

ORDINANCE NO. 100603B

**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-C and this ordinance shall hereinafter be referred to as the Seasons Gardens PUD Ordinance:

SEE "EXHIBIT 1" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this 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

All uses described in Sections 151.073 (Commercial District C1) and 151.077 (Industrial District I1) of the Fishers Zoning Code and retail uses related to a landscape design, garden center, waterfall and water garden center shall be permitted within the Real Estate.

SECTION 4. DEVELOPMENT STANDARDS.

The landscaping, screening and development standards for the Real Estate are set forth in the Development Standards, attached hereto as "Exhibit 2," and replace the otherwise applicable standards set forth in the Fishers zoning code.

SECTION 5. CONCEPTUAL DEVELOPMENT PLAN.

The Concept Plan, attached hereto as "Exhibit 3", is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plans: such further approval is subject to the procedures set out in Section 6, below.

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 Section 151.072 Planned Unit Development District.

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 14th day of Dec, 2003.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE		NAY
BY: <u>Scott H. Faultless</u>	Scott Faultless, President	_____
<u>Stuart F. Easley</u>	Stuart F. Easley, Vice President	_____
<u>Timothy O. Lima</u>	Timothy O. Lima, Member	_____
<u>Eileen N. Pritchard</u>	Eileen N. Pritchard, Member	_____
<u>Dan E. Henke</u>	Dan E. Henke, Member	_____
<u>Charles P. White</u>	Charles P. White, Member	_____
<u>David C. George</u>	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.
Bingham McHale LLP
970 Logan Street
Noblesville, IN 46060

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.

Landscaping and Development Standards

Street Trees

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 along 126th Street and along Cumberland Road. The planting strip shall be a minimum of four feet wide. Within 100' of the 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. Trees, as mentioned hereafter, shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

Foundation Plantings

Foundation plantings shall be at least six (6) feet wide and be located within twenty (20) feet of the foundation wall. At least one (1) shrub or ornamental tree shall be planted for every twelve (12) lineal feet of building circumference, excluding doors, windows and loading docks.

Perimeter Landscaping

Commercial parking lots with six (6) or more spaces must include the following perimeter plantings:

Shrubs, Walls or Mounds. Either:

1. One (1) shrub per six (6) lineal feet around the perimeter, maintained at a height of at least 36" at maturity in order to minimize headlights projecting onto adjacent properties; or
2. A wall or mound between 36" and 42" in height. The screen may be broken into segments to allow pedestrian and traffic movement or drainage.

Trees. One (1) deciduous tree per thirty-five (35) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge if the parking lot is located more than thirty (30) feet from the adjacent right of way, so as not to duplicate or crowd the required street tree plantings.

Interior Parking Lot Landscaping

Commercial parking lots with twenty (20) or more parking spaces are required to have landscaping islands as follows:

One (1) landscape island shall be provided with an additional one (1) landscape island per every twenty (20) spaces over the initial twenty (20) spaces. Each landscape island shall be at least 180 square feet in size and contain at least one (1) tree, and 1/3 of all landscape island trees shall be canopy trees. Landscape islands shall be distributed throughout the parking lot.

Cumberland Road Landscaping

In addition to the above requirements, if the warehouse structure shown on the concept plan includes an overhead door facing Cumberland Road, then a solid screen of evergreen trees (7'-8' tall at planting) shall be maintained in a planting area located between the employee parking area and the western and southern property lines.

Set Backs

Minimum building set backs shall be: front yard – 50'; side yard – 10'; rear yard – 20'.

Signage

The Real Estate will conform to all applicable C2 standards relating to signage, landscaping and development requirements, as amended.

Lighting

- Light poles shall be limited to 25' in height, measured at the base.
- 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. The decorative light fixtures shall be shielded.
- There shall be a ten (10) foot-candle maximum on site except where a higher maximum is required by insurance.

Parking

Parking shall be per the applicable Parking Space Standards, as amended.

Miscellaneous

Dumpster and trash compactors shall be gated and enclosed by a minimum 6' high masonry and brick enclosure designed to match the building(s) or a 6' high wood fence.

Fences

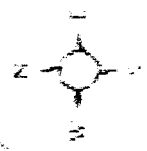
6' tall fences are allowed to secure the employee parking area as shown on the concept plan. No chain link fencing is allowed unless it is vinyl-coated.

Architectural Standards

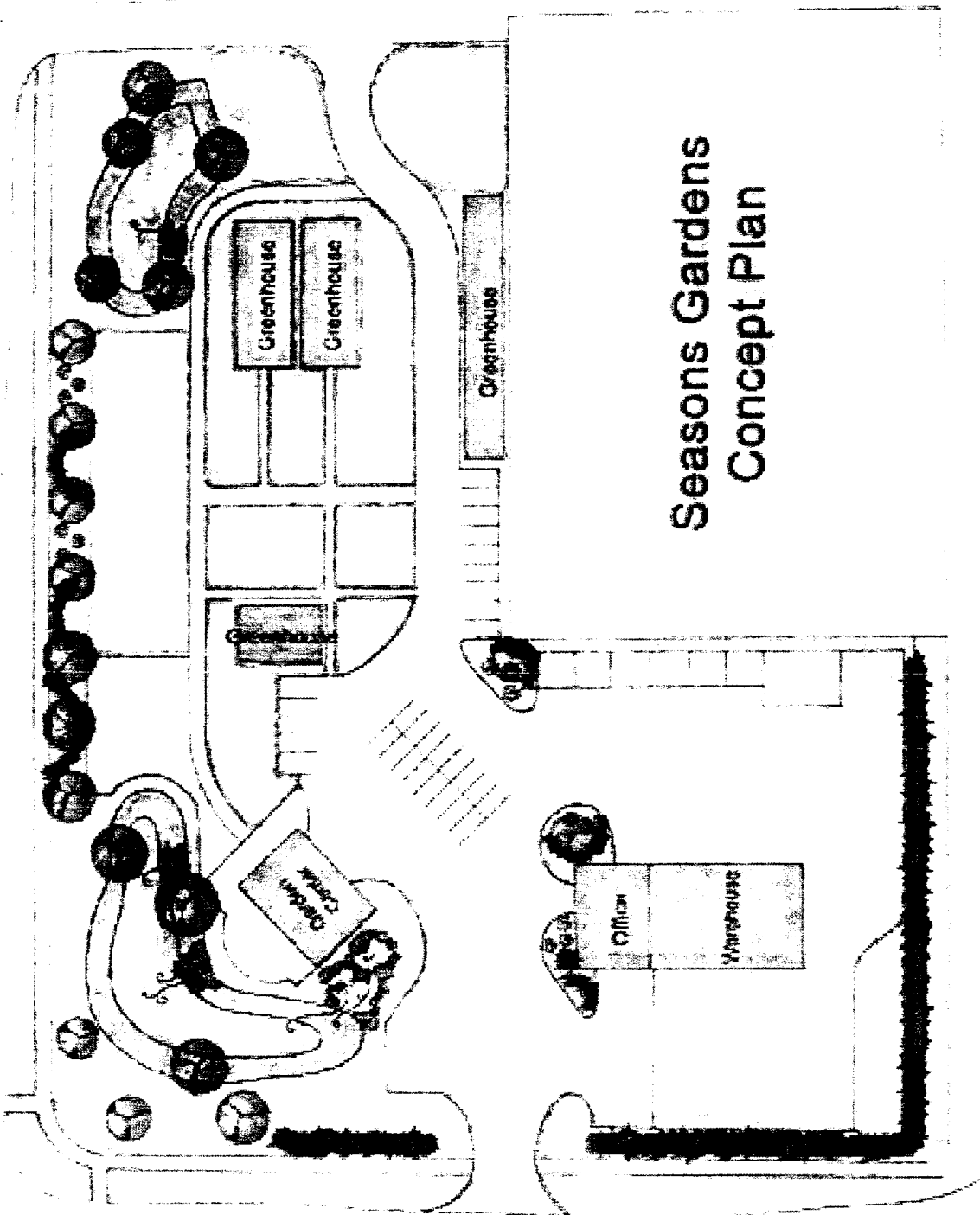
The following standards apply for C1 uses:

Exterior Building Materials. Metal panels will not be installed on the facades of structures visible from 126th Street and/or Cumberland Road.

Overhead Doors. Overhead doors and loading docks must not be visible 126th Street and/or Cumberland Road.



126th Street



Seasons Gardens Concept Plan

Cumberland Road