

ORDINANCE NO. 121503C

**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-M and this ordinance shall hereinafter be referred to as the Limestone Springs PUD Ordinance

SEE "EXHIBIT 1" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this PUD-M is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the Real Estate. The Real Estate includes four parcels that are identified as Areas A – D on the concept plan ("Concept Plan") attached hereto as "Exhibit 2."

SECTION 3. LAND USE

- | | |
|--------|--|
| Area A | Single-family dwellings are permitted. |
| Area B | Active adult two-unit dwellings are permitted. |
| Area C | Condominium dwellings are permitted. |
| Area D | All uses described in Sections 151.073 and 151.074 Commercial Districts C1 and C2 are permitted, except for the following which are not permitted: meat market, cafeteria, auto service station. In addition, the following uses are permitted: photocopying and veterinarian. No retail outdoor display of satellite dishes shall be permitted. |

SECTION 4 CONCEPTUAL DEVELOPMENT PLAN.

The Concept Plan, attached hereto as "Exhibit 2", is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plan; such further approval is subject to the procedures set out in Section 6, below.

SECTION 5 LANDSCAPING.

- The development of the Real Estate shall be in compliance with the Town of Fishers Landscape Ordinance, as amended. In addition, the Commercial Area D shall include a 25' landscape buffer along Marilyn Road and 136th Street (exclusive of any easements).
- In addition, instead of 6 trees per 100 lineal feet as required by Section 3 of the Town's Landscape Ordinance, 9 trees per 100 lineal feet shall be planted along the 136th Street perimeter planting area.
- The project will include at least 37 acres of common areas.
- Streets shall have street trees on both sides of the street. Street trees shall be placed on average between 40 - 60 feet on center in a planting strip between the curb and the sidewalk if available. The planting strip shall be a minimum of four feet wide. Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. Trees shall be deciduous and selected from the Town's approved List of Recommended Species. Street Trees shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

SECTION 6 ACTIVE ADULT FEATURES (Areas B and C)

- mandatory maintenance fee for lawn mowing, lawn maintenance, and snow removal shall be a part of the HOA dues
- no homes will have more than 3 bedrooms
- 80% of the units shall have 2 bedrooms or less

SECTION 7 DEVELOPMENT STANDARDS.

Residential. The residential bulk and density standards are set out below. When all residential densities are added together, the total number of dwelling units shall not exceed 496. This number is based upon the proposed uses as presented in the concept plan (e.g., Area A: single-family; Area B: 2-unit dwellings; Area C: condominiums). The maximum density per area per use and the total of 496 dwelling units for Limestone Springs shall not be exceeded without a formal amendment to the Planned Unit Development. Modifications of up to ten percent (10%) of gross area of area boundaries shall be permitted when Detailed Development Plans of individual phases are submitted for the Plan Commission's consideration.

Residential Uses and Densities

Area	Parcel Size (acres)	Maximum Densities (units per acre)			Maximum Number of Units
		Single-Family	2-Unit Dwellings	Condominiums	
A	51.01	2.4	-	-	122
B	12.25	-	4.08	-	500
C	43.08	-	-	7.5	324
Total number of units not to exceed:					496

Residential Bulk Standards

Land Use	Traditional Single-Family	2-Unit Dwellings	Condominiums
Min. Lot Area SF	7,800	N/A	N/A
Min. Lot Width	65'	N/A	N/A
Min. Lot Depth	120'	N/A	N/A
Front Yd	25'/30' ¹	25'	N/A
Side Yd ²	15'	10'	40'
Rear Yd	25'	25'	N/A
Min. SF	1,500/1,800 ³	1,300	1 & 2 br unit – 1050 3 br unit – 1500
Max. lot coverage	35%	N/A	N/A
Bldg Ht ⁴	35'/15'	35'/15'	35'

Commercial. (Applicable to Area D) Minimum building set backs shall be: front yard – 50'; side yard – 10'; rear yard – 20'. Except where in conflict with this ordinance (in which event, this ordinance will control), all other bulk and density standards shall be consistent with the C2 development standards numbered (2) – (6) as set forth in the Fishers Zoning Code as of this date.

All Areas. The development, landscaping and architectural standards set forth herein replace the otherwise applicable standards set forth in the Fishers Zoning Code and related ordinances.

SECTION 8. PARKING.

The project will comply with the Town's applicable parking ordinance.

¹ Setbacks shall be staggered every five houses on linear streets. Non-linear streets shall have a 25' setback.

² Refers to minimum building separation

³ Refers to 1-story/2-story square footage minimum (and does not include basements)

⁴ Refers to maximum building height for primary/accessory structures (but does not apply to community buildings)

SECTION 9. ARCHITECTURE

Traditional Single-Family Residential Architecture Standards (Area A)

Brick/Masonry

- Masonry shall be defined as brick, stone, cultured stone, stucco or EFIS materials
- All homes shall have masonry on 50% of the front elevation, not including doors, windows and other openings
- Any home on a lot that immediately abuts and backs up to 136th Street or Marilyn Road shall have first floor masonry wrap plus one or more of the following features on the rear elevation: sun room, screened porch, breakfast nook with landscaped patio (minimum 1 tree and 8 shrubs, hereafter referred to as "Landscaped Patio"), roofline enhancement (gable, etc.), bay window or room bump-out.
- The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.

Siding/Window Requirements

- All siding shall be masonry, wood, Cemplank/Hardiplank type material or heavy gauge vinyl (0.042 in.)
- All windows shall be wood, vinyl, vinyl clad or aluminum clad type material

Roof Pitch Requirements

- Front to back 6/12 minimum
- All homes shall have a minimum 8" overhangs

Model Homes

At least one model home will include a minimum of 2500 square feet

All model homes shall include the following:

- first floor masonry wrap.
- one of the following features on the rear façade: sun room, screened porch, breakfast nook with Landscaped Patio, roofline enhancement (gable, etc.), bay window or room bump-out.

Elevations

- Like model homes shall be separated by at least one (1) lot and no like model elevations shall be directly across the street from one another. No two (2) adjacent homes shall have the same exterior siding color.

Active Adult Residential Architecture Standards (Areas B and C)

Brick/Masonry Standards

- All front elevations shall include masonry. Two-unit attached dwellings shall include 50% masonry on all front elevations not including doors, windows and other openings.

- The exterior chase of fireplaces shall be brick or other masonry material, except for direct vent and interior fireplaces.
- Any home on a lot that immediately abuts and backs up to 136th Street shall have first floor brick wrap plus one or more of the following features on the rear elevation: landscaped patio (minimum 1 tree and 8 shrubs), wood deck, enhanced window treatments, roofline enhancement (gable, etc.), bay window or room bump-out.
- All condominiums shall include: (i) 70% first floor masonry on each front elevation (other than doors and windows), (ii) shutters on all operable windows, (iii) attached 1 car garage per unit; and (iv) all entry doors shall have a covered entrance.

Siding/Window Requirements

- All siding shall be masonry, wood, Cemplank/Hardiplank type material or heavy gauge vinyl (0.042 in.)
- All windows shall be wood, vinyl or a vinyl clad or aluminum clad type material

Roof Pitch Requirements

- Two-unit dwellings: 6/12 minimum
- Condominiums: 5/12 minimum
- All homes shall have 8" overhangs

Commercial Architecture Standards (Area D)

Compatibility

All structures within Area D shall be constructed with similar design, materials and architecture.

Applicability

All building facades which are visible from adjoining properties and/or public streets shall comply with the following requirements.

Façades

Façades that have greater than one hundred (100) feet in length, measured horizontally shall incorporate wall plane projections or recesses having a depth of at least five (5) percent of the length of the facade and extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet. Building façades shall include a repeating pattern that includes no less than three (3) of the following elements:

- color change;
- texture change;
- material module change;
- an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

Where large retail structures contain additional, separately owned or leased stores that occupy less than 25,000 square feet of gross floor area and have separate, exterior customer entrances, the street level façade of such stores shall be transparent between the

height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.

Exterior Materials

The exterior of all buildings adjacent to residentially zoned real estate shall have a residential appearance consisting of brick, masonry or stone façade or stucco materials with masonry surface and appearance.

Mechanical Equipment

All buildings shall screen all mechanical equipment including that which is mounted to the roof and/or ground.

Roofs

Roofs shall have some combination of the following features:

- All roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;
- Three or more roof slope planes;
- Overhanging eaves, extending no less than three (3) feet past the supporting walls.

Office uses, separate retail tenants, single story and buildings of less than 50,000 square feet must have pitched roofs to be more residential in character.

No more than 50 percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different section of flat roofs so the roof can be given articulation with different heights. The look of the building shall therefore be softened by the feel of the façade.

If the roof is sloped, then it must be at least a 6/12 pitch.

Materials and Colors

- Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.
- Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

Accessory Uses

Dumpster and trash compactors shall be gated and enclosed by a masonry and brick enclosure designed to match the building(s). Accessory structures including trash

dumpster and compactors are not permitted within any front yard or within any side or rear setback requirements.

No outdoor sales areas are permitted unless surrounded by a permanent structure consistent with material of the building.

Permanent outdoor display areas are permitted provided that they are surrounded by a combination of a 2.5-foot tall masonry wall or wrought iron fencing or combination of the two.

Signage

The Real Estate will conform to all applicable C2 standards relating to signage, landscaping and development requirements, as amended. Signage shall be neon channel back lit or externally illuminated. Ground signs shall be architecturally compatible.

Lighting

- Light poles shall be limited to 25' in height, measured at the ground.
- Lighting shall be limited to 0.5 foot candles at the property line except at the entryway. The primary parking lot poles shall incorporate bulbs that are recessed and shielded. Light fixtures shall be decorative along the entrance drives and along public rights-of-way as part of the overall architecture, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180-degree angle of light.

Occupancy Limitation

- No single establishment or use shall exceed 22,000 square feet in total gross floor area. Provided, however, uses which are integrated within a single occupancy and are carrying on multiple merchandising operations may contain up to 31,000 square feet total gross floor area.
- No single center or complex shall exceed 90,000 square feet of gross floor area.

Pedestrian Circulation

- Sidewalks shall be a minimum of six (6) feet in width, however, when applicable, they shall be eight (8) feet asphalt in conjunction with the Town Parks Plan and to integrate with neighborhoods. Sidewalks shall be provided along all sides of the lot that abut a public street.
- Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail structures on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.
- Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide a planting façade.

- Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

Lot coverage

Lot coverage shall not exceed 75 percent and is inclusive of buildings, parking areas and all other impervious surfaces which results in a open space requirement of 25 percent of the land area.

Entryways

Each retail establishment greater than 20,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

1. Canopies or porticos;
2. Overhangs;
3. Recesses/projections;
4. Arcades;
5. Raised corniced parapets over the door;
6. Peaked roof forms;
7. Arches;
8. Architectural details such as tile work and moldings which are integrated into the building structure and design;
9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

Deliveries

Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 12:00 midnight and 6:00 a.m. with the exception of snow removal.

SECTION 10. MISCELLANEOUS STANDARDS

AREA A:

1. All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("ACC") prior to construction
2. All homes to have minimum 2-car garage
3. No outbuildings or storage sheds allowed
4. All driveways to be concrete. Any modifications (i.e., color changes, stamping) must be approved by the home owners' association.
5. Public sidewalks on all lots
6. Uniform location of yard lights or coach lights as determined by the developer
7. Uniform mailboxes as determined by the developer

AREAS B and C:

- 1 All plans, including exterior colors, to be approved by the individual community's New Construction Committee ("ACC") prior to construction
- 2 No resident storage sheds allowed
- 3 Public sidewalks shall be provided
- 4 Uniform exterior lighting as determined by the developer
- 5 Uniform mailboxes as determined by the developer

SECTION 11. 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. In addition, all architectural plans shall be approved by a PUD Architectural Committee (the "Committee"). The Committee shall consist of a representative of the Town Council, the Plan Commission chairman, the Director of Development or designee, a Town of Fishers resident and an independent architect (e.g., one who is not affiliated with the developer/builder's competitor(s)). The Committee shall review proposed architectural plans for compliance with the architectural standards set forth in this ordinance.

SECTION 12. 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 19 day of April 2004

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

BY: _____

Scott A. Faultless

Scott Faultless,
President

Stuart F. Easley

Stuart F. Easley,
Vice President

[Signature]

[Signature]

[Signature]

Timothy O.Lima,
Member

[Signature]

Eileen N. Pritchard,
Member

[Signature]

Dan E. Henke,
Member

[Signature]

Charles P. White,
Member

[Signature]

David C. George
Member

ATTEST

Linda Gaye Cordell
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
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970 Logan Street
Noblesville, IN 46060

EXHIBIT 1

Beginning at an existing railroad spike marking the Northeast corner of the West-half of the Northwest quarter of Section 27, Township 18 North, Range 5 East and running thence South 00 degrees, 00 minutes and 00 seconds (assumed bearing) 831.0 feet along the East line of said West-half of the Northwest quarter, thence South 89 degrees and 49 minutes West 129.5 feet, thence South 00 degrees and 12 minutes West 57.2 feet, thence North 89 degrees and 49 minutes West 79.3 feet, thence South 00 degrees, 00 minutes and 00 seconds 97.6 feet, thence North 90 degrees and 00 minutes East 114.0 feet, thence South 00 degrees, 00 minutes and 00 seconds 69.0 feet, thence North 90 degrees and 00 minutes East 95.0 feet to said East line, thence South 00 degrees, 00 minutes and 00 seconds 654.0 feet along said East line, thence South 89 degrees, 45 minutes and 40 seconds West 1,324.9 feet to the West line of said Northwest quarter of Section 27, thence North 00 degrees, 02 minutes and 40 seconds East 1,204.7 feet to the Northwest corner of said Northwest quarter, thence North 89 degrees, 34 minutes and 30 seconds East 1,323.6 feet to the place of beginning.

Being a part of the West-half of the Northwest quarter of Section 27, Township 18 North, Range 5 East and containing 51.098 Acres, more or less. Subject to legal rights-of-

Also:

Beginning at an existing railroad spike marking the Northwest corner of the East-half of the Northwest quarter of Section 27, Township 18 North, Range 5 East, and running thence North 89 degrees, 34 minutes and 30 seconds East 1,323.6 feet to an existing iron rod marking the Northeast corner of said Northwest quarter, thence South 00 degrees, 00 minutes and 40 seconds West 1,694.37 feet along the East line of said Northwest quarter to an existing coal spike on the Northerly right-of-way line of Interstate Route #69, thence South 59 degrees and 14 minutes West 1,539.95 feet along said right-of-way line to the West line of said East-half of the Northwest quarter, thence North 00 degrees, 00 minutes and 00 seconds (assumed bearing) 2,472.27 feet to the place of beginning.

Being a part of the East-half of the Northwest quarter of Section 27, Township 18 North, Range 5 East and containing 63.292 Acres, more or less. Subject to legal rights-of-way and easements of record.

Also including:

The entire width of the rights-of-way of Marilyn Road, 136th Street and Interstate 69 that are contiguous with the above described real estate. Subject to all legal easements and rights-of-way.

LIMESTONE SPRINGS



SCALE 1" = 120'

LEGEND

	POND AREA
	COMMON AREA
	WOODS



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