

ORDINANCE NO. 091503A

**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 Zoning Map, identified as OFFICIAL ZONING MAP, FISHERS, INDIANA which accompanies and is a part of the Zoning Ordinance of the Town of Fishers, Indiana, as amended is hereby amended as follows:

That the zoning classification of the real estate described on Exhibit A, attached hereto, is hereby designated as Harbour PUD as adopted in Ordinance #111997B.

SECTION 2.

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 All provisions or parts thereof in conflict herewith are hereby repealed.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 3rd day of Nov, 2003.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

BY:

Scott A. Faultless

Scott A. Faultless,
President

Stuart F. Easley

Stuart F. Easley,
Vice President

Timothy O. Lima

Timothy O. Lima,
Member

Eileen N. Pritchard

Eileen N. Pritchard,
Member

Daniel E. Henke

Daniel E. Henke,
Member

Charles P. White

Charles P. White,
Member

David C. George

David C. George,
Member

ATTEST:

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

DATE:

11-3-03

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

Exhibit "A"

Land Description

Parcel #3 – Instrument #8814632

Lot numbered 15 (15) in Lakeview Addition, in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 130, Page 612, in the Office of the Recorder of Hamilton County, Indiana.

EXHIBIT 3

HARBOUR POINTE (PART) ORDINANCE NO. 111997B

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 ORDINANCES - 1980, ORDINANCE - 1980, ORDINANCE NO. 110380, AS 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 zoned as PUD-B also to BE further defined as Harbour PUD-B.

SEE "EXHIBIT A" ATTACHED HERETO

SECTION 2. PURPOSE OF CHAPTER

A. The Planned Unit Development (PUD) district is established to provide for the development of mixed zoning classifications, densities, and uses under a common classification, when presented to the Commission in a well prepared, organized and documented plan. This classification is intended to provide for:

1. Greater flexibility in applying the ordinances to mixed zoning classifications;
2. Innovative approaches to meet the demands of the housing, commercial, and business markets;
3. The recognition of the interdependency of the above markets; and
4. The planning and development of mixed zoning classes to be consistent with the best interest of the jurisdictional area of the Town of Fishers, and the applicable ordinances.

SECTION 3. LAND USE

all uses described in Section 151.074 (C2, Commercial District) of the Fishers Zoning Code, as amended, shall be permitted in this PUD District, subject to the development standards of the C2 district, except otherwise described herein.

(1) In addition to the permitted land uses within Section 151.074 of the Zoning Code, the following land uses shall be permitted within the PUD District:

(a) Restaurant with the ability to serve liquor as an accessory use with conventional table service.

(2) The following land uses shall be prohibited within the PUD District.

(a) Auto Service Station/Gasoline Stations

SECTION 4. DEVELOPMENT STANDARDS

The development standards of Section 151.074 (C2) shall apply to the Parcels included within this PUD District with the exception/addition of the following requirements.

(1) Setbacks

(a) Front yard, building line: 20 feet

(b) Side yards: Minimum side yards of at least 10 feet shall be provided along each side lot line.

1. A complex or project with more than one structure shall meet the separation distance required by State and local Fire Marshal's Office.

(c) Rear yards. A rear yard of not less than 15 feet shall be provided along the entire rear lot line.

(2) Architecture. The Architectural style shall be consistent with the surrounding residential area.

(a) All buildings shall have pitched, hip, or gable roofs.

(b) The exterior of the structures shall be masonry, wood or stucco type material.

(3) Landscaping required. Use of required yards. All yards shall be landscaped and planted in grass, shrubs, trees, hedges and the like, to provide adequate ground cover and aesthetic amenities, except:

(a) Required front yards may be used for driveways, sidewalks, fountains, flagpoles, and the like.

(b) Front and rear yards, except for easements, may be used for off-street parking, provided that a 15-foot wide planting strip be maintained between the lot line and the parking area.

(c) The rear yard when adjacent to residential shall be landscaped with a combination of fencing and landscaping to create an adequate buffer between the residential and commercial area. In addition, a minimum of one evergreen tree shall be placed every 15 feet on center.

(d) There shall be provided and maintained a five foot landscape strip extending the full length of the side yard.

(e) All utility easements shall be clear and free of any plantings or obstacles and shall be planted in grass. All planting strips shall be behind the easement for all front, side, and rear yards.

(4) Access, ingress-egress. All entrances and exits shall be designed in a manner conducive to safe traffic flow and standards. All access and entrances shall be approved by the Town Engineer.

(5) Maximum structure height. Primary buildings may be 35.0 feet, but not to exceed three floors containing occupied space. Accessory structures may not exceed 15.0 feet in height.

(6) Off-street parking. Off-street parking facilities shall be provided in accordance with Section 151.092 of this chapter.

- (a) Professional office shall have 1 space per 250 square feet.
- (b) Retail shall have 1 space per 250 square feet of usable area.

(7) Signs. Signs shall be allowed in accordance with Chapter 158. Except that internally illuminated signage shall consist of reverse illuminated channel letters.

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. 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 10th day of December, 1997.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

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

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