured from the average grade to the top of the highest point of a pitched roof or flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is six (6) feet (see image below).~~



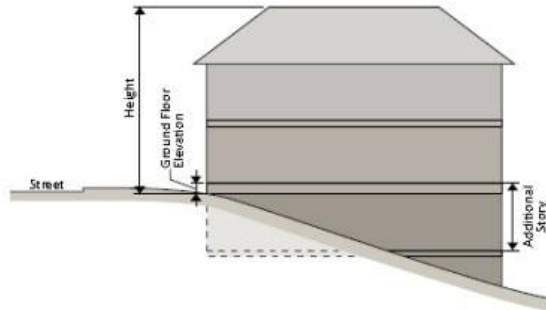
~~C. Average Grade.~~

- ~~1. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass grading has been approved by the City, average grade shall be considered the improved grade following such mass grading (see the following image).~~

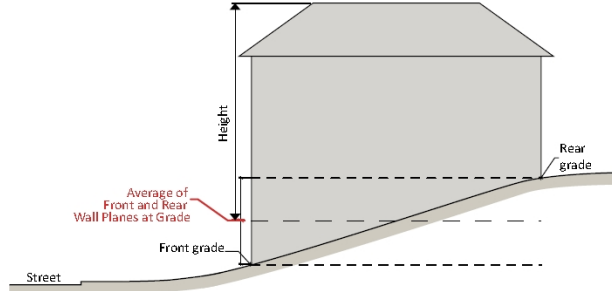
ORDINANCE NO. 121922E



2. ~~Where a lot slopes downward from front the property line, one (1) additional story may be built on the lower portion of the lot with the overall height measured from the grade above (see image below).~~



3. ~~Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane (see the following image).~~



4. ~~A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounded by finished grade is not considered in the measurement of the overall height limit of a zoning district~~

~~D.~~ A. Height Encroachments.

Sec. 6.11.8. Off-Street Parking Schedule

Open Space & Recreation	
Community center	1 per 3 people
Driving range	2 per 3 tee boxes
Golf course	20 per 9 holes
Golf, miniature	20 spaces per 18-hole course
Gym, commercial	1 per 300 sf
Gym, personal studio	1 per acre; 20 per sport court or field; 1 space per 75 sf of water surface of pools
Park, active	2 per 1 acre of land

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Park, passive	2 per mile of trail or 1 per 3 acres
Nature preserve	4 per 1,000 sf
Recreational center, public	1 per 500 sf of skating surface area
Skate park, skating rinks, ice and roller	5 per 1,000 sf 1 per 500 sf of skating surface area
Skating rinks, ice and roller	20 per field or court
Sports arenas and stadiums	1 per 75 sf of pool area 20 per field or court
Swimming pools, commercial	1 per 75 sf of pool area
Tennis facilities, commercial	1 per 3 seats or 1 per 18 inches of bench area 3 per court or 1 per 18 inches of bench area

Sec. 6.12.1.B. Applicability

In accordance with the ~~Transportation Plan~~ **Thoroughfare Plan**, all existing and proposed development must provide safe, direct and convenient pedestrian access connecting main entrances of buildings, establishments or uses on a site that allows for public access, with all other such entrances and with available access points including parking, streets, and sidewalks.

Sec. 6.12.2. Residential

A. ~~Sidewalk~~ Minimum Width **and Location of Pedestrian Improvements**

1. The minimum ~~sidewalk~~ width and location of pedestrian improvements shall be in accordance with the [Thoroughfare Plan](#).
2. Sidewalks a minimum of 5' in width shall be provided along local roads (public and private).
3. Payment-in-lieu – Pedestrian improvements may be waived in exchange for fees as determined by the Director of Engineering.

B. ~~Sidewalk Location~~

~~Sidewalks shall be provided along all sides of the lot that abut a public or private street.~~

C. ~~Asphalt Path Minimum Width~~

~~The minimum width of asphalt paths shall be in accordance with the Transportation Plan or 10 feet, whichever is greater.~~

D. ~~Asphalt Path Location~~

~~A multi-use asphalt path shall be installed in accordance with the Transportation Plan.~~

Sec. 6.12.3. Non-Residential

A. ~~Sidewalks~~ **Minimum Width and Location of Pedestrian Improvements**

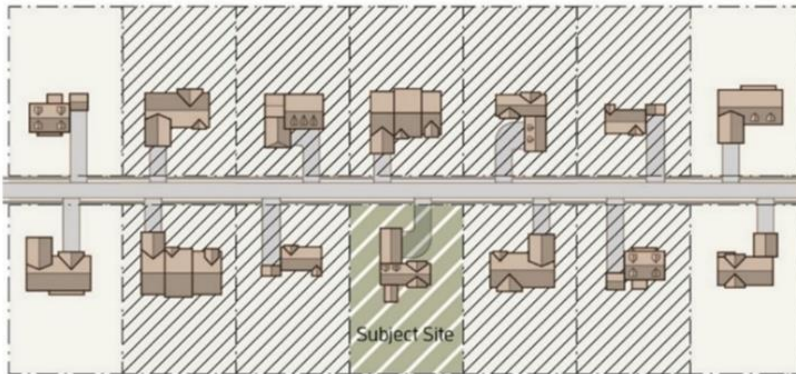
1. The minimum width and location of pedestrian improvements shall be in accordance with the Thoroughfare Plan.
2. Sidewalks a minimum of 5' in width shall be provided along local roads (public and private).
3. Payment-in-lieu – Pedestrian improvements may be waived in exchange for fees as determined by the Director of Engineering.

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- ~~1. Interior sidewalks shall be a minimum of six (6) feet in width, however, where applicable, they shall be eight (8) feet asphalt in conjunction with the Transportation Plan and integrate with neighborhoods. Sidewalks shall be provided along all sides of the lot that abut a public street. The minimum sidewalk width shall be as indicated in the Thoroughfare Plan or six (6) feet, whichever is greater.~~
- ~~2. Interior sidewalks shall provide connection to perimeter sidewalks.~~
- ~~3. Sidewalks shall be provided along all sides of the lot that abut a public or private street.~~

Sec. 6.16.3.A.5 ~~Open structures such as, Decks,~~ attached patio covers, and sunrooms may encroach up to 50% into a required rear setback so long as the minimum setback is no less than five (5) feet from the rear property line.

Sec 8.2.2.C.1. – Anti-Monotony Code Front Façade Image corrected (front façade for the same building model may not be duplicated for five (5) lots across the street from the subject lot).



Sec 8.2.6. Pedestrian Network

A. Bike & Pedestrian Plan

- ~~a. When applicable, a multi-use path Pedestrian improvements~~ shall be installed and integrated into new and existing [developments](#) in accordance with the [Thoroughfare Plan](#).
- ~~b. The minimum width of asphalt paths shall be in accordance with the Bicycle & Pedestrian Master Plan or 10 feet, whichever is greater.~~

B. Residential Minimum Internal Pedestrian Network

- a. The minimum ~~sidewalk~~ width shall be as indicated in the Thoroughfare Plan ~~or five (5) feet, whichever is greater.~~ This standard shall also be required with new Planned Unit Developments.
- b. Sidewalks a ~~minimum of 5' in width~~ shall be provided ~~on both sides of~~ along local roads (public and private).
- c. ~~All sidewalks- Pedestrian improvements~~ shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the City.

- d. ~~All sidewalks~~ **Pedestrian improvements** shall be spaced **a minimum of** four (4) feet away from the back of curb to provide a planting strip and to provide pedestrian separation from vehicles.

C. Residential Minimum External Pedestrian Network

- a. All developments shall participate in the establishment or improvement of the pedestrian network along its perimeter **per the Thoroughfare Plan**.
- b. The determination of whether the perimeter network shall be constructed of concrete or asphalt shall be made by the Engineering Department.
- c. Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristics dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area) within a pedestrian access easement.
- d. All sidewalks shall be spaced away from the back of the curb or edge of pavement to provide a planting strip and provide pedestrian separation from vehicles. The distance required shall be ~~eight (8), or~~ as determined by the Engineering Department.
- e. The planting strip shall be planted with grass or other ground cover approved by the Department **of Planning & Zoning**.
- f. Where it is identified in the **Thoroughfare Plan** ~~Transportation Plan~~, other material, methods of construction, and development standards may be warranted, as determined by the ~~Director and~~ Director of Engineering.
- g. When a proposed development lies between or adjacent to existing developments which have been provided with sidewalks, connecting sidewalks or pathways (which are extensions of the existing sidewalks) shall be constructed.
- h. Connector sidewalks shall be provided from the sidewalk or path adjacent to the street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the parking area, then crosswalks and ramps shall be installed in accordance with ADA requirements and to reinforce pedestrian safety.
- i. A sidewalk or path shall be installed at the end of a cul-de-sac to provide pedestrian access to other cul-de-sacs, streets or common area. See also [Sec. 8.3.2B.9. Cul-de-sac Design](#).

D. Pedestrian Crosswalk

- a. **Requirement.** Where any type of street intersects an arterial or collector street, marked crosswalks shall be installed. The Engineering Department may require that crosswalks be marked at other intersections or pedestrian crossing points on an as-needed basis.
- b. **Mid-block.** In the design of blocks longer than eight hundred 800 feet, the Engineering Department may require the installation of a marked, mid-block pedestrian crosswalk at a location that is useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination; or to assure a safe pedestrian network.
- c. **Curb Bump-out.** If the street accommodates on-street parking, curb bump-outs shall be installed on each side of the street on which parking is allowed where the crosswalk is installed.
- d. **Ramp Design.** ADA-compliant ramps shall be installed at each end of the crosswalk.

E. Non-residential Standards

- a. The minimum sidewalk width shall be as indicated in the Thoroughfare Plan ~~or six (6) feet, whichever is greater.~~
- b. Walkways shall connect building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.
- c. Sidewalks adjacent to buildings shall be a minimum of 10 feet wide, with a four (4) foot wide (adjacent) planting bed. The length of the sidewalk shall be provided along the full length of the building elevation(s), with the following exceptions:
 - A. A six (6) foot wide sidewalk, with four (4) foot wide (adjacent) planting bed shall be permitted along all side and rear elevations featuring a customer entrance and/or abutting public parking areas;
 - B. Office buildings and individual standalone retail structures shall be permitted six (6) foot wide sidewalks, with four (4) foot wide (adjacent) planting beds, along all front elevations, and side and rear elevations featuring a customer entrance and/or abutting public parking areas;
 - A. Under no circumstance shall any sidewalk have less than six (6) feet of clear space;
 - B. Sidewalks may also be required along any side or rear elevation deemed appropriate by TAC or the Director; and
 - C. Internal crosswalks may be required when deemed appropriate by the Engineering Director.
- d. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete and bricks to enhance pedestrian safety and comfort.
- e. All planting beds adjacent to foundation sidewalks shall contain the foundation plantings as required by [Sec. 6.7.5. Lot & Foundation Plantings](#).

~~Sec 10.2.10. Development Plan Review~~

~~A. Authority~~

~~A Development Plan review process, as set forth herein, is hereby established to ensure adherences to the standards of the UDO. Development Plan applications shall be considered by the Department as part of an Improvement Location Permit, Subdivision Improvement Permit, and/or Building Permit.~~

~~B. Purpose & Intent~~

~~The purpose of the Development Plan review process is to: (i) promote innovation and creativity in the design of the built environment; (ii) assure the compatibility of new development or major additions to existing development with the surrounding community; and (iii) ensure that the statutory requirements established in the Indiana Code for the consideration of a Development Plan petition are met.~~

~~C. Applicability~~

ORDINANCE NO. 121922E

~~The Development Plan review process shall be necessary prior to any: (i) new construction; (ii) building additions; (iii) new or expanded surface Parking Areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a Building Permit; or, (vi) or any other improvements that require an Improvement Location Permit or Subdivision Improvement Permit~~

D. Exception

~~Individual Single-family Dwellings shall not require a Development Plan approval in accordance with this Section; rather, the Building Permit review process shall serve in place of the Development Plan Review.~~

E. Development Plan Review Criteria

~~Development plans shall be reviewed and approved by the Department only upon making written findings that the Development Plan complies with the following:~~

- ~~a. Is consistent with the Comprehensive Plan.~~
- ~~b. Complies with all applicable development and design standards of the Zoning District in which the real estate is located.~~
- ~~c. Complies with all applicable provisions of any Overlay District in which the real estate is located.~~
- ~~d. Complies with the development requirements of CHAPTER 6. DEVELOPMENT STANDARDS.~~
- ~~e. Complies with any other applicable provisions of the UDO.~~
- ~~f. Manages traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - ~~i. The design and location of proposed street and highway access points shall minimize safety hazards and congestion.~~
 - ~~ii. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.~~
 - ~~iii. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.~~~~
- ~~g. The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.~~

F. Certification

~~The findings shall be signed by the Director, and the Department shall furnish the petitioner with a copy of the decision.~~

G. Commitments

~~Approval of a Development Plan may include certain commitments by the Director. Any required commitments shall be provided to the Department in accordance with Sec. 10.2.6 Commitments. The Director, in imposing commitments, is acting on behalf of the Commission regarding Sec. 10.2.6F. Modification of Commitments.~~

H. Surety Requirement

ORDINANCE NO. 121922E

~~In conjunction with the approval of a Development Plan, the petitioner shall provide financial surety for all public improvements pursuant to Sec. 10.2.8. Construction Surety.~~

~~I. Appeals of Determinations by Director~~

~~Any determination of the Director made under the authority of this Section may be appealed by any interested party to the Commission. Such letter shall request a hearing on the matter by the Commission at the Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.~~

~~J. Changes or Amendments~~

~~The Director may approve an amendment to a Development Plan when it is determined that the proposed amendment is not a substantial change and provides for a better project for the City.~~

~~K. Current Standards~~

~~All Development Plans shall conform to the Standard Construction Specifications and Details for the City of Fishers in effect at the time the application for such changes, amendment or resubmittal is made.~~

~~L. Duration~~

~~An approved Development Plan shall be valid for two (2) years from the date of the Director's approval or Commission's approval on an appeal. The Director may grant one (1) six-month extension. The petitioner shall submit the request for an extension in writing, and the Director shall make a written determination regarding the decision to extend or deny the request. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approved Development Plan expires and a new application must be submitted to the Department.~~

~~Sec 10.2.16.B.3. Development Plan in accordance with Sec. 10.2.10 Development Plan Review.~~

Sec. 12.2. Define Terms. I. **Impervious Area.** **Impervious Area is the sum of all driveways, pathways, structures, hardscape, and any other impervious surface that would prohibit the absorption of stormwater, divided by the Lot Area.**

Sec. 12.2. Define Terms. L. **Lot Area.** **That The net area remaining within the site after the deduction of all dedicated rights-of-way, easements for utilities, drainage, sanitary sewers and storm water retention/detention ponds. Of land bounded on all sides by front, rear, and side lot lines. Neither public nor private right-of-way is included in the lot area. Floodway, Floodway Fringe areas, and Easements are included in the calculation.**

Sec. 12.2. Define Terms. P. **Pedestrian Improvements.**

Sec. 12.2. Define Terms. S. **Swimming Pool.** A self-contained body of water at least 24 inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level. **And Above ground swimming pools shall be considered an accessory structure. -use. Below ground swimming pools shall not be considered an accessory structure but shall be considered an accessory use.**

ORDINANCE NO. 121922E

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

SO BE IT ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 17th day of January 2023.

[Signature Page to Follow]

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

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia C. Coble, Vice President		
	C. Pete Peterson, Member		
	Todd Zimmerman, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2023, at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



ORDINANCE NO. 121922E

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl