

**BRATTAIN/HASKIN
ORDINANCE NO. 020498C**

AN ORDINANCE AMENDING THE ZONING ORDINANCES 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 ORDINANCES - 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 a 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 classified as PUD-C, and that said PUD-C District shall hereafter be known as the Brattain-Haskin Technology Center PUD:

SEE EXHIBIT "A" ATTACHED HERETO

SECTION 2. PURPOSE

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in land use patterns and the attributes of the real estate adjacent to Interstate Highway 69 and the Town Center of the Town of Fishers, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire Town.

STATEMENT OF PURPOSE.

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for office/commercial and enclosed industrial land uses which will produce a wider range of choice and diversity in satisfying the changing needs of Fishers, Indiana.
- (5) To permit special consideration of property with a unique situation, creating a successful land use transition between heavy industrial and commercial land uses and residential land uses.
- (6) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

SECTION 3. APPLICABILITY

(1) The provisions of this section shall apply only to the tract of land herein described; provided, however, said provisions may apply to a proposed development in which the primary use is residential or office/commercial use when such proposal is deemed to be in the best interests of the entire Town.

(2) The basic land unit of this PUD District is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire Planned Unit Development may be designated.

(3) A Conceptual Development Plan shall be designed to produce an environment of stable and desirable character, in keeping with the principles of good design, and must provide standards of landscaping and open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed.

SECTION 4. LAND USE

All permitted land uses described in Section 151.074 (C2) and Section 151.077 (I1) of the Zoning Code, as amended, shall be permitted in this PUD District in the areas designated hereinafter, subject to the Development standards of those respective districts, except as otherwise described herein. The following land uses shall be prohibited within the PUD district:

- (1) Auto service stations/gasoline filling stations.

SECTION 5. DEVELOPMENT STANDARDS

The development standards applicable to the land uses within this PUD district shall be the underlying district standards for the C2 and I1 zoning classifications, as defined in Section 4 above. The following development standards, which are different from the standards specified in the Zoning Code, shall apply to the real estate as follows:

(1) **MINIMUM BUILDING SETBACKS.** The following minimum setback lines apply to any and all structures erected upon the premises:

(a) Front Yard Setback - 25 feet on all internal PUD District Streets, 50 feet along 121st Street and I-69.

(2) **MAXIMUM STRUCTURE HEIGHT.** Maximum building or structure height shall be 35 feet, except as follows:

(a) The maximum height of office buildings or structures on property abutting I-69 shall not exceed 65 feet, or five stories, whichever is greater, except where such property abuts a residential land use. If the real estate abuts a residential land use, the maximum building or structure height shall remain 35 feet.

(b) Any building or structure situated on property abutting 121st Street shall not exceed two stories in height.

(3) **MINIMUM PARKING REQUIREMENTS.** Minimum off-street parking standards for certain residential and general office land uses are hereby established as follows. All other uses shall follow the off-street parking standards set forth in the Fishers Zoning Code, as amended.

(a) **Office.** The minimum number of parking spaces required for any general office land use within the PUD district shall not be less than 1 parking space for each 250 gross square feet of building area, plus such additional spaces as are necessary to service accessory uses.

(b) If, at the Detailed Development Plan review stage, the Plan Commission determines that a proposed land use in this PUD district will require less than the minimum number of off-street parking spaces set forth herein or in the Fishers Zoning Code, as amended, the excess parking

spaces may be "land-banked" as follows:

In addition to the parking spaces proposed to be constructed, part of the site adjacent to the vehicle parking and circulation shall be set aside, or land-banked, for the possibility of constructing future off-street parking and not developed with any structures. Said land-banked area shall be equivalent to the difference between the number of parking spaces required for the site by this PUD ordinance or the Fishers Zoning Code, as amended, less the number of parking spaces proposed for the site. The land-banked portion of the site shall be developed as off-street parking if at some future date, additional off-street parking is required to meet the off-street parking needs of land uses within the district.

(4) **LOADING DOCKS.** On real estate abutting I-69 and 121st Street, loading docks shall not be allowed to face either I-69 or 121st Street and shall be required to be screened from view of other roadways and adjacent properties by vegetative screening.

(5) **NO OUTDOOR STORAGE OR DISPLAY.** All business operations, activities, sales displays, storage of materials, and products for sale or distribution must be maintained entirely within an enclosed building, except for seasonal or temporary events as set forth in the Fishers Zoning Code.

SECTION 7. REQUIRED LANDSCAPING AND SCREENING

The following general landscaping guidelines shall be followed by all residential, industrial or commercial property developers within this PUD District. Landscaping requirements will be imposed upon property at the time of Final Development Plan review. Landscaping and screening standards not specified herein shall follow the standards set forth in Section 151.093 of the Fishers Zoning Code, as amended.

(1) **ADJACENT TO PUBLIC RIGHTS-OF-WAY.** On the site of a building or open lot use providing an off-street parking area or other vehicular use area abutting a public right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

(a) A strip of land at least 15 feet in width located between the abutting right-of-way and the off-street parking or other vehicular use area shall be landscaped, except along I-69, where the minimum landscaped strip shall be 30 feet in width. In addition, a hedge, wall, mound or other durable landscape barrier of at least 2 1/2 feet in height shall be placed along the perimeter of such off-street parking. If such barrier is of plant material, then no less than 25% of the plant material shall be of an evergreen variety. If such barrier is of non-living material, then one shrub or vine shall be placed at intervals of not less than 10 feet. The remainder of the required landscaped areas shall be planted with grass, ground cover, or other landscape treatment, excluding pavement.

All land other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with grass or other ground cover.

(c) Necessary accessways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use areas.

(d) Shade trees sufficient in number to provide a tree for every 50 lineal feet of road frontage shall be installed within the required landscaped strip along I-69. Although the number of trees specified by this paragraph may not be reduced, said trees may be placed in groups that enhance the architecture of the district and the I-69 corridor. Such tree placement shall be subject to the review of the Plan Commission at the time of Detailed Development Plan approval.

(e) A "Streetscape Planting Plan" depicting the landscaping along 121st Street and

any interior street shall be submitted for approval by the Plan Commission at the time of any Detailed Development Plan review for land abutting either 121st Street or any interior street. Said Streetscape Planting Plan shall consist of a dimensioned drawing and typical cross-section of the roadway, easements, any walk or walks, and the trees, shrubs, ground cover, or other landscaping features as may be included along the roadway. The Plan shall create a tree-lined street with a unified appearance throughout the site, and shall denote the number, size, species and location of all plant material proposed to be used. After its initial adoption by the Commission, the Streetscape Planting Plan shall be substantially followed by any land user within the district.

(2) PARKING AREA

(a) Off-street parking areas shall have at least 5% of the interior gross square footage of the parking area maintained in curbed landscaped areas. Each separate landscaped area shall contain a minimum of 50 square feet and shall have a minimum dimension of at least 3 feet, area adequately landscaped with trees (which shall have a minimum clear trunk height of 5 feet), shrubs, ground cover or other authorized landscaping material, not to exceed 2 1/2 feet in height. The total number of trees shall not be less than 1 for each 100 square feet or fraction thereof of required interior landscaped area.

(b) Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. In other vehicular use areas where the strict application of this subsection will seriously limit the function of said area, i.e., truck turning and circulation areas, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements. The front of a vehicle may encroach upon any interior landscaped area when said area is at least 3 1/2 feet in depth per abutting parking space and protected by wheel stops or curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space.

(c) I-69 Frontage Greenbelt. Any land use within this PD district that abuts I-69 shall be required to maintain a minimum 30-foot wide greenbelt along said frontage. The greenbelt must be placed between any building or structure erected within the PD district and the right-of-way of I-69, and may fall within the required setback. At least 20% of the area of said greenbelt shall be planted with a variety of native deciduous and evergreen trees and shrubs. The remainder of the greenbelt area shall be planted with grass or a suitable ground cover.

(3) EXISTING PLANT MATERIAL. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the agency charged with the issuance of building permits may adjust the application of the above mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of this Ordinance. Owners of Property within this PD district shall be required to maintain such landscaping as is necessary to meet the minimum standards of this Ordinance and the Zoning Code of the Town of Fishers.

(4) LANDSCAPE PLAN APPROVAL. Detailed Development Plans shall include landscaping plans for any property located within the PD District designated by this Ordinance. Such plans shall be further reviewed at Final Development Plan stage by the PD committee to determine compliance with requirements specified herein. Landscape plans included in the Detailed Development Plans shall include the following:

- (a) Landscaping materials, natural and artificial;
 - (1) location and spacing of existing and proposed plant materials;

- (2) types of materials identified by botanical and common names and listed on a plant material schedule, with method of transplant specified; all trees to be removed should be noted;
- (3) size of materials, in diameter and height, at installation and at maturity;
- (b) Proposed treatment of all ground surfaces (paving, turf, and grading);
- (c) Quantity of each of the planting and artificial materials to be used, and
- (d) Methods of protecting landscaped areas.

SECTION 8. LIGHTING AND SIGNAGE

Following are Lighting and Signage standards and guidelines that are unique to the Brattain-Haskin Technology Center PUD district. Any standard governing signage and lighting not listed herein shall be determined by the provisions of the Zoning Code of the Town of Fishers and the Sign Code of the Town of Fishers, as amended.

(1) LIGHTING

(a) Lighting Design. All free-standing light standards and wall-mounted light fixtures used for roadway or parking lot illumination shall be designed as downlighting, with a metal or other opaque cutoff placed near the source of illumination so as to prevent a direct view to the illumination source when viewed from the side.

(b) Maximum Height. The maximum height for light standards in this PUD district shall be 25 feet.

(c) Lighting Abutting Residential Land Uses. Where part of this PUD district abuts residential land uses, the illumination level from any lighting used within the PUD district may not exceed 0.1 footcandles as measured on a horizontal surface at the property line of said residential land use.

(d) Lighting Review. Architectural review guidelines shall be established by the Developer of the real estate within the district requiring the prior review of any exterior lighting to be installed within the PUD district. Said architectural guidelines shall create consistency and continuity of lighting design throughout the district and shall include requirements for, without limitation, color, quality, design, intensity, size, and type of lighting fixtures and standards. The PD Committee shall review exterior lighting as part of its Final Development Plan review for individual uses within the district.

(2) SIGNAGE

(a) Sign Design. All identification and directional signs within the development shall be designed to blend together and share basic design elements. Use of similar colors, forms and architectural materials shall be encouraged to create a design vocabulary that will tie together the signs within the district.

(b) Wall/Parapet Signs. No sign mounted over two stories in height above grade shall be allowed to be affixed to a wall or parapet if the wall or parapet directly faces a residential land use abutting the southerly or easterly part of the site.

(c) Sign Review. Architectural review guidelines shall be established by the Developer of the real estate within the district requiring the prior review by the Developer of any signage to be

installed within the PUD district. Said architectural guidelines shall create consistency and continuity of signage throughout the district and shall include the review of, without limitation, color, construction materials, quality, design, typography, size, and type of illumination. The PD Committee shall review exterior signage as part of its Final Development plan review for individual uses within the district.

SECTION 9. PROCEDURE

(1) ADOPTION AND ONGOING ADMINISTRATION. The adoption of this ordinance and the subsequent consideration of any Detailed or Final Development Plan and the ongoing administration of the PUD-C District established herein shall be done pursuant to the provisions of the Planned Unit Development Zoning Process as set forth in Section 151.072 of the Zoning Code of the Town of Fishers, as amended.

(2) COVENANTS. Covenants, Condition & Restrictions shall be submitted by the Developer for review by the Plan Commission at the same time as the first Detailed Development Plan for the site. Any amendment of said Covenants, Condition & Restrictions shall be required to be reviewed by the Plan Commission prior to their recording by any owner of real estate in the district authorized to execute such an amendment.

SECTION 10. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 18th day of February, 1998.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

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NAY

Walter F. Kelly /s/

Walter F. Kelly,
President

James P. Roederer /s/

James P. Roederer
Vice President

Stuart F. Easley /s/

Stuart F. Easley
Member

Scott A. Faultless /s/

Scott A. Faultless
Member

Deborah H. Heckart /s/

Deborah H. Heckart
Member

Roy G. Holland /s/

Roy G. Holland
Member

Timothy O. Lima /s/

Timothy O. Lima
Member

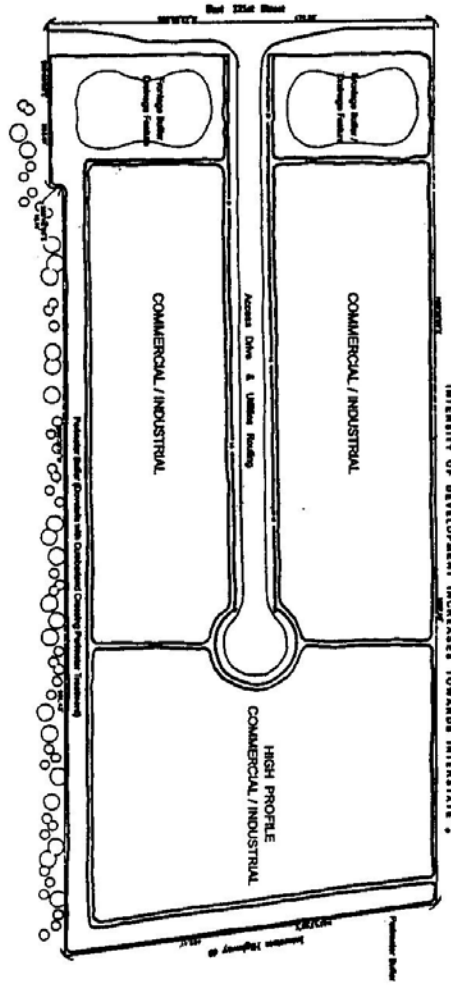
ATTEST: Linda Gaye Cordell /s/ Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana
Approved by: Douglas D. Church of Church, Church, Hittle and Antrim - Town Attorney

EXHIBIT "A"

A part of the Southeast Quarter of the Northwest Quarter of Section 32, Township 18 North, Range 5 East, located in Fall Creek Township, Hamilton County, Indiana, being more specifically described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of Section 32, Township 18 North, Range 5 East; thence North 00 degrees 28 minutes 07 seconds East (assumed bearing) 1107.15 feet (deed, North 00 degrees 28 minutes 34 seconds East, 1106.11 feet, measured) on and along the West line of said Southeast Quarter of the Northwest Quarter to the South right-of-way line of Interstate Highway 69; thence North 82 degrees 43 minutes 02 seconds East (deed, North 82 degrees 35 minutes 02 seconds East, measured) 462.41 feet on and along said South right-of-way line; thence South 00 degrees 39 minutes 11 seconds West 961.43 feet; thence South 88 degrees 48 minutes 05 seconds East 16.11 feet; thence South 00 degrees 00 minutes 00 seconds 203.81 feet, (deed, 203.97 feet, measured) to the South line of said Southeast Quarter of the Northwest Quarter; thence South 89 degrees 58 minutes 27 seconds West (deed, South 89 degrees 58 minutes 23 seconds West, measured) 472.88 feet to the point of beginning, containing 11.977 acres, more or less.

EXHIBIT B



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| <p>1 of 1</p> | <p>NORTH</p>  | <p>CONCEPTUAL DEVELOPMENT PLAN HASKIN PARCEL INTERSTATE 89 HASKIN, IOWA COUNTY, IOWA</p> | <p>MPA MELVIN-PACKARD & ASSOCIATES 201 Highway 63 East, Des Moines, IA 50319 515-281-1111</p> |
|---------------|--|--|--|