

**116TH STREET AND BROOKS SCHOOL ROAD  
ORDINANCE NO. 031802B**

A Text Amendment to Ordinance No. 071000A -  
An Ordinance Establishing the 116th Street and Brooks School Road  
Planned Unit Development District - Commercial (PUD-C)

WHEREAS, the Code of Land Use Ordinances of the Town of Fishers, Indiana, in effect on June 30, 2000 (the "Zoning Ordinance") provides in Section 151.072 for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, per the terms of Ordinance No. 071000A (the "Original PUD"), enacted by the Town Council of the Town of Fishers, Indiana (the "Town Council") on September 11, 2000, the Zoning Ordinance was amended;

WHEREAS, after being duly advised, the Town Council hereby amends the Original PUD per the terms of this Ordinance No. 031802B (the "PUD Ordinance");

NOW, THEREFORE, be it ordained by the Town Council that, pursuant to I.C. § 36-7-4-1500 et seq., the following PUD Ordinance is hereby adopted as a text amendment to the Original PUD:

SECTION 1. APPLICABILITY OF THE PUD ORDINANCE.

Section 1.1. The Official Zoning Map of the Town of Fishers, Indiana, a part of the Zoning Ordinance, is hereby changed to designate the land described in Exhibit A (the "Real Estate") as a Planned Unit Development-District- Commercial ("PUD-C"), per the terms of the PUD Ordinance.

Section 1.2. Development of the Real Estate shall be governed entirely by the provisions of this PUD Ordinance.

SECTION 2. DEFINITIONS. That part of the Real Estate described in what is attached hereto and incorporated herein by reference as Exhibit B shall hereafter be referred to as "Parcel One", and that part of the Real Estate described in what is attached hereto and incorporated herein by reference as Exhibit C shall hereafter be referred to as "Parcel Two".

SECTION 3. PERMITTED PRIMARY USES WITHIN PARCEL ONE. Permitted Uses within Parcel One, in either single story buildings or multiple story buildings, shall include all uses permitted under Section 151.074 Commercial District C2 of the Zoning Ordinance, excluding (i) free-standing fast food service restaurants, (ii) fast food service restaurants that offer drive-thru services, and (iii) auto service stations. All other provisions including, without limitation, those pertaining to accessory structures and uses and development standards, set forth in Section 151.074 Commercial District C2 of the Zoning Ordinance, to the extent they are not inconsistent with this PUD Ordinance, shall apply unless appropriate variances are obtained, and are part of and incorporated into this PUD Ordinance as though fully set forth in this PUD Ordinance.

SECTION 4. PERMITTED PRIMARY USES WITHIN PARCEL TWO - MULTIPLE STORY BUILDINGS. For multiple story buildings within Parcel Two, permitted uses shall include all uses permitted under Section 151.074 of the Commercial District C2 of the Zoning

Ordinance, excluding (i) free-standing fast food restaurants, (ii) fast food restaurants that offer drive-thru services, and (iii) auto service stations. All other provisions including, without limitation, those pertaining to accessory structures and uses and development standards, set forth in Section 151.074 Commercial District C2 of the Zoning Ordinance, to the extent they are not inconsistent with this PUD Ordinance, shall apply unless appropriate variances are obtained, and are part of and incorporated into this PUD Ordinance as though fully set forth in this PUD Ordinance.

SECTION 5. PERMITTED PRIMARY USES WITHIN PARCEL TWO - SINGLE STORY BUILDINGS. For single story buildings within Parcel Two, permitted uses shall include all uses permitted under Section 151.074 of the Commercial District C1 of the Zoning Ordinance. All other provisions including, without limitation, those pertaining to accessory structures and uses and development standards, set forth in Section 151.074 Commercial District C2 of the Zoning Ordinance, to the extent they are not inconsistent with this PUD Ordinance, shall apply unless appropriate variances are obtained, and are part of and incorporated into this PUD Ordinance as through fully set forth in this PUD Ordinance.

SECTION 6. ADDITIONAL ARCHITECTURAL STANDARDS. Pursuant to Section 151.072 of the Zoning Ordinance, no building will be constructed on Parcel One or on Parcel Two until the provisions of Section 151.072(E) (the "PUD Provisions") have been satisfied. In determining whether the provisions of Section 151.072(E) of the Zoning Ordinance are satisfied, the following architectural standards shall be considered, all of which are illustrated by the building elevations which were reviewed and approved by the Town Council in connection with this PUD Ordinance, and which are attached hereto and incorporated herein by reference as Exhibit "D" in seven parts:

Section 6.1. Masonry. At least 50percent of the exterior of all buildings, excluding roofs, windows and doors, shall be brick or split-face block.

Section 6.2. Exterior Materials. EFIS or synthetic stucco is permitted as an exterior building surface. However, the use of contemporary materials such as aluminum, other metals, fiberglass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials (i) is approved by the PUD Committee and (ii) would contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of the structure.

Section 6.3. Roofs. All buildings shall have a residential style roof with asphalt shingles, and shall be hipped or gabled.

Section 6.4. Signage. Masonry shall be incorporated into the foundation of all ground signs.

SECTION 7. SIZE LIMITATIONS. The following size limitations shall apply to buildings on Parcel One and Parcel Two:

Section 7.1. Parcel One. The total square footage of all buildings on Parcel One shall not exceed 16,000 square feet in aggregate, exclusive of accessory buildings. Other than a hardware store or drug store, no single use shall occupy more than 10,000 square feet of the buildings on Parcel One.

Section 7.2. Parcel Two. The total square footage of all buildings on Parcel

Two shall not exceed 14,000 square feet in aggregate, exclusive or accessory buildings. Retail use shall not occupy more than a total of 8,000 square feet of all buildings on Parcel Two. No single retail use shall occupy more than 4,800 square feet of all buildings on Parcel Two.

SECTION 8. PROCEDURES. All provisions and procedures set forth in Section 151.072(E) of the Zoning Ordinance are applicable to this PUD Ordinance and are incorporated into this PUD Ordinance as though fully set forth herein.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 6th day of May, 2002.

**THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA**  
**AYE** **NAY**

**BY:**

Scott A. Faultless /s/ Scott A. Faultless,  
President

Timothy O. Lima /s/ Timothy O. Lima,  
Vice President

Charles P. White /s/ Charles P. White,  
Member

Stuart F. Easley /s/ Stuart F. Easley,  
Member

Eileen Pritchard /s/ Eileen Pritchard,  
Member

\_\_\_\_\_ James W. Wallace,  
Member

\_\_\_\_\_ Dan E. Henke,  
Member

**ATTEST:**

Linda Gaye Cordell /s/

DATE:

Linda Gaye Cordell  
Clerk-Treasurer  
Town of Fishers, Indiana

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Prepared by: Charles D. Frankenberger, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, IN 46280, (317) 844-0106.

#### EXHIBIT A

A part of the Southwest Quarter of the southeast Quarter of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 83 degrees 36 minutes 31 seconds East (bearings based on a survey by Evergreen Planners, Inc., dated February 14, 1994 and recorded as Instrument No. 94-14248, in the Office of the Hamilton County Recorder); along the South line of said Southwest Quarter-Quarter 997.78 feet to the Southeast corner Brooks School Park; a subdivision of Hamilton County, Indiana, recorded as Instrument number 9941563 in Plat Cabinet 2, Slide 287 in the Office of the Hamilton County Recorder; (the following four courses are along the Easterly line of said Books School Park); thence North 00 degrees 23 minutes 29 seconds West 70.00 feet to the Point of Beginning; thence North 10 degrees 24 minutes 20 seconds East 234.85 feet; thence North 13 degrees 56 minutes 37 seconds East 36.84 feet; thence North 06 degrees 21 minutes 47 seconds West 215.51 feet to the Southwest Corner of Sandstone Commons Phase One, a subdivision of Hamilton County, Indiana, recorded as Instrument number 9969077 in Plat Cabinet 2, Slide No. 358 in the office of the Hamilton County Recorder; thence North 89 degrees 45 minutes 17 seconds East 244.47 feet along the South line of said Sandstone Commons to a Southerly corner of said Sandstone Commons; thence South 00 degrees 02 minutes 07 seconds East 480.12 feet parallel with the East line of said Southwest Quarter-Quarter; thence south 89 degrees 36 minutes 31 seconds West parallel with the south line of said Quarter-Quarter 272.18 feet to the point of Beginning, containing 2.66 acres more or less.

Subject to all legal easements, rights-of-way and other servitudes.

#### EXHIBIT "A"

##### Parcel 2

A part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89 degrees 36 minutes 31 seconds East; (hearings based on a survey by Evergreen Planners, Inc., dated February 14, 1994 and recorded as Instrument No. 94-14248 in the Office of the Hamilton County Recorder); along the South line of said Southwest Quarter Quarter 997.78 feet to the Southeast corner Brooks School Park, a subdivision of Hamilton County, Indiana, recorded as Instrument No. 9941563 in Plat Cabinet 2, Slide 287 in the Office of the Hamilton County Recorder; (the following five courses are along the Easterly line of said Brooks School Park) thence North 00 degrees 23 minutes 29 seconds West 70.00 feet; thence North 10 degrees 24 minutes 20 seconds East 234.85 feet; thence North 13 degrees 56 minutes 37 seconds East 36.84 feet; thence North 06 degrees 21 minutes 47 seconds West 35.92 feet to the Point of Beginning; thence continuing North 06 degrees 21 minutes 47 seconds West 179.59 feet to the Southwest

corner of Sandstone Commons Phase One, a subdivision of Hamilton County, Indiana recorded as Instrument No. 9969077 in Plat Cabinet 2, Slide No. 358 in the office of the Hamilton County Recorder; thence North 89 degrees 45 minutes 17 seconds East 244.47 feet along the South line of said Sandstone Commons to the proposed West line of Brook School Road; thence South 00 degrees 02 minutes 07 seconds East 178.57 feet along said West line and parallel with the East line of said Southwest Quarter-Quarter; thence South 89 degrees 45 minutes 17 seconds West 224.67 feet to the Point of Beginning, containing 0.962 acres more or less.

Subject to all legal easements, rights-of-way and other servitudes.

#### EXHIBIT "B"

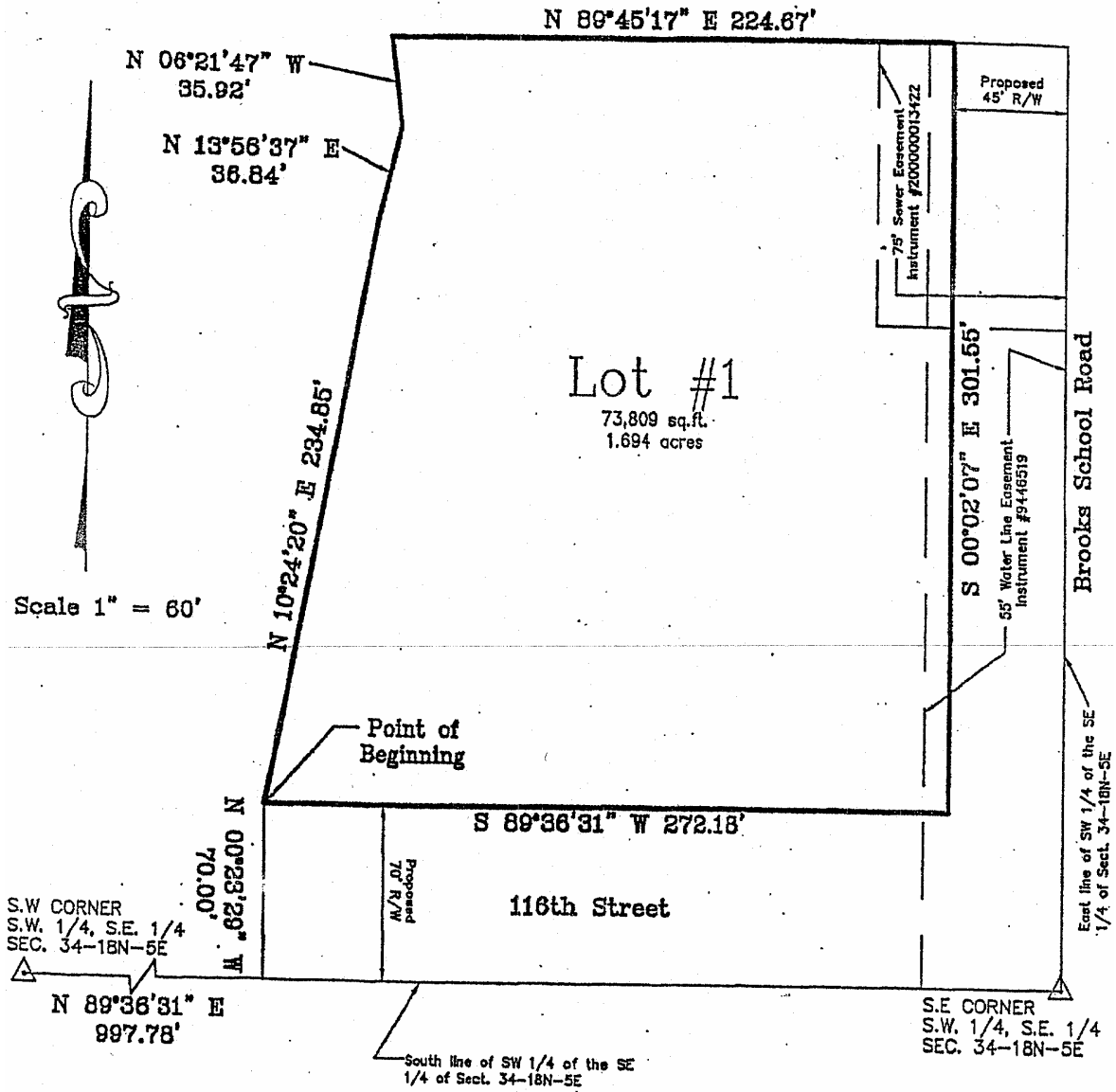
##### Parcel 1

A part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89 degrees 36 minutes 31 seconds East; (bearings based on a survey by Evergreen Planners, Inc. dated February 14, 1994 and recorded as Instrument No. 94-14248 in the Office of the Hamilton County Recorder); along the South line of said Southwest Quarter-Quarter 997.78 feet to the Southeast corner Brooks School Park, a subdivision of Hamilton County, Indiana, recorded as Instrument No. 9941563 in Plat Cabinet 2, Slide 287 in the Office of the Hamilton County Recorder; (the following four courses are along the Easterly line of said Brooks School Park) thence North 00 degrees 23 minutes 29 seconds West 70.00 feet to the Point of Beginning; thence North 10 degrees 24 minutes 20 seconds East 234.85 feet; thence North 13 degrees 56 minutes 37 seconds East 36.84 feet; thence North 06 degrees 21 minutes 47 seconds West 35.92 feet; thence North 89 degrees 45 minutes 17 seconds East 224.67 feet to the proposed West line of Brook School Road; thence South 00 degrees 02 minutes 07 seconds East 301.55 feet along said West line and parallel with the East line of said Southwest Quarter-Quarter to the proposed North line of 116th Street; thence South 89 degrees 36 minutes 31 seconds West 272.18 feet along said North line and parallel with the South line of said Southwest Quarter Quarter to the Point of Beginning, containing 1,694 acres more or less.

Subject to all legal easements, rights-of-way and other servitudes.

EXHIBIT "B" (Continued)



## EXHIBIT C

### Parcel 2

A part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89 degrees 36 minutes 31 seconds East; (bearings based on a survey by Evergreen Planners, Inc. dated February 14, 1994 and recorded as Instrument No. 94-14248 in the Office of the Hamilton County Recorder); along the South line of said Southwest Quarter Quarter 997.78 feet to the Southeast corner Brooks School Park, a subdivision of Hamilton County, Indiana, recorded as Instrument No. 9941563 in Plat Cabinet 2, Slide 287 in the Office of the Hamilton County Recorder; (the following five courses are along the Easterly line of said Brooks School Park) thence North 00 degrees 23 minutes 29 seconds West 70.00 feet; thence North 10 degrees 24 minutes 20 seconds East 234.85 feet; thence North 13 degrees 56 minutes 37 seconds East 36.84 feet; thence North 06 degrees 21 minutes 47 seconds West 35.92 feet to the Point of Beginning; thence continuing North 06 degrees 21 minutes 47 seconds West 179.89 feet to the Southwest corner of Sandstone Commons Phase One, a subdivision of Hamilton County, Indiana, recorded as Instrument No. 9969077 in Plat Cabinet 2, Slide No. 358 in the office of the Hamilton County Recorder; thence North 89 degrees 45 minutes 17 seconds East 244.47 feet along the South line of said Sandstone Commons to the proposed West line of Brook School Road; thence South 00 degrees 02 minutes 07 seconds East 178.57 feet along said West line and parallel with the East line of said Southwest Quarter Quarter; thence South 89 degrees 45 minutes 17 seconds West 224.67 feet to the Point of Beginning, containing 0.962 acres more or less.

Subject to all legal easements, rights-of-way and other servitudes.

EXHIBIT C - Continued

