

# COMMON COUNCIL MEETING AGENDA

MONDAY, JANUARY 8, 2018 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEETING CALLED TO ORDER

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS**
  - a. Karl Haas
  - b. Captain John F. Moriarty (Sparky)
4. **APPROVAL OF MINUTES**
  - a. December 18, 2017 Regular Meeting
  - b. December 22, 2017 Special Meeting
5. **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL**
6. **COUNCIL AND MAYORAL COMMENTS/OBSERVATIONS**
7. **ACTION ON MAYORAL VETOES**
8. **CLAIMS**
  - a. Payroll \$2,055,990.82
  - b. General Claims
  - c. Retirement \$94,494.65
  - d. Wire Transfers
9. **COMMITTEE REPORTS**
  - a. Finance, Utilities and Rules Committee
  - b. Land Use and Special Studies Committee
  - c. All reports designated by the Chair to qualify for placement under this category.
10. **OTHER REPORTS – (at the first meeting of the month specified below):**
  - a. **Carmel Redevelopment Commission (Monthly)**
  - b. Economic Development Commission (Quarterly – February, May, August, November)
  - c. Audit Committee (Quarterly – February, May, August, November)

- d. **Carmel Historic Preservation Commission (Quarterly – January, April, July, October)**
- e. Redevelopment Authority (Bi-annual – April, October)
- f. Carmel Cable and Telecommunications Commission (Bi-annual – April, October)
- g. Ethics Board (Annual – February)
- h. Library Board (Annual – February)
- i. **Mobile Integrated Health Program**
- j. All reports designated by the Chair to qualify for placement under this category.

11. **OLD BUSINESS**

- a. **Fourth Reading of Ordinance Z-627-17**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Reserve at Cool Creek Planned Unit Development District; Sponsor: Councilor Kimball. **Tabled Until the 1/8/18 Meeting.**

**Synopsis:**

Establishes The Reserve at Cool Creek Planned Unit Development District Ordinance (the “The Reserve at Cool Creek PUD”). The Ordinance would rezone the real estate from R-1 Residential to a Planned Unit Development district allowing the development of a residential neighborhood laid out per the Development Plan included in Exhibit B of this Ordinance which includes single family ranch and villa homes of the architectural character illustrated in Exhibit E and Exhibit F of this Ordinance.

- b. **Fourth Reading of Ordinance D-2397-17**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Ordinance D-2381-17; Sponsor: Councilor Kimball. **Sent to the Finance, Utilities and Rules Committee (1/5/18 Meeting Date).**

**Synopsis:**

This ordinance amends the 2018 salary ordinance by adding the position of Bicycle Program Administrator in the Department of Community Relations and Economic Development.

- c. **Second Reading of Ordinance D-2406-17**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Section 6-158(b) of the Carmel City Code; Sponsor: Councilor Rider. **Sent to the Finance, Utilities and Rules Committee (1/5/18 Meeting Date).**

**Synopsis:**

Ordinance provides provisions to waive term limits for council appointments.

12. **PUBLIC HEARINGS**

- a. **First Reading of Ordinance Z-629-17**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Standards For Short Term Residential Rental Units in the Unified Development Ordinance; Sponsor: Councilor Kimball.

**Synopsis:**

This ordinance adds review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals in the Unified Development Ordinance.

13. **NEW BUSINESS**

- a. **First Reading of Ordinance D-2407-18**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Chapter 2, Article 4, Section 2-149 to the Carmel City Code; Sponsor: Councilor Rider.

**Synopsis:**

Establishes the City of Carmel Non-Reverting Events and Festivals Fund (Fund #923), which Fund shall be used to hold monies received and expended for City events and festivals.

14. **OTHER BUSINESS**

- a. **City Council Appointments**

1. Carmel Ethics Board (Term Expires 1/1/18, two year term); One appointment. **TABLED**
2. Carmel Economic Development Commission (Term Expires 1/31/17, two year term); One appointment. **TABLED**
3. Carmel City Center Community Development Corporation (4CDC) (Term Expires 12/31/18, one year term); One appointment. **TABLED**
4. Carmel Redevelopment Commission (Terms Expire 12/31/18, one year term); Two appointments. **TABLED**

15. **ANNOUNCEMENTS**

16. **EXECUTION OF DOCUMENT**

17. **ADJOURNMENT**

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# COMMON COUNCIL MEETING MINUTES

MONDAY, DECEMBER 18, 2017 – 6:00 P.M.

PUBLIC MEETING ROOM

CARMEL CLAY EDUCATIONAL SERVICES CENTER

5201 E. MAIN ST.

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## **MEETING CALLED TO ORDER**

11 Council President Sue Finkam; Council Members: Kevin D. Rider, Ronald E. Carter, Anthony Green, Jeff  
12 Worrell, Kevin D. Rider, Laura Campbell, H. Bruce Kimball and Deputy Clerk Jacob Quinn were present.

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14 Council President Finkam called the meeting to order at 6:05 p.m.

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## **INVOCATION**

18 Pastor Aaron Hoover, Traders Point Christian Church, delivered the Invocation.

19  
20 Council President Finkam led the Pledge of Allegiance.

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## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS**

24 There were none.

25  
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## **APPROVAL OF MINUTES**

28 Councilor Campbell moved to approve minutes from the December 4, 2017 Regular Meeting. Councilor  
29 Kimball seconded. There was no Council discussion. Council President Finkam called for the vote.  
30 Minutes were approved 7-0

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## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL**

34 Tom Johnson, Concerned Citizens of Clay Springs, spoke in opposition to the Solar Array at 12032 Clay  
35 Center Rd.

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## **COUNCIL AND MAYORAL COMMENTS/OBSERVATIONS**

39 Councilor Green left the meeting.

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41 Councilor Rider moved to add-on Ordinance D-2406-17 and Ordinance D-2405-17 under Other Business.  
42 Councilor Campbell seconded. There was no Council discussion. Council President Finkam called for the  
43 vote. The motion to add-on was approved 6-0.

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## **ACTION ON MAYORAL VETOES**

48 There were none.

49

50 **CLAIMS**

51

52 Councilor Rider moved to approve Payroll in the amount of \$2,102,133.93. Councilor Campbell  
53 seconded. There was no Council discussion. Council President Finkam called for the vote. Payroll was  
54 approved 6-0.

55

56 Councilor Rider moved to approve General Claims in the amount of \$2,193,713.11. Councilor Campbell  
57 seconded. There was no Council discussion. Council President Finkam called for the vote. Claims were  
58 approved 6-0

59

60 Councilor Rider moved to approve Retirement in the amount of \$94,494.65. Councilor Worrell seconded.  
61 There was no Council discussion. Council President Finkam called for the vote. Retirement was approved  
62 6-0

63

64 Councilor Rider moved to acknowledge Wire Transfers in the amount of \$1,227,432.90. Councilor  
65 Campbell seconded. There was no Council discussion. Council President Finkam called for the vote.  
66 Wire Transfers were acknowledged 6-0

67

68 **COMMITTEE REPORTS**

69

70 Councilor Rider reported that the Finance, Utilities and Rules Committee had not met

71

72 Councilor Kimball reported that the Land Use and Special Studies Committee had met and that reports  
73 would be given when the items appear on the agenda.

74

75 **OTHER REPORTS – (at the first meeting of the month specified below):**

76

77 Brad Cozza, Airport Director, gave a presentation from the Indianapolis Executive Airport.

78

79 Jeremy Kashman, City Engineer, presented on the progress of projects from bonds adopted in 2016.

80

81 **OLD BUSINESS**

82

83 Councilor President Finkam announced the **Second Reading of Ordinance D-2398-17**; An Ordinance of  
84 the Common Council of the City of Carmel, Indiana, Authorizing the Issuance of the City of Carmel,  
85 Indiana Economic Development Revenue Bonds, Series 2018 (KAR Auction Services, Inc. Project) and  
86 Authorizing and Approving Other Actions in Respect Thereto. Held Over and Not Sent to Committee.  
87 Councilor Worrell moved to approve Ordinance D-2398-17. Councilor Rider seconded. There was no  
88 Council discussion. Council President Finkam called for the vote. **Ordinance D-2398-17** was approved 6-  
89 0.

90

91 Councilor President Finkam announced the **Third Reading of Ordinance Z-628-17**; An Ordinance of the  
92 Common Council of the City of Carmel, Indiana, Rezoning 35.21+/- Acres Located at the Northeast  
93 Corner of the Intersection of 111<sup>th</sup> Street and Pennsylvania Street From the R-1/Residential Zoning  
94 District to the C-2/Mixed Use Zoning District. Councilor Rider moved to remove the item from the table.  
95 Councilor Worrell seconded. There was no Council discussion. Council President Finkam called for the  
96 vote. The motion was approved 6-0. Jamie Browning, Browning Investments, presented to Council.  
97 Worrell moved to amend item 1C by adding in a 10 foot asphalt path. Councilor Rider seconded. There  
98 was no Council discussion. Council President Finkam called for the vote. The motion was approved 6-0.  
99 Councilor Rider moved to approve Ordinance Z-628-17 As Amended. Councilor Carter seconded. There

100 was no Council discussion. Council President Finkam called for the vote. **Ordinance Z-628-17 As**  
101 **Amended** was approved 6-0.

102  
103 Councilor President Finkam announced the **Third Reading of Ordinance Z-627-17**; An Ordinance of the  
104 Common Council of the City of Carmel, Indiana, Establishing the Reserve at Cool Creek Planned Unit  
105 Development District. Item was tabled until January 8, 2018.

106  
107 Councilor President Finkam announced the **Third Reading of Ordinance D-2397-17**; An Ordinance of  
108 the Common Council of the City of Carmel, Indiana, Amending Ordinance D-2381-17; Sponsor:  
109 Councilor Kimball. Item remains in the Finance, Utilities and Rules Committee.

110  
111 **PUBLIC HEARINGS**

112  
113 Councilor President Finkam announced **Resolution CC-11-20-17-02**; A Resolution of the Common  
114 Council of the City of Carmel, Indiana, Regarding Transfer of Real Property to Third Party. Councilor  
115 Worrell moved to introduce the item into business. Councilor Campbell seconded. Councilor Worrell  
116 presented the item to Council. Council President Finkam opened the public hearing at 7:04:15 p.m.

117  
118 Seeing no one who wished to address Council, Council President Finkam closed the public hearing at  
119 7:04:25 p.m. Councilor Rider moved to approve Resolution CC-11-20-17-02. Councilor Worrell  
120 seconded. There was no Council discussion. Council President Finkam called for the vote. **Resolution**  
121 **CC-11-20-17-02** was approved 6-0

122  
123 **NEW BUSINESS**

124  
125 Councilor President Finkam announced **Resolution CC-12-18-17-01**; A Resolution of the Common  
126 Council of the City of Carmel, Indiana, Approving an Interlocal Agreement Between the City of Carmel  
127 and Hamilton County. Councilor Rider moved to introduce the item into business. Councilor Worrell  
128 seconded. Jon Oberlander, Assistant City Attorney, presented the item to Council. Councilor Rider moved  
129 to approve Resolution CC-12-18-17-01. Councilor Worrell seconded. There was no Council discussion.  
130 Council President Finkam called for the vote. **Resolution CC-12-18-17-01** was approved 6-0

131  
132 Councilor President Finkam announced **Resolution CC-12-18-17-02**; A Resolution of the Common  
133 Council of the City of Carmel, Indiana, Approving an Interlocal Agreement Between the City of Carmel  
134 and Hamilton County. Councilor Rider moved to introduce the item into business. Councilor Campbell  
135 seconded. Jon Oberlander presented the item to Council. Councilor Rider moved to approve Resolution  
136 CC-12-18-17-02. Councilor Campbell seconded. There was no Council discussion. Council President  
137 Finkam called for the vote. **Resolution CC-12-18-17-02** was approved 6-0

138  
139 Councilor President Finkam announced the **First Reading of Ordinance D-2403-17**; An Ordinance of  
140 the Common Council of the City of Carmel, Indiana, Adding Chapter 2, article 4, Section 2-147 to the  
141 Carmel City Code. Councilor Rider moved to introduce the item into business. Councilor Carter  
142 seconded. Jon Oberlander presented the item to Council. Councilor Kimball addressed Council. Councilor  
143 Rider moved to suspend the rules and act on the item this evening. Councilor Carter seconded. There was  
144 no Council discussion. Council President Finkam called for the vote. The motion was approved 6-0.  
145 Councilor Rider moved to approve Ordinance D-2403-17. Councilor Worrell seconded. There was no  
146 Council discussion. Council President Finkam called for the vote. **Ordinance D-2403-17** was approved 6-  
147 0.

148  
149 Councilor President Finkam announced the **First Reading of Ordinance D-2404-17**; An Ordinance of  
150 the Common Council of the City of Carmel, Indiana, Adding Chapter 2, article 4, Section 2-148 to the  
151 Carmel City Code; Sponsor: Councilor Finkam. Councilor Rider moved to introduce the item into

152 business. Councilor Carter seconded. Jim Crider, Director of the Department of Administration, presented  
153 the item to Council. Councilor Rider moved to suspend the rules and act on the item this evening.  
154 Councilor Worrell seconded. There was no Council discussion. Council President Finkam called for the  
155 vote. The motion was approved 6-0. Councilor Rider moved to approve Ordinance D-2404-17. Councilor  
156 Kimball seconded. There was no Council discussion. Council President Finkam called for the vote.  
157 **Ordinance D-2404-17** was approved 6-0.

158  
159 **OTHER BUSINESS**

160  
161 Councilor President Finkam announced the **First Reading of Ordinance D-2405-17**; An Ordinance of  
162 the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 7, Section 8-65 of the  
163 Carmel City Code. Councilor Carter moved to introduce the item into business. Councilor Worrell  
164 seconded. Jon Oberlander presented the item to Council. Doug Haney, Corporation Counsel, addressed  
165 Council. Mayor Brainard addressed Council. Councilor Rider moved to make the following amendments:

166  
167 Section (h) public utilities to read as follows - *Utilities owned and operated by the City of Carmel shall*  
168 *not be required to post bond or other surety pursuant to this section. But are required to comply with all*  
169 *other requirements of this section. The City may require public utilities performing excavation within the*  
170 *public right-of-way to provide active supervision of such excavation or construction if it is located within*  
171 *densely populated or urban environments, or near transmission facilities for the involved utility.*

172  
173 Section (j) penalties to read as follows: *Any person found to be in violation of this section shall be subject*  
174 *to a fine of not less than \$100 per day first the first such violation; to a fine of not less than \$500 per day*  
175 *for the second violation; and subject to a fine of not less than \$1,000 per day for the third and all*  
176 *subsequent violations. Each day constitutes a separate violation.*

177  
178 Line 31 strike *to the* and insert *at the request of*

179  
180 Line 61 insert *within 14 days of the project start date after means*

181  
182 Councilor Carter seconded. There was no Council discussion. Council President Finkam called for the  
183 vote. The motion to amend was approved 6-0. Councilor Rider moved to approve Ordinance D-2405-17  
184 As Amended. Councilor Campbell seconded. There was no Council discussion. Council President Finkam  
185 called for the vote. **Ordinance D-2405-17 As Amended** was approved 6-0.

186  
187 Councilor President Finkam announced the **First Reading of Ordinance D-2406-17**; An Ordinance of  
188 the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII,  
189 Section 6-158(b) of the Carmel City Code. Councilor Campbell moved to introduce the item into  
190 business. Councilor Rider seconded. Councilor Rider presented the item to Council. Council President  
191 Finkam referred the item to the Finance, Utilities and Rules Committee.

192  
193 **Election of 2018 Council Positions**

194  
195 Councilor Worrell moved to nominate Councilor Rider to be Council President.. There was no Council  
196 discussion. Council President Finkam called for the vote to close nominations. The motion passed 6-0.  
197 Council President Finkam announced that Councilor Rider had been elected Common Council President  
198 for 2018.

199  
200 Councilor Rider moved to nominate Councilor Worrell to be Council Vice-President. There was no  
201 Council discussion. Council President Finkam called for the vote to close nominations. The motion  
202 passed 6-0. Council President Finkam announced that Councilor Worrell had been elected Common  
203 Council Vice-President for 2018.

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**City Council Appointments**

Carmel Ethics Board (Term Expires 1/1/18, two year term); One appointment. **TABLED**

Carmel Economic Development Commission (Term Expires 1/31/17, two year term); One appointment. **TABLED**

Carmel City Center Community Development Corporation (4CDC) (Term Expires 12/31/18, one year term); One appointment. **TABLED**

Carmel Redevelopment Commission (Terms Expire 12/31/18, one year term); Two appointments. **TABLED**

**ANNOUNCEMENTS**

Councilor Carter thanked Council President Finkam for her leadership as Council President.

**EXECUTION OF DOCUMENT**

**ADJOURNMENT**

Council President Carter adjourned the meeting at 8:05 p.m.

Respectfully submitted,

\_\_\_\_\_  
Clerk-Treasurer Christine S. Pauley

Approved,

\_\_\_\_\_  
James Brainard, Mayor

**ATTEST:**

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Christine S. Pauley, Clerk-Treasurer

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# COMMON COUNCIL SPECIAL MEETING MINUTES

Friday, December 22, 2017 – 8:00 A.M.  
CAUCUS ROOM/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT**

Council President Sue Finkam; Council Members: Anthony Green, Laura Campbell, H. Bruce Kimball and Deputy Clerk Jacob Quinn were present.

Councilors Kevin D. Rider, Ronald E. Carter and Jeff Worrell were not in attendance.

Council President Finkam called the meeting to order at 8:05 a.m.

## **CLAIMS**

Councilor Campbell moved to approve General Claims in the amount of \$3,294,389.36. Councilor Kimball seconded. There was no Council discussion. Council President Finkam called for the vote. Claims were approved 4-0

## **OTHER BUSINESS**

There was none.

## **ANNOUNCEMENTS**

There were none.

## **EXECUTION OF DOCUMENT**

## **ADJOURNMENT**

Council President Carter adjourned the meeting at 8:06 a.m.

Respectfully submitted,

---

Clerk-Treasurer Christine S. Pauley

Approved,

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James Brainard, Mayor

48 **ATTEST:**

49

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52 \_\_\_\_\_  
Christine S. Pauley, Clerk-Treasurer

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54 1. **CLAIMS**

55

56 a. General Claims \$3,294,389.36

57

58 2. **OTHER BUSINESS**

59

60 3. **ANNOUNCEMENTS**

61

62 4. **EXECUTION OF DOCUMENT**

63

64 5. **ADJOURNMENT**

**Total Gross Wages for REGULAR PAYROLL dated 12/22/2017**

\$1,641,141.49

**Total Payroll Liabilities for REGULAR PAYROLL dated 12/22/2017**

\$414,849.33

I hereby certify that payroll amount listed above is true and correct and I have audited same in accordance with IC 5-11-10-1.6.

Clerk-Treasurer

We have examined the foregoing payroll charges, consisting of one page(s), and except for payroll not allowed as shown in this register, such payroll in the total amount of \$2,055,990.82 is compliance with Section 2-12 of the Carmel City Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 2017

Acknowledged by the Common Council of the City of Carmel, Indiana.

\_\_\_\_\_  
Presiding officer

\_\_\_\_\_  
Council President

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\_\_\_\_\_

**Total Gross PENSION PAYROLL for checks dated 01/01/2018**

\$94,494.65

I hereby certify that payroll amount listed above is true and correct and I have audited same in accordance with IC 5-11-10-1.6.

Clerk-Treasurer

We have examined the foregoing payroll charges, consisting of one page(s), and except for payroll not allowed as shown in this register, such payroll in the total amount of \$94,494.65 is compliance with Section 2-12 of the Carmel City Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 2018

Acknowledged by the Common Council of the City of Carmel, Indiana.

\_\_\_\_\_  
Presiding officer

\_\_\_\_\_  
Council President

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Sponsors: Councilor Kimball

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**CARMEL, INDIANA**

**THE RESERVE AT COOL CREEK PUD**  
PLANNED UNIT DEVELOPMENT DISTRICT

**ORDINANCE Z-627-17**

October 20, 2017

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	<u>Exhibit F.</u>	<u>Architectural Character Imagery – Villa Homes</u>
	<u>Exhibit G.</u>	<u>Character Imagery – Common Areas</u>

Note: All of the above Exhibits (A-G) are attached to this The Reserve at Cool Creek Ordinance, are incorporated by reference into this The Reserve at Cool Creek Ordinance and are part of this The Reserve at Cool Creek Ordinance.

78  
79 Sponsors: Councilor Kimball  
80  
81

82 **ORDINANCE Z-627-17**

83  
84 **AN ORDINANCE OF THE COMMON COUNCIL OF THE**  
85 **CITY OF CARMEL, INDIANA**  
86 **ESTABLISHING**  
87 **THE RESERVE AT COOL CREEK**  
88 **PLANNED UNIT DEVELOPMENT DISTRICT**  
89

90 ***Synopsis:***

91 *Ordinance Establishes The Reserve at Cool Creek Planned Unit Development District*  
92 *Ordinance (the “The Reserve at Cool Creek PUD”). The Ordinance would rezone the real estate*  
93 *from R-1 Residential to a Planned Unit Development district allowing the development of a*  
94 *residential neighborhood laid out per the Development Plan included in Exhibit B of this*  
95 *Ordinance which includes single family ranch and villa homes of the architectural character*  
96 *illustrated in Exhibit E and Exhibit F of this Ordinance.*  
97

98 WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289, as amended  
99 (the “Zoning Ordinance”), provides for the establishment of a Planned Unit Development  
100 District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.; and  
101

102 WHEREAS, the Plan Commission has given a Favorable recommendation to this PUD  
103 district ordinance (the “The Reserve at Cool Creek Ordinance”), which establishes The Reserve  
104 at Cool Creek Planned Unit Development District (the “The Reserve at Cool Creek District”)  
105 with respect to the real estate legally described in Exhibit A (the “Real Estate”).  
106

107 NOW, THEREFORE, BE IT ORDAINED by the Council, that (i) pursuant to IC §36-7-  
108 4-1500 *et seq.*, the Council adopts this The Reserve at Cool Creek Ordinance, as an amendment  
109 to the Zone Map, (ii) all prior ordinances or parts thereof inconsistent with any provision of this  
110 The Reserve at Cool Creek Ordinance and its exhibits are hereby made inapplicable to the use  
111 and development of the Real Estate, (iii) all prior commitments and restrictions applicable to the  
112 Real Estate shall be null and void and replaced and superseded by this The Reserve at Cool  
113 Creek Ordinance, and (iv) this The Reserve at Cool Creek Ordinance shall be in full force and  
114 effect from and after its passage and signing.  
115

116 **Section 1. Applicability of Ordinance.**  
117

118 Section 1.1 The Zone Map is hereby changed to designate the Real Estate as a Planned  
119 Unit Development District to be known as the “The Reserve at Cool Creek District”.  
120 Block “A” thru Block “H” as identified on the Development Plan / Primary Plat shall  
121 retain their current R-1 Zoning District classification.  
122

123 Section 1.2 Development in The Reserve at Cool Creek District shall be governed  
124 entirely by (i) the provisions of this The Reserve at Cool Creek Ordinance and its

125 exhibits, and (ii) those provisions of the Zoning Ordinance and Subdivision Control  
126 Ordinance specifically referenced in this The Reserve at Cool Creek Ordinance.

127  
128 **Section 2. Definitions and Rules of Construction.**

129  
130 Section 2.1 General Rules of Construction. The following general rules of  
131 construction and definitions shall apply to The Reserve at Cool Creek Ordinance:

- 132  
133 A. The singular number includes the plural and the plural the singular, unless  
134 the context clearly indicates the contrary.  
135  
136 B. Words used in the present tense include the past and future tenses, and the  
137 future the present.  
138  
139 C. The word “shall” indicates a mandatory requirement. The word “may”  
140 indicates a permissive requirement.  
141

142 Section 2.2 Definitions. The definitions (i) of the capitalized terms set forth below in  
143 this Section 2.2, as they appear throughout this The Reserve at Cool Creek Ordinance,  
144 shall have the meanings set forth below in this Section 2.2 and (ii) of all other capitalized  
145 terms included in this The Reserve at Cool Creek Ordinance and not defined below in  
146 this Section 2.2, shall be the same as set forth in the Zoning Ordinance.

147  
148 Accessory Structure: A structure which is subordinate to a Dwelling or use  
149 located on the Real Estate and which is not used for permanent human occupancy.

150  
151 Accessory Use: A use subordinate to the main use, located on the Real Estate or  
152 in the same Dwelling as the main use, and incidental to the main use.

153  
154 Architectural Character Imagery: These comprise the elevations and photographs,  
155 attached hereto as Exhibit E (Architectural Character Imagery – Ranch Homes)  
156 and Exhibit F (Architectural Character Imagery – Villa Homes) and are intended  
157 to generally and conceptually illustrate an application of the Development  
158 Requirements. Architectural Character Imagery is general and not intended to  
159 delineate the only final home designs that may be built. Homes will comply with  
160 the Architectural Standards but may vary from the Architectural Character  
161 Imagery provided all applicable Architectural Standards are met.

162  
163 Architectural Standards: The Architectural Standards incorporated herein as  
164 Exhibit C (Architectural Standards – Ranch Homes) and Exhibit D (Architectural  
165 Standards – Villa Homes).

166  
167 Building: A structure having a roof supported by columns and walls, for shelter,  
168 support.

169  
170 BZA: The Carmel Board of Zoning Appeals.  
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City: The City of Carmel, Indiana.

Common Area(s): Common Areas shall comprise a parcel or parcels of land, areas of water, or a combination of land and water, including flood plain and wetland areas located within the Real Estate and designed by the Controlling Developer. Except as otherwise provided herein, Common Areas do not include any area which is divided into individual Dwelling lots or streets. Common Areas shall be in the areas identified on the Exhibit B (Development Plan/Primary Plat).

Controlling Developer: Shall mean Beazer Homes of Indiana, LLP until such time as Beazer Homes of Indiana, LLP transfers or assigns, in writing, its rights as Controlling Developer such as to an Owners Association.

Declaration(s) of Covenants: Declaration(s) of Covenants, Conditions and Restrictions, if any, applicable to the Real Estate, or any portion thereof, which may be prepared and recorded by the Controlling Developer in its discretion in the office of the Recorder of Hamilton County, Indiana, and which may, from time to time, be amended.

Development Plan / Primary Plat: The Development Plan / Primary Plat (DP/PP) attached hereto and incorporated herein by reference as Exhibit B (Development Plan / Primary Plat) is the plan under which the Real Estate will be developed and which is, upon approval, the Primary Plat of the Real Estate.

Development Requirements: Written development standards and any written requirements specified in this The Reserve at Cool Creek Ordinance, which must be satisfied in connection with the approval of the Secondary Plat and Building Permits.

Dwelling: A Ranch Home or Villa Home.

Existing Dwelling: The existing single family residence on the Real Estate at the time of adoption of this The Reserve at Cool Creek Ordinance.

Legal Description: The description of the Real Estate included in Exhibit A.

Masonry: Brick, stone and manufactured or synthetic stone.

Minimum Ground Floor Area: The ground floor area of a dwelling exclusive of porches, terraces, and garages.

Owners Association(s): Owners Association(s) established by the Declaration(s) of Covenants.

Plan Commission: The City's Plan Commission.

Primary Roof: The roof on a Home which has the longest ridge line.

220 Ranch(es) Home: A Single Family Dwelling.

221  
222 Real Estate: The Real Estate legally described in Exhibit A (Legal Description).

223  
224 Sign: Any type of sign as further defined and regulated by this The Reserve at  
225 Cool Creek Ordinance and Section 25.07: Sign Ordinance of the Zoning  
226 Ordinance.

227  
228 Subdivision Control Ordinance: The City’s Subdivision Control Ordinance,  
229 Ordinance Z-160, as amended.

230  
231 Villa(s) Home: A Two Family Dwelling or Villa Home in a Building containing  
232 two (2) living units.

233  
234 Zone Map: The City’s official Zone Map corresponding to the Zoning Ordinance.

235  
236 Zoning Ordinance: The Zoning Ordinance, Ordinance Z-289, of the City of  
237 Carmel, Hamilton County, Indiana, as amended.

238  
239 **Section 3. Accessory Structures and Uses.** All Accessory Structures and Accessory Uses  
240 allowed under the R-1 Residential District of the Zoning Ordinance shall be permitted in The  
241 Reserve at Cool Creek District; unless prohibited in the Declaration(s) of Covenants; provided,  
242 however, that any detached accessory building shall have on all sides the same level of  
243 architectural features and shall be architecturally compatible with the principal building(s) with  
244 which it is associated. All Accessory Structures and Accessory Uses shall be subject to the  
245 provisions of the Zoning Ordinance.

246  
247 **Section 4. Development and Architectural Standards.**

248  
249 Section 4.1 Permitted Uses:

- 250  
251 A. Single Family Dwelling (“Ranches” and/or “Ranch Homes”)  
252  
253 B. Two Family Dwelling (“Villas” and/or “Villa Homes”)  
254  
255 C. Common Areas,  
256  
257 D. Model Home(s),  
258  
259 E. There shall be no more than one hundred and fifty-seven (157) Dwellings  
260 permitted within the Real Estate.  
261  
262 1. A maximum of one hundred and four (104) Villas shall be permitted on  
263 the Real Estate.  
264  
265 F. The Developer shall comply with all requirements of 24 CFR part 100,  
266 subpart E and The Housing for Older Persons Act of 1995 (Pub.L. 104-76,  
267 109 Stat. 787, approved December 28, 1995) (“HOPA”), as they may be

268 amended, to qualify the Dwellings on the Real Estate as “housing intended  
269 and operated for occupancy by persons 55 years of age or older”, as such  
270 phrase is defined in Section 2 of HOPA, in order to exempt Developer and  
271 future owners of the Dwellings from The Fair Housing Act’s (Title VIII of the  
272 Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-3619) (the ”Act”)  
273 prohibition against discrimination because of familial status.  
274

275 G. The development of all Dwellings is intended to provide housing primarily for  
276 persons 55 years of age or older. The Real Estate shall be operated as an age  
277 restricted community in compliance with all applicable state and federal laws.  
278 The provisions of this Section 4.1.G shall be enforced by the Association by  
279 an action in law or in equity, including, without limitation, an injunction  
280 requiring specific performance hereunder. No person under 19 years of age  
281 shall stay overnight in any Dwelling Unit for more than sixty (60) days in any  
282 consecutive twelve (12) month period. Each Dwelling Unit, if occupied, shall  
283 be occupied by at least one (1) individual 55 years of age of older; provided,  
284 however, that once a Dwelling Unit is occupied by an Age-Qualified  
285 Occupant, other Qualified Residents as the same is defined by HOPA of that  
286 Dwelling Unit may continue to occupy the Dwelling Unit, regardless of the  
287 termination of the Age-Qualified Occupant’s occupancy, Notwithstanding the  
288 above, at all times, at least eighty percent (80%) of the Dwelling Units shall  
289 be occupied by at least one (1) individual 55 years of age or older. An  
290 “Association” (established by the Owner of the Real Estate) shall establish,  
291 and may amend or revise, policies and procedures, from time to time, as  
292 necessary to maintain its status as an age restricted community under state or  
293 federal law.  
294

295 H. The Existing Dwelling on the Real Estate and its associated Lot (after  
296 recording of a Secondary Plat) shall be exempt from the provisions Section  
297 4.1.F and Section 4.1.G above.  
298

299 Section 4.2 Bulk Requirements:  
300

301 A. Ranches:  
302

- 303 1. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.
- 304 2. Minimum Lot Width at Building Line: Sixty (60) feet.
- 305 3. Minimum Lot Width at Right of Way: Thirty-five (35) feet.
- 306 4. Minimum Front Yard Setback: Twenty-five (25) feet.
- 307 5. Minimum Side Yard Setback: Four and one-half (4.5) feet.
- 308 6. Minimum Rear Yard Setback:
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- a. Twenty (20) feet. Fifteen (15) feet where adjacent to a Common Area.
  - b. Thirty-five (35) feet for all Lots abutting the Foster Estates Subdivision.
7. Maximum Lot Coverage: Sixty (60) percent.
8. Maximum Building Height (at the mean of Primary Roof): Thirty-five (35) feet.
9. Minimum Ground Floor Area: Two thousand (2,000) square feet.
- B. Villas (the Lot and Yard requirements apply to the aggregate of the two parts of the Lot occupied by the Building; Lot 1a and Lot 1b by way of example):
- 1. Minimum Lot Area: Ten thousand (10,000) square feet.
  - 2. Minimum Lot Width at Building Line: Eighty (80) feet.
  - 3. Minimum Lot Width at Right of Way: Fifty (50) feet.
  - 4. Minimum Front Yard Setback: Twenty-five (25) feet.
  - 5. Minimum Side Yard Setback: Five (5) feet.
  - 6. Minimum Rear Yard Setback:
    - a. Twenty (20) feet. Fifteen (15) feet where adjacent to a Common Area.
    - b. Thirty (30) feet for Lots 26-30 as illustrated on the Development Plan / Primary Plat.
  - 7. Maximum Lot Coverage: Sixty (60) percent.
  - 8. Maximum Building Height (at the mean of Primary Roof): Thirty-five (35) feet.
  - 9. Minimum Ground Floor Area: One Thousand five hundred (1,500) square feet per Villa.

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C. Blocks: The Blocks adjacent to the Yorktown Woods and Foster Estates Subdivisions as identified on the Development Plan / Primary Plat shall not be subject to the Bulk Requirements of this Ordinance.

Section 4.3 Applicable landscaping requirements are contained in Section 6 of this The Reserve at Cool Creek Ordinance.

Section 4.4 Applicable signage requirements are contained in Section 7 of this The Reserve at Cool Creek Ordinance.

Section 4.5 Applicable additional requirements and standards are contained in Section 8 of this The Reserve at Cool Creek Ordinance.

Section 4.6 The Real Estate shall be developed per the layout shown in Exhibit B (Development Plan / Primary Plat).

Section 4.7 Architectural Standards:

A. Ranch Homes:

1. The applicable Architectural Standards for Ranch Homes are contained in Exhibit C (Architectural Standards – Ranch Homes) of this The Reserve at Cool Creek Ordinance.
2. The applicable Architectural Character Imagery, indicating conceptually the intended architecture and appearance of Ranch Homes are contained within Exhibit E (Architectural Character Imagery – Ranch Homes) of this The Reserve at Cool Creek Ordinance.
3. Additional Architectural Standards for Ranch Homes on Corner Lots are included on Exhibit E, Page 5 of 7.
4. Additional Architectural standards for Ranch Homes with less than a five (5) offset between the front porch and the garage are included on Exhibit E, Page 6 of 7.

B. Villa Homes:

1. The applicable Architectural Standards for Villa Homes are contained in Exhibit D (Architectural Standards – Villa Homes) of this The Reserve at Cool Creek Ordinance.

- 399 2. The applicable Architectural Character Imagery, indicating conceptually  
400 the intended architecture and appearance of Villa Homes are contained  
401 within Exhibit F (Architectural Character Imagery – Villa Homes) of this  
402 The Reserve at Cool Creek Ordinance.
- 403
- 404 3. Additional Architectural Standards for Villa Homes on Corner Lots are  
405 included on Exhibit F, Page 6 of 8.
- 406
- 407 4. Additional Architectural standards for Villa Homes on specific lots closest  
408 to Keystone Avenue are included on Exhibit F, Page 7 of 8. The  
409 architectural requirements (each building shall have at least one covered  
410 porch, screened porch, or sunroom) of this provision shall also apply to  
411 Lots 26-30 as illustrated on the Development Plan / Primary Plat.
- 412
- 413 C. Existing Dwelling: The Existing Dwelling on the Real Estate and its  
414 associated Lot (after recording of a Secondary Plat) shall be exempt from the  
415 provisions Section 4.7 above.
- 416

417 Section 4.8 Lot Lighting: All Dwellings shall have light fixtures flanking the garage door  
418 and equipped with a photo cell so the light is on from dusk to dawn.

419

420 Section 4.9 Street Lighting: Street lighting (lighting in the street right-of-way), shall (i)  
421 be provided at street intersections, (ii) meet all applicable City standards and (iii) be  
422 reviewed by the City.

423

424 Section 4.10 Parking: Two (2) spaces per Dwelling are required. Parking Spaces (i)  
425 within driveways and (ii) within garages shall count toward this requirement. Vehicles  
426 shall not be parked in a location that encroaches onto the sidewalk. Driveways shall be  
427 concrete, stamped concrete, brick, porous concrete, or stone or pervious pavers. Asphalt  
428 driveways shall not be permitted.

429

430 **Section 5. Common Area Requirements.** Common Area shall be in the areas identified on  
431 Exhibit B (Development Plan / Primary Plat).

432

433 Section 5.1 A minimum of twenty-two (22) acres, approximately thirty-nine (39)  
434 percent, of the District, shall be allocated to Common Area as illustrated on the  
435 Development Plan / Primary Plat.

436

437 Section 5.2 A common area plan has been submitted and is on file with the rezoning  
438 request which illustrates the area and use of the proposed common areas.

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440 Section 5.3 Common Areas shall be provided for passive recreation opportunities as  
441 generally depicted on the Development Plan / Primary Plat.

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Section 5.4 Character Imagery illustrating the style of improvements which shall be constructed in the Common Areas is contained on Exhibit G (Character Imagery – Common Areas) of this The Reserve at Cool Creek Ordinance. Improvements in Common Areas shall include but shall not be limited to (i) walking Trails and sidewalks, (ii) gathering spaces, and (iii) entryway monumentation and signage.

**Section 6.** **Landscaping Requirements.** A detailed engineered landscape plan showing the size, location and variety of all plantings, other than foundation and Lot plantings, shall be submitted and approved as part of the Secondary Plat. Landscaping shall comply with the following standards:

Section 6.1. General Landscaping Standards. Landscaping shall be integrated with, and complement other functional and ornamental site design elements, such as hardscape materials, paths, sidewalks, fencing.

- A. All trees, shrubs and ground covers shall be planted according to American Standard for Nursery Stock (ANSI Z60.1), and following the standards and best management practices (BMPs) published by the City’s Urban Forestry Program. Landscaping materials shall be appropriate for local growing and climatic conditions. Plant suitability, maintenance and compatibility with site construction features are factors that shall be addressed. The City’s planting details shall be used. All trees shall be selected from the City’s recommended tree list published by the City’s Urban Forestry Program or otherwise approved by the Urban Forester.
- B. Shade trees shall be at least 2.5 inches in caliper when planted. Ornamental trees shall be at least 1.5 inches in caliper when planted. Evergreen trees shall be 6 feet in height when planted. Shrubs shall be at least 18 inches in height when planted. Ornamental grasses must obtain a mature height of at least 3 feet. The preservation of existing plant material is subject to the requirements note in this Section 6.
- C. Existing vegetation may be used to achieve project landscaping requirements if (i) the vegetation located on subject parcel is of suitable quality and health, (ii) the vegetation is required to be preserved using accepted best management practices (BMP’s) for tree protection during construction and (iii) the vegetation is identified on an approved landscape plan as used to achieve project landscaping requirements. Replacement of existing plant material included on an approved landscape plan used to achieve project landscaping requirements that later dies shall be subject to the same replacement standard as proposed landscape material.
- D. All landscaping approved as part of a Development Plan shall be installed prior to issuance of the first Certificate of Occupancy for a dwelling in the area of the Real Estate subject to a Primary Plat; provided, however, that when because of weather conditions, it is not possible to install the approved landscaping before the issuance of a Certificate of Occupancy, the Controlling

490 Developer shall request a temporary Certificate Of Occupancy which shall be  
491 conditioned upon a determined time to complete the installation of the  
492 uninstalled landscape material.

493  
494 E. All landscaping is subject to Primary Plat approval. No landscaping which has  
495 been approved by the Director with the Primary Plat may later be substantially  
496 altered, eliminated or sacrificed without first obtaining further approval from  
497 the Director or the Director's designee in order to conform to specific site  
498 conditions.

499  
500 F. It shall be the responsibility of the owner(s), with respect to any portion of the  
501 Real Estate owned by such owner(s) and on which any landscaped area exists  
502 per the requirements of this The Reserve at Cool Creek Ordinance, to ensure  
503 proper maintenance of landscaping in accordance with The Reserve at Cool  
504 Creek Ordinance. This maintenance is to include, but is not limited to (i)  
505 mowing, tree trimming, planting, maintenance contracting, irrigation and  
506 mulching of planting areas, (ii) replacing dead or diseased plantings with  
507 identical varieties or a suitable substitute, and (iii) keeping the area free of  
508 refuse, debris, rank vegetation and weeds.

509  
510 Section 6.2. Areas to be landscaped.

511  
512 A. Perimeter Buffering.

513  
514 1. Perimeter buffer widths shall be a minimum width as follows:

515  
516 a. Twenty (20) feet along the east perimeter of the Real Estate with  
517 ten (10) feet permitted within four hundred (400) feet of the 136<sup>th</sup>  
518 Street right-of-way.

519  
520 b. Ten (10) feet in the area along the north perimeter of the Real  
521 Estate adjacent to the Foster Estates Subdivision as illustrated on  
522 the Development Plan / Primary Plat.

523  
524 c. Individual Blocks adjacent to the Foster Estates Subdivision and  
525 Yorktown Wood Subdivision west of Matt Street as illustrated on  
526 the Development Plan / Primary Plat shall be provided.

527  
528 d. Thirty (30) feet along Keystone Parkway.

529  
530 2. Perimeter buffers may be located in easements on Lots or within Common  
531 Areas as generally illustrated on the Development Plan / Primary Plat.

532  
533 3. Eight (8) shade or evergreen trees, two (2) ornamental trees, and twenty-  
534 five (25) shrubs (per 100 linear feet) shall be provided within the  
535 perimeter buffer area along the Keystone Parkway and 136<sup>th</sup> Street  
536 perimeter of the Real Estate.

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4. Four (4) shade or evergreen trees, one (1) ornamental trees, and fifteen (15) shrubs (per 100 linear feet) shall be provided within the perimeter buffer area along the perimeters of the Real Estate not adjacent to public right-of-way as indicated on the Development Plan. The perimeter buffer identified in Section 6.2.A.1.c above shall not be subject to this requirement but shall be subject to tree preservation as agreed to with the transfer of the subject Block(s).
  5. Existing trees in the Tree Preservation areas may substitute in lieu of shrubbery on a 1:3 basis (one tree equals three (3) shrubs). Existing and proposed shade trees may substitute in lieu of required ornamental trees and/or evergreen trees on a 1:1 basis. Substitutions shall be noted on the Landscape Plan submitted at the time of Secondary Plat review.
  6. No perimeter buffering internal to the Real Estate shall be required between individual parcels within The Reserve at Cool Creek District.

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B. Street Trees.

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1. Large growing shade trees shall be planted within public street right-of-way, parallel to each street, in planting strips. Street trees shall be planted a minimum of twenty-five (25) feet and a maximum of forty (40) feet on center and are not required to be evenly spaced, unless this spacing cannot be attained due to the location of driveways, proposed utilities, or other obstructions as defined below in Section 6.2.B.2.
  2. Per City standards, no street trees shall be planted in conflict with drainage or utility easements or structures and underground detention (unless so designed for that purpose), or within traffic vision safety clearances. However, where the logical location of proposed utilities would compromise the desired effect, the Controlling Developer may solicit the aid of the City's Urban Forester in mediating an alternative.
  3. Street tree species shall be selected from the City's published list of recommended street trees.
  4. The minimum tree plot width shall be six (6) feet.

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C. Foundation and Lot Planting Standards.

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1. The following planting requirements apply to all Ranch Lots:
    - a. One (1) shade tree included in a minimum of two (2) trees in the front yard. In addition Corner Lots shall install two (2) evergreen trees along the side of the home façade facing a street.

- 584                            b.        A minimum of ten (10) shrubs and /or ornamental grasses along  
585                            the Dwelling foundation with a minimum of six (6) facing the  
586                            street.  
587  
588                            c.        Corner lots shall install a minimum of sixteen (16) shrubs and/or  
589                            ornamental grasses along the dwelling foundation with a minimum  
590                            of eight (8) shrubs along the side of the home facing a street.  
591  
592                            2.        The following planting requirements apply to Villa Lots:  
593  
594                            a.        One (1) shade tree included in a minimum of two (2) trees in the  
595                            front yard per Villa. In addition Corner Lots shall install two (2)  
596                            evergreen trees along the side of the home façade facing a street.  
597  
598                            b.        A minimum of sixteen (16) shrubs and /or ornamental grasses  
599                            along the Building foundation with a minimum of four (4) facing  
600                            the street per Villa.  
601  
602                            c.        Corner lots shall install a minimum of twenty (20) shrubs and/or  
603                            ornamental grasses along the building foundation with a minimum  
604                            of four (4) shrubs or grasses facing a street and a minimum of eight  
605                            (8) shrubs along the side of the home facing a street.  
606  
607                            d.        Each Building adjacent to Keystone Parkway (Lot # 1 thru Lot #23  
608                            on the Development Plan / Primary Plat) shall install a minimum  
609                            of eight (8) shrubs and two (2) shade or evergreen trees in the rear  
610                            yard.  
611  
612                            3.        Foundation and Lot Plantings shall be installed by the builder at the  
613                            time a Dwelling is constructed on the Lot.  
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615                            D. Storm Water Retention Ponds.    The primary landscaping materials used  
616                            adjacent to ponds shall be native aquatic shoreline species, trees, shrubs,  
617                            ground covers, and ornamental grasses appropriately sited for a natural rather  
618                            than engineered appearance utilizing primarily native plants.  
619  
620                            E. Common Areas.    Signage shall be provided every five hundred (500) feet  
621                            around naturalized planting areas and shall include the text “Do Not Mow –  
622                            Naturalized Planting Area”.

623  
624        Section 6.3    Tree Preservation.    Tree Preservation Areas shall be provided as shown  
625        on the Development Plan. The existing trees within these tree preservation areas, with  
626        supplemental plantings as necessary, are intended to meet the perimeter buffering

627 requirements of this The Reserve at Cool Creek Ordinance. Tree Preservation Areas  
628 shall be regulated and well maintained in accordance with the following.  
629

630 A. The following best management practices and activities shall be permitted  
631 within Tree Preservation Areas:  
632

- 633 1. Removal of exotic and invasive species, e.g., bush honeysuckle. (See the  
634 Indiana Exotic and Invasive Plant List provided by the City of Carmel. If  
635 you are not able to identify exotic and invasive species, seek professional  
636 assistance. Application of herbicide should be completed with professional  
637 oversight.)  
638
- 639 2. Removal of dead, hazardous and at risk trees.  
640
- 641 3. Removal of vines growing on and up a tree.  
642
- 643 4. Removal of an overabundance of fallen and cut trees.  
644
- 645 5. Planting of native trees. (See the Indiana Native Tree List provided by the  
646 City of Carmel.)  
647
- 648 6. Direct discharge of surface drainage of storm water from the rear half of  
649 any lot that is adjacent to a tree preservation area.  
650
- 651 7. Establishment of access easements, unpaved trails, utility and drainage  
652 improvements. This provision is intended to permit the crossing of the tree  
653 preservation area and not one easement to fully occupy the area.  
654
- 655 8. Complete maintenance activities by following industry standard using the  
656 current American National Safety Institute (ANSI) Z-133 and A-300  
657 approved practices and methods.  
658

659 B. The following activities shall be prohibited within Tree Preservation Areas:  
660

- 661 1. Removal of native vegetation.  
662
- 663 2. Mowing and clearing any portion of a tree preservation area.  
664
- 665 3. Dumping of leaves and debris from outside locations into a tree  
666 preservation area.  
667
- 668 4. Seeding; including grass seed, prairie mix seed, sod and the planting of  
669 any type of garden unless approved by the Urban Forester.  
670
- 671 5. The construction of pools, sheds, garages, fences, playground equipment,  
672 tree houses, fire pits and other permanent or semi-permanent structures  
673 shall be prohibited.  
674

675 6. Recreational activities that adversely impact the health, structure and  
676 integrity of a tree preservation area, including, playground equipment,  
677 basketball or tennis courts and pools.

- 678  
679 C. The following shall be required for all Tree Preservation Areas:  
680  
681 1. Signs identifying the Tree Preservation Area shall be posted every five  
682 hundred (500) feet around the perimeter of all Tree Preservation Areas.  
683  
684 2. Barriers shall be utilized during site development and earth moving  
685 activities, which shall be specified on landscape plans. Such barriers shall  
686 remain in place during the site's construction activity.  
687

688 **Section 7.** **Signage Requirements.** All signage on the Real Estate shall comply with  
689 Chapter 25.07 of the Zoning Ordinance as amended.  
690

691 **Section 8.** **Additional Requirements and Standards.**  
692

693 Section 8.1. Premises Identification. Premises identification shall meet the  
694 requirements of the Zoning Ordinance as amended.  
695

696 Section 8.2. Home Occupations. Home Occupations shall meet the requirements of the  
697 Zoning Ordinance as amended.  
698

699 Section 8.3. Lot Maintenance and Improvements. The regulation of the following  
700 standards shall be included in the Declaration of Covenants and Restriction and shall be  
701 applicable to the Real Estate:  
702

703 A. An optional Lot landscape maintenance program including mulching, edging,  
704 fertilizations, mowing, weeding of beds, and fall clean-up, which may be  
705 administered by an Owners Association, shall be available to Lot owners.  
706

707 B. An optional snow removal program, which may be administered by an  
708 Owners Association, shall be available to Lot owners.  
709

710 C. Swingsets, jungle gyms, trampolines, basketball goals, sandboxes, above  
711 ground pools and storage sheds shall be prohibited.  
712

713 D. All fences shall be (i) black metal, (ii) of a consistent style and height and (iii)  
714 a maximum of 48” in height. Fences do not include privacy screens within  
715 ten (10) feet of the Dwelling.  
716

717 E. All mailboxes will be of the same material and design.  
718

719 Section 8.4. Right-of-way widths.  
720

- 721 A. The required half right-of-way width for 136<sup>th</sup> Street shall be as shown on  
722 the Development Plan / Primary Plat.  
723  
724 B. The required right-of-way width for Keystone Parkway shall be the right  
725 of way which exists at the time of adoption of this The Reserve at Cool  
726 Creek Ordinance.  
727  
728 C. All other streets shall have a minimum right-of-way width of fifty-six (56)  
729 feet.  
730

731 Section 8.5. Sidewalks and Pedestrian Amenities.  
732

- 733 A. Five (5) foot wide concrete sidewalks shall be required along both sides of  
734 all streets internal to the Real Estate.  
735  
736 B. A ten (10) foot wide asphalt path shall be required along (i) the north side  
737 of 136<sup>th</sup> Street and (ii) the east side of Keystone Parkway, as shown of the  
738 Development Plan / Primary Plat.  
739  
740 C. A six (6) foot asphalt path shall be installed between the Keystone  
741 Parkway path and Millgate Way, as shown on the Development Plan /  
742 Primary Plat.  
743

744 Section 8.6. Site Access and Road Improvement Requirements.  
745

- 746 A. Construction of the public street site access and pathway improvements along  
747 136<sup>th</sup> Street shall satisfy all applicable Thoroughfare Plan related  
748 improvement requirements as identified in and required under the Zoning  
749 Ordinance unless otherwise provided for in this The Reserve at Cool Creek  
750 Ordinance.  
751  
752 B. All existing “stub” streets abutting the Real Estate shall be extended by the  
753 Controlling Developer to connect to the proposed streets on the Real Estate.  
754  
755 C. Street connections to adjoining subdivisions. Vehicular traffic from the Real  
756 Estate to the existing residential subdivisions to the east, north and west via  
757 the four (4) streets shown on the Development Plan / Primary Plat shall be  
758 blocked using a portable barricade or bollards until the earlier of (i) five years  
759 from the date of issuance of the first building permit for a home on a Lot, (ii)  
760 the date on which 110 homes have received a certificate of occupancy (70%  
761 of the total number of homes), (iii) the date on which the homeowner’s  
762 association of an existing residential subdivision requests, in writing, that the  
763 barricade or bollards be removed, or (iv) a determination is made by Carmel  
764 Engineering that the barricade or bollard should be removed.  
765

766 Section 8.7. Declaration of Covenants and Owners Association. Declarations of  
767 Covenants shall be prepared by the Controlling Developer in its discretion and recorded  
768 with the Recorder of Hamilton County, Indiana. The Declaration(s) of Covenants may

769 establish an Architectural Review Board, which shall establish guidelines regarding the  
770 design and appearance of all Buildings.

771  
772 **Section 9. Procedural Provisions.**

773  
774 Section 9.1. Approval or Denial of the Development Plan / Primary Plat. The  
775 Development Plan / Primary Plat has been reviewed and approved by the Commission,  
776 and constitutes the approved Primary Plat and, as such, the Developer shall not be  
777 required to return to the Commission for Primary Plat approval.

778  
779 Section 9.2. Secondary Plat Approval. The Director shall have sole and exclusive  
780 authority to approve, with or without conditions, or to disapprove any Secondary Plat;  
781 provided, however, that the Director shall not unreasonably withhold or delay the  
782 Director's approval of a Secondary Plat that is in substantial conformance with the  
783 Development Plan / Primary Plat and is in conformance with the Development  
784 Requirements of this The Reserve at Cool Creek Ordinance. If the Director disapproves  
785 any Secondary Plat, the Director shall set forth in writing the basis for the disapproval  
786 and schedule the request for hearing before the Commission.

787  
788 Section 9.3. Changes Requiring Council Approval. Changes that shall require  
789 amendment of this The Reserve at Cool Creek Ordinance through the standard rezone  
790 process include the following: Increases in density or intensity; Changes in the  
791 proportion or allocation of land uses; Changes in the list of approved uses; Changes in the  
792 locations of uses; changes in the functional uses of open space, where such change  
793 constitutes an intensification of use of the open space; and/or a dimensional change of  
794 greater than ten percent (10%).

795  
796 Section 9.4. Modification of Development Requirements (Zoning Waiver). The Plan  
797 Commission may, after a public hearing, grant an applicant a waiver subject to the  
798 requirements of Chapter 31.06.04.12 of the Zoning Ordinance.

799  
800 Section 9.5. Variance of Development Requirements. The BZA may authorize  
801 Variances from the terms of The Reserve at Cool Creek Ordinance, subject to the  
802 procedure prescribed in Chapter 30 of the Zoning Ordinance.

803  
804 **Section 10. Controlling Developer's Consent.** Without the written consent of the  
805 Controlling Developer, no other developer, user, owner, or tenant may obtain any permits or  
806 approvals, whatsoever, with respect to the Real Estate or any portion thereof and, as such, and by  
807 way of example but not by limitation, none of the following may be obtained without the  
808 approval and consent of the Controlling Developer:

809  
810 A. Improvement Location Permits for any site improvements within the Real  
811 Estate;

812  
813 B. Sign permits for any Signs within the Real Estate;

814

- 815 C. Improvement Location Permits for any Dwellings within the Real Estate;  
816  
817 D. DP, Primary Plat or Secondary Plat approval for any part of the Real Estate;  
818 and  
819  
820 E. Any text amendments, variances, modifications of development requirements  
821 or other variations to the terms and conditions of this The Reserve at Cool  
822 Creek Ordinance.  
823

824 **Section 11. Violations and Enforcement.** All violations and enforcement of this The  
825 Reserve at Cool Creek Ordinance shall be subject to Chapter 34 of the Zoning Ordinance.  
826

827 **Section 12. Exhibits.** All of the Exhibits (A-G) on the following pages are attached to this  
828 The Reserve at Cool Creek Ordinance, are incorporated by reference into this The Reserve at  
829 Cool Creek Ordinance and are part of this The Reserve at Cool Creek Ordinance.  
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832 *The remainder of this page is left blank intentionally.*  
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Exhibit "A"

(Legal Description)

PART OF THE SOUTHEAST QUARTER AND SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 4 EAST LOCATED IN CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE FOUND AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 4 EAST; THENCE ON THE NORTH LINE OF SAID SOUTHEAST QUARTER NORTH 89 DEGREES 45 MINUTES 35 SECONDS EAST (ASSUMED BEARING) 1310.32 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE WEST LINE OF SMOKEY RIDGE SUBDIVISION, SECTION 4; THENCE ON SAID WEST LINE AND ON THE WEST LINES OF SMOKEY RIDGE SUBDIVISION, SECTION 3 AND 2 SOUTH 00 DEGREES 05 MINUTES 42 SECONDS EAST 2002.43 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE NORTH LINE OF SMOKEY HOLLOW; THENCE ON SAID NORTH LINE SOUTH 89 DEGREES 50 MINUTES 17 SECONDS WEST 2.95 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE WEST LINE OF SAID SMOKEY HOLLOW SUBDIVISION; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 06 MINUTES 06 SECONDS EAST 518.22 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE NORTH RIGHT OF WAY LINE OF SMOKEY ROW ROAD; THENCE ON SAID NORTH RIGHT OF WAY LINE NORTH 72 DEGREES 38 MINUTES 57 SECONDS WEST 155.63 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE CONTINUING ON SAID NORTH RIGHT OF WAY LINE NORTH 48 DEGREES 49 MINUTES 30 SECONDS WEST 234.36 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE EAST RIGHT OF WAY LINE OF KEYSTONE PARKWAY BEING A CURVE WITH A RADIUS OF 3974.73 FEET WITH A CENTRAL ANGLE OF 11 DEGREES 59 MINUTES 00 SECONDS; THENCE ON THE ARC OF SAID CURVE 831.30 FEET WITH A CHORD BEARING NORTH 37 DEGREES 40 MINUTES 30 SECONDS WEST 829.79 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; THENCE CONTINUING ON SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: 1) NORTH 45 DEGREES 09 MINUTES 33 SECONDS WEST 191.97 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 2) THENCE NORTH 43 DEGREES 40 MINUTES 00 SECONDS WEST 900.00 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING"; 3) THENCE NORTH 41 DEGREES 25 MINUTES 54 SECONDS WEST 130.79 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE SOUTH LINE OF YORKTOWN WOODS SUBDIVISION; THENCE ON SAID SOUTH LINE NORTH 65 DEGREES 52 MINUTES 20 SECONDS EAST 366.88 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE WEST LINE OF SAID SUBDIVISION; THENCE ON SAID WEST LINE NORTH 00 DEGREES 01 MINUTES 35 SECONDS WEST 623.00 FEET TO A 5/8" STEEL REBAR WITH A YELLOW CAP STAMPED "MILLER SURVEYING" ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE ON SAID NORTH LINE NORTH 89 DEGREES 30 MINUTES 00 SECONDS EAST 30.05 FEET TO THE POINT OF BEGINNING, CONTAINING 59.44 ACRES, MORE OR LESS.

Exhibit "A"

(Legal Description – Site Location)



Exhibit "B"

(Development Plan / Primary Plat)

Full size copies of the approved Development Plan / Primary Plat are on file with the Department of Community Services. Below is a reduced version.



1 Exhibit "C"

2  
3 (Architectural Standards – Ranch Homes)

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5  
6 The standards set forth below in this Exhibit C Architectural Standards – Ranch Homes apply to  
7 all Ranch Homes constructed on the Real Estate.

8  
9 A. Permitted Building Materials: Masonry, Wood, Cementitious Board (fiber cement) shall  
10 be permitted siding materials subject to the following provisions:

- 11  
12 1. No vinyl or aluminum siding shall be permitted. Homes will consist of a  
13 thoughtful blend of brick, cultured stone, composite siding, and composite trims.  
14  
15 2. A Masonry Wainscot: (a minimum of 30" from the top of exposed foundation)  
16 shall be provided, at a minimum, on all elevations.  
17  
18 3. Brick or stone masonry shall be provided, at a minimum, on fifteen (15) percent  
19 of the front elevation (excluding doors, windows and opening).  
20

21 B. Building Scale and Massing: Dwelling front elevation shall not feature long, unbroken  
22 expanses of wall. This may be accomplished by including, but not limited to any of the  
23 following features:

- 24  
25 1. Variation in height and depth,  
26  
27 2. Windows and door openings,  
28  
29 3. Changes in roof line or height,  
30  
31 4. Details and materials, texture, and material placement,  
32  
33 5. Placement of landscaping materials,  
34  
35 6. Recessed entries, and coved porches, and  
36  
37 7. Bays and towers.

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39 C. Windows:

- 40  
41 1. Minimum Number:  
42 a. Minimum of two (2) windows per façade (elevation) shall be provided on  
43 the first floor elevation.  
44

- 45                   b.    In addition to the above, a dwelling that contains a story and a half shall  
46                   have a minimum of one (1) window on the facades where siding area is  
47                   present above the first story.  
48  
49                   c.    A minimum of three (3) windows per side façade facing a street or common  
50                   area shall be provided for corner lots and where side yard is adjacent to a  
51                   common area.  
52  
53                   d.    In order to meet the requirement the total aggregate square footage of all  
54                   windows located on a façade must be a minimum of eighteen (18) square  
55                   feet per façade not facing a street or common area and twenty- seven (27)  
56                   square feet per façade facing street or common area. A door on the side of a  
57                   dwelling may substitute for one (1) window on the same side of the  
58                   dwelling.  
59  
60                   2.    Habitable rooms, such as bedrooms and living rooms, shall have an operable  
61                   window with screen to take advantage of the natural cross-ventilation.  
62  
63                   3.    All windows shall be fully framed including a sill and/or cornice frame (minimum  
64                   “1 by 4 board”) unless the window is surrounded by masonry material.  
65  
66                   4.    Windows shall be wood, vinyl-clad, vinyl, aluminum-clad wood, or painted  
67                   metal.  
68

69    D.    Garage Design:

- 70  
71                   1.    All Ranch Homes shall have an attached garage (minimum two-car) with a  
72                   maximum of a two-car garage door facing oriented toward the street.  
73  
74                   2.    All garages shall be designed as an integral part of the architecture of the  
75                   dwelling, with regards to materials, trim and details.  
76  
77                   3.    Garage doors shall have raised panels or other decorative panels (see examples  
78                   provided on Exhibit E, Page 7 of 7).  
79  
80                   4.    Garages with front facing garage doors must be on a separated plane from the  
81                   main body of the home. Front facing garage doors must be projected or recessed  
82                   from the main house plane a minimum of two (2) feet. A projection or recessed  
83                   area of less than two (2) feet will be allowed if the front face of the garage has a  
84                   minimum of six (6) foot offset from the forward most projection of the front  
85                   façade of the main body of the home.  
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E. Porches and Entryways:

1. Porches and/ or entryways shall be clearly defined and a minimum of six (6) feet in depth and thirty (30) square feet in area.
2. Ranch homes with an offset of less than five (5) feet between the front line of the front porch and the front line of the garage shall install one of the entryway features illustrated on Exhibit E, Page 6 of 7.

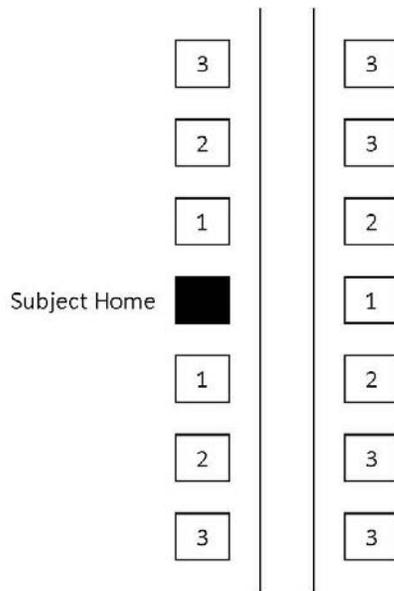
F. Rooflines:

1. Primary roof shall have a minimum roof slop of 6 (vertical units); 12 (horizontal units).
2. Secondary roofs (e.g. porch, bays, garages, dormers) may have a lower pitch.
3. The primary roof shall have at least an eleven inch (11”) overhang after installation of siding or an eight inch (8”) overhang after installation of brick or stone masonry. This measurement shall not include gutters.
4. All dwellings shall include architectural-grade dimensional shingles. Three-tab shingles are not permitted.
5. If dormers are used, at least one (1) window or decorated louver per dormer is required. Dormers and gables must have details such as attic bands, windows and/or decorative attic vent.

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G. Monotony Mitigation:



- 1 Home cannot be the same plan as the Subject Home. Must be a different exterior color package or masonry color
- 2 Home may be of the same plan but must be different elevation and exterior color package as the Subject home.
- 3 May be same plan, elevation, exterior color package and masonry color as the Subject Home

Color Package shall mean and refer to the combination of the following elements: the main body color of the dwelling, the masonry, and the optional accent color. To qualify as a different Color Package, it must include at least two of the three elements being different.

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H. Universal Home Design Requirements:

1. Master Bedroom shall be located on the main level on each home.
2. Hallways shall be a minimum of thirty-six inch (36”) on the main level.
3. A Minimum thirty inch (30”) wide clear opening doorways for exterior doors, the main living areas, and all doors entering rooms on the first floor shall be required.
4. Master bathroom walls shall be blocked to provide for installation of grab bars.
5. Master bathrooms with the option of a shower stall in addition to or in place of a tub shall be provided.

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6. Hand rails near the stairs in compliance with the state building code shall be required.
  7. Either a no step entry or an entry designed for the addition of a handicap ramp at the front door available as an option upon request by a customer on homes which do not include a basement shall be required.
  8. Optional lever hardware shall be available.
  9. Optional front entry door a minimum of thirty-six inch (36”) shall be available.

151  
152 I. Additional Standards for Ranch Homes:  
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1. Corner Lots. See Section 4.7.A.3 and Exhibit E, Page 5 of 7.
  2. Entryway Features. See Section 4.7.A.4 and Exhibit E, Page 6 of 7.

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161 Exhibit "D"

162 (Architectural Standards – Villa Homes)

163 The standards set forth below in this Exhibit C Architectural Standards – Villa Homes apply to all  
164 Villa Homes constructed on the Real Estate.

165 A. Permitted Building Materials: Masonry, Wood, Cementitious Board (fiber cement) shall be  
166 permitted siding materials subject to the following provisions:

- 167
- 168 1. No vinyl or aluminum siding shall be permitted. Homes will consist of a thoughtful  
169 blend of brick, cultured stone, composite siding, and composite trims.
  - 170 2. A Masonry Wainscot: (a minimum of 30" from the top of exposed foundation)  
171 shall be provided, at a minimum, on all elevations.
  - 172 3. A combination of brick or stone masonry, shake shingle or batten board shall be  
173 provided, at minimum on thirty (30) percent of the front elevation (excluding  
174 doors, windows and opening). In all cases brick or stone masonry shall be a  
175 minimum of ten (10) percent of the front elevation (excluding doors, windows and  
176 openings).

177 B. Building Scale and Massing: Dwellings shall not feature long, unbroken expanses of wall.  
178 This may be accomplished by including, but not limited to any of the following features:

- 179
- 180 1. Variation in height and depth,
  - 181 2. Windows and door openings,
  - 182 3. Changes in roof line or height,
  - 183 4. Details and materials, texture, and material placement,
  - 184 5. Placement of landscaping materials,
  - 185 6. Recessed entries, and coved porches, and
  - 186 7. Bays and towers.

187 C. Windows:

- 188
- 189 1. Minimum Number:
    - 190 a. Minimum of two (2) windows per façade (elevation) shall be provided on the  
191 first floor elevation.

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- b. In addition to the above, a dwelling that contains a story and a half shall have a minimum of one (1) window on the facades where siding area is present above the first story.
  - c. A minimum of three (3) windows per side façade facing a street or common area shall be provided for corner lots and where side yard is adjacent to a common areas.
  - d. In order to meet the requirement the total aggregate square footage of all windows located on a façade must be a minimum of eighteen (18) square feet per façade not facing a street or common area and twenty-seven (27) square feet per façade facing street or common area. A door on the side of a dwelling may be substituted for one (1) window on the same side of the dwelling.
- 2. Habitable rooms, such as bedrooms and living rooms, shall have an operable window with screen to take advantage of the natural cross-ventilation.
  - 3. All windows shall be fully framed including a sill and/or cornice frame (minimum “1 by 4 board”) unless the window is surrounded by masonry material.
  - 4. Windows shall be wood, vinyl-clad, vinyl, aluminum-clad wood, or painted metal.

229 D. Garage Design:

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- 1. All Villa Homes shall have an attached garage (minimum two-car) with a maximum of a two-car garage door facing oriented toward the street.
  - 2. All garage shall be designed as an integral part of the architecture of the dwelling, with regards to materials, trim and details.
  - 5. Garage doors shall have raised panels or other decorative panels (see examples provided on Exhibit E, Page 8 of 8).
  - 3. Garages with front facing garage doors must be on a separated plane from the main body of the home. Front facing garage doors must be projected or recessed from the main house plane a minimum of four (4) feet. A projection or recessed area of less than four (4) feet will be allowed if the front face of the garage has a minimum of six (6) foot offset from the forward most projection of the front façade of the main body of the home.

247 E. Porches and Entryways:

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- 1. Porches and/ or entryways shall be clearly defined, a minimum of six (6) feet in depth and thirty (30) square feet in area.

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2. No Villa building will have more than one porch with a forward offset of less than five (5) feet between the front line of the porch and the front line of the garage of the same Villa.
3. The forward porch offset shall be five (5) feet on every Villa where the porch is forward of the front line of the garage.

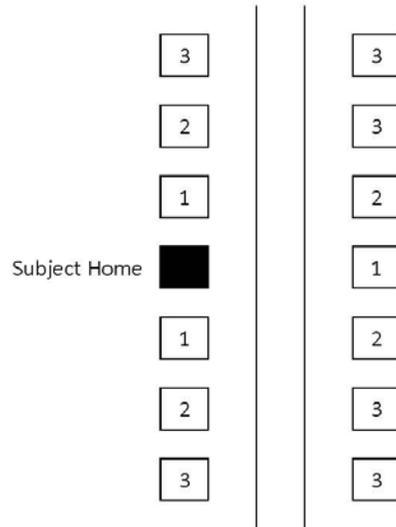
F. Rooflines:

1. Primary roof shall have a minimum roof slop of 6 (vertical units); 12 (horizontal units). Secondary roofs (e.g. porch, bays, garages, dormers) may have a lower pitch.
2. The primary roof shall have at least an eleven inch (11”) overhang after installation of siding or an eight inch (8”) overhang after installation of brick or stone masonry. This measurement shall not include gutters.
3. All dwellings shall include architectural-grade dimensional shingles. Three-tab shingles are not permitted.
4. If dormers are used, at least one (1) window or decorated louver per dormer is required. Dormers and gables must have details such as attic bands, windows and/or decorative attic vent.

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G. Monotony Mitigation:



- 1 Building cannot be of the same elevation as the Subject Home. Must be a different exterior color package and masonry color.
- 2 Building can be the same elevation but must be different exterior color package as the Subject Building.
- 3 Building may be the same elevation, exterior color package and masonry color.

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Color Package shall mean and refer to the combination of the following elements: the main body color of the dwelling, the masonry, and the optional accent color. To qualify as a different Color Package, it must include at least two of the three elements being different.

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H. Universal Home Design Requirements:

1. Master Bedroom shall be located on the main level on each home.
2. Hallways shall be a minimum of thirty-six inch (36”) on the main level.
3. A Minimum thirty inch (30”) wide clear opening doorways for exterior doors, the main living areas, and all doors entering rooms on the first floor shall be required.
4. Master bathroom walls shall be blocked to provide for installation of grab bars.
5. Master bathrooms with the option of a shower stall in addition to or in place of a tub shall be provided.
6. Hand rails near the stairs in compliance with the state building code shall be required.

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7. Either a no step entry or an entry designed for the addition of a handicap ramp at the front door available as an option upon request by a customer on homes which do not include a basement shall be required.
  8. Optional lever hardware shall be available.
  9. Optional front entry door a minimum of thirty-six inch (36") shall be available.

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314 I. Additional Standards for Villa Homes:

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320
1. Corner Lots. See Section 4.7.B.3 and Exhibit F, Page 6 of 8.
  2. Keystone Lots. See Section 4.7.B.4 and Exhibit F, Page 7 of 8.

321 *The remainder of this page is left blank intentionally.*  
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Exhibit "E"

(Architectural Character Imagery – Ranch Homes)









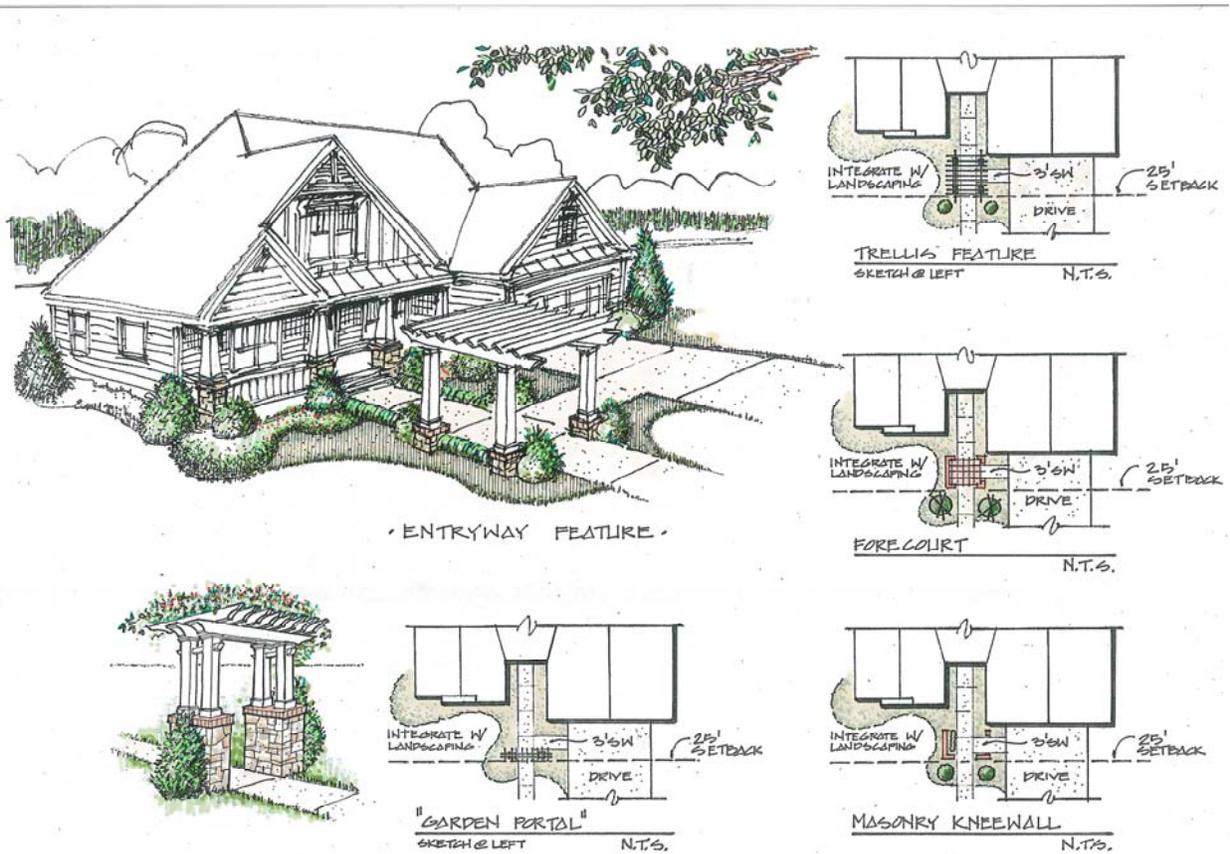
**Additional Requirements for Corner Lots:**

- Minimum 3 windows.
- Architectural feature in roof gable or "clipped" hip roof line with either an additional accent color or window.
- Two 8' evergreens and eight shrubs.



The Reserve at Cool Creek  
Ranch Side Elevation - Corner Lot

All Ranch homes with an offset of less than 5' between the front line of the front porch and the front line of the garage shall install one of the below illustrated entryway features.



**The Reserve at Cool Creek**  
Garage Door Architectural Style Character Exhibits



Exhibit “F”

(Architectural Character Imagery – Villa Homes)











**Additional Requirements for Corner Lots:**

- Minimum 3 windows.
- Architectural feature in roof gable or "clipped" hip roof line with either an additional accent color or window.
- Two 8' evergreens and eight shrubs.



The Reserve at Cool Creek  
Villa Side Elevation - Corner Lot





**Additional Architectural Commitments for Villas adjacent to Keystone Parkway:**

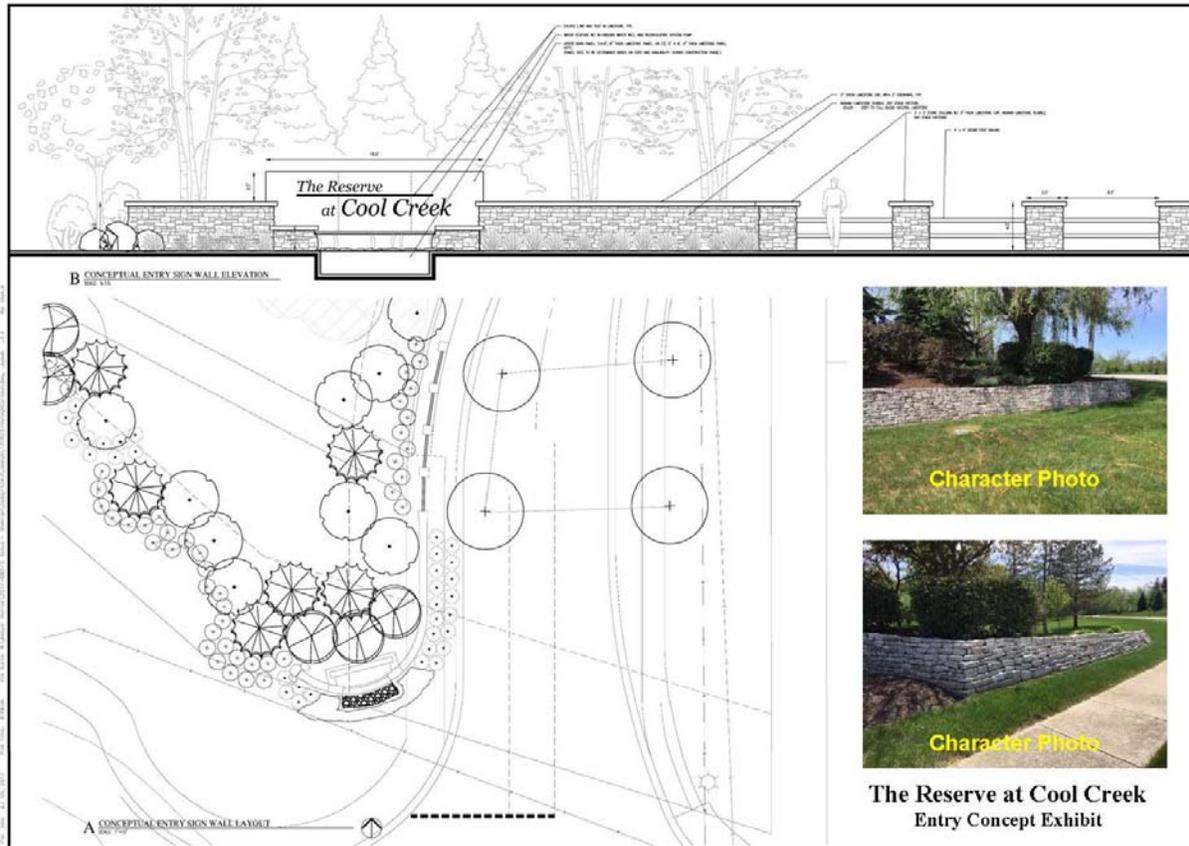
- Each Building highlighted above shall include at least one covered porch, screened porch or sunroom and a minimum of eight (8) shrubs and two (2) evergreen trees in the rear yard.

**The Reserve at Cool Creek**  
Garage Door Architectural Style Character Exhibits



Exhibit "G"

(Character Imagery – Common Areas)





© Ramada Character Image



- KEY NOTES:**
- 1: PROPERTY LINE
  - 2: TURF AREA
  - 3: METAL HEADER
  - 4: SEAT WALL W/ STONE TO MATCH HISTORIC FARM HOUSE
  - 5: CONCRETE / STONE STEP PAD
  - 6: RAMADA
  - 7: SURFACE MATERIAL TBD
  - 8: COLUMN W/ STONE TO MATCH HISTORIC FARM HOUSE
  - 9: CONCRETE SIDEWALK
  - 10: BENCH
  - 11: SURFACE MATERIAL TBD
  - 12: FIRE HYDRANT

**ADOPTED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2017, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

## COMMON COUNCIL FOR THE CITY OF CARMEL

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
H. Bruce Kimball

\_\_\_\_\_  
Laura D. Campbell

\_\_\_\_\_  
Kevin D. Rider

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Tony Green

\_\_\_\_\_  
Sue Finkam

\_\_\_\_\_  
Jeff Worrell

ATTEST:

\_\_\_\_\_  
Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_ 2017, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2017, at \_\_\_\_\_ .M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Christine S. Pauley, Clerk-Treasurer

This Instrument prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Carmel, IN 46032.

Ordinance D-2397-17

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AMENDING ORDINANCE D-2381-17

Synopsis: This ordinance amends the 2018 salary ordinance by adding the position of Bicycle Program Administrator in the Department of Community Relations and Economic Development.

WHEREAS, the Carmel Common Council passed Ordinance D-2381-17, on October 16, 2017, setting 2018 salaries for appointed officers and employees of the City; and

WHEREAS, the need for an employee to assume responsibility for promoting bicycling, increasing ridership and developing world-class cycling amenities in Carmel was identified and defined after Ordinance D-2381-17 was passed; and

WHEREAS, the bicycling program is a marketing/economic development tool requiring a specific set of skills that currently don't exist in the Department of Community Relations and Economic Development.

NOW, THEREFORE, IT IS AGREED AND ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Ordinance D-2381-17 Section 4 is amended to read as follows:

4. COMMUNITY RELATIONS AND ECONOMIC DEVELOPMENT

Table with 2 columns: CLASSIFICATION and MAXIMUM BI-WEEKLY BASE SALARY. Rows include: DIRECTOR OF COMMUNITY RELATIONS/ECONOMIC DEVELOPMENT (6442.73), EVENTS MANAGER (3191.88), PROJECT MANAGER (3013.35), BICYCLE PROGRAM ADMINISTRATOR (2656.27), COMMUNITY RELATIONS SPECIALIST (2299.15), ADMINISTRATIVE ASSISTANT I (1942.04), and PART-TIME/TEMPORARY (UP TO \$23.00 PER HOUR).

Section 3. The remaining provisions of Ordinance D-2381-17 shall remain in full force and effect and are not affected by this Ordinance.

Section 4. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

48           Section 5. If any portion of this Ordinance is for any reason declared unconstitutional,  
49 invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the  
50 validity of the remaining portions of this Ordinance.

51  
52           Section 6. This Ordinance shall be in full force and effect from and after its passage,  
53 signing by the Mayor and such publication as required by law.

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95 PASSED by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of  
96 \_\_\_\_\_, 2016, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

97  
98 COMMON COUNCIL FOR THE CITY OF CARMEL  
99

100 \_\_\_\_\_  
101 Sue Finkam, President

\_\_\_\_\_   
H. Bruce Kimball

102  
103  
104 \_\_\_\_\_  
105 Laura D. Campbell

\_\_\_\_\_   
Kevin D. Rider

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108 \_\_\_\_\_  
109 Ronald E. Carter

\_\_\_\_\_   
Jeff Worrell

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111  
112 \_\_\_\_\_  
113 Anthony Green

114  
115 ATTEST:

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117 \_\_\_\_\_  
118 Christine S. Pauley, Clerk-Treasurer

119  
120  
121 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
122 \_\_\_\_\_ 2016, at \_\_\_\_\_ .M.

123  
124  
125 \_\_\_\_\_  
126 Christine S. Pauley, Clerk-Treasurer

127  
128  
129 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
130 \_\_\_\_\_ 2016, at \_\_\_\_\_ .M.

131  
132  
133 \_\_\_\_\_  
134 James Brainard, Mayor

135 ATTEST:

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137 \_\_\_\_\_  
138 Christine S. Pauley, Clerk-Treasurer

**ORDINANCE NO. D-2406-17**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 6, ARTICLE 5, DIVISION VIII, SECTION 6-158(b) OF THE CARMEL  
CITY CODE.**

**Synopsis: Ordinance provides provisions to waive term limits for council appointments.**

**WHEREAS**, pursuant to Indiana Code, the Common Council of the City of Carmel, Indiana (“Council”), as established a Carmel Plan Commission (“Plan Commission”) and a Carmel Redevelopment Commission (“Redevelopment Commission”); and

**WHEREAS**, the Council has a statutory obligation to nominate Council appointees to the Plan Commission and the Redevelopment Commission; and

**WHEREAS**, the Council now wishes to clarify and restate its authority and manor of appointment of members to the Plan Commission and Redevelopment Commission, respectively.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Carmel City Code Section 3-42 is hereby amended to add the following subsection and shall read as follows:

“(e) Notwithstanding the term limits for individuals appointed under subsections (a)(3) and (a)(4), if the Common Council of the City of Carmel desires to extend an appointment of an individual in excess of the limits set forth in subsections (a)(3) and (a)(4), respectively, the Council may do so by simple majority vote. If an appointee’s term is extended under this subsection, it shall be noted on the appointment documentation and shall be for the same term period as the original appointment.”

Section 3. The remaining provisions of Carmel City Code Sections 6-158 are not affected by this Ordinance and shall remain in full force and effect.

Ordinance D-2406-17  
Page One of Three Pages

46 Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance  
47 are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such  
48 repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other  
49 ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to  
50 the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties  
51 shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been  
52 adopted.

53  
54 Section 5. If any portion of this Ordinance is for any reason declared to be invalid by a court of  
55 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance  
56 so long as enforcement of same can be given the same effect.

57  
58 Section 6. This Ordinance shall be in full force and effect from and after the date of its passage  
59 and signing by the Mayor and such publication as required by law.

60  
61 **PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2017,  
62 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

63  
64 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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66 \_\_\_\_\_  
67 Sue Finkam, President Anthony Green

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70 Kevin D. Rider, Vice-President H. Bruce Kimball

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72 \_\_\_\_\_  
73 Laura D. Campbell Jeff Worrell

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75 \_\_\_\_\_  
76 Ronald E. Carter

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78 ATTEST:  
79 \_\_\_\_\_  
80 Christine S. Pauley, Clerk-Treasurer

81  
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84 Ordinance D-2406-17  
85 Page Two of Three Pages

91 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
92 \_\_\_\_\_ 2017, at \_\_\_\_\_ .M.

93 \_\_\_\_\_  
94 Christine S. Pauley, Clerk-Treasurer

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96  
97 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
98 \_\_\_\_\_ 2017, at \_\_\_\_\_ .M.

99  
100 \_\_\_\_\_  
101 James Brainard, Mayor

102  
103 ATTEST:  
104 \_\_\_\_\_  
105 Christine S. Pauley, Clerk-Treasurer

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107 Ordinance D-2406-17  
108 Page Three of Three Pages

# MEMORANDUM

**TO:** Carmel City Council  
**FROM:** Adrienne Keeling  
Department of Community Services  
**SUBJECT:** Z-629-17  
**DATE:** December 28, 2017

Please find information on the following item forwarded by the Plan Commission. This item will appear on your January 8<sup>th</sup> agenda.

**Forwarded with a favorable recommendation:**

**Ordinance Z-629-17 (Docket No. 17100033 OA): Short Term Residential Rentals**

The applicant seeks to amend the Unified Development Ordinance in order to add review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals. Filed by the Department of Community Services on behalf of the Carmel Plan Commission.

**Current Ordinance Interpretation:**

Since short term rentals, such as those advertised on AirBnb and similar websites, are not a specified use in the Zoning Ordinance, the current interpretation is that they are commercial in nature, and therefore, NOT permitted uses in our residential districts. Those who wish to rent out their homes for less than 30 days would be required to obtain a Use Variance from the Board of Zoning Appeals.

**Current Short Term Rental Activity:**

Since the city started tracking AirBnb and similar websites, the number of short term rentals has fluctuated from 26 – 80 active listings. At last check we have 37 active properties, with fewer than 12 in single family homes. While some of the fluctuation is likely contributed to seasonal popularity, we believe that code enforcement efforts have resulted in an overall reduction. Central Carmel has the most activity with 17, but many are located in multi-family and townhome units. West Carmel is also fairly active with 12; this area fluctuates the most.

**Discussion by the Legislature:**

Meanwhile, in their 2017 session, the State Legislature proposed a bill which would have effectively banned municipalities from regulating short term rentals. The bill failed, but the topic was assigned to an Interim Study Committee for discussion prior to the 2018 General Assembly. The Study Committee met throughout the month of October and heard testimony in favor of and opposed to local restrictions on short term rentals. Ultimately, the Study Committee's recommendation was that the policy of the state should be *to prevent any undue restrictions on the use of a person's primary residence as a short term rental.*

**This Proposed Ordinance:**

Knowing that the Legislature is likely to discuss this topic again in 2018, the proposed ordinance is an effort to bring forth standards and review for short term residential rentals in RESIDENTIAL zoning districts. To summarize, the ordinance proposes the following:

1. **Definitions:** The existing definitions for Bed & Breakfast, Dwelling and Tourist Home are revised. New definitions are added for Permanent Resident and Short Term Residential Rental Unit.
2. **Special Exception Approval in Residential Zoning Districts:** This draft creates a new "Special Exception" category in our UDO, which would require review and approval by a BZA Hearing Officer. The fee required for an initial Special Exception application would be set at \$100; renewal applications would be set at \$50.

3. **Short Term Rental Standards** would be inserted into the UDO as Section 5.72, to provide standards for Short Term Residential Rental Units (those rented out for less than 30 consecutive calendar days). These would be allowed by right in some Business districts, but only by Special Exception in Residential districts. (The amendment does not address whether they would be allowed in PUDs.)
4. **Eligibility** to apply for a Special Exception would be limited to “Permanent Residents”, that is, only homeowners or actual tenants of Dwelling units in Residential districts. This is intended to inhibit the sale of houses in established neighborhoods to investors – who never reside in the unit – and the subsequent conversion of those houses to “Tourist Homes”.
5. **Suspension:** The Mayor would have authority to suspend operation of these provisions for up to 30 dates a year (for example, during the Indy 500, an NCAA Final Four, a PGA or LPGA golf tournament, or a major convention in the community). No Special Exception would be needed during these dates.
6. **Administrative provisions** relating to Special Exceptions would be inserted into a new Section 9.08 of the UDO. These were drafted to be very similar to Special Uses. The term of a Special Exception approval would be for one year only, subject to renewal. All Special Exception applications (including renewals) would go to a BZA Hearing Officer. Decisions of a Hearing Officer would remain subject to appeal to the full BZA.
7. **Favorable Consideration:** As opposed to Special Uses, which are generally to be considered “favorably” by the BZA, Special Exceptions would not initially be “entitled to favorable consideration.” However, renewal applications would be entitled to favorable consideration unless they are opposed by DOCS.
8. **Criteria to be Considered:** The criteria for approval of a Special Exception would be similar (but not identical) to those for a Development Standards Variance. If a subdivision’s covenants and restrictions prohibited short term rentals, that would be a basis for denial.

**Plan Commission Summary:**

The Plan Commission and its Commercial Committee discussed the ordinance and worked to keep the language as succinct as possible by removing unnecessary or duplicative text. Much of the discussion revolved around the differences between the definitions of Bed & Breakfast Inn, Tourist Home and Short Term Residential Rental Unit. Also discussed was whether or not to require that the owner of a proposed Short Term Rental Unit carry a specific amount of liability insurance coverage. The Plan Commission ultimately recommended, while important, that it not be a specific zoning requirement. However, the Plan Commission did add a requirement to list primary and secondary emergency contact information on the application. The Plan Commission also agreed that further discussion should occur as to how this ordinance could apply to PUDs (or portions thereof) developed as single-family neighborhoods.

The information in this packet is arranged in the following order:

1. Proposed Ordinance Z-629-17
2. Certification (*expires March 21, 2018*).

**ORDINANCE Z-629-17**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA**

*An Ordinance adding standards for Short Term Residential Rental Units  
in the Unified Development Ordinance.*

**Synopsis:**

This ordinance adds review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals in the Unified Development Ordinance.

**WHEREAS**, the people of the City of Carmel desire to uphold the property rights of citizens of the City who own real property located in Residential Districts;

**WHEREAS**, a result of the unplanned conversion of Dwellings to business uses within Residential Districts and neighborhoods in the City, the quality of life of residents and neighborhood integrity may be negatively affected;

**WHEREAS**, the conversion of Dwellings to Tourist Homes or other transient uses impacts especially on property values in long established residential neighborhoods; and

**WHEREAS**, it is in the public interest that the conversion of Dwellings be reasonably regulated and that due process be provided to all affected property owners, in order to protect the rights of owners of buildings or subdivisions where conversions are proposed as well as to conserve property values in Residential Districts.

**WHEREAS**, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the unified development ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance D-2391-17, the Carmel Unified Development Ordinance is incorporated by reference into the Carmel City Code;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 17100033 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, December 19, 2017, it hereby adopts this Ordinance to amend the Carmel Unified Development Ordinance (Ordinance Z-625-17, as amended), to read as follows:

**Section I:** *Amend Article 11 by adding or amending the following definitions:*

**Bed and Breakfast Inn:** A private, owner-occupied business with two (2) to ten (10) guest rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the Bed and Breakfast Inn is operated primarily as a business. **A Dwelling that is occupied by a Permanent Resident where only one (1) guest room or group of rooms is made available to transients for compensation shall not be considered a Bed and Breakfast Inn.**

46 **Dwelling:** A Building, or portion thereof, used primarily as a place of abode for one or more **human**  
47 **beings Permanent Residents of the Dwelling**, but not including Hotels or Motels, lodging or Boarding  
48 Houses, **Bed and Breakfast Inns**, or Tourist Homes.

49  
50 **Home, Tourist:** A Building, **not occupied by a Permanent Resident**, in which **one (1) but not more**  
51 **than five (5)** guest rooms are used to provide or offer overnight accommodations to transient guests for  
52 compensation.

53  
54 **Resident, Permanent:** A natural person who occupies a Dwelling for at least sixty (60) consecutive  
55 days with intent to establish the Dwelling as his or her primary residence. A Permanent Resident may  
56 be an owner or a lessee.

57  
58 **Short Term Residential Rental Unit:** A Dwelling, or portion thereof, that is rented or leased to  
59 transient guests by a Permanent Resident of the Dwelling for a period of less than thirty (30)  
60 consecutive calendar days.

61  
62  
63 **Section II:** Amend Section 1.29 by adding filing fees for the BZA Hearing Officer as follows:

- 64 • **Special Exception** **\$100.00**
- 65 • **Renewal of Special Exception** **\$50.00**

66  
67  
68 **Section III:** Amend Article 2 by adding Short Term Residential Rental as a **Special Exception** for the  
69 following Residential Districts:

70  
71 2.03 S1 District Intent, Permitted Uses, Special Uses and Special Exceptions  
72 Residential Special Exception – Short Term Residential Rental

73  
74 2.05 S2 District Intent, Permitted Uses, Special Uses and Special Exceptions  
75 Residential Special Exception – Short Term Residential Rental

76  
77 2.07 R1 District Intent, Permitted Uses, Special Uses and Special Exceptions  
78 Residential Special Exception – Short Term Residential Rental

79  
80 2.09 R2 District Intent, Permitted Uses, Special Uses and Special Exceptions  
81 Residential Special Exception – Short Term Residential Rental

82  
83 2.11 R3 District Intent, Permitted Uses, Special Uses and Special Exceptions  
84 Residential Special Exception – Short Term Residential Rental

85  
86 2.13 R4 District Intent, Permitted Uses, Special Uses and Special Exceptions  
87 Residential Special Exception – Short Term Residential Rental

88  
89 2.15 R5 District Intent, Permitted Uses, Special Uses and Special Exceptions  
90 Residential Special Exception – Short Term Residential Rental

91  
92 2.17 UR District Intent, Permitted Uses, Special Uses and Special Exceptions  
93 Residential Special Exception – Short Term Residential Rental

97 **Section IV:** Amend Article 2 by adding Short Term Residential Rental as a **Permitted Use** for the following  
98 *Non-Residential Districts:*

- 99
- 100 2.23 B3 District Intent, Permitted Uses, Special Uses  
101 Residential Permitted Use – **Short Term Residential Rental**
- 102
- 103 2.25 B5 District Intent, Permitted Uses, Special Uses  
104 Residential Permitted Use – **Short Term Residential Rental**
- 105
- 106 2.27 B6 District Intent, Permitted Uses, Special Uses  
107 Residential Permitted Use – **Short Term Residential Rental**
- 108
- 109 2.29 B7 District Intent, Permitted Uses, Special Uses  
110 Residential Permitted Use – **Short Term Residential Rental**
- 111
- 112 2.33 C1 District Intent, Permitted Uses, Special Uses  
113 Residential Permitted Use – **Short Term Residential Rental**
- 114
- 115 2.35 C2 District Intent, Permitted Uses, Special Uses  
116 Residential Permitted Use – **Short Term Residential Rental**
- 117
- 118 2.37 UC District Intent, Permitted Uses, Special Uses  
119 Residential Permitted Use – **Short Term Residential Rental (upper floors only)**
- 120
- 121 2.39 MC District Intent, Permitted Uses, Special Uses  
122 Residential Permitted Use – **Short Term Residential Rental (2<sup>nd</sup> or higher floor only)**
- 123
- 124
- 125

126 **Section V:** Amend Article 5 by adding a new Section 5.72: *Short Term Residential Use – Specific Standards:*

127

128 **5.72 US-26: Short Term Residential Rental Use-Specific Standards**

129 These Use-Specific Standards for Short Term Residential Rentals apply to the following districts:

130 **[INSERT ICONS FOR S1, S2, R1, R2, R3, R4, R5, UR]**

- 131 A. Purpose: It is the purpose of this Section to benefit the general public by minimizing adverse impacts  
132 on established residential neighborhoods in the City and the owners and residents of properties in these  
133 neighborhoods resulting from the conversion of residential properties to tourist and transient use.
- 134
- 135 B. Special Exception Eligibility: A Permanent Resident of a Dwelling located in a Residential District  
136 may use the Dwelling as a Short Term Residential Rental Unit if:
- 137 1. The Permanent Resident applies for and is granted a Special Exception, pursuant to Section 9.08  
138 hereof.
- 139 2. The Permanent Resident maintains a valid Registered Retail Merchant Certificate;
- 140 3. The Permanent Resident posts a clearly printed sign inside his or her Dwelling on the inside of the  
141 front door that provides information regarding the location of any fire extinguishers in the unit and  
142 building, gas shut off valves, fire exits, or pull fire alarms;
- 143
- 144

145 C. Required Information for Application: Both the initial application and any renewal application for a  
146 Special Exception permit shall contain the following:

- 147 1. Information sufficient to show that the applicant is the Permanent Resident of the Short Term  
148 Residential Rental Unit, and that the applicant has a Registered Retail Merchant Certificate.  
149 Permanent residency shall be established by showing that the Unit is listed as the applicant's  
150 residence on at least two (2) of the following: motor vehicle registration; driver's license; voter  
151 registration; tax documents showing the unit as the applicant's primary residence for a standard  
152 homestead credit; or utility bill. A renewal application shall contain sufficient information to show  
153 that the applicant is a Permanent Resident and has occupied the unit for at least two hundred  
154 seventy-five (275) days of the preceding calendar year.
- 155 2. Primary and secondary emergency contact information, including mailing address, phone number  
156 or email address. Upon approval of a Special Exception, emergency contact information shall be  
157 shared with the Carmel Police Department.

158  
159 D. Limitations: The term of a Special Exception permit granted to a Permanent Resident shall be one (1)  
160 year. The grant of a Special Exception permit provides an exception only to the other requirements of  
161 this Ordinance. It does not confer a right to lease, sublease, or otherwise use a Dwelling as a Short  
162 Term Residential Rental Unit where such use is not otherwise allowed by law, a homeowners  
163 association agreement or requirements, any applicable covenant, condition, and restriction, a rental  
164 agreement, or any other restriction, requirement, or enforceable agreement. Nothing in this Section  
165 shall relieve any person or facilitator of the obligations imposed by any and all applicable provisions  
166 of state law and the Carmel City Code, including but not limited to those obligations imposed by  
167 Indiana tax laws and rules. Further, nothing in this Section shall be construed to limit any remedies  
168 available under any and all applicable provisions of state law and the Carmel City Code.

169  
170 E. Suspension of Section: The Mayor may, subject to approval by resolution of the Council, suspend  
171 operation of this Section for not more than thirty (30) days per calendar year, during periods of time  
172 when major sporting activities or other special events, including, but not limited to the Indianapolis  
173 500, PGA Tournament, NCAA Tournament, or a large convention, are scheduled in the Central  
174 Indiana community. During these periods, a Permanent Resident may use his or her Dwelling as a  
175 Short Term Residential Rental Unit without obtaining a Special Exception permit.

176  
177  
178 **Section VI: Amend Article 9 by adding a new Section 9.08: Special Exception:**

179  
180 **9.08 Special Exception**

181  
182 A. General Information: Special Exception approval by a Hearing Officer of the Board of Zoning  
183 Appeals shall be necessary prior to the establishment of a Special Exception, so cited by the district  
184 regulations herein, or the issuance of an Improvement Location Permit for said Special Exception. A  
185 Special Exception shall be considered as an exception to the uses allowed under the Unified  
186 Development Ordinance, and thus the original application for a Special Exception shall not generally  
187 be entitled to favorable consideration; however, an application for the renewal of a Special Exception  
188 shall generally be entitled to favorable consideration, so long as it is not opposed by the Director of  
189 Community Services. A Hearing Officer shall have discretion whether to approve or deny each Special  
190 Exception application, with his or her decision to be based on the special and unique conditions  
191 pertinent to the site, determined as a result of the review procedure established herein.

195 **B. Procedure:**

- 196 1. *Procedure Generally:* Whenever an application for a Special Exception within the planning  
197 jurisdiction is made, it shall follow the procedure set forth herein and shall conform to the  
198 regulations and requirements of the Unified Development Ordinance.
- 199 2. *Consultation with the Director of Community Services and Application:* Applicants shall meet with  
200 the Director of Community Services to review the zoning classification of their site, review copies  
201 of the regulatory ordinances and materials, review the Special Exception procedures, and examine  
202 the proposed exception and development of the property. The Director of Community Services  
203 shall aid and advise the applicant in preparing the application and supporting documents as  
204 necessary. The applicant shall then submit two (2) copies of the written application form and all  
205 necessary supporting documents and materials.
- 206 3. *Initial Review by the Director of Community Services: Docketing on Hearing Officer Agenda:*  
207 Following the receipt of the written application and necessary supporting documents and materials  
208 by the Director of Community Services, the Director shall then review the materials solely for the  
209 purpose of determining whether the application is complete and in technical compliance with all  
210 applicable ordinances, laws, and regulations, and therefore entitled to be forwarded to the Board of  
211 Zoning Appeals. If the materials submitted by the applicant are not complete or do not comply  
212 with the necessary legal requirements, the Director of Community Services shall inform the  
213 applicant of the deficiencies in said materials. Unless and until the Director of Community  
214 Services formally accepts the Special Exception application as complete and in legal compliance,  
215 it shall not be considered as formally filed for the purpose of proceeding to succeeding steps  
216 toward Special Exception approval as hereinafter set forth. Within thirty (30) days of the formal  
217 acceptance of the application by the Director of Community Services, the Director shall formally  
218 file the application by placing it upon the agenda of a Board of Zoning Appeals Hearing Officer,  
219 according to the Rules of Procedure of the Board of Zoning Appeals.
- 220 4. *Public Hearing:* Once the Director of Community Services has accepted and filed the application  
221 with a Hearing Officer, a docket number shall be assigned and a date and time set for a public  
222 hearing by the Hearing Officer, according to the Rules of Procedure of the Board of Zoning  
223 Appeals. The applicant shall be responsible for the cost and publication of any required published  
224 legal notification of the public hearing. The applicant shall also notify all interested parties and  
225 property owners as required by the Rules of Procedure of the Board of Zoning Appeals; however,  
226 notice by publication shall not be required for the renewal of a Special Exception. The conduct of  
227 the public hearing shall be in accordance with the Board of Zoning Appeals Rules of Procedure.
- 228 5. *Approval or Denial of the Special Exception Application:* Upon approval of a Special Exception,  
229 the Hearing Officer shall inform the applicant that the applicant may apply to the Director of  
230 Community Services for Improvement Location Permits (if necessary) or may commence the  
231 Special Exception if no permits are required. Failure of the Hearing Officer to inform the applicant  
232 of the time limits set forth in Section 5.72(D) shall not relieve the applicant of complying with said  
233 Section.
- 234 6. *Appeal of Hearing Officer Decision:* A decision of a Hearing Officer shall not be a basis for  
235 judicial review, but it may be appealed to the Board of Zoning Appeals. The Board of Zoning  
236 Appeals shall conduct a new hearing on the matter and shall not be bound by any Findings of Fact  
237 made by the Hearing Officer. A person who wishes to appeal a decision of the Hearing Officer  
238 must file the appeal with the Board of Zoning Appeals within five (5) days after the decision is  
239 made, as provided in I.C. 36-7-4-924.
- 240 7. *Time Limit for Re-Application:* A Special Exception application that is denied by a Hearing Officer  
241 or the Board of Zoning Appeals is ineligible to be placed again on an agenda for consideration  
242 until the legality of the decision is finally determined by a court, pursuant to judicial review

243 according to the Advisory Planning Law, or for a period of twelve (12) months following the date  
244 of the denial, whichever is later. In addition, whenever a Special Exception application is denied,  
245 the property involved in the application shall not be the subject of a different Special Exception  
246 application, or any use variance or rezone proposal, for a period of six (6) months following the  
247 date of the denial.  
248

249 **C. Basis of Review:** A Hearing Officer, in reviewing a Special Exception application, shall give  
250 consideration to the particular needs and circumstances of each application and shall examine the  
251 following items as they relate to the proposed Special Exception:

- 252 1. Surrounding zoning and land use;
- 253 2. Access to public streets;
- 254 3. Driveway and curb cut locations in relation to other sites;
- 255 4. Parking location and arrangement;
- 256 5. Trash and material storage;
- 257 6. Necessary exterior lighting; and
- 258 7. Protective restrictions and/or covenants.

259  
260 **D. Basis of Approval or Rejection:** A Hearing Officer, in approving or rejecting a Special Exception  
261 application, shall base his or her decision upon the following factors as they relate to the above listed  
262 items (Section 9.08 (C)) concerning the proposed Special Exception:

- 263 1. The economic factors related to the proposed Special Exception, such as cost/benefit to the  
264 community and its anticipated effect on surrounding property values;
- 265 2. The social/neighborhood factors related to the proposed Special Exception, such as compatibility  
266 with existing uses in the vicinity of the premises under consideration and how the proposed Special  
267 Exception will affect neighborhood integrity; and
- 268 3. The effects of the proposed Special Exception on vehicular and pedestrian traffic in and around the  
269 premises upon which the Special Exception is proposed.

270  
271 **E. Special Exception Decisions; Commitment:** Pursuant to IC 36-7-4-1015, a Hearing Officer may, as a  
272 condition to any approval of an application for a Special Exception, require or allow the owner to make  
273 any or all of the following commitments concerning the use of the property:

- 274 1. That the Special Exception will fully comply with Section 5.72 Short Term Residential Rental  
275 Standards.
- 276 2. That the Special Exception will be limited to thirty (30), sixty (60), or ninety (90) days during a  
277 calendar year, at the discretion of the Hearing Officer.
- 278 3. If the Hearing Officer determines that a homeowners association or similar entity has established  
279 limitations or prohibitions that apply to the property, that the owner's implementation of the Special  
280 Exception will not result in the violation of any such limitations or prohibitions.

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282  
283 **Section VII:** All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are  
284 hereby repealed.

285  
286 **Section VIII:** This Ordinance shall be in full force and effect from and after its passage and signing by the  
287 Mayor.  
288

289 **ADOPTED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of  
290 \_\_\_\_\_ 2018, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

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293 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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296 \_\_\_\_\_  
297 Kevin D. Rider, President

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300 Jeff Worrell, Vice-President

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302 \_\_\_\_\_  
303 Laura D. Campbell

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305 \_\_\_\_\_  
306 Ronald E. Carter

307  
308 ATTEST:

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311 \_\_\_\_\_  
312  
313 Christine S. Pauley, Clerk-Treasurer

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315  
316 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
317 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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321 \_\_\_\_\_  
322 Christine S. Pauley, Clerk-Treasurer

323  
324  
325 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
326 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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329 \_\_\_\_\_  
330 James Brainard, Mayor

331 ATTEST:

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333 \_\_\_\_\_  
334  
335 Christine S. Pauley, Clerk-Treasurer

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337  
338 Prepared by:  
339 Adrienne Keeling, Planning Administrator, One Civic Square, Carmel, IN 46032

340 01/08/2018

**CERTIFICATION  
OF THE CARMEL PLAN COMMISSION'S RECOMMENDATION  
ON THE PETITION TO THE CITY OF CARMEL  
TO AMEND THE ZONING ORDINANCE  
PURSUANT TO INDIANA CODE 36-7-4-605**

**ORDINANCE  
Z-629-17**

**Ordinance Amendment  
Short Term Residential Rentals**

**To: The Honorable Common Council  
Of the City of Carmel  
Hamilton County, Indiana**

Dear Members:

The Carmel Plan Commission offers you the following report on the application (**Docket No. 17100033 OA**), petitioning to amend the Unified Development Ordinance in order to add review and approval procedures, definitions and fees for the establishment of Short Term Residential Rentals.

The Carmel Plan Commission's recommendation on the petition of the applicant is **'Favorable.'**

At its regularly scheduled meeting of December 19, 2017, the Carmel Plan Commission voted Ten (10) in Favor, Zero (0) Opposed, One (1) Absent to forward to the Common Council the proposed **Ordinance No. Z-629-17** with a **"Favorable Recommendation"**.

Please be advised that by virtue of the Plan Commission's **Favorable** Recommendation, pursuant to IC 36-7-4-607(e), the Council has ninety (90) days to act on this petition before it becomes effective as Certified by the Commission. Ninety days from the date of the Certification is Wednesday March 21, 2018.

CARMEL PLAN COMMISSION

BY: Brad Grabow / em  
Brad Grabow, President

ATTEST:

Lisa Motz  
Lisa Motz, Secretary  
Carmel Plan Commission  
Dated: December 21, 2017

2017 DEC 21 P 3:41



**ORDINANCE D-2407-18**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
ADDING CHAPTER 2, ARTICLE 4, SECTION 2-149 TO THE CARMEL CITY CODE**

**Synopsis: Establishes the City of Carmel Non-Reverting Events and Festivals Fund (Fund #923),  
which Fund shall be used to hold monies received and expended for City events and festivals.**

**WHEREAS**, the Common Council of the City of Carmel, Indiana is, pursuant to Indiana Code 36-4-6-18, authorized to pass ordinances and resolutions regarding the control of the City's finances and the appropriation of money; and

**WHEREAS**, the Common Council of the City of Carmel desires to establish a non-reverting fund (the "Fund") for the revenue and expenses associated with the operation of various City events and festivals; and

**WHEREAS**, the Fund may receive revenue from private sources, public sources, grants and the City may contribute to the fund itself; and

**WHEREAS**, monies from the Fund will be used to pay for the operation of City events and festivals; and

**WHEREAS**, the creation of the Fund is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: That Chapter 2, Article 4, Section 2-149 is hereby added to the Carmel City Code and shall read as follows:

**"Sec 2-149 Non-Reverting Events and Festivals Fund (Fund #923)**

(a) There is established a City of Carmel Non-Reverting Events and Festivals Fund.

(b) The funds contained in the Non-Reverting Events and Festivals Fund shall be received and deposited therein from all lawful sources in accordance with applicable law.

(c) The funds in the Non-Reverting Events and Festivals Fund shall only be used for the operation of City events and festivals.

Ordinance D-2407-18

Page One of Three

45 (d) Monies in the Non-Reverting Events and Festivals Fund shall not be transferred into  
46 the General Fund, except as provided by applicable law.

47  
48 (e) The Non-Reverting Events and Festivals Fund shall be administered by the  
49 Department of Community Relations and Economic Development.

50  
51 (f) The funds contained in the Non-Reverting Events and Festivals Fund shall be  
52 accounted for and maintained separate and apart from all other City funds, and shall  
53 be invested with the interest earned thereon deposited in the Non-Reverting Events  
54 and Festivals Fund.

55  
56 (g) In the event the Non-Reverting Events and Festivals Fund is terminated, all  
57 unexpended funds maintained therein shall be distributed to the City and deposited in  
58 the General Fund.”

59  
60 Section 3. That the remaining provisions of Carmel City Code Chapter 2, Article 4, are  
61 not affected by this Ordinance and remain in full force and effect.

62  
63 Section 4. This Fund shall be identified as fund (#923).

64  
65 Section 5. If any portion of this Ordinance is for any reason declared to be  
66 unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of  
67 this Ordinance so long as enforcement of same can be given the same effect.

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69 Section 6. This Ordinance shall be in full force and effect from and after its passage and  
70 signing by the Mayor.

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86 Ordinance D-2407-18  
87 Page Two of Three

91 PASSED by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day of  
92 \_\_\_\_\_ 2018, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

93 COMMON COUNCIL FOR THE CITY OF CARMEL

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95 \_\_\_\_\_  
96 Kevin D. Rider, President

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100 Jeff Worrell, Vice-President

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104 Laura D. Campbell

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108 Ronald E. Carter

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110 ATTEST:

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112 \_\_\_\_\_  
113 Christine S. Pauley, Clerk-Treasurer

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116 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
117 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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119 \_\_\_\_\_  
120 Christine S. Pauley, Clerk-Treasurer

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122  
123 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
124 \_\_\_\_\_ 2018, at \_\_\_\_\_ .M.

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126 \_\_\_\_\_  
127 James Brainard, Mayor

128 ATTEST:

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130 \_\_\_\_\_  
131 Christine S. Pauley, Clerk-Treasurer

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133 Ordinance D-2407-18  
134 Page Three of Three