

ORDINANCE NO. 071717

An Ordinance amending the Unified Development Ordinance of Fishers, Indiana, as it relates to Article 7.25, 7.26, and 11 for Open Space Standards

WHEREAS, Ordinance No. 090605A, as amended, is the Fishers Unified Development Ordinance, a part of the Comprehensive Plan and Ordinance,

WHEREAS, the Plan Commission of Fishers has conducted a public hearing on Docket No. PRT-1706-21 as required by law in regard to the application filed to amend the Zoning Ordinance of the Town of Fishers; and

WHEREAS, the Plan Commission at its September 6, 2017 meeting sent a _____ recommendation to the Fishers City 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 meeting in regular session as follows:

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA AS FOLLOWS:

Section 1. Declaration. The text of the Unified Development Ordinance is hereby amended as follows:

7.25 OP-01: Open Space Standards, Residential

- A. Applicability: These standards shall apply to all types of residential development, including but not limited to: Concept Plans, Development Plans, Primary Plats and Secondary Plats. All developments shall set aside common open space in accordance with this section.
- B. Intent: The of this section is to provide standards that will create a sense of place in new developments that will use open space as part of the site plan.
- C. Open Space Ownership: The ownership and future maintenance of any required open space, common areas, development amenities shall be documented and recorded prior to the issuance of any land improvement permits.
- D. Access: A public way, crosswalk or easement not less than 10 feet wide shall be provided for access to all common open space.
- E. Connectivity: Open space shall be located adjacent to or connected to existing or proposed open space within the development and/or on adjacent properties.
- F. Minimum Open Space, Residential: The minimum open space required for each development based on subdivision type in Section 6, as a percentage of its gross acreage, shall be as set forth below:
 - 1. Residential, All Non-Conservation Subdivision Types: 20 percent
 - 2. Residential, All Conservation Subdivision: 40 percent

G. Open Space Allocation, Residential: In allocating land for required open space, the following hierarchy of primary and secondary open space applies.

1. *Primary Open Space*: A minimum of 50 percent of the primary open space must come from one (1) or more of the following requirements:
 - a. Multi-use trails and/or greenways that are connected to the City of Fishers Bicycle and Pedestrian Master Plan. Trails already required along the roadways shall not qualify as secondary open space;
 - b. A custom park, neighborhood park, or mini park as described in the Comprehensive Plan.
 - c. Pools, recreational amenities, common patios, and/or plaza with outdoor seating areas and amenities;
 - d. Play area, play grounds and/or outdoor areas for children and families;
 - e. Spaces that provide educational, historic, cultural, and/or sensory experiences; such as sculptural gardens, soundscapes, and interactive water features;
 - f. Detention and retention areas that are designed in such a way that they are located and used for the benefit of the public as an amenity to the development with low impact landscaping and pedestrian amenities, as determined by Plan Commission or Mayor's Designee;
 - g. Created wood lot or conservation areas described in Section 7.26, with pedestrian amenities, trails or other recreational features, as determined by the Plan Commission or Mayor's Designee.
 - h. Streetscape design that create community connections and engagement (i.e. porches, front patios, etc.) may be approved by the Mayor or Mayor's Designee to reduce the percentage of required primary open space.
2. *Secondary Open Space*: The following are considered secondary open space areas and may be included as required open space once the maximum of the primary open space areas is exhausted:
 - a. Wetlands or floodway areas;
 - b. Detention or retention areas, if it does not comply with the standards above;
 - c. Third party regulated utility easements (e.g. gas or oil pipelines) that existed prior to development; and
 - d. Buffer yard, transitional open space, and external street frontage landscaping area.

H. Alternative Open Space Standard: The petitioner may propose alternative forms of open space not specifically identified in this section. Such proposals for alternative forms of open space shall be subject to approval by the Mayor or Mayor's Designee.

7.26 **Open Space Standards, Non-Residential & Mixed Use**

- A. Applicability: These standards shall apply to all types of non-residential development, including but not limited to: Concept Plans, Development Plans, Primary Plats and Secondary Plats. All developments shall set aside common open space in accordance with this section.
- B. Intent: The of this section is to provide standards that will create a sense of place in new developments that will use open space as part of the site plan.
- C. Open Space Ownership: The ownership and future maintenance of any required open space, common areas, development amenities shall be documented and recorded prior to the issuance of any land improvement permits.

- D. Access: A public way, crosswalk or easement not less than 10 feet wide shall be provided for access to all open space. Entrances and parking lots shall be configured to be functional and inviting with walkways conveniently tied to open space destinations.
- E. Connectivity: Open space areas and amenities shall have direct access to the citywide bicycle and pedestrian circulation system. In addition, open space areas and amenities shall be located adjacent to or connected to existing or proposed open space within the development and/or on adjacent properties.
- F. Streetscape: Attention to streetscapes and how roadside zones interact with a non-residential development shall be considered. The roadside shall contain a variety of urban design elements, including but not limited to, plazas, seating areas, transit stops and other public uses as well as street furniture, street trees and other landscape features, and public art where appropriate. In addition, Buildings and site development plans shall offer attractive environments with inviting pedestrian scale features, spaces, and amenities.
- G. Open Space, Non-Residential & Mixed Use: The minimum gross acre percentage of open space required for each development will be based on the Subdivision Type described in Section 6 of the UDO. The following shall be provided:
1. Non-Residential, Strip Commercial Center: 10 percent
 2. Non-Residential, Commercial District Subdivision: 15 percent
 3. Non-Residential, Employment Node District: 15 percent
 4. Non-Residential, Industrial Park Subdivision: 20 percent
 5. Non-Residential, Planned Unit Developments: 20 percent
 6. Mixed Use, Planned Unit Developments: 20 percent
- H. Open Space Allocation, Non-Residential & Mixed Use: To create a sense of place in non-residential and mixed developments, the following open space amenities shall be used to comply with the minimum percentage required for each development type:
1. *Office Development*:
 - a. Community and public spaces such as public art, patio/seating areas, pedestrian plaza with benches, water feature, clock tower, or other such focal features.
 - b. A patio, pocket park or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
 - c. Pedestrian-ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.
 2. *Retail Commercial and Mixed-Use Development (non-Nickel Plate District)*:
 - a. Community and public spaces such as public art, outdoor playground areas, kiosk areas, water features and patio seating areas, shall be considered in the development scheme.
 - b. A patio, pocket park or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
 - c. Open space may be located on a roof, balcony, or other area above ground level.
 - d. Pedestrian-ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.
 3. *Industrial Development*:
 - a. Industrial open space shall be provided through large landscape buffer areas and screening.

- b. Industrial open space may be exempt from the streetscape and access requirements required above, as determined by the Mayor or Mayor's Designee.
- I. Drainage Areas: Detention and retention areas cannot be calculated towards the open space percentage requirement unless it is integrated into the overall open space design such that the use provides a site design amenity, as determined by Plan Commission or Mayor's Designee.
- J. Alternative Open Space Standard: The petitioner may propose alternative forms of open space not specifically identified in this section. Such proposals for alternative forms of open space shall be subject to approval by the Mayor or Mayor's Designee.

Article 11. Definitions:

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. ~~Open space does not include street rights of way, platted lot area, private yard, patio areas, or land scheduled for future development.~~

Section 2. Purpose and Intent. The purpose and intent of this text amendment is to address open space standards in the City of Fishers.

Section 3. Applicability. The standards of the City of Fishers Unified Development Ordinance (the "UDO"), as amended from time to time, shall apply to the development of this real estate.

Section 4. Approval. All other provisions of Fishers' ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect. This amendment shall become effective upon its adoption and publication in accordance with Indiana law.

ALL OF WHICH IS SO ORDAINED this _____ day of September, 2017.

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

YAY

NAY

ABSTAIN

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

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2017, at _____ m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

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, 1 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." /s/ Christopher P. Greisl, Esq.