

ORDINANCE NO. Z 201

AN ORDINANCE AMENDING THE CARMEL ZONING ORDINANCE Z-160  
AS AMENDED, AND ESTABLISHING REGULATIONS CONCERNING  
THE DEVELOPMENT OF CLUSTER HOUSING DEVELOPMENT

WHEREAS, the Carmel Plan Commission has established a Comprehensive Plan as required by statute, and

WHEREAS, the Carmel Plan Commission is empowered to advise and recommend to the Common Council of the City of Carmel ordinances and amendments for the zoning of districts of land within the City of Carmel and Clay Township, Indiana, and

WHEREAS, pursuant to I.C. 36-7-4-601, in order to secure adequate lighting, air, convenience of access and safety from fire, flood and other damage; lessen or avoid congestion in public way; promote the public health, safety, comfort and morals, convenience and general public welfare and accomplish the purposes of the advisory planning law; and

WHEREAS, there exists a need and it is in the best interests of the citizens of the City of Carmel and Clay Township, Indiana to provide for Cluster Housing Development within the City of Carmel and Clay Township, Indiana and to that end to amend Ordinance Z-160, as amended:

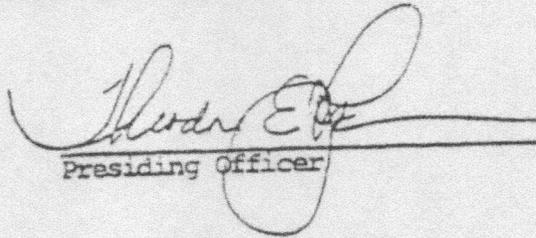
BE IT ENACTED BY THE COMMON COUNCIL of the City of Carmel, Indiana as follows:

1. It is hereby declared that the contents of this Ordinance, including all text, figures and charts, shall constitute an amendment of the Carmel Zoning Ordinance, Z-160 as amended.

2. It is hereby declared by the Common Council of the City of Carmel, Indiana that Sections so referred to in the attached are hereby adopted and made a part of the Zoning and Subdivision Ordinance, Z-160, as amended.

3. This Ordinance shall be in full force and effect from and after the date of its passage.

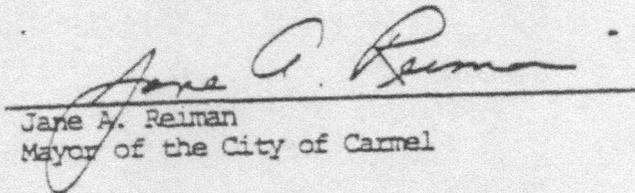
PASSED this 2 day of July, 1984 by the  
Common Council of the City of Carmel, Indiana

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

Attest:

  
\_\_\_\_\_  
Dorothy J. Hancock  
Clerk/Treasurer

Presented to me this 2 day of July, 1984.

  
\_\_\_\_\_  
Jane A. Reiman  
Mayor of the City of Carmel

AMENDMENTS TO CARMEL/CLAY TOWNSHIP  
ZONING AND SUBDIVISION ORDINANCE Z-160  
AS AMENDED

AMENDMENTS TO ZONING ORDINANCE Z-160 (ADD NEW SECTION)  
33.0 TO BE KNOWN AS CLUSTER HOUSING AND TO READ AS  
FOLLOWS:

33.0.1 PURPOSE AND INTENT

This ordinance is intended to allow Cluster Housing Developments only in S-1, S-2, R-1, R-2, & R-3 zoned districts as a permitted use. It is recognized that cluster housing can improve the individual's living environment and the community in general by encouraging an alternate and efficient utilization of land with regard to compatibility with the surrounding uses and neighborhoods; through ingenuity and originality within the total subdivision and the individual site design; by the preservation of open spaces for aesthetic and recreational purposes; and by varying the character of the residential dwellings.

33.0.2 DEFINITIONS (Also amend or add to:  
Zoning Ordinance, Definitions, Section 3.0,  
Words and Terms  
Subdivisions, Definitions, Section 4.0,  
Words and Terms)

**CLUSTER HOUSING** - The grouping of single-family dwelling units, either attached or detached, in such a manner as to enable the incorporation of green belts and other open spaces.

**GREEN BELT BUFFER** - The area of a development which abuts the perimeter of the development and which is designed specifically to provide a buffer and visual screen to adjacent land.

**GROSS AREA** - Entire area of project or platted area.

**GROSS DENSITY** - Total number of dwelling units divided (-) by gross area in acres

**ON-SITE PARKING:** On-site parking (Cluster Housing Development) shall include those parking areas outside the garage or carport area located on the individual driveway.

**OFF-SITE PARKING:** Parking spaces which are located within the platted area and within reasonable proximity to dwelling units and supportive uses (club house, tennis courts, etc.) which they serve.

**PRIVATE STREETS:** A street which is not dedicated to or maintained by any public agency.

33.1

MINIMUM AREA

- 33.1 **MINIMUM AREA**  
A tract of ground proposed for a Cluster Housing Development shall have a minimum gross area of not less than five (5) acres.
- 33.2 **ACCESS**  
A Cluster Housing Development shall have access from a dedicated public road right-of-way.
- 33.3 **ACCESSORY BUILDINGS AND USES**  
In Cluster Housing Developments all accessory and secondary buildings, structures, and uses shall be shown on the Primary Plats.
- 33.4 **MINIMUM FRONT YARD (UNIT)**  
A Cluster Housing Dwelling Unit shall have a minimum front yard setback of 22' from the public road right-of-way line, or 22' from the building side of a sidewalk, curb or street pavement of a private street.
- 33.5 **MINIMUM SIDE YARD**  
Within a Cluster Housing Development project a minimum of ten (10) feet shall be maintained between all buildings except for groupings of five (5) or less detached single family units. A minimum of four (4) feet shall be required between detached units when in clusters of five (5) units or less. A minimum of ten (10) feet shall be maintained between groupings of detached single family units.  
  
For the purpose of this section no obstructions or projections shall exist in either the four (4) foot or ten (10) foot area required to be maintained herein.
- 33.6 **MINIMUM AGGREGATE OF THE SIDE YARD**  
Cluster Housing Development shall be excluded from this provision.
- 33.7 **MINIMUM REAR YARD (Development and/or Unit)**  
A Cluster Housing Development shall conform to the specified minimum rear yard within each zoning district.  
  
The front, rear or side yard abutting a Green Belt Buffer shall be measured from the interior boundary of the Green Belt Buffer.
- 33.8 **MINIMUM LOT FRONTAGE**  
A Cluster Housing Development shall be exempt from this requirement.
- 33.9 **MINIMUM LOT SIZE**  
A Cluster Housing Development shall be exempt from this requirement (refer to Maximum Gross Density).

33.10 MAXIMUM GROSS DENSITY

The maximum gross density for the following residentially zoned districts shall apply:

DISTRICT	ZONE	GROSS DENSITY
S-1	.....	2.4
S-2	.....	3.0
R-1	.....	3.5
R-2	.....	3.6
R-3	.....	4.6

For additional requirements see Subdivision Regulations, Cluster Housing Development - Developmental Standards Section 7.0 Page 37.

33.11.1 REVIEW AND APPROVAL PROCEDURE

The applicant will consult with the Department of Community Development staff to discuss the proposed Cluster Housing project and its proposed location. The Cluster Housing Development application procedure and plan review and approval shall follow the procedures for Primary Plat and Secondary Plat as set forth in section 5.0 of the Carmel Subdivision Ordinance. Included in the review and approval of the Cluster Housing Development shall be the compatibility of said Cluster Housing Development with adjacent land uses, and the Comprehensive Plan. The public notice shall make note that the proposed Primary Plat is for a Cluster Housing Project.

33.11.2 CONFLICT OF ORDINANCES

Where the requirements contained in this Section (33.0, et seq) differ from those requirements found in other Sections of the Zoning and Subdivision Ordinance, the provisions of this Section (33.0, et seq), shall control. It is intended that the Subdivision Regulations, Section 7.0 through 7.1.5 are provided to complement this Section (33.0, et seq) and not to conflict.

## AMENDMENTS TO SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS, SECTION 7.0 THROUGH 7.1.5, STANDARDS FOR RESIDENTIAL CLUSTER DEVELOPMENT DELETE ENTIRE SECTION. SUBSTITUTE WITH THE FOLLOWING:

### DEVELOPMENTAL STANDARDS FOR CLUSTER HOUSING DEVELOPMENT

7.1.2

#### OWNERSHIP

All Cluster Housing developments, regardless of form of ownership, shall follow all requirements within the Carmel Subdivision Regulations, Section 1.0 and inclusive of Section 7.1 provided; however, that private streets and sidewalks are permitted in lieu of public streets and sidewalks subject to minimum requirements as stipulated in Section 6.3

7.1.3

#### PRIMARY PLAT/SECONDARY PLAT

A Primary Plat and Secondary Plat for the cluster housing development shall be submitted for approval by the Carmel Plan Commission in accordance with Section 5.0 through Section 6.7 of the Carmel Subdivision Ordinance. As further requirements, the Primary Plat shall include:

- a. The location and number of all buildings and units
- b. The general architectural style
- c. The exterior building materials
- d. Treatment of the Green Belt Buffer and other open space areas
- e. Site lighting, landscaping and signage plans
- f. Number and location of all parking spaces.
- g. Proposed restrictive covenants and By-Laws including the form of ownership
- h. Means of adequately maintaining all common areas including but not limited to all buffer areas, common landscaped areas, recreation areas, drainage and utility facilities and streets.

7.1.4

#### AMENDING THE PLAT

An amended Primary Plat shall be required for substantial changes in building layout, lot change and development scheme from the original approved Primary Plat. Said revised Primary Plat shall require a public notice and be approved by the Carmel Plan Commission.

7.1.5 THE GREEN BELT BUFFER (REQUIRED ON ALL SIDES OF THE CLUSTER DEVELOPMENTS)

The Green Belt Buffer areas shall be no less than twenty (20) feet in depth measured perpendicular to the property line from the outside edge of the required front, rear and side yards. Green Belt Buffers may consist of earth mounds, fences, and landscaping per Plan Commission approval. Green Belt Buffers may include utility and drainageway easements when they do not interfere with the overall aesthetic and buffering purposes of the Green Belt Area. Green Belt Buffers may be located within a floodplain or floodway. The treatment of Green Belt Buffers will be included in the Primary Plat submission. No structures including patios are to be built within any Green Belt Buffer Area. No pavement will be permitted in these areas except access streets.

7.1.6 SETBACK ALONG A PUBLIC RIGHT-OF-WAY

Where a Cluster Housing Development is located adjacent to a dedicated right-of-way, the setback abutting the right-of-way shall be maintained equal to the buffer and yard requirements of the existing adjacent zoned district.

7.1.7 PUBLIC UTILITIES

Cluster Housing Developments shall be permitted only if community, either private or public, water and sewer systems are provided. Individual, private dusk to dawn lighting shall be required for all Cluster Housing units.

7.1.8 TRAFFIC/PARKING PLAN

In order to provide flexibility in the overall development of a proposed cluster subdivision, a final traffic parking plan shall be developed with input from the Department of Community Development based on particular conditions of the cluster project itself, adjacent land uses and the Comprehensive Plan

Cluster Housing Developments shall provide the following number of parking spaces per dwelling unit excluding garages and carports:

- 1 - 3 bedroom units.....2 on-site, 1/2 off-site
- 4 bedroom units.....3 on-site, 1/2 off-site
- Each additional bedroom over 4..... 1/2 off-site

OFF SITE parking may be satisfied by parallel parking on one side only of a twenty six (26) foot street.

If additional on-site parking spaces are provided per the above requirements off-site spaces may be reduced accordingly; however, at least 0.2 off-site parking spaces per unit must be provided for the overall development.

The Plan Commission may waive construction of off-site parking spaces, in part or in total, provided that suitable open space is reserved for the construction of off-site parking spaces should these spaces later be deemed necessary by the Director. If waived spaces are not required to be constructed within one (1) year of the project completion, the developer shall have met his obligation in complying with this ordinance.

Supportive uses shall have separate parking areas in accordance with the parking requirements of the Carmel Zoning Ordinance.

#### 7.1.9

##### PRIVATE STREETS

Private streets are permitted within the project provided they meet the minimum standards for right-of-way and pavement width stated in the Carmel Subdivision Regulations (Section 5.3.6, page 33.) Rights-of-way shall be recorded to assure public ingress and egress and utility installation and maintenance.

- a. Street pavements shall have a minimum thickness of eight inches (8") of full depth asphalt (7" base and 1" of surface), or six inches (6") of concrete or 9" compacted stone, 3" HAC binder and 1" HAC Surface.
- b. Recorded covenants shall stipulate how private roads are to be maintained and grant an easement of access for all public and emergency vehicles.

#### 7.1.10

##### LANDSCAPING REQUIREMENTS

7.1.10.1 Landscaping Plan. A Landscaping Plan shall be submitted per the procedures in Section 5.0 of the Carmel Subdivision regulations for review and approval at the same time the Primary Plat and other plans (i.e. architectural design, lighting, parking, and signage) are submitted. This plan shall be drawn to scale, including dimensions and distances, shall delineate all structures, parking areas, walks, open spaces, drive-ways, signs, lighting standards and buffer areas and shall delineate the location, size and description of all landscape material, and the methods to be used for the watering or irrigation of all planting areas.

7.1.10.2 Green Belt Buffer. The Green Belt Buffer shall be suitably landscaped (see section 7.1.5 above). Moundings and other innovative treatments are to be especially encouraged in this area along with attractive fence treatments.

### 7.1.10.3 Landscaping Standards

- a. The dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
- b. The primary landscaping materials used in the Green Belt Buffer and adjacent to buildings shall be coniferous trees, shade trees, ornamental trees, shrubs, ground covers, grass, mulches, etc. in conjunction with mounding and fencing. The landscaped buffer shall act generally as a visual screen.
- c. All shade trees shall be a minimum of six to eight feet in overall height and have a minimum trunk diameter of two (2) inches measured twenty-four (24) inches above the ground when planted. They should be of varieties which will attain an average mature spread greater than twenty (20) feet. Coniferous trees shall be a minimum of six (6) feet in height when planted.
- d. Landscaping materials selected shall be appropriate to local growing and climatic conditions. Wherever possible, existing trees should be conserved and integrated into the landscaping plan.

### 7.10.4 Landscaping Installation and Maintenance

- a. Installation. All landscaping in common areas and green belt buffer areas required by the approved landscaping plan shall be installed during the first planting season after the start of any construction in the development, unless otherwise required by the Commission. The Plan Commission may require where appropriate the installation of landscaping within the Green Belt Buffer prior to the beginning of construction on any structure requiring a building permit where immediate landscaping is desired to buffer adjacent development during the construction phase of the Cluster Housing Development.
- b. Maintenance. It shall be the responsibility of the owners and their agencies to insure proper maintenance of landscaping installed in accordance with the standards set by this Ordinance and as indicated in the Landscaping Plan which has been approved by the Plan Commission. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.

- c. Changes after Approval. No landscaping which has been approved by the Plan Commission may later be altered, eliminated or sacrificed, without Plan Commission approval.
- d. Inspection. The Plan Commission, Administrator, or his duly appointed representative, shall have the authority to inspect the landscaping installation and maintenance to insure conformance with the approved plan on file.

Also Amend  
Ordinance Z-160 as Amended

Zoning Ordinance, Definition Section 3.0  
Words and Terms 3.6 Page 22  
and

Subdivision Regulations, Definition Section 4.0  
Words and Terms 4.6 Page 14

SUBDIVISION: The division of any parcel of land (recorded after January 21, 1980) into three (3) or more parcels, sites or lots, when more than two of the lots are less than five (5) acres in area for the purpose of transfer of ownership, or building development, excluding cemeteries. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities.