

ORDINANCE NO. 120505

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described Real Estate is hereby zoned as PUD-R and this ordinance shall hereinafter be referred to as the Bayview Estates PUD Ordinance:

Part of the northeast quarter of section 1, Township 17 north, range 5 east, located in Fall Creek Township, Hamilton County, Indiana, being more specifically described as follows: Commencing at the northeast corner of the northeast quarter of section 1, Township 17 north, range 5 east; thence south 90 degrees 00 minutes 00 seconds west (assumed bearing) 1330.67 feet to the northwest corner of the east half of said northeast quarter, said corner being collinear with and equidistant from the northwest and northeast corners of said northeast quarter; thence south 01 degrees 24 minutes 04 seconds west 882.04 feet on and along the west line of the east half of said northeast quarter to the point of beginning of this description; thence south 01 degrees 24 minutes 04 seconds west 607.49 feet to a stone marking the southwest corner of the northeast quarter of said northeast quarter; thence south 01 degrees 24 minutes 04 seconds west 52.51 feet on and along the west line of east half of said northeast quarter to the centerline of 113th street; thence south 80 degrees 16 minutes 20 seconds east 667.03 feet on and along the centerline off 113th street; thence north 01 degrees 24 minutes 04 seconds east 756.60 feet; thence north 88 degrees 35 minutes 56 seconds west 660.00 feet to the point of beginning, containing 10.73 acres more or less.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this PUD-R is to provide an innovative residential development that promotes creativity and flexibility in the development of the Real Estate.

SECTION 3. LAND USE

All uses of the R-2 zoning classification are permitted.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN

The Concept Plan, attached hereto as "Exhibit A", is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plans; such further approval is subject to the procedures set out in Section 6, below.

SECTION 5. DEVELOPMENT STANDARDS.

The development, landscaping and parking standards as applicable to the Residential R2 zoning district (in effect as of November 1, 2005) shall apply except as modified by this ordinance.

- A) Minimum Front Yard Setback
 - 1) All homes shall have a minimum front yard setback of thirty feet (30') except for lots 4, 5, 8 and 9, as shown on the Concept Plan, which shall have a minimum front yard setback of forty feet (40').

- B) Architectural Standards
 - 1) Homes shall be custom-built of wood frame. No pre-fabricated wall sections shall be used during the construction process. The homes shall be drawn specifically for each particular lot such that no two Bayview Estate homes shall be identical.
 - 2) No vinyl or aluminum siding shall be permitted.

- C) Landscape Easement
 - 1) A ten-foot (10') landscape easement ("Easement") along the rear property lines on lots 9, 10, 11 and 12, as shown on the attached Concept Plan shall be recorded. The Easement shall not include the thirty foot (30') wide Drainage and Utility Easement as shown on the Concept Plan between lots 11 and 12.
 - 2) Within the Easement, no trees with a diameter at breast height ("DBH") in excess of 6 inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, listed as Invasive and Poor Characteristic Species as per Ordinance 080403C or is required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed by the Developer or builder, except as permitted to be removed as listed above, then the Developer or builder (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement under Ordinance 080403C.

- D) Additional Tree Plantings
 - 1) Developer shall plant or retain at least (4) four trees per lot within fifteen feet (15') of the rear property line on lots 14-19 and at least four (4) trees per lot within thirty feet (30') of the rear property line on lots 5-8, as shown on the attached Concept Plan. The deciduous trees shall have a caliper of two inches (2") DBH and the evergreen trees shall be a minimum height of six feet (6') tall at planting.

SECTION 6. PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any detailed and final development Plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District.

SECTION 7. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 6th day of February, 2006.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

By: _____ /s/ _____
 _____ /s/ _____
 _____ /s/ _____
 _____ /s/ _____
 _____ /s/ _____
 _____ /s/ _____
 _____ /s/ _____

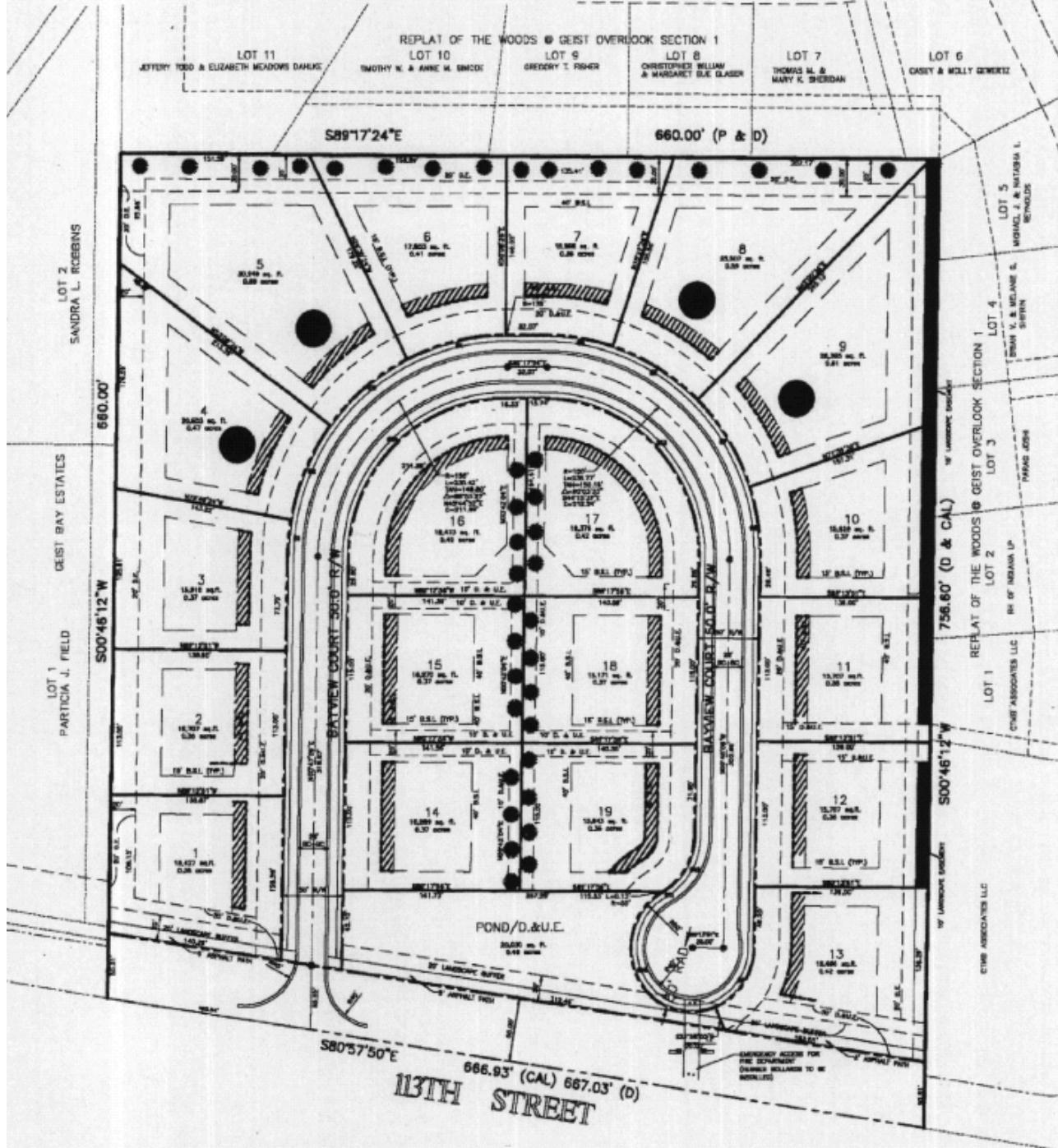
Scott Faultless,
 President
 Eileen N. Pritchard,
 Vice President
 Timothy O. Lima,
 Member
 Stuart F. Easley,
 Member
 Daniel E. Henke,
 Member
 Charles P. White,
 Member
 David C. George,
 Member

ATTEST: _____/s/
Linda Gaye Cordell, Clerk-Treasurer
The Town of Fishers, Indiana

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney

Prepared by: Steven D. Hardin, Esq., Bingham McHale LLP
970 Logan Street, Noblesville, IN 46060

EXHIBIT A



● Lots with a front yard setback of forty feet (40')