

**116th STREET AND BROOKS SCHOOL ROAD  
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 IC § 36-7-4-1500 et. seq.;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Fishers, Indiana (the "Town Council"), that, pursuant to IC § 36-7-4-1500 et. seq., the following ordinance (the "PUD Ordinance") is hereby adopted as an amendment to the Zoning Ordinance:

Section 1. Applicability of the PUD Ordinance.

Section 1.1. The Official Zoning Map of the Town of Fishers, Indiana, apart 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").

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 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. Permitted Uses within the Real Estate shall include all uses permitted under Section 151.074 Commercial District C2 of the Zoning Ordinance, excluding (i) freestanding fast food service restaurants, (ii) fast food service restaurants that offer drive-thru services, and (iii) auto service stations.

Section 4. Applicability of other provisions 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, are part of and incorporated into this PUD Ordinance as though fully set forth in this PUD Ordinance.

Section 5. 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) 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 the rezoning of the Real Estate to PUD-C per the terms of this PUD Ordinance, and which are attached hereto and incorporated herein by reference as Exhibit "D" in parts:

Section 5.1. Masonry. At least fifty percent (50%) of the exterior of all buildings, excluding roofs, windows and doors, shall be brick or split-face block.

Section 5.2. Exterior Materials. EFIS or synthetic stucco is permitted as an exterior building surface. However, the use of contemporary materials such as aluminum, other metals, fiber glass and plastics for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials (i) is approved by the PD Committee and (ii) would contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of the structure.

Section 5.3. Roofs. All buildings shall have a residential style roof with asphalt shingles, and shall be hipped or gabled.

Section 5.4. Signage. Masonry shall be incorporated into the foundation of all ground signs.

Section 6. Size Limitations. The following size limitations shall apply to buildings on Parcel One and Parcel Two:

Section 6.1. 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 6.2. 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 7. 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 Fishers, Indiana on this 11th day of September, 2000.

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

<b>AYE</b>	<b>NAY</b>
<b>BY:</b>	
<u>Walter F. Kelly</u> /s/	Walter F. Kelly, President
<u>Scott A. Faultless</u> /s/	Scott A. Faultless, Vice President
<u>Timothy O. Lima</u> /s/	Timothy O. Lima, Member
<u>Stuart F. Easley</u> /s/	Stuart F. Easley, Member
<u>Eileen Pritchard</u> /s/	Eileen Pritchard, Member
<u>James W. Wallace</u> /s/	James W. Wallace, Member
<u>Arthur E. Bottoroff</u> /s/	Arthur E. Bottoroff, Member

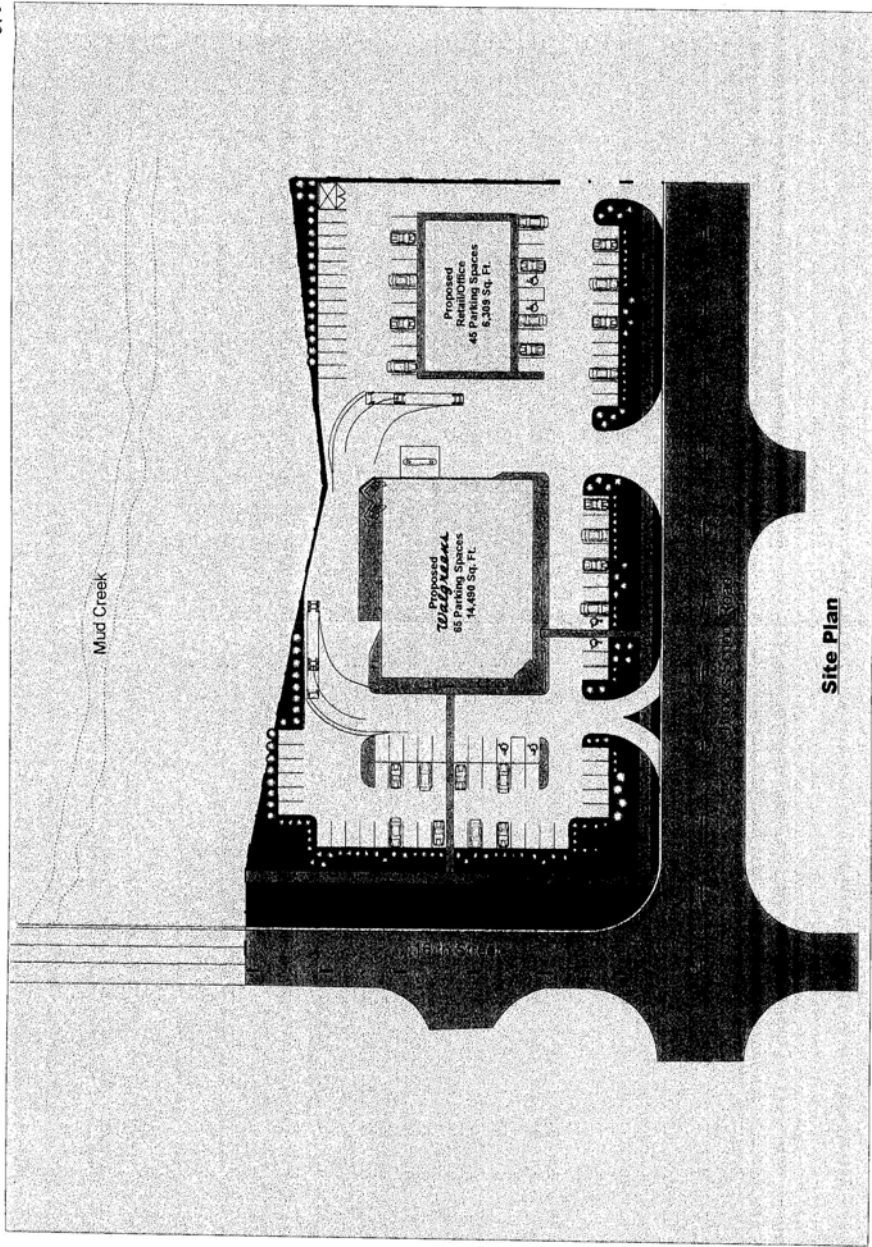
**ATTEST:**

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

Approved by: Douglas Church, Church, Church Hittle & Antrim, Town Attorney

Prepared by: Charles D. Frankenberg, NELSON & FRANKENBERGER, 3201 E. 98th Street,  
Suite 220, Indianapolis, IN 46280, (317) 844-0106

Ord # 071000A



Site Plan

**WALGREENS DRUG STORE**  
 (NWC) 116 th & Brooks School Road  
 Fishers, Indiana

June 20, 2000

**SEBREE** & Associates, Inc.  
**Architects**

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Elevation



