

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 18-06

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY
REFERENCE IN ZONING ORDINANCE NO. 82-1 (AS AMENDED) (PROPOSED RE-
ZONING OF APPROXIMATELY 40.55 ACRES LOCATED SOUTH OF STOP 18 ROAD
AND EAST OF COUNTY ROAD 75 EAST - FIELDSTONE PUD).**

WHEREAS, The Greenwood Advisory Plan Commission (hereinafter, "Commission") conducted a public hearing on the petition for the re-zoning of approximately 40.55 acres located south of Stop 18 Road and East of County Road 75 East within the corporate boundaries of the City of Greenwood, from AG- Agricultural zoning classification use to Planned Unit Development residential and recreational open space use; and

WHEREAS, the Commission, after paying reasonable regard to 1) the Greenwood Comprehensive Plan, 2) the current conditions and the character of the current structures and use in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, made a favorable recommendation (6-2) regarding said change in the zoning map and certified the same to the Greenwood Common Council; and

WHEREAS, the Greenwood Common Council has given notice of its intention to consider this matter; and

WHEREAS, the Greenwood Common Council has considered the recommendation of the COMMISSION and paid reasonable regard to items 1 through 5 referred to above,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Official Zoning Map referred to in Article 1, Section 1, of Ordinance No. 82-1, as amended, is amended to change the zoning classification of the property described in Exhibit A, and shown on Exhibit B, attached hereto and incorporated herein, from AG - Agricultural Use to Planned Unit Development Residential and Recreational Open Space Use (PUD).

Section 2. Applicability of Ordinance

2.1 Development in the District shall be governed entirely by the provisions of this Ordinance with the exception that provisions of the Zoning Ordinance specifically referenced by and incorporated into this Ordinance shall also apply to the extent not overridden by this Ordinance. Except where specific requirements are provided in this Ordinance, standards for subdivision platting and development and drainage requirements shall be in compliance with the Subdivision Control Ordinance and the Stormwater Drainage and Sediment Control Ordinance for the City of Greenwood.

2.2 Following the adoption of this PUD Ordinance each of the neighborhoods identified in the Concept Plan shall be subject to the City Subdivision Control Ordinance and the City Site Plan Development Ordinance, or both as determined by the City of Greenwood Advisory Plan Commission. Provided however, this Ordinance, having met the requirements of IC 36-7-4-702(b), constitutes the development standards of the District.

2.3 The City of Greenwood Advisory Plan Commission, the owner of any lot in the District, or the Homeowners Association ("HOA"), shall have the right to initiate litigation in a court of competent jurisdiction to enforce and compel the Developer's compliance with all of the terms and provisions of this Ordinance, except to the extent any such terms or provisions may have been modified in accordance with the City of Greenwood Zoning Ordinance.

Section 3. General Project Development Standards

3.1 **Density.** There shall be no more than 147 dwelling units or a maximum gross density of 3.63 units per acre.

3.2 **Areas.** There shall be two distinct Areas within the development to serve the need for additional park land and diverse housing alternatives.

- a. **Residential Area** - shall be attached, single family dwellings consisting of one-story and two-story homes on individual deeded lots. Buildings will consist of three to six residences per building. The Residential Area shall be approximately 24.31 acres.
- b. **Park Area** shall be permanent open space which shall be conveyed to the City of Greenwood for use as a public park. The Park Area shall be approximately 16.24 acres.

Attached as **Exhibit C** and incorporated herein by reference is the Concept Plan map that shows the approximate boundaries of the Areas listed in this Section 3.2

3.3 **Minimum Open Space.** The minimum amount of permanent open space shall be 25 acres or 61% of the total land area. Of the 25 acres of permanent open space, 16.24 acres shall be in the form of Park Area which shall be dedicated to the City of Greenwood.

Section 4. Residential Area Development and Architectural Standards

4.1 **District Intent.** The purpose of the Residential Area is to permit up to one hundred forty-seven (147) attached single family dwellings designed as one-story and two-story homes on individual deeded lots having underground utilities, centralized water and centralized sewer facilities.

4.2 **Permitted Uses.**

- Attached Single Family Dwellings
- Accessory uses customary and incidental to a permitted or special use
- Temporary Construction or Real Estate Office
- Home Occupations, as allowed under the Greenwood Municipal Code
- Parking Lots
- Parks, Playgrounds and Private Swimming Pools
- Public and Private Utility Services and facilities

4.3 **Development Standards.**

	Area A
Maximum Dwelling Units	147
Minimum Lot Area	2,200 sq. ft.
Minimum Lot Width at Build Line	25'
Minimum Lot Depth	55'
Minimum Lot Frontage	25'
Minimum Living Area (sq. ft.)	1,050 ranch / 1,600 two-story
Maximum Lot Coverage	50%
Maximum Building Height	35'
Minimum Front Yard Building Setback (Public Streets)	25' - Interior Streets 35' CR 75 E 40' - Stop 18 Road
Minimum Front Yard Building Setback (Private Streets)	25
Minimum Distance Between Buildings	20'
Minimum Side Yard Setback	N/A

Minimum Rear Yard Setback	N/A

4.4 Development Amenities, Multi-Use Path and Landscaping:

a. Perimeter buffer yards and landscaping for the perimeter of the Residential Area shall meet the requirements set forth in Article 18 of the Greenwood Municipal Code and shall be consistent with those shown on the Concept Plan, Exhibit C. Buffer yards shall not be required between the Areas within the development.

b. The Residential Area shall include an amenity area for the enjoyment of the attached single-family dwelling unit owners. The amenity shall include, at a minimum, a swimming pool, bathhouse and adjacent parking area.

c. A Multi-Use asphalt path with a minimum width of ten feet (10') shall be constructed by the Developer within the public right-of-way along the Residential Area's frontage on Stop 18 Road and County Road 75 E and along the southern boundary of the Residential Area approximately following the existing pipeline easement to connect CR 75 E and Hazelwood Drive. The Multi-use path shall be in lieu of any perimeter sidewalk requirement.

4.5 Homeowners' Association/Covenants

The maintenance and upkeep of the Common Areas including pool, bathhouse and detention ponds, Open Space, Private Streets and Amenities within the Residential Area shall be the responsibility of a mandatory homeowners' association ("HOA"), to be established pursuant to the terms of a Declaration of Covenants, Conditions and Restrictions ("Covenants") to be recorded prior to final plat approval for the Residential Area. The Covenants shall apply to all real estate within the Residential Area.

Furthermore, the HOA will be responsible for the maintenance of lawns and the removal of snow on private streets and driveways.

4.6 Residential Area Architectural Standards

a. The Residential Area will consist of one-story and two-story homes on individual lots. The buildings will range from three residences per building up to 6 residences per building. One-story dwellings will have a minimum livable square footage of 1,050 square feet and will contain 2 bedrooms and 2 bathrooms. Two-story dwellings will have a minimum livable square footage of 1,600 square feet and contain 2 or 3 bedrooms and 2.5 bathrooms. All dwellings will contain attached 2-car garages. Architectural Renderings of the Proposed Buildings are attached hereto as Exhibit D.

b. The homes constructed in the Residential Area shall meet the City of Greenwood Architectural Standards as outlined in the Greenwood Municipal Code, Section 10-107, Subsection 6.24.02 Architectural Design: Multi-Family Residential with the following exemptions:

1). Greenwood Municipal Code Section 10-107, Subsection 6.24.02.A.2 - Materials: All units must be constructed of masonry materials (brick or stone) only excluding doors, garage doors, window, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas of the façade that are above roofing materials and would thus require masonry to be laid above the roof.

2). Greenwood Municipal Code Section 10-107, Subsection 6.24.02.C.1 Minimum Pitch: 8 (vertical units): 12 (horizontal units)

c. In exchange for the foregoing exemptions, the following architectural standards

shall be included on all buildings constructed in the Residential area:

- 1). All units have a minimum roof pitch of 6 (vertical units): 12 (horizontal units).
- 2). All units shall have a masonry (brick or stone) water table feature so that no less than 30% (excluding doors and windows but including return walls) of the first-floor front, side and rear elevations are covered in masonry, with the exception of units that abut a City street, a trail, or the Park Area which shall have first floor brick wrap,
- 3). Exterior materials: All siding shall be masonry, wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, EIFS. Lap siding shall have a maximum ten-inch (10") exposed board face. There shall be no vinyl siding on any of the residential dwellings.
- 4). The garage door of all units shall include decorative windows and/or decorative hardware.

4.7 Residential Area Phasing and Construction

It is expected the Residential Area of the Fieldstone development will take 4-5 years to complete. The Residential Area will likely be completed in two section of approximately 70-75 residences in each Section. It is anticipated that Section 1 will consist of the portion of the Residential Area north of Hazelwood Drive and will include the amenity area.

4.8 Streets and Parking

The proposed east-west street which will connect Hazelwood Drive (Copperfield stub street) to County Road 75 E shall be a dedicated public street with a sixty foot (60') public right-of-way. The other streets within the Residential Area shall be private streets owned and maintained by the Homeowners' Association. The private streets shall be twenty-eight feet (28') wide as measured from the back of each curb and shall otherwise meet the City of Greenwood standards.

Each dwelling unit shall have an attached 2-car garage and private driveway which will provide four (4) off-street parking spaces per dwelling unit. An additional fifty-nine (59) off-street guest parking spaces shall be provided throughout the Residential Area and near the amenity area, and three (3) guest parking spaces shall be provided in the northwest and southwest quadrants (mid-block), as shown in the Concept Plan, Exhibit C. Street parking on the private streets shall be prohibited and enforced by the Homeowners' Association.

Section 5. Fieldstone Signage

Signage within the Residential Area and within the Parking Areas, including neighborhood entrance identification signage, directional signage, and amenity area signage shall be subject to the approval of the Planning Director of the City of Greenwood.

Section 6. Park Area Development Standards

6.1 District Intent

The purpose of the Park Area is to provide a public park for use by the residents of the Fieldstone Development, surrounding single family subdivisions and all residents of the City of Greenwood. The Park Area shall protect and preserve open land as required to provide necessary public recreational areas, to preserve natural and cultural features of community importance, to provide areas of noncommercial recreation, and to provide necessary drainage ways and guard against water pollution, enforceable by the Indiana Department of Health.

6.2 Permitted Uses

As determined appropriate by the Greenwood Common Council, Greenwood Park

and Recreation Department and as allowed by the Greenwood Municipal Code.

6.3 Park Area Development

The Park Area shall consist of approximately 16.24 acres. It is the intent of the Developer to deed the entirety of the Park Area to the City of Greenwood at such time the Fieldstone PUD Master Plan is approved by the Greenwood Advisory Plan Commission. In addition to deeding the property to the City of Greenwood, the Developer shall, as a condition of PUD Master Plan approval, make a restricted contribution to the City of Greenwood in the amount of \$50,000 ("Restricted Contribution") for the purposes of developing a Master Park Plan. The Restricted Contribution shall be made within thirty (30) days after receipt of final zoning approval from the Greenwood Common Council. The Developer shall construct the entry stub into the Park Area from County Road 75 E as depicted in the Concept Plan, Exhibit C. The design and development of the Park Area infrastructure and facilities shall be at the discretion of the City of Greenwood. As consideration for the dedication of the Park Area and payment of the Restricted Contribution made by the Developer to the City, Developer shall receive a credit toward the Park Impact Fee that would be assessed each dwelling unit.

Section 7 Platting and Installation of Improvements.

7.1 Development and zoning standards not specifically addressed in this Ordinance shall be governed by the appropriate zoning district standards of the City Zoning Ordinance (82-1) Subdivision Control Ordinance, and Stormwater Drainage and Sediment Control Ordinance as determined by the Plan Commission or its designated representative. To the extent of any inconsistency between the terms of this Ordinance and the City Zoning Ordinance (82-1), the terms of this Ordinance shall govern.

7.2 Development in the District may occur in phases in compliance with the approved Master Plan subject to each phase receiving final approval from the Plan Commission or staff prior to the commencement of construction.

7.3 The Developer may commence construction of site improvements in the District per the standard processes and procedures for obtaining Land Alteration Permits and Building Permits per the Zoning Ordinance and the Subdivision Control Ordinance.

7.4 The configuration, size, and number of lots in a Development Parcel may vary from the configuration, size and number of lots shown on the Concept Plan for such parcel so long as the minimum lot size and maximum density and maximum number of lots requirements are met.

7.5 Grading, filling, excavating or any change in the grade of any property is permitted, but shall not be detrimental to surrounding properties in appearance or in the diversion of storm water and shall be in compliance with approved plats, plans and permits.

7.6 Temporary construction facilities are permitted to remain on a job site during all phases of construction and must be removed within 30 days following the issuance of a certificate of occupancy. No permit is necessary for temporary construction facilities except where temporarily or permanently connected to electric, water and sewer utilities.

7.7 The monuments and markers provisions of the Subdivision Control Ordinance are hereby incorporated into this Ordinance.

Section 8. The Developer shall record the PUD Ordinance with the Recorder of Johnson County, Indiana, within sixty days following its adoption by the Common Council, and shall deliver a copy of the recorded Ordinance to the Department.

Section 9. The Greenwood Plan Commission is hereby authorized to make the above described change to the official zoning map of the City of Greenwood.

Section 10. This Ordinance shall have no effect as to changing any other provision of Ordinance 82-1, as amended, other than the Official Zoning Map referred to in Article 1, Section 1, of said Ordinance.

Section 11. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and is recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.

Passed by the Common Council of the City of Greenwood, Indiana, this _____ day of _____, 2018.

Michael Campbell, President
Greenwood Common Council

FOR:

AGAINST:

_____	Linda S. Gibson	_____
_____	Ezra J. Hill	_____
_____	Bruce Armstrong	_____
_____	Ronald Bates	_____
_____	J. David Hopper	_____
_____	David Lekse	_____
_____	Michael Campbell	_____
_____	Brent Corey	_____
_____	Charles Landon	_____

ATTEST:

Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2018, is presented by me this _____ day of _____, 2018, at _____ O'Clock _____.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the _____ day of _____, 2018, is signed and approved by me this _____ day of _____, 2018, at _____ O'Clock __.M.

MARK W. MYERS, Mayor of
the City of Greenwood, Indiana

ADOPTED by the Common Council of the City of Greenwood, Indiana, this _____ day of _____, 2018.