

**FISHERS TRADE CENTER
ORDINANCE NO. 070898**

FISHERS TRADE CENTER PUD

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 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:

This district, hereafter to be known as the Fishers Trade Center PUD, is intended to allow flexible land use standards within this area to allow the existing businesses to expand which through the application of customary zoning regulations would not be possible. The Planned Unit Development District allows the expansion of the existing businesses while at the same time create an area to allow new building to be erected in the PUD District. In addition to the permitted industrial uses, this PUD allows C-1, C-2 and C-3 uses which make this area more suitable and attractive for economic development efforts. The inclusion of minor retail uses is also consistent with other zoning districts within the S.R. 37 corridor.

The zoning of the following described real estate, established as PUD by Ordinance No. 031595B, Britton Park PD, is hereby amended as follows:

SEE EXHIBIT "A" and "C" ATTACHED HERETO

SECTION 2. LAND USE

A. All uses described in Section 151.074, C-2 Commercial District, Section 151.075, C-3 Commercial District and Section 151.077, I-1 Industrial District, of Ordinance No. 110380, as amended, with the exception of a Shopping Center in excess of 350,000 square feet, shall be permitted in this PUD District in the areas so designated on the Detailed Development Plan attached hereto as Exhibit "B".

SECTION 3. NON-CONFORMING STANDARDS

Any uses which are lawfully in existence at the time of the adoption of this PUD Ordinance are considered to be legal, non-conforming uses and shall be permitted to continue the legal, non-conforming activity notwithstanding Section 151.035, Nonconforming Uses and Buildings, of the Fishers Zoning Ordinance.

SECTION 4. DEVELOPMENT STANDARDS

(A) MINIMUM BUILDING SETBACKS

The following minimum building setback lines apply to any and all structures erected upon the premises:

(1) Front yard setback shall be 60 feet on any street. Corner lots shall be considered to have two front yards for the purposes of the Ordinance.

(2) Side yard setback shall be 10 feet. When adjacent to residential, the setback shall increased to 15 feet.

(3) Rear yard setback shall be 10 feet.

(B) MAXIMUM STRUCTURE HEIGHT

(1) Maximum height of all primary buildings and structures shall not exceed 35 feet, with the following exception:

(a) Office buildings up to 42 feet may be constructed on Blocks 1, 2, or 3.

(2) Maximum height of all accessory buildings and structures shall not exceed 25 feet.

(C) MAXIMUM LOT COVERAGE

Maximum lot coverage for each lot may not exceed fifty percent (50%) of the gross area of the lot.

(D) REQUIRED LANDSCAPING AND SCREENING

(1) Front yards shall be landscaped in an open pattern of grass and shrubbery, trees and/or hedges to provide a partial screening of the use.

(2) Parking lots within the front yard shall be permitted provided that a landscape strip 15 feet in width be provided and comply with Section 158.093 of the Fishers Zoning Ordinance.

(3) A landscape strip (5) feet in width shall be provided along side and rear lot lines and comply with Section 158.093 of the Fishers Zoning Ordinance.

(4) A landscape easement (20) feet in width shall be provided for those properties adjacent to S.R. 37. A combination of evergreen and deciduous trees shall be placed every (40) feet within this landscape easement along S.R. 37. A (2) foot mound shall also be incorporated into the landscape easement. The evergreen trees shall be a minimum of (6) feet tall, and deciduous trees shall be a minimum of (1 1/2) inch caliper at the time of installation. Flexibility in the clustering of the required trees shall be allowed, as long as the ratio of trees to frontage is maintained. Permanent ground signs may be incorporated into the landscape easement. No parking lots or parking circulation drive aisles or lanes are permitted within the landscape easement.

(5) Additional plantings shall be added at the time of the Detailed Development Plan along the western property boundary of the tracts in Blocks 4 and 5. The purpose of such plantings shall be to establish a more effective year-round vegetative screen from the adjoining residential property. Said plantings shall require the installation of trees in locations that will augment the existing line of vegetation growing along the railroad tracks. Such additional screening requirements shall vary with the screening needs of each tract, but in no case shall plantings exceed three evergreen and two deciduous trees for each 100 lineal feet of frontage along the railroad tracks. Said trees shall be clustered for optimum screening benefits.

(6) Paragraph (5) above notwithstanding, west facing loading docks abutting the railroad tracks on Blocks 4 and 5 shall be effectively screened with earth mounding or vegetative screening or a combination thereof. Credit shall be given for existing vegetation. Preservation of the existing tree line shall be encouraged.

(E) PARKING AND LOADING REQUIREMENTS

(1) Off-street parking facilities shall be provided in accordance with the Fishers Zoning Ordinance Section 151.090.

(2) If at the Detailed Development Plan review stage, the PUD Committee determines that any 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 Ordinance, as amended, the petitioner shall seek a variance or the excess parking spaces may be "land-banked" as follows:

(a) 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 and not developed with any structures, or land-banked, for the possibility of constructing future off-street parking. Said land-banked area shall be large enough to accommodate the additional number of parking spaces required for the site, by this PUD ordinance or the Fishers Zoning Ordinance, as amended, minus the number of parking spaces actually proposed for the site. Land banking of parking spaces shall not reduce the number of required handicapped parking spaces. The land-banked portion of the site shall be developed as off-street parking at such future date that additional off-street parking is required to meet the off-street parking needs of land uses within the district.

(4) Off-street loading shall be provided in accordance with the Fishers Zoning Ordinance Section 151.091.

(F) SIGNAGE

(1) All signage shall conform in size, height, and location to the standards set forth in Section 158 Fishers Sign Code.

(G) OTHER DEVELOPMENT STANDARDS

(1) Other development standards not specifically defined by this PUD Ordinance shall be determined by the Fishers Zoning Ordinance, as amended.

SECTION 5. 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 6. RECORDING

An approved Final Detailed Development Plan and Modifications shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder in accordance with the Fishers PUD Ordinance, Subdivision Control Ordinance and the State of Indiana.

SECTION 7. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council.

All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 22nd day of July, 1998.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

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
Member

Roy G. Holland /s/

Roy G. Holland
Member

Timothy O. Lima
Member

ATTEST: Linda Gaye Cordell /s/ DATE: 7-22-98

Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

Approved by: Douglas D. Church: Church, Church, Hittle, and Antrim - Town Attorney 7/22/98

EXHIBIT "A"
LEGAL DESCRIPTION

TRACT 'A'

A part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 19; thence South 89 degrees 29 minutes 44 seconds West (assumed bearing) along the South line of said Southwest Quarter a distance of 112.95 feet to the West right-of-way line of State Road No. 37, said point being 87.00 feet West by perpendicular measurement of Line "E" per plans for State Road No. 37 (I.S.H.C. F-Project 824, Section 1, dated 1954); thence continuing South 89 degrees 29 minutes 44 seconds West along the South line of said Southwest Quarter a distance of 1222.65 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 11 minutes 08 seconds West along the West line of said Southeast Quarter Quarter Section a distance of 802.28 feet to the Point of Beginning of the herein described tract; thence North 89 degrees 29 minutes 44 seconds East parallel with the South line of said Southwest Quarter a distance of 1224.50 feet to the West right-of-way line of said State Road No. 37, said point being 87.00 feet West by perpendicular measurement from said Line "E"; thence North 00 degrees 03 minutes 13 seconds West along the West right-of-way line of said State Road No. 37 a distance of 534.09 feet to the North line of the Southeast Quarter of said Southwest Quarter; thence South 89 degrees 30 minutes 17 seconds West along said North line a distance of 1225.73 feet to the Northwest corner of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees 11 minutes 08 seconds East along the West line of

said Southeast Quarter Quarter Section a distance of 534.28 feet to the Point of Beginning. Containing 15.023 Acres (654,420 square feet), more or less.

AND ALSO:

PARCEL B

A part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 19; thence South 89 degrees 29 minutes 44 seconds West (assumed bearing) along the South line of said Southwest Quarter a distance of 112.95 feet to the West right-of-way line of State Road No. 37, said point being 87.00 feet West by perpendicular measurement of Line "E" per plans for State Road No. 37 (I.S.H.C. F-Project 824, Section 1, dated 1954) and the Point of Beginning of the herein described tract; thence continuing South 89 degrees 29 minutes 44 seconds West along the South line of said Southwest Quarter a distance of 1222.65 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 11 minutes 08 seconds West along the West line of said Southeast Quarter Quarter Section a distance of 802.28 feet; thence North 89 degrees 29 minutes 44 Seconds East parallel with the South line of said Southwest Quarter a distance of 1224.50 feet to the West right-of-way line of said State Road No. 37, said point being 87.00 feet West by perpendicular measurement from said Line "E", thence South 00 degrees 03 minutes 13 seconds East along said West right-of-way line a distance of 802.29 feet to the Point of Beginning. Containing 22.535 Acres (981,630 Square Feet), more or less; AND ALSO,

A part of the Northeast Quarter of the Southwest Quarter of Section 19, Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southwest Quarter of said Section 19; thence South 89°30'50" West (assumed bearing) along the North line of said Southwest Quarter a distance of 238.03 feet to a point 210.00 feet West by perpendicular measurement of Line "E" per plans for State Road No. 37 (I.S.H.C. F-Project 824, Section 1, dated 1954) and the POINT OF BEGINNING of the herein described tract; thence South 00°03'13" East parallel with the centerline of said State Road No. 37 a distance of 16.50 feet to the intersection of the West right-of-way line of said State Road 37 and the South right-of-way line of East 141st Street; thence South 45°49'13" East along the West right-of-way line of said State Road No. 37 a distance of 171.67 feet to a point that is 87.00 feet West by perpendicular measurement of said Line "E"; thence South 00°03'13" East along said West right-of-way line a distance of 1199.19 feet to the South line of the Northeast Quarter of the Southwest Quarter of said Section 19; thence South 89°30'17" West along said South line a distance of 1225.73 feet to the Southwest corner of said Northeast Quarter Quarter Section; thence North 00°11'08" West along the West line of said Northeast Quarter Quarter Section a distance of 1336.55 feet to the Northwest corner of said Northeast Quarter Quarter Section; thence North 89°30'50" East along the North line of said Northeast Quarter Quarter Section a distance of 1105.80 feet to the Point of Beginning. Containing 37.436 Acres (1,630,705 Square Feet), more or less.

Subject to the right-of-way for the Norfolk and Western Railway Company (formerly The Lake Erie and Western Railroad) as shown on the Right-of-Way and Track Maps of the Lake Erie and Western Railroad, the East right-of-way line of which is 28.00 feet East of and parallel with the centerline of the rails of said railroad.

EXHIBIT B

EXHIBIT C
FOR ORDINANCE #031595B, As Amended
BRITTON PARK PD

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. PURPOSE

This district is intended to allow flexible land use standards within this area to allow the existing businesses to expand which through the application of customary zoning regulations would not be possible. The Planned Development district allows the expansion of the existing businesses while at the same time creating an area to allow new buildings to be erected in the PD District. In addition to the permitted industrial uses, this PD allows C-1 and C-2 uses which make this area more suitable and attractive for economic development efforts. The inclusion of minor retail uses is also consistent with other existing zoning districts within the S.R. 37 corridor.

SECTION 2. LAND USE

All uses described in Section 151.074 and Section 151.077 of Ordinance No. 110380, C-2 Commercial District and I-1, Industrial District shall be permitted in this PD District.

The following additional uses shall be permitted.

- a. The sale, rental display or storage of new or used motor vehicles, trailers, tractors, machinery or other equipment; or merchandise.
- b. The outdoor storage of merchandise for sale or rent provided the storage area is screened from the public view, is located within the rear yard of the principal building, and meets the setbacks of principal building.

SECTION 3. NON-CONFORMING USES

Any uses which are lawfully in existence at the time of adoption of this PD Ordinance are considered to be legal, non-conforming uses and shall be permitted to continue their legal, nonconforming activity notwithstanding Section 151.035, Nonconforming Uses and Buildings.

The outdoor storage shall be considered a permitted use, provided adequate landscaping and/or screening are provided as determined by the Department of Development.

SECTION 4. DEVELOPMENT STANDARDS

(A) MINIMUM BUILDING SETBACKS

The following minimum building setback lines apply to any/all structures erected upon the premises:

1. Front yard setback: 60.0 on any street. Corner lots shall be considered to have two front yards for the purposes of this Ordinance.
2. Side yard setback: 10.0 feet. When adjacent to residential, the setback shall be increased to 15.0 feet.
3. Rear Yard setback: 10.0 feet.

(B) MAXIMUM STRUCTURE HEIGHT

1. Maximum height of all primary buildings and structures shall not exceed 35.0 feet.
2. Maximum height of all accessory buildings and structures shall not exceed 25.0 feet.

(C) MAXIMUM LOT COVERAGE

Maximum lot coverage for each lot may not exceed fifty percent (50%) of the gross area of the lot.

(D) REQUIRED LANDSCAPING AND SCREENING

1. Front yards shall be landscaped in an open pattern of grass and shrubbery, trees and/or hedges to provide a partial screening of the use.
2. Parking lots within the front yard shall be permitted provided that a 15.0 foot landscape strip be provided and comply with Section 158.093 of the Fishers Zoning Ordinance.
3. A 5.0' landscape strip shall be provided along side and rear lot lines and comply with Section 158.093 of the Fishers Zoning Ordinance.
4. A 20.0 foot landscape easement shall be provided for those properties adjacent to State Road 37. A combination of evergreen and deciduous trees shall be placed every 30.0 feet within this landscape easement along S. R. 37. A two (2) foot mound shall also be incorporated into the landscape easement. The trees shall be a minimum of 5.0 feet tall at the time of installation. Permanent ground signs may be incorporated into the landscape easement. No parking lots are permitted within the landscape easement.

(E) PARKING AND LOADING REQUIREMENTS

1. Off-street parking facilities shall be provided in accordance with the Town of Fishers Zoning Ordinance Section 151.090.
2. Off-street loading shall be provided in accordance with the Town of Fishers Zoning Ordinance Section 151.091.

(F) SIGNAGE

1. All signage shall conform, in size, height, and location, to the standards set forth in Section 158 of Fishers Sign Code.

(G) OTHER DEVELOPMENT STANDARDS

1. Other development standards not specifically defined by this PD ordinance shall be determined by the Town of Fishers Zoning Ordinance No. 110380 adopted on 11/3/80 and any amendments thereafter.

SECTION 5. PROCEDURE

The existing platted lots of record shall be considered the general development plan for this PD. Any change to the lots shall conform to Fishers Subdivision Control Ordinance Chapter 153 and 151.072 Planned Unit Development District (PUD).

SECTION 6. RECORDING

An approved Final Detailed Development Plan and Modifications shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder in accordance with the

Subdivision Control Code of the Town of Fishers and the State of Indiana.

SECTION 7. APPROVAL

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

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this ____ day of _____, 1998.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

_____	Walter F. Kelly, President
_____	James P. Roederer Vice President
_____	Stuart F. Easley Member
_____	Scott A. Faultless Member
_____	Deborah H. Heckart Member
_____	Roy G. Holland Member
_____	Timothy O. Lima Member

ATTEST:

Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

EXHIBIT C

BRITTON PARK PD DISTRICT

Part of the West Half Section 30 in Township 18 North, Range 5 East, Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of Section 30, Township 18 North Range 5 East; thence West on and along the North Line of said Section to the Northeast corner of the Northwest Quarter of said Section the POINT OF BEGINNING of this description; thence continue West on and along the North line of Said Section to the Northwest corner of the East Half of said Northwest Quarter; thence South on and along the West line of said East Half to a point on the South line of the East half of the Northwest Quarter of said Section 30; thence East on and along said South line to the Southeast corner of said Northwest Quarter; thence North on and along the East line to the point of beginning and containing 80.0 acres, more or less.

