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ORDINANCE NO. 080212

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT
ORDINANCE OF FISHERS, INDIANA -2006
(Seasons Gardens PUD Ordinance #100603B)

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
ORDINANCES - 1980, ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS
HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A, and the Official Zoning Map, Town of Fishers, Indiana, dated October 16, 2006, which accompanies and is part of the Unified Development Ordinance of the Town of Fishers, Indiana, as amended (the "UDO"), are hereby amended as follows:

That the Zoning Classification of the following described real estate which was zoned as Seasons Gardens PUD-C be amended and the ordinance shall hereinafter be referred to as the Cumberland Crossing PUD Ordinance.

SEE "EXHIBIT A" ATTACHED HERETO

SECTION 2. PURPOSE AND INTENT

The purpose and intent of the Cumberland Crossing PUD-C is to provide an innovative mixed-use development which promotes creativity and flexibility in the development of the real estate.

SECTION 3. LAND USE

Parcel A:

All uses described in C1 Commercial District, C2 Commercial District of the Unified Development Ordinance as well as the following list of additional uses:

Additional permitted uses

- Garden and Landscape Design Center with outdoor sales display area.
- Flex office/warehouse provided all uses are fully enclosed within a building.
- Drug store up to a maximum of 18,000 square feet

Specific prohibited uses

- Carwashes are not permitted.

Parcel B:

All uses described in C3 Commercial District of the Unified Development Ordinance as well as the following list of additional uses:

Additional permitted uses

- Garden and Landscape Design Center with outdoor sales display area.
- Flex office/warehouse provided all uses are fully enclosed within a building.

- Boarding Kennel including provided no outdoor pet containment facility is permitted other than an area where pets can be walked outside under human supervision and such area must be located on the south elevation of any such tenant space.
- Car Washes provided the exit to the car wash tunnel faces toward Cumberland Road or to the east.

SECTION 4. DEVELOPMENT STANDARDS

All Development standards shall meet the requirement of the C-2 Commercial District of the UDO, as amended, with the exception of the following standards:

Set Backs

Minimum building setbacks shall be: front yard – 25'; side yard-10'; rear yard -20'.

Square footage requirements

The maximum single tenant size for any use is 18,000 square feet and a maximum square footage of total building size of 39,000 square feet.

Gas Station requirements

The following requirements and regulations are in addition to any other architectural standards denoted in this Ordinance. Gas Stations shall only be permitted if the convenience store is located between the Gas Canopy and 126th Street, so that the convenience store screens the canopy and fueling positions from 126th Street. Gas Canopies and convenience store buildings shall have a residential character that includes the following:

- Pitched roofs with three-dimensional asphalt or fiberglass shingles
- The convenience store building shall include a minimum of 50% natural brick product on all elevations.
- Any split-face concrete masonry unit (CMU) product shall be limited to the area of any elevation from grade to a height of four (4) feet.
- The Gas Canopy support posts shall be wrapped with a brick product matching the main brick product on the convenience store. This wrapping shall reach a minimum height of ten (10) feet from grade.
- The Gas Canopy fascia shall be a neutral color.
- Mechanical units shall not be mounted to the roof of the convenience store or the gas canopy. Ground mounted and wall mounted mechanical units shall be completely screened from 126th Street through the use of a masonry wall consisting of materials used on the primary structure and landscaping.
- Any outdoor sales shall be screened with a brick wall matching the primary structure.

Architectural Standards

All buildings shall use at least 50% brick on front elevations.

Smooth CMU products, integrally colored blocks, decorative precast panels, and vinyl siding are not permitted exterior materials.

All buildings shall be constructed with a residential character including pitched roofs with a roof pitch of no less than 6 on 12.

Overhead Doors and loading docks must not be visible from 126th Street and/or Cumberland Road with the exception of the existing building on site which was constructed with the building for three (3) overhead doors facing Cumberland Road.

Miscellaneous Standards

The Hours of Operation shall be limited to 6:00am to 12:00pm.

Buildings with drive up windows are permitted no less than 200 feet from a residentially zoned or used property provided that there is no external speaker system. The windows may not face 126th Street or Cumberland Road. Drive-up windows with a speaker order board system are permitted no less than 400 feet from a residentially zoned property.

Any free-standing or wall mounted light fixtures within twenty-five (25) feet of the right-of-way line of 126th Street shall be limited to twenty (20) feet in height.

Any wall signage facing 126th Street shall be reverse channel illuminated or externally illuminated.

Any ground signs that qualify for a height of more than seven (7) feet and a sign area of more than forty-five (45) square feet pursuant to the UDO sign regulations, shall be limited by this Ordinance to no more than seven (7) feet in height and forty-five (45) square feet of sign area.

SECTION 5. CONCEPTUAL DEVELOPMENT PLAN

The concept Plan, attached hereto as "Exhibit 2", is a conceptual plan that identifies ingress and egress to the property. The overall development standards govern how the Real Estate can be used. Adoption of the PUD Ordinance with the attached Concept Plan does not constitute approval of any detailed development and final development plans: such further approval is subject to the procedures set out in Section 6, below. Further subdivision of the Real Estate shall be permitted in accordance with Section 6 below and the Town of Fishers UDO for subdivision of land.

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 the UDO for Planned Unit Development Districts.

SECTION 7. APPROVAL

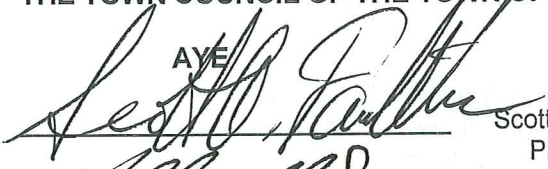
This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 3rd day of Dec

THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

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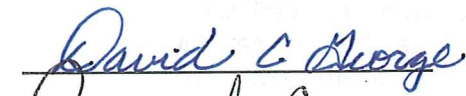


Scott A. Faultless,
President



Michael Colby,
Vice President

Stuart F. Easley,
Member



David C. George,
Member



Renee Cox,
Member

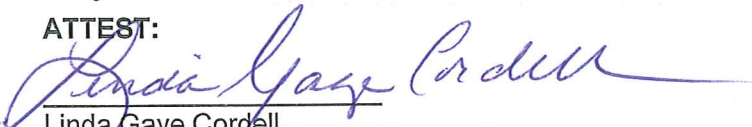


Pete Peterson,
Member



John Weingardt,
Member

ATTEST:



Linda Gaye Cordell
Clerk-Treasurer
Town of Fishers, Indiana

082012

EXHIBIT 1

Situate in the State of Indiana, County of Hamilton and being part of the Northwest quarter of Section 32, Township 18 North, Range 5 East of the Second Principal Meridian, more particularly described to-wit:

Beginning at a 1/2 inch rebar marking the Northwest corner of the Northwest quarter of Section 32, Township 18 North, Range 5 East; thence North 89 degrees 01 minute 25 seconds East 647.43 feet with the North line or said Northwest quarter to a 5/8 inch rebar; thence South 00 degrees 51 minutes 43 seconds East 291.29 feet to a 5/8 inch rebar; thence South 89 degrees 01 minute 25 seconds West 330.00 feet parallel with the North line of said Northwest quarter to a 5/8 inch rebar; thence South 00 degrees 51 minutes 43 seconds East 230.00 feet to a 5/8 inch rebar; thence South 89 degrees 01 minute 25 seconds West 320.35 feet parallel with said North line to a mag nail on the West line of said Northwest quarter; thence North 00 degrees 32 minutes 30 seconds West 521.30 feet with said West line to the point of beginning, containing 6.03 acres more or less. Subject to all rights-of-way and pertinent easements of record.

Also including:

The entire widths of the rights-of-way of 126th Street and Cumberland Road that are contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

EXHIBIT 2

Concept Plan

