

Name: 131st Street
Marketplace PUD-M

Ordinance No: 090704B

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**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 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 Planned Unit Development – Mixed ("PUD-M") also to be further defined and referred to herein as the 131st Street Marketplace PUD-M.

SEE LEGAL DESCRIPTION ATTACHED HERETO AS "EXHIBIT A".

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of the 131st Street Marketplace Planned Unit Development is to provide for a mixture of uses on the 104 acre site located at the northeast corner of 131st Street and SR 37. The permitted uses within the district will provide for retail, mixed-use, office and senior / rehabilitation living development. The site will be separated in three (3) major areas of development as generally depicted on Exhibit "B" – Concept Plan. Area 1 is intended for major retail or mixed-use development. Area 2 is intended for either offices or senior / rehabilitation living development. Area 3 is intended for office, retail or recreation development.

SECTION 3. LAND USE.

The 131st Street Marketplace PUD-M is divided into three (3) land use Areas as depicted on the "131st Street Marketplace PUD Concept Plan" attached hereto as Exhibit "B." The permitted land uses for each Area shall be as specified below:

A. Area 1:

Permitted Uses in Area 1 shall consist of:

1. All uses permitted in the C-3 Zoning District on the date of adoption of this Ordinance, with the following additions and restrictions:
 - a. Bar / Nightclub / Tavern (without adult activities).
 - b. Hotel (maximum of two).
 - c. Kennel (without outdoor runs).
 - d. Veterinary Hospital (may include boarding / without outdoor runs).
 - e. Car Wash (automatic or semi-automatic) / Detail Shop – all cleaning or detailing operations shall be conducted completely within enclosed buildings).
 - f. Gasoline Service Station / Convenience Store – without repair.
 - g. Post Office – may include outdoor parking of delivery vehicles, provided such parking area is screened by a solid decorative fence or wall not less than six (6) feet in height.
2. Automobile Sales and Service – limited to Area 1E only and further provided that all service operations shall be conducted completely within enclosed buildings.
3. Recreation: Any indoor recreation facility, consisting of:
 - a. Aerobics Studio.
 - b. Amusement Arcade.
 - c. Aquatic Center / Water Park – limited to Area 1E only.
 - d. Banquet Hall.
 - e. Billiard Hall.
 - f. Bowling Alley – limited to Area 1E only.
 - g. Dance Studio.
 - h. Gymnasium – limited to Area 1E only.
 - i. Miniature Golf – limited to Area 1E only.
 - j. Private Club or Lodge.
 - k. Public Dance Hall.
 - l. Skating Rink (ice or roller) – limited to Area 1E only.
 - m. Soccer Facility – limited to Area 1E only.
 - n. Social Hall.
 - o. Tennis / Racquet Club – limited to Area 1E only.
 - p. Theater – limited to Area 1E only.

4. Residential – limited to dwelling units located above the first or ground floor level of a mixed-use commercial building.
5. Other Uses – similar and comparable in character and intensity to the above listed uses as determined by the Director of Development in accordance with Section 14 – Determination of Land Uses.
6. Prohibited Uses – Freestanding, ground mounted wireless telecommunication facilities shall be prohibited. This restriction however shall not prohibit the placement of roof mount or surface mount wireless telecommunication facilities, which shall be subject to the development plan approval process.

B. Area 2:

Permitted Uses in Area 2 shall consist of:

1. All uses permitted in the C-1 Zoning District on the date of adoption of this Ordinance with the following additions and restrictions:
 - a. Post Office – may include outdoor parking of delivery vehicles, provided such parking area is screened by a solid decorative fence or wall not less than six (6) feet in height.
2. Senior / Rehabilitation Living Facilities, consisting of: Assisted Living; Alzheimer's Care; Nursing and Rehabilitative Care; Hospice Care; or, Short-Term Stays. Independent Living facilities affiliated with one of the above care facilities shall also be permitted. Apartments, townhouses or other dwellings which are not related to the above care facilities shall not be permitted.
3. Other Uses – similar and comparable in character and intensity to the above listed uses as determined by the Director of Development in accordance with Section 14 – Determination of Land Uses.
4. Prohibited Uses – Freestanding, ground mounted wireless telecommunication facilities shall be prohibited. This restriction however shall not prohibit the placement of roof mount or surface mount wireless telecommunication facilities, which shall be subject to the development plan approval process.

C. Area 3:

Permitted Uses in Area 3 shall consist of:

1. All uses permitted in the C-1 Zoning District on the date of adoption of this Ordinance.

2. Food Sales and Service / Personal Service / Retail Uses – limited to the first floor of any individual building and not exceeding forty (40) percent of the gross first floor area of said building, consisting of:
- a. Food Sales and Service:
 - (1) Bakery – Retail.
 - (2) Bar / Nightclub / Tavern (without adult activities).
 - (3) Cafeteria.
 - (4) Coffee Shop.
 - (5) Convenience Store.
 - (6) Delicatessen.
 - (7) Ice Cream Store – Retail.
 - (8) Restaurant – Sit-Down / Family.
 - (9) Restaurant – Sit-Down / Family with Lounge.
 - (10) Yogurt Store – Retail.

 - b. Personal Service:
 - (1) Barber Shop.
 - (2) Beauty Shop.
 - (3) Health Spa or Fitness Center.
 - (4) Tanning Salon.

 - c. Retail:
 - (1) Apparel Shop.
 - (2) Art Gallery.
 - (3) Arts and Craft Store.
 - (4) Book Store.
 - (5) Camera Store.
 - (6) Card Shop.
 - (7) Clock Shop.
 - (8) Coin and Stamp Shop.
 - (9) Computer Store.
 - (10) Drug Store.
 - (11) Flower Shop.
 - (12) Frame Shop.
 - (13) Gift Shop.
 - (14) Hobby, Toy or Game Shop.
 - (15) Jewelry Store.
 - (16) Liquor Store.
 - (17) Music Store.
 - (18) Newsdealer.
 - (19) Radio, TV, Music Sales and Service.
 - (20) Shoe Store (Sales or Repair).
 - (21) Stationery Store.
 - (22) Variety Store.
 - (23) Video Store.

3. Recreation:

Indoor Entertainment Facility – may include an accessory outdoor component subject to design approval and screening approval by the Plan Commission.
 4. Other Uses – similar and comparable in character and intensity to the above listed uses as determined by the Director of Development in accordance with Section 14 – Determination of Land Uses.
 5. Prohibited Uses – Freestanding, ground mounted wireless telecommunication facilities shall be prohibited. This restriction however shall not prohibit the placement of roof mount or surface mount wireless telecommunication facilities, which shall be subject to the development plan approval process.
- D. Accessory Uses and Structures in All Areas. Accessory uses, buildings and structures which are subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to, and located in the same building with, the primary use shall be permitted in all Areas, provided no exterior signage announcing such services shall be permitted.
- E. Temporary Uses and Structures in All Areas. Temporary uses and structures shall be permitted in all Areas subject to the regulations of the "Town of Fishers Permanent Outdoor Display and Temporary Use Ordinance" in effect on the date of adoption of this Ordinance.

SECTION 4. DEVELOPMENT STANDARDS.

All development within the 131st Street Marketplace PUD-M shall comply with the following development standards.

A. Site Perimeter:

All perimeter yards of the overall 131st Street Marketplace PUD-M shall comply with the following yard requirements:

1. Front Yards along SR 37, 131st Street and Cumberland Road – 50'.
2. Side or Rear Yards shall be determined as follows:
 - a. Area 1, North and East Boundaries – 30'.
 - b. Area 2, North Boundary – 30'.
 - c. Area 3, North and East Boundaries – 30'.

B. Area 1:

1. Except as expressly provided otherwise in this Ordinance, individual lots in Area 1 shall meet the Development Standards of the C-3 Zoning District in effect on the date of adoption of this Ordinance.
2. Maximum Floor Area – The maximum gross floor area of all uses within Area 1 shall not exceed 500,000 square feet; provided, however:
 - a. in the event that the Development Incentives of Section 13 of this Ordinance regarding floor area ratio are approved on individual lots, the maximum gross floor area of all uses within Area 1 shall be increased by the amount of incentives granted up to a total of 600,000 square feet; and,
 - b. additional regulations regarding floor area and building height which are contained in Section 6., D. – Building Massing shall also apply.
3. Minimum Setback and Use of Yards – In order to provide for the development of the 131st Street Marketplace retail area in compliance with Exhibit F – Conceptual Building Layout, the Plan Commission may approve a Final Development Plan that includes:
 - a. no minimum building setback from the major access drive or the secondary access drives within Area 1;
 - b. limited front yard landscaping;
 - c. plaza, sidewalk, outdoor seating or other outdoor common area or activity area between the front line of the building and the access drive, subject to obtaining any required encroachment permit; and,
 - d. on-street parking.

C. Area 2:

Except as expressly provided otherwise in this Ordinance, individual lots in Area 2 shall meet the following Development Standards:

1. Public & Semi-Public, Office / Professional Service Uses – Shall comply with the Development Standards of the C1 Zoning District in effect on the date of adoption of this Ordinance.
2. Senior / Rehabilitation Living Uses – Shall comply with the Development Standards of the R7 Zoning District in effect on the date of adoption of this Ordinance.

3. Maximum Building Height – Within one-hundred (100) feet of the north right-of-way line of 131st street, no building shall exceed thirty-five (35) feet in height or two (2) stories above grade.

D. Area 3:

Except as expressly provided otherwise in this Ordinance, individual lots in Area 3 shall meet the following Development Standards:

1. All Uses – Shall comply with the Development Standards of the C1 Zoning District in effect on the date of adoption of this Ordinance.
2. Maximum Floor Area – The maximum gross floor area for all uses within Area 3 shall not exceed 200,000 square feet; provided, however, in the event that the Development Incentives of Section 13 of this Ordinance regarding floor area ratio are approved on individual lots, the maximum gross floor area of all uses within Area 3 shall be increased by the amount of incentives granted up to a total of 300,000 square feet.
3. Maximum Building Height – The maximum height of any building or structure shall not exceed sixty-five (65) feet above grade.
4. Minimum Building Height – All buildings shall contain a minimum of two (2) stories capable of being occupied.

SECTION 5. ARCHITECTURAL DESIGN STANDARDS FOR RETAIL, MIXED-USE, OFFICE OR RECREATION USES.

In order to assure the development of retail, mixed-use, office or recreation uses which are compatible with the 131st Street and SR 37 corridors and with surrounding residential areas, the following architectural standards shall apply:

- A. Compatibility – All structures within the same Area shall be constructed with similar or compatible design, materials and architecture.
- B. Finished Façade:
 1. All buildings located in sub-Area 1-A, sub-Area 1-B, sub-Area 1-C, Area 2 or Area 3 shall include a finished façade on each elevation.
 2. Buildings located in sub-Area 1-D or sub-Area 1-E shall include a finished façade on each elevation visible from the "Major Street Network" depicted on the Exhibit D – Sub-Areas. Any unfinished façade shall be painted or otherwise include treatments designed to blend the appearance of the unfinished façade with each finished façade of the building.

- C. Exterior Materials on Finished Façades – The finished façade exterior of all buildings (excluding window, door, roofing and soffit materials) shall be constructed of either brick, stone (limestone, granite, fieldstone, etc.), architectural pre-cast (if the surface looks like brick or stone), masonry, stucco/EIFS (Exterior Insulation and Finish System or comparable material) or concrete composite / fiber cement siding.
- D. Façade Length on Finished Façades – Finished facades that have greater than one-hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses with a minimum projection or recess of five (5) percent of the overall length and extending along at least twenty (20) percent of the length of the façade. No uninterrupted length of any finished façade shall exceed one-hundred (100) horizontal feet. One purpose of the foregoing finished façade length regulation is to encourage the design of any "big-box" building in such a manner so as to allow for the re-use of such "big-box" by smaller users should the initial "big-box" tenant vacate the building.
- E. Building Height Variation in Area 1 – Buildings on side by side lots located along the major access drive or the secondary north/south access drive shall exhibit one of the following characteristics:
1. Appearance of Significantly Different Roof Lines – this regulation shall be interpreted as follows: if one building has a flat roof with a mansard or parapet treatment, adjacent buildings shall have the appearance, when viewed from the front elevation, of a pitched roof with hip or gable ends.
 2. Significantly Different Building Height – this regulation shall be interpreted as follows: if both buildings have similar roof structures, there shall be a building height difference of either: one or more stories in height; or, a minimum offset of five (5) feet in height for the primary horizontal line (i.e., the main horizontal line of a mansard or parapet treatment, or the soffit line for a pitched roof).
- F. Architectural Details on Finished Façades – Finished facades that have greater than 100 feet in length, measured horizontally, shall include a repeating pattern that includes not less than three (3) of the following elements:
1. Color change;
 2. Texture change;
 3. Material module change;
 4. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.
- G. Entryways – Each ground floor, retail tenant space designed to contain greater than 10,000 square feet in area shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
1. Canopies or porticoes;
 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; or,
 9. Integral planters or wing walls that incorporate landscaped areas or places for sitting.
- H. Colors – The primary color shall be of low reflectance, subtle, neutral hues or colors. Building trim or accent areas may feature brighter colors, including primary colors or neon tubing.
- I. Roofs – Roofs shall have some combination of the following features:
1. Parapets – not exceeding 1/3 of the height of the supporting wall and shall conceal flat roofs.
 2. Cornice – shall be three-dimensional and in scale with the structure.
 3. Eaves, Overhangs – extending not less than twelve (12) inches from the surface of the wall.
 4. Pitched Roofs – shall have a minimum slope of 5/12 and:
 - a. Shall be comprised of three (3) or more roof slope planes;
 - b. Shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three dimensional asphalt / fiberglass shingles. Metal roofs shall have a low gloss finish to reduce glare.
 - c. 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 sections of flat roofs so that the roof can be given articulation with different heights.
- J. Mechanical Equipment – All mechanical equipment, including: HVAC systems; pedestals for telephone, electric or cable service; television antenna; or, satellite dish antenna, whether ground or roof mounted, shall be screened by buildings, ornamental fences / walls, architectural screens, parapet walls or landscaping to provide screening in the elevation view from all sides of the building served.
- K. Trash Enclosures – All dumpster locations and trash compactors shall be enclosed by a masonry enclosure that complements the architecture of the building and an opaque gate.

- L. Location of Accessory Structures – All accessory structures, including trash enclosures, shall not be permitted in a required front, side or rear yard.

SECTION 6. SITE DESIGN GUIDELINES FOR RETAIL, MIXED-USE, OFFICE OR RECREATION AREAS.

While it is recognized that the Preliminary Development Plan filed with this Ordinance is provided for illustrative purposes only, certain site design guidelines utilized in the creation of the Preliminary Development Plan shall be required to be utilized in any Detailed Development Plan and Final Development Plan submitted for approval within the 131st Street Marketplace PUD. Those site design guidelines are specified below:

A. Pedestrian Circulation.

1. Sidewalks, Generally – Sidewalks shall be provided along both sides of the major access drive and one side of the secondary access drive, both as depicted on Exhibit D.
2. Perimeter Walkway – Pedestrian walkways located along the north side of 131st Street, west side of Cumberland Road shall be eight (8) foot asphalt paths, Pedestrian walkways located along the north side of Area 2, the east and north sides of Area 1, and the east side of Area 3 shall be a minimum of six (6) feet in width, however, the Plan Commission may authorize these areas to utilize an eight (8) foot asphalt path as an alternative.
3. Internal Walkway – Continuous internal walkways, a minimum of six (6) feet in width, shall be provided from the pedestrian walkways along 131st Street and Cumberland Road to the principal entrances of all buildings.
4. Walkway Delineation – In order to enhance pedestrian safety, all internal walkways that cross roadways or parking lots shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete, or brick.
5. Building Entrances – All office / retail buildings shall include some form of weather protection feature (i.e., awnings or arcades) over walkways leading to customer entrances. Any encroachment of such features into the right-of-way shall be subject to obtainment of any required encroachment permit.
6. Entrance Landscaping – Walkways leading to customer entrances shall feature landscape areas including trees, shrubs, benches, flower beds or ground cover.
7. Multi-tenant Retail Buildings – Multi-tenant retail buildings shall include a walkway along the full length of any building façade which includes a customer entrance. Such walkway shall maintain a minimum useable width of six (6) feet (exclusive of areas devoted to landscape areas) and a maintain a minimum overall

width of not less than ten (10) feet. All or a portion of such walkway may be located in the public right-of-way.

8. Office Buildings – Office buildings shall include a walkway located along the edge of any parking area adjacent to a building façade. Such walkway shall be maintain a minimum useable width of six (6) feet (exclusive of areas devoted to landscape areas) and a maintain a minimum overall width of not less than eight (8) feet. All or a portion of such walkway may be located in the public right-of-way.
9. Pathway Connections – The perimeter pathway shall be designed and located so as to provide stubs to the residential communities located north and east of Areas 1 and 3.
10. Pathway Connection Along SR 37 – Upon request, the Town of Fishers shall be granted an easement to extend the trail system along 131st Street northward within the required 50' front yard along SR 37 to a point reasonably necessary to provide for a pedestrian bridge crossing over SR 37. All landscaping within such yard shall be preserved by the Town or relocated by the Town to other mutually agreed upon locations within such yard.

B. Roadway Design.

1. All major and secondary access drives shall be designed and constructed in accordance with the requirements of the Town of Fishers for public thoroughfares.
2. The major access drive entering the PUD at 131st Street and continuing through the site and providing the primary circulation function between the southern and northern portions of Area 1 (including any connection to any access drive which may be approved on SR 37) shall consist of four lanes (two in each direction) and contain a median.
3. All secondary access drives shall consist of two lanes (one in each direction).

C. Central Water Feature.

1. A centrally located water feature shall serve as a storm water management feature and a site amenity. Said water feature shall be designed into or adjacent to the legal drain which bisects Area 1 in an east/west direction and shall contain a minimum of three (3) acres in surface area.
2. The central water feature shall be designed to include opportunities for pedestrian use, including:
 - a. a minimum of two (2) areas, containing not less that 1,500 sq. ft. in area each, shall be developed as common areas or preserved as undeveloped open space; or,

- b. walkways, boardwalks, patio areas or other improved surfaces which encircle the entire central water feature and which:
 - (1) provide direct pedestrian access to businesses; or,
 - (2) provide areas for public assembly, outdoor seating or dining, outdoor sales or display, or other areas typical of a downtown streetscape.

D. Sight Lines.

- 1. Buildings located between the western boundary of the central water feature and SR 37 shall be positioned to maintain unobstructed sight lines from SR 37 across the central water feature into Area 1.
- 2. Buildings located elsewhere along the frontage of SR 37 shall be positioned, where practical to maintain filtered sight lines into Area 1 from SR 37.

E. Building Massing:

In order to maximize the visual impact of the Central Water Feature and create a pedestrian friendly "market place" feel to the commercial development proposed for Area 1, said Area 1 shall be divided into sub-Areas as set forth below and depicted on Exhibit "D" – Sub-Areas. Within each sub-Area, the additional building massing regulations set forth below shall apply.

- 1. Sub-Area 1-A. No building located within sub-Area 1-A, as depicted on Exhibit "D" – Sub-Areas, shall exceed 18,000 square feet in first floor area nor have a building height less than of 26 feet.
- 2. Sub-Area 1-B. No building located within sub-Area 1-B, as depicted on Exhibit "D" – Sub-Areas, shall exceed 18,000 square feet in first floor area nor have a building height in excess of 44 feet, unless complying with the Development Incentives set forth in Section 13 of this Ordinance.
- 3. Sub-Area 1-C. No building located within sub-Area 1-C, as depicted on Exhibit "D" – Sub-Areas, shall exceed 45,000 square feet in first floor area nor have a building height in excess of 44 feet, unless complying with the Development Incentives set forth in Section 13 of this Ordinance.
- 4. Sub-Area 1-D. No building located within sub-Area 1-D, as depicted on Exhibit "D" – Sub-Areas, shall exceed 90,000 square feet in first floor area nor have a building height in excess of 65 feet, unless complying with the Development Incentives set forth in Section 13 of this Ordinance.

5. Sub-Area 1-E. Buildings located within sub-Area 1-E, as depicted on Exhibit "D" – Sub-Areas, shall not be limited in first floor area but shall not have a building height in excess of 65 feet, unless complying with the Development Incentives set forth in Section 13 of this Ordinance.
 - a. Location: Sub-Area 1-E shall include all portions of Area 1 located east of Area 3 and sub-Area 1-A, northeast of sub-Area 1-B, and north of the Krause & Keppler Drain / Britton Industrial Park Drain.
 - b. Regulation: Buildings located within sub-Area 1-E shall not be limited in first floor area but shall not have a building height in excess of 65 feet, unless complying with the Development Incentives set forth in Section 13 of this Ordinance.

F. Signature Features.

1. No less than two signature features shall be developed for the 131st Street Marketplace PUD. One signature feature shall be developed at the intersection of 131st Street and SR 37. A second signature feature shall be developed along the SR 37 frontage in proximity to the Central Water Feature.
2. Additional signature features or smaller scale features which mimic certain elements of the signature features shall also be developed throughout the 131st Street Marketplace PUD and shall be located:
 - a. at the main entrance from 131st Street;
 - b. in all four quadrants of any four-way intersection of the major access drive with the secondary access drives, and,
 - c. at the crossing of the legal drain by the major access drive and a secondary access drive.
3. Exhibit E - Examples of Signature Features contains sample graphics of potential signature features. The final content and design of each signature feature shall be subject to the approval of the Plan Commission in connection with Detailed Development Plan and Final Development Plan approval.

G. Location of Parking.

In order to minimize the impact of off-street parking areas on the overall site design, no off-street parking areas shall be located between any front building line and the right-of-way of 131st Street, SR 37, and the major access drive connecting 131st Street and SR 37.

H. Loading Docks.

In order to minimize the impact of off-street loading areas on the overall site design, the following regulations shall apply to off-street loading areas:

1. No off-street loading docks shall be located between the front lot line and the front façade of any portion of the building serviced.
2. All off-street loading docks shall be screened from view from any public street by the building or buildings served, landscaping (which may include a combination of evergreen trees and mounding), or masonry screen walls which are architecturally compatible with the building.
3. The Plan Commission may approve a "pull-off" loading area for uses within the 131st Street Marketplace PUD-M District at a rate of one (1) required loading space per building. Such "pull-off" loading areas may be located adjacent to any access drive. A "pull-off" loading area shall not be subject to the prohibition against being located between the front lot line and front facade of any portion of the building served as set forth above.

SECTION 7. ARCHITECTURAL DESIGN STANDARDS FOR SENIOR / REHABILITATION LIVING USES.

All buildings shall utilize the following design features:

A. Building Materials – Building materials shall comply with the following guidelines:

1. All brick or stone veneer supplemented with significant use of architectural elements; or,
2. Multiple building materials with the primary building material being brick, fieldstone, limestone, marble or granite veneer and comprising a minimum of:
 - a. 65% of the area of each elevation for a one-story elevation;
 - b. 85% of the area of the first floor of each elevation for a two-story elevation; or,
 - c. 75% of the area of the first floor of each elevation and 60% of the total area of each elevation for more than two-story elevations.

(Note: Elevation wall area is exclusive of window or door areas)

- B. Architectural Features – Each exterior wall surface shall utilize the following Architectural Features in an manner and extent appropriate to the setting and materials selected:
1. Multiple Materials - In the case of multiple building materials, secondary building material shall comprise a minimum of 10% of the elevation area. Recommended secondary materials include: textured block, architectural pre-cast concrete, concrete composite / fiber cement siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., etc.
 2. Façade Textures – Multiple surface textures (e.g., rough, striated, imprinted, etc.).
 3. Façade Length – Façade or elevation modulations (e.g., building off-sets of at least two (2) feet in depth for every forty (40) feet of building wall length).
 4. Architectural Elements – Architectural elements shall include, but not be limited to quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.
 5. Colors – Multiple colors (i.e., the use of a maximum of three (3) discernable colors, with primary color constituting a minimum of 60% of the applicable elevation and the secondary color constituting a minimum of 10% of the applicable elevation) on each exterior wall surface.
 6. Roof Overhangs – All roof lines shall terminate with eaves or soffits extending not less than twelve (12) inches from the surface of the wall.

SECTION 8. SITE DESIGN GUIDELINES FOR SENIOR / REHABILITATION LIVING USES.

- A. Trash Collection Areas – All centralized trash collection areas shall be:
1. screened on at least three (3) sides by a solid-walled enclosure which is faced with exterior materials of brick, stone, or other masonry material(s) compatible with the architecture of the primary buildings (wood may be used in limited circumstances, subject to applicable fire codes, when necessary to be consistent and compatible with the architecture of the primary buildings);
 2. provide a gate across the access to the trash collection area enclosure covered with wood or similar appearing material and painted a color that is compatible with the colors of the primary buildings; and,
 3. provide foundation landscaping around the trash collection area enclosure.

- B. Covered Parking – On-site covered parking, if provided, shall be subject to the following requirements:
1. parking spaces may be in attached garages, detached garages or detached carports;
 2. if a detached garage or detached carport is located between a primary building and a front yard, side yard or rear yard, any elevation located parallel to or within thirty (30) degrees of being parallel to such front yard, side yard or rear yard shall include at least two (2) of the following:
 - a. façade modulation of at least six (6) inches for every thirty (30) feet of wall length;
 - b. multiple building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite / fiber cement siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., vinyl siding, aluminum siding, etc.);
 - c. multiple surface textures (e.g., rough, striated, imprinted, etc.) or patterns;
 - d. separation in roof pitch, variation in direction of roof pitches, inclusion or dormers, or other variation on roof design; or,
 - e. use of false door or window openings, defined by frames, sills and lintels.

SECTION 9. LANDSCAPING.

The following landscaping requirements shall be applicable to the development of the 131st Street Marketplace PUD-M. It is the intent of these landscaping requirements that the 131st Street Marketplace PUD-M will comply with the general landscape regulations of the Town of Fishers Zoning Ordinance and be supplemented by the additional provisions contained herein for Parking Lot Screening and Bufferyard Landscaping / Street Trees.

- A. Lot Planting / Foundation Planting / Parking Lot Plantings / Parking Lot Screening / Bufferyards.

All Areas of the 131st Street Marketplace PUD-M shall comply with the Lot Planting, Foundation Planting, Parking Lot Plantings, Parking Lot Screening, Small Sized Bufferyard and Medium Sized Bufferyard landscape requirements of the Town of Fishers Zoning Ordinance, as amended.

B. Street Trees.

All streets within the 131st Street Marketplace PUD-M shall be landscaped in accordance with the applicable regulations set forth below:

1. Street Trees Along SR 37.

- a. Property that abuts SR 37 shall install a minimum of one (1) canopy deciduous or evergreen tree per sixty (60) feet of property that is contiguous to the roadway.
- b. Street trees along SR 37 shall be planted within fifteen (15) feet of the property line that abuts the SR 37.
- c. Street trees along SR 37 shall be required in addition to the standard lot planting required by the Town of Fishers Zoning Ordinance, as amended from time to time. In the event of conflict between these street tree and lot planting requirements, the Director of Development may approve an alternate landscape plan which is appropriate to the site and in keeping with the intent of this Ordinance.

2. Street Trees Along 131st Street and Cumberland Road.

Street trees shall be required along 131st Street and Cumberland Road at a ratio of one (1) canopy tree per fifty (50) feet. Street trees may be planted with a maximum distance of 75 feet between street trees. Street trees planted along 131st Street or Cumberland Road shall be planted in the right-of-way of such street. This provision shall not be applicable if the requirements for a Small Sized Bufferyard are applicable.

3. Street Trees Along Major Access Drive and Secondary Access Drives.

Street trees along all major access drive and secondary access drives shall be required at a ratio of one (1) canopy tree per forty (40) feet. Street trees may be planted with a maximum distance of 60 feet between them.

4. Street Trees along 131st Street, Cumberland Road, the major access drive and any secondary access drives shall be planted in a minimum five (5) foot wide planting strip located between the curb and sidewalk, if available. If a planting strip is not available then the trees must be planted within the outer ten (10) feet of right-of-way. If space is not available within the outer ten (10) feet of right-of-way, then the trees must be planted on the abutting property within ten (10) feet of the right-of-way and may be credited toward applicable perimeter planting.

5. Trees shall be planted at least two and one-half (2.5) feet from a sidewalk or curb edge.

6. Where there is adequate clearance, trees may be planted in a paved area in a minimum twenty-five (25) square-foot cutout covered with a tree grate to maintain a flush grade.
7. Trees shall be planted out of the vision clearance triangle as defined in the Town of Fishers Zoning Ordinance, as amended from time to time. Within 75 feet of an intersection, trees may be planted back of sidewalk in order to maintain site distances for traffic control signs. Low-branching species shall not be allowed within 75 feet of an intersection. Trees shall be located a minimum of ten (10) feet from a driveway cut or street light, and a minimum of three (3) feet from a fire hydrant.

C. Tree Preservation.

Reasonable efforts shall be made to preserve existing specimen trees located on the property. Specimen trees shall include those trees of a desirable species which are over four (4) inches in caliper (if deciduous) or over ten (10) feet in height if evergreen. Such trees may be either preserved at their present location or relocated and incorporated into the landscape of an individual lot, common area, signature feature or other highly visible location within the development. Such relocation shall occur where practical given consideration for the health of the trees, desirability of the species, soil conditions, drainage requirements, utilities, and other improvements as well as compatibility with the overall site and landscape design concept for the 131st Street Marketplace approved by the Plan Commission.

D. Fencing.

Upon receiving all necessary permits and approval, Developer shall remove the limited access wire fence and maintain the grass area along SR 37 adjacent to the project.

SECTION 10. LIGHTING.

Lighting within the 131st Street Marketplace PUD-M shall comply with the following regulations:

- A. Site lighting plans shall include the layout, spread and intensity of all site lighting, including:
 1. Parking lot and service / storage area lighting;
 2. Architectural display lighting;
 3. Security lighting;
 4. Pedestrian way lighting; and,
 5. Landscape lighting.

B. The height of light standards shall not exceed:

1. twenty-five (25) feet above grade in Area 1; and,
2. twenty (20) feet above grade in Areas 2 and 3.

C. Light Fixtures for all Parking Areas and Service Areas:

All freestanding or wall mounted outdoor light fixtures used to illuminate a surface parking area or service area shall utilize full cutoff fixtures.

D. Light levels shall not exceed:

1. 0.1 maintained foot candles at the north and east property lines of Area 1 and Area 3;
2. 0.5 maintained foot candles at the north, east and south property lines of Area 2;
3. 1.0 maintained foot candles at the south property line of Area 1; and,
4. 1.0 maintained foot candles at the east right-of-way line of SR 37.

E. Special Lighting Provisions for Pedestrian and Landscape Features.

Outdoor light fixtures to illuminate any pedestrian way or landscape feature, if used, shall be of a bollard style not exceeding four (4) feet in height above grade.

SECTION 11. PARKING STANDARDS.

Off-street parking shall be provided in compliance with Ordinance No. 080403D of the Town of Fishers, provided, however, that reductions in the amount of required parking may be permitted by the Plan Commission in connection with Final Development Plan approval as follows:

- A. Where a site features a combined off-street parking area and contains uses with dissimilar peak time parking demands, a parking reduction may be approved in connection with the Final Development Plan approval. The total number of off-street parking spaces which are developed in a shared off-street parking area may be adjusted as indicated in Table 11-A: Parking Reduction Percentages, below.

- B. The minimum total number of off-street parking spaces to be initially improved shall be the greatest total number of off-street parking spaces calculated under the following scenarios:

Table 11-A: Parking Reduction Percentages					
Use	Weekday		Weekend		
	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Nighttime (Midnight to 6:00 a.m.)
Hotel / Motel	75%	100%	75%	100%	75%
Office/Professional Service	100%	10%	10%	5%	5%
Industrial	100%	10%	10%	5%	5%
Food Sales and Service	50%	100%	100%	100%	10%
Retail	60%	90%	100%	70%	5%
Recreation	40%	100%	80%	100%	10%
Other	100%	100%	100%	100%	100%

Parking Reduction Example: Assume an off-street parking area shared by an office building, multiple retail uses, and movie theater which, under the basic minimum requirements of the Town of Fishers, would be required to provide a total of 225 off-street parking spaces as set forth below.

Parking Reduction Example						
	Basic Minimum	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Weekend Nighttime
Office	50	50	5	5	3*	3*
Retail	100	60	90	100	70	5
Theater	75	40	75	60	75	8*
TOTAL	225	150	170	165	148	16

*Note: Numbers have been rounded up.

Result: Under an shared parking arrangement, the minimum total number of off-street parking spaces may be reduced from 225 off-street parking spaces to 170 off-street parking spaces (the reduction alternative which requires the greatest number of off-street parking spaces).

SECTION 12. SIGNS.

Signs for the 131st Street Marketplace PUD-M shall comply with the following regulations:

A. Freestanding Identification Signs for the overall 131st Street Marketplace PUD-M.

The overall 131st Street Marketplace PUD-M may contain up to four (4) freestanding signs plus Signature Features. All freestanding signs and Signature Features for the overall 131st Street Marketplace PUD-M shall comply with the following regulations.

1. Type of Signs.

Freestanding Identification Signs shall be permitted as follows:

- a. SR 37 Frontage – Monument Signs or Pole Signs.
- b. 131st Street Frontage – Monument Signs.
- c. Signature Feature – One (1) Wall Sign mounted on each Signature Feature.

2. Number of Signs.

The number of freestanding signs shall be determined independently for each street frontage of the 131st Street Marketplace PUD-M as follows:

- a. SR 37 Frontage – Two (2) freestanding signs.
- b. 131st Street Frontage – Two (2) freestanding signs (One (1) for Area 1 and one (1) for Area 2).
- c. Signature Features – One (1) signature feature per intersection quadrant as set forth in Section 6. H. – Signature Features.
- d. No other freestanding business identification signs shall be permitted to be erected along SR 37 or 131st Street to serve individual lots or individual buildings with the 131st Street Marketplace PUD-M.

Each freestanding sign shall include the name of the 131st Street Marketplace PUD-M and shall allocate a minimum of ten (10) percent of the Sign Surface Area to the name of the 131st Street Marketplace PUD-M.

Each wall sign located on a Signature Feature shall include either the name of the 131st Street Marketplace PUD-M or the name for the development area located within the 131st Street Marketplace PUD-M for which the Signature Feature serves as a gateway structure. Signature Features wall signs shall not identify any single use or user within the 131st Street Marketplace PUD-M.

3. Maximum Sign Surface Area of Freestanding Signs.

Maximum Sign Surface Area of each freestanding sign shall not exceed that specified in Table 12-A: Maximum Sign Surface Area, below:

Table 12-A: Maximum Sign Surface Area for Freestanding Signs	
Frontage	Maximum Sign Surface Area Per Sign
SR 37	240 sq. ft.
131 st Street (west)	140 sq. ft.*
131 st Street (east)	32 sq. ft.*
Signature Feature	24 sq. ft.

* Note: For the purposes of calculating sign surface area of monument signs, the entire structure which supports the sign or message element, shall be considered part of the sign surface area.

4. Minimum Setback for Freestanding Signs.

The minimum front setback for any freestanding sign shall be five (5) feet from the right-of-way / property line; provided, however, Signature Features may be located at a zero (0) foot setback, subject to vision clearance requirements.

5. Maximum Height of Freestanding Sign.

The maximum height of a freestanding sign shall not exceed that specified below:

- a. SR 37 Frontage – twenty-eight (28) feet to the top of the highest sign panel above pavement elevation of SR 37.
- b. 131st Street (Area 1) - twenty (20) feet to the top of the highest sign panel above pavement elevation of 131st Street.
- c. 131st Street Frontage (Area 2) Monument Sign - eight (8) feet in height above grade.
- d. Signature Features – within the surface area of an approved Signature Features.

6. Landscaping.

Landscaping shall be provided around base of each freestanding sign equal to the square footage of one sign face. The landscaping shall be at least 50% evergreen. Landscaping plans shall be included with the sign permit application.

7. Corner Vision.

Freestanding signs shall not be placed so as to interfere with the corner vision clearance.

8. Design.

All freestanding signs within the same Area shall be constructed with similar or compatible design and materials with significant architectural enhancements which relate to the primary structures in such Area.

B. Freestanding Identification Signs for Individual Lots in the 131st Street Marketplace PUD-M.

Individual lots in the 131st Street Marketplace PUD-M with SR 37 frontage may utilize an individual ground sign. All freestanding ground signs for individual lots shall comply with the following regulations:

1. Number of Freestanding Identification Signs for Individual Lots.

In addition to the freestanding signs permitted above for the 131st Street Marketplace PUD-M, individual lots within the 131st Street Marketplace PUD-M shall be permitted one (1) ground identification sign located on the lot, provided such sign is oriented toward the main access drive or secondary access drive.

2. Maximum Sign Surface Area of Freestanding Ground Identification Signs on Individual Lots.

The maximum sign surface area of freestanding ground identification signs on individual lots shall be twenty (20) square feet.

3. Minimum Setbacks for Freestanding Ground Identification Signs on Individual Lots.

The minimum setback for any freestanding ground identification sign on an individual lot shall be ten (10) feet from right-of-way / property line of said out lot.

4. Maximum Height.

The maximum height for any freestanding ground identification sign on an individual lot shall be six (6) feet in height above grade.

5. Landscaping.

Landscaping shall be provided around the ground sign equal to the square footage of one sign face. The landscaping shall be at least 50% evergreen. Landscaping plans shall be included with the sign permit application.

6. Corner Vision.

Ground signs shall not be placed so as to interfere with the corner vision clearance.

7. Design.

All freestanding signs within the same Area shall be constructed with similar or compatible design, materials and architecture as the primary structures in such Area.

C. Building Identification Signs.

Building identification signs shall be subject to the following provisions:

1. Type of Sign – Building identification signs shall be limited to wall signs. Wall signs may be mounted directly onto the surface of the building or affixed to permanent or retractable awnings, canopies or marquees.
2. Number of Signs – There shall be no limit on the number of wall signs per building; provided the following requirements are met:
 - a. wall signs shall be permitted on any building façade which includes an outside entrance serving the general public;
 - b. for building occupants that have outside entrances serving the general public, the sign surface area shall be calculated individually for each building occupant with an outside entrance serving the general public;
 - c. for building occupants utilizing common outside entrances to serve the general public, all signs or message elements shall be on common wall areas (i.e., not a façade on a tenant space with an outside entrance serving the general public) and all signs or sign elements on the such common wall area shall be considered parts of the same sign for the purpose of calculating sign surface area;
 - d. the maximum sign surface area shall be based upon the lesser of the building façade or tenant space façade upon which the sign is located.
3. Maximum Sign Surface Area – The maximum sign surface area shall be calculated as follows:
 - a. Ground Floor Signs – Building or tenant space frontages of 50 lineal feet or less shall be allowed two (2) square feet of sign surface area for every one (1) lineal foot of building or tenant frontage;
 - b. Ground Floor Signs – Building or tenant space frontages of 51 lineal feet or more shall be allowed two (2) square feet of sign for every one (1) lineal foot of building or tenant frontage up to 50 lineal feet, plus one (1) square

foot of sign for every one (1) additional foot of building or tenant frontage over 50 feet, up to a maximum of 300 square feet.

c. Upper Story Signs – Multistory buildings shall be allowed one wall sign per building frontage subject to the following:

- (1) wall signs shall be limited to the upper most story of the building; and,
- (2) wall signs shall be limited to a maximum of three (3) percent of the façade area above the first floor (i.e., the area of the façade above 18' above grade level) or a maximum size of 300 square feet, whichever is less.

D. Incidental Signs.

Incidental signs shall be in compliance with the provisions of Section 158.03 (D)-Private Traffic Directional signs of the Town of Fishers Zoning Ordinance, as amended from time to time, and the following:

1. If a Lot is occupied by a use which includes a drive through facility, one (1) menu board shall be permitted adjacent to the drive through facility as an incidental directional sign to announce the selection of services or products available at the drive through facility and the prices thereof.
2. A menu board permitted as an incidental directional sign adjacent to the drive through facility shall not exceed forty-eight (48) square feet in sign surface area.
3. A menu board freestanding incidental directional ground sign adjacent to a drive through facility shall not exceed seven (7) feet in height above grade.

E. Suspended Signs in Integrated Centers.

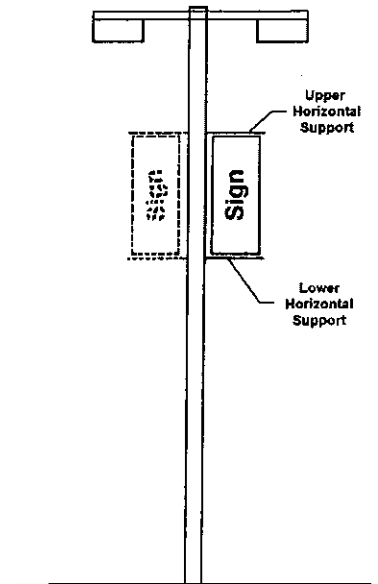
Suspended signs shall be permitted on any building containing two or more individual, non-related and separately operated uses subject to the following regulations:

1. There shall be no more than one (1) suspended sign per grade-level tenant.
2. The maximum sign surface area of a suspended sign shall not exceed five (5) square feet.
3. All portions of the suspended sign or sign structure shall be not less than eight (8) feet above finished grade.

F. Banner Signs.

In order to create a festive "market place" atmosphere, the Plan Commission may approve as part of a development plat approval the use of banner signs within the 131st Street Marketplace PUD-M District in compliance with the following regulations:

1. Location – Banner signs may be mounted on light poles or separate banner poles located within the right-of-way of any internal major access drive or secondary access drive (subject to obtaining any required encroachment permit), or located in a common area or as part of a signature feature. Banner signs shall not be permitted in any off-street parking lot.
2. Spacing – Banner signs shall be spaced at regular intervals along or within the areas to which the banner signs are oriented (i.e., along a major access drive, within a parking lot or within a common area).
3. Mounting – Banner signs shall be mounted to the poles with upper and lower horizontal supports.



Banner Sign

4. Maximum Surface Area per Sign Face – Banner signs shall not exceed the maximum dimensions of three feet in width or five feet in height.
5. Configuration – All banner signs placed shall be:
 - a. of the same dimensions; and;
 - b. placed at the same relative height and location on all poles.
6. Signs per Pole – Each pole may contain a maximum of two (2) banner signs, provided that such banner signs are located immediately across from each other.
7. Limitation – Banner signs shall not contain any commercial advertisement and shall not identify any individual business, operation, manufacturer, product, items or services available within the 131st Street Marketplace PUD-M.

SECTION 13. DEVELOPMENT INCENTIVES FOR AREA 1 AND AREA 3.

The following Development Incentives shall only be permitted if the project has direct access to SR 37. If direct access to SR 37 is not available, the Development Incentives set forth below shall not be available for use in any Area of the 131st Street Marketplace PUD-M.

In order to encourage design creativity and the provision of superior project amenities, the following waivers of the standards set forth above in this Ordinance may be granted by the Plan Commission in connection with the approval any Detailed Development Plan and Final Development Plan for any lot located in Area 1 or Area 3. The development of any individual lot shall not be required to pursue the use of these Development Incentives. These Development Incentives may, however, be pursued at the developer's discretion, subject to the requirements set forth below.

A. Area 1 Development Incentives.

1. Floor Area Ratio.

Based upon a total developable land within Area 1 of 59.9 acres and a maximum gross floor area for all buildings within Area 1 of 500,000 square feet, the average Floor Area Ratio (FAR) for all proposed development with Area 1 would be 0.19.

An individual lot may increase the FAR for that lot to a FAR of 0.5 by providing one of the "Site Features" listed in paragraph C., 1., below.

2. Building Height.

Building heights within Area 1 are regulated by the sub-Area of Area 1 in which the building is located. The maximum building height within each sub-Area of Area 1 may be increased as set forth herein by providing one of the "Site Features" listed in paragraph C., 1., below.

- a. Sub-Area 1-A – Building height may be increased from 26' to 44'.
- b. Sub-Areas 1-B and 1-C – Building height may be increased from 44' to 65'.
- c. Sub-Areas 1-D and 1-E – Building height may be increased from 65' to 85'.

B. Area 3 Development Incentives.

1. FAR

Based upon a total developable land within Area 3 of 10.5 acres and a maximum gross floor area for all buildings within Area 3 of 200,000 square feet, the average Floor Area Ratio (FAR) for all proposed development with Area 3 would be 0.44.

An individual lot may increase the FAR for that lot to a FAR of 1.0 by providing one of the "Site Features" listed in paragraph C., 1., below.

2. Building Height.

The maximum building height in Area 3 may be increased from 65' to 85' by providing one of the "Site Features" listed in paragraph C., 1., below.

C. Requirements for FAR or Building Height Development Incentives.

1. Site Features.

In order to utilize the Development Incentives set forth above on any individual lot, at least one (1) of the following site features shall be provided in a manner and extent necessary to comply with the provisions of this Section:

- a. On-Site Structured Parking – in an amount sufficient to off-set the increased FAR so that no additional lot area is covered with impervious surface.
- b. Off-Site Structured Parking – in an amount sufficient to meet the parking needs of the proposed building and provided that an area equal to 50% of the land area that would have been devoted to on-site parking shall be devoted to open space.
- c. Open Space – shall be provided in an amount equal to 50% of the increase in gross floor area attributable to an increase in FAR.
- d. Open Space – shall be provided in an amount equal to 5% of the lot area for each 10' increment, or portion thereof, increase in building height from the maximum otherwise allowed by this Ordinance to the maximum allowed by this Section 13. Development Incentives.

2. Structured Parking Requirements.

All parking structures shall be designed in compliance with the "Parking Garages and Ramp Systems" standards set forth in Ramsey/Sleeper's Architectural Graphic Standards, latest edition.

3. Open Space Requirements.

- a. Open space may consist of:
 - (1) Foundation landscaping, interior parking lot landscaping, perimeter yard landscaping, having a minimum dimension of six (6) feet in any direction; or,
 - (2) Public Gathering Places, including courtyards, patio areas, outdoor seating areas or outdoor dining areas,

- b. In order to qualify as "open space" for the purposes of these development incentives, such open space must be in excess of the minimum required open space otherwise required by this Ordinance.

4. Location of Site Features.

Site features required for a development incentive shall be provided:

- a. On the lot for which the development incentive is being requested; or,
- b. As a common project amenity, for which a sufficient allocation exists to meet the requirements of this Section.

D. Plan Requirements.

In order for the Plan Commission to have sufficient information from which to determine compliance with the requirements of this Section 13. Development Incentives, each application which proposes to utilize a Development Incentive shall include the following:

1. Plan 1 – which shall depict the potential development of the lot in compliance with the minimum requirements otherwise required by this Ordinance.
2. Plan 2 – which shall depict the proposed development of the lot utilizing one or more of the Development Incentives set forth in this Section 13. Development Incentives.
3. Additional Supporting Documentation:
 - a. Tabular information regarding FAR, impervious surface, parking area or any other relevant measurement to demonstrate compliance with the provisions of this Section.
 - b. In the event that all or a portion of a common project amenity is being claimed to demonstrate compliance with the provisions of this Section, Applicant shall provide documentary assurances deemed sufficient by the Plan Commission to demonstrate the availability and set-aside of said common project amenity in an amount necessary to meet the minimum Requirements for FAR or Building Height Development Incentives set forth above.

SECTION 14. DETERMINATION OF LAND USES.

It is recognized that this Ordinance may require interpretation to assign all permitted land uses to the appropriate Areas. Therefore, any land use which is not specifically set forth in this Ordinance shall be reviewed by the Director of Development for consistency with the intent set forth in each Area and for compatibility with land use characteristics typical of land uses permitted within those Areas and the Director shall determine the appropriate Area for any use which is not specifically set forth herein. If it is determined by the Director that a particular use is not permitted in any Area provided for in this Ordinance, then such use shall be deemed to require a variance of use or rezoning to an appropriate zoning district. In case of disagreement with the determination of the Director in assigning a land use to an appropriate Area, any aggrieved party may file an appeal with the Board of Zoning Appeals.

SECTION 15. DEFINITIONS.

- A. Nightclub: An establishment dispensing liquor and meals and in which music, dancing or entertainment is conducted, exclusive of any adult entertainment uses.

SECTION 16. PROCEDURES.

- A. 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.
- B. All architectural approvals shall be approved by an Architectural Review Committee. The Architectural Review Committee shall be made up of the members of the PUD Committee, one resident of the Town appointed by the Town Council and one architect appointed by the Town Council. The Architectural Review Committee shall have architectural discretion and flexibility over design requirements.
- C. Petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by the Department of Development Staff. In addition, Petitioner shall comply with the following procedures:
1. Petitioner shall have a pre-filing meeting with Staff to discuss any detailed development plan prior to filing for approval.
 2. Petitioner shall meet with the Architectural Review Committee to present preliminary plans and drawings for the proposed development. Preliminary plans shall include material samples, color boards and other materials which further illustrate the project to the Architectural Review Committee.
 3. The Architectural Review Committee shall review the preliminary plans and drawings and shall make a recommendation to the Plan Commission.

4. Petitioner shall meet with the Architectural Review Committee for review of the final detailed development plan and approval of final plans and drawings for each phase of development within the project prior to the issuance of a structural building permit.
 5. A fee for PUD Architectural Review shall be established as not less than \$200.00, which fee may be amended as part of the Town Fee Structure Ordinance. The fee shall be paid at the time of making application to the Architectural Review Committee.
- D. Project Phasing. It is anticipated that the 131st Street Marketplace will be developed in four (4) general phase, generally described as follows:
1. Phase 1 – will include the access from 131st Street into the project, the major access drive from 131st Street north past the legal drain to the secondary access drive, and the secondary access drive south from the major access drive to the legal drain.
 2. Phase 1a – will connect the major access drive to SR 37, subject to approval by INDOT.
 3. Phase 2 – will include the area south of the legal drain and west of Phase 1, including any secondary, right-in / right-out access from 131st Street.
 4. Phases 3 and 4 – the timing and sequencing of development in Area 2 and Area 3 will be subject to market demand.

SECTION 17. CONFLICT.

In the event of a conflict between a development standard or other regulation of the Town of Fishers which is referenced in this Ordinance and a regulation specifically identified in this Ordinance, the regulation specifically identified in this Ordinance shall control.

131st Street Marketplace Planned Unit Development

SECTION 18. APPROVAL.

This Ordinance shall be in full force and effect from and after its passage by the Town Council.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 21ST day of March 2005.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY: AYE

Scott A. Faultless

Eileen N. Pritchard

Stuart F. Easley

Timothy O. Lima

Daniel E. Henke

Charles P. White

 Scott A. Faultless,
 President

 Eileen N. Pritchard,
 Vice President

 Stuart F. Easley,
 Member

 Timothy O. Lima,
 Member

 Daniel E. Henke,
 Member

 Charles P. White,
 Member

 David C. George,
 Member

 Abstained

NAY

ATTEST: Linda Gay Cordell DATE: 3-21-05
 Linda Gay Cordell, Clerk-Treasurer, Town of Fishers, Indiana

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

EXHIBIT "A"

Overall Legal Description Britton Golf Course 104.012 Acre Tract April 7, 2004

All of that land granted to Britton Golf Course, Inc. recorded in Instrument Numbers 8800421, 8821825, 9228487, 200100050288 & 200100050289 in the Office of the Recorder of Hamilton County, Indiana, being located in the Northeast Quarter of Section 30, Township 18 North, Range 5 East and the Southeast Quarter of Section 19, Township 18 North, Range 5 East, Delaware Township, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southeast Corner of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, said point being the POINT OF BEGINNING this description; thence South 89 degrees 36 minutes 52 seconds West (assumed bearing) 2,452.17 feet along the South line of said Northeast Quarter to the eastern Right-of-Way line of State Road 37 per a Right-of-Way Document Recorded in Deed Record 149, page 441 in the Office of the Recorder of Hamilton County, Indiana; the next three (3) courses are along said eastern Right-of-Way line; (1) thence North 00 degrees 02 minutes 06 seconds West 24.26 feet; (2) thence North 45 degrees 38 minutes 32 seconds West 200.12 feet; (3) thence North 00 degrees 02 minutes 06 seconds West 2,491.17 feet to the North line of said Northeast Quarter; thence continue North 00 degrees 02 minutes 06 seconds West 1,336.28 feet along the eastern Right-of-Way line of State Road 37 per a Right-of-Way Document Recorded in Deed Record 147, page 1155 in said Office of the Recorder to the northwest corner of a tract of land granted to Britton Golf Course, Inc. ("Golf Course 1"), Recorded in Instrument Number 88 00421 in said Office of the Recorder; the following two (2) courses are along the northern & eastern boundary lines of said "Golf Course 1"; (i) thence North 89 degrees 28 minutes 01 seconds East 359.46 feet; (2) thence South 00 degrees 00 minutes 16 seconds East 1,336.04 feet to the North line of said Northeast Quarter; thence North 89 degrees 25 minutes 12 seconds East 913.26 feet along said North line to Northwest Corner of the East Half of said Northeast Quarter; thence North 89 degrees 25 minutes 31 seconds East 41.70 feet along the North line of said East Half to the Northwest Corner of a tract of land granted to Hamilton Southeastern Schools ("School Tract") recorded in Deed Record 266, page 398 in said Office of the Recorder; thence South 00 degrees 10 minutes 47 seconds West 1485.80 feet along the western boundary line of said "School Tract" to the Northeast Corner of a tract of land granted to Britton Golf Course, Inc. ("Golf Course 2") Recorded in Instrument Number 200100050288 in said Office of the Recorder; the next two (2) courses are along the eastern and southern boundary lines of the tracts described in said ("Golf Course 2"); (1) thence South 00 degrees 10 minutes 47 seconds West 42.49 feet; (2) thence South 89 degrees 25 minutes 19 seconds West 95.31 feet. to a eastern boundary line of a tract of land granted to Britton Golf Course, Inc. ("Golf Course 3") Recorded in Instrument Number 8821825 in said Office of the Recorder; the following two (2) courses are along the eastern and northern boundary lines of said "Golf Course 3" ; (1) thence South 00 degrees 10 minutes 47 seconds West 632.17 feet; (2) thence North 89 degrees 36 minutes 54 seconds East 1386.78 feet to the East line of said Northeast Quarter; thence South 00 degrees 10 minutes 47 seconds West 500.00 feet along said East line to the POINT OF BEGINNING containing 104.012 acres, more or less.

EXHIBIT "B"

131st Street Marketplace PUD Concept Plan

141st Street

SR 37

Area 3

Area 1

Area 2

Cumberland Road

131st Street

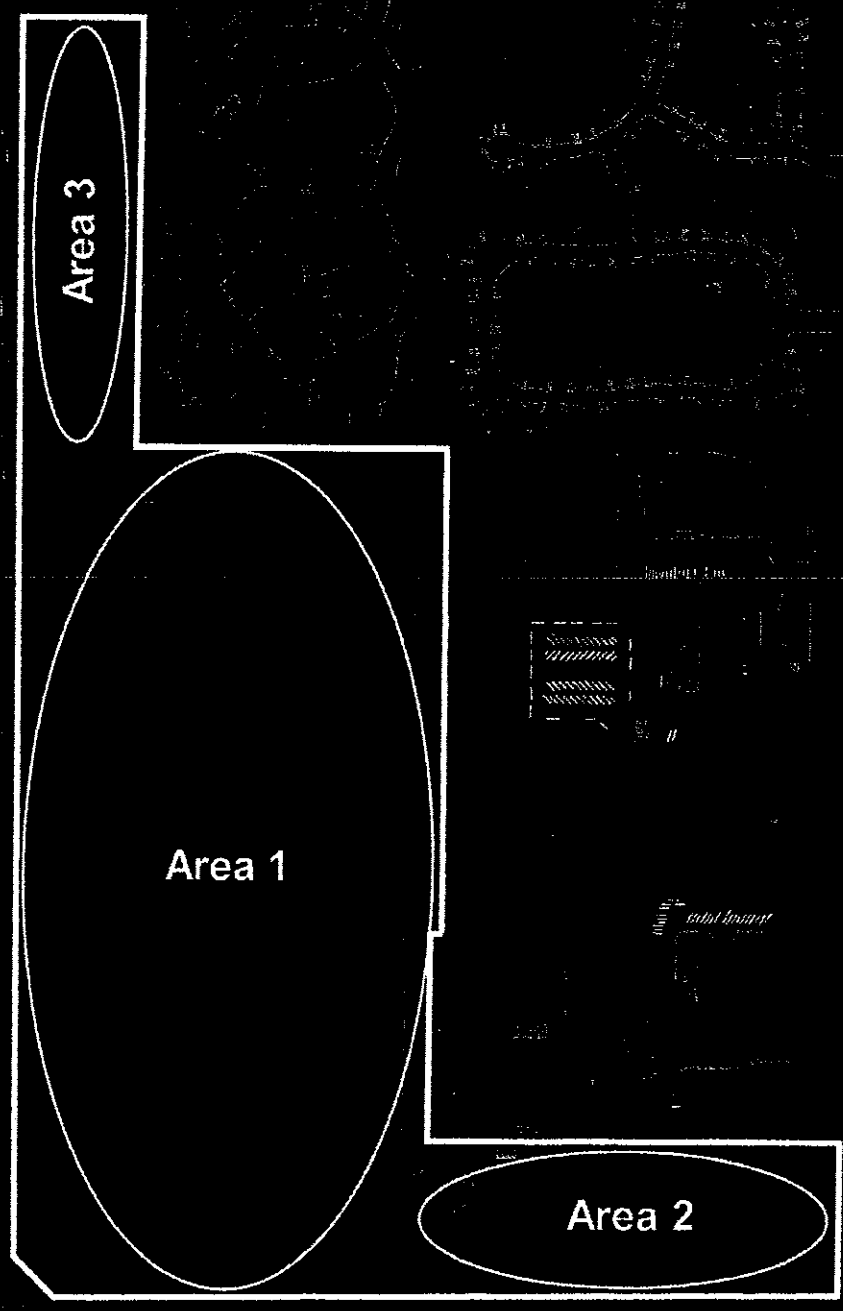


EXHIBIT "C"

131st Street Marketplace PUD Bufferyard Landscaping.

141st Street

LEGEND

- ◆◆◆◆ Street Trees
- Small Sized Bufferyard
- Medium Sized Bufferyard

Residential

Residential

SR 37

Commercial / Industrial

School

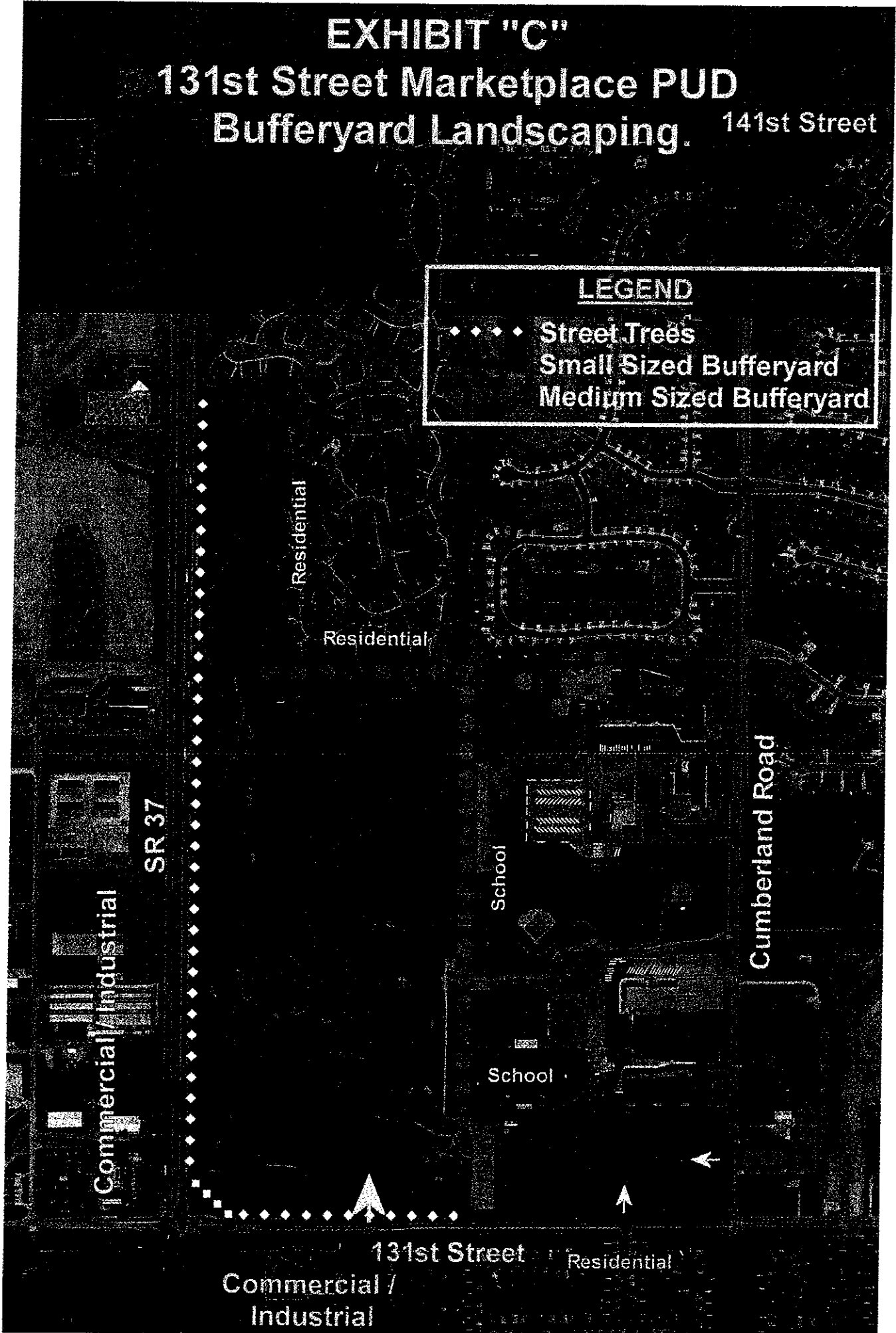
Cumberland Road

School

131st Street

Residential

Commercial /
Industrial



737

MARKET

131st STREET MARKETPLACE

TRITON PARK DEVELOPMENT, LLC

LEGEND

MAJOR ACCESS DRIVE

MAJOR PEDESTRIAN NETWORK

WATER FEATURE

SECONDARY ACCESS DRIVE

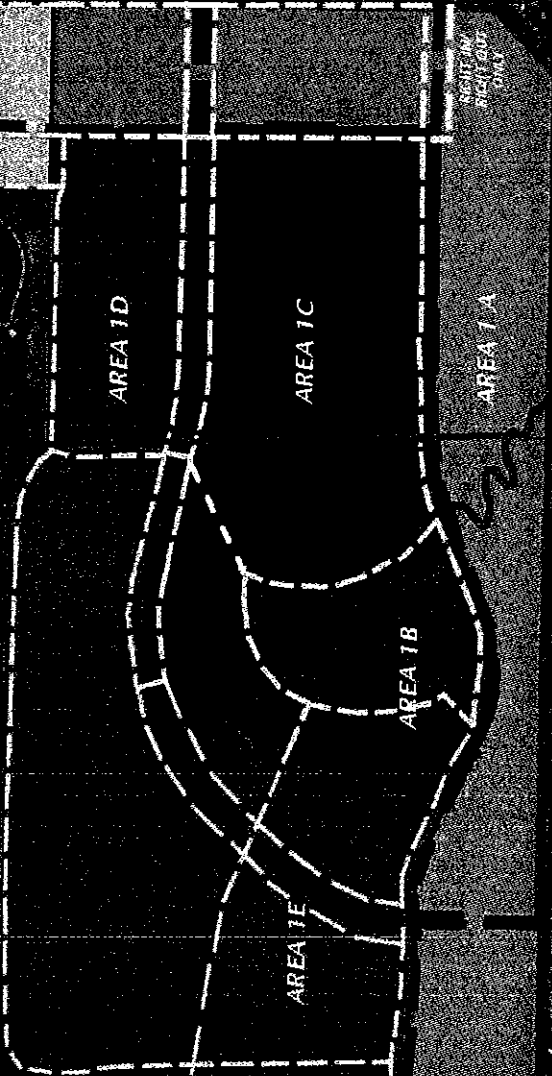


Exhibit D - Sub-Areas

Exhibit E

Examples of Signature Features

This Exhibit is provided for reference purposes only and does not portray any final design. The graphics and photographs contained in this Exhibit are intended to provide examples of what could be developed under the design intent of the 131st Street Marketplace PUD-M Ordinance and are not representative of a final design. Final design shall be submitted to the Plan Commission for approval pursuant to Section 15. Procedures of the 131st Street Marketplace PUD-M Ordinance.

Exhibit E
Examples of Signature Features

Signature Feature Examples

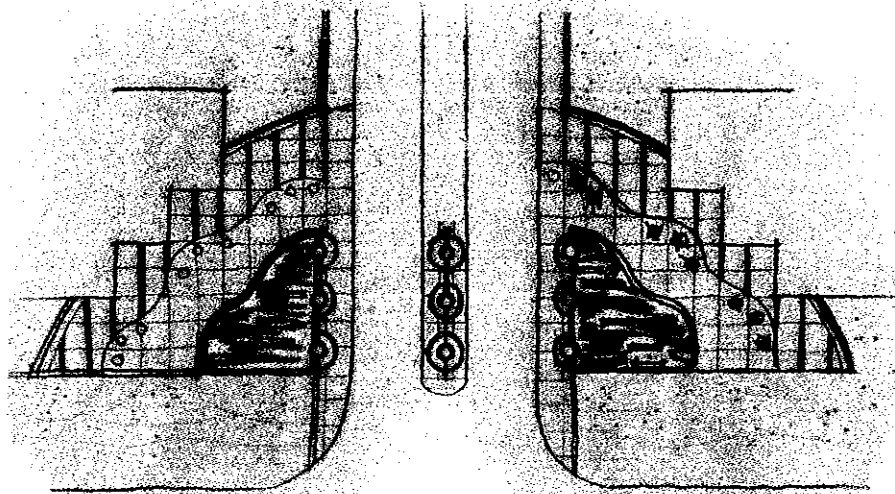
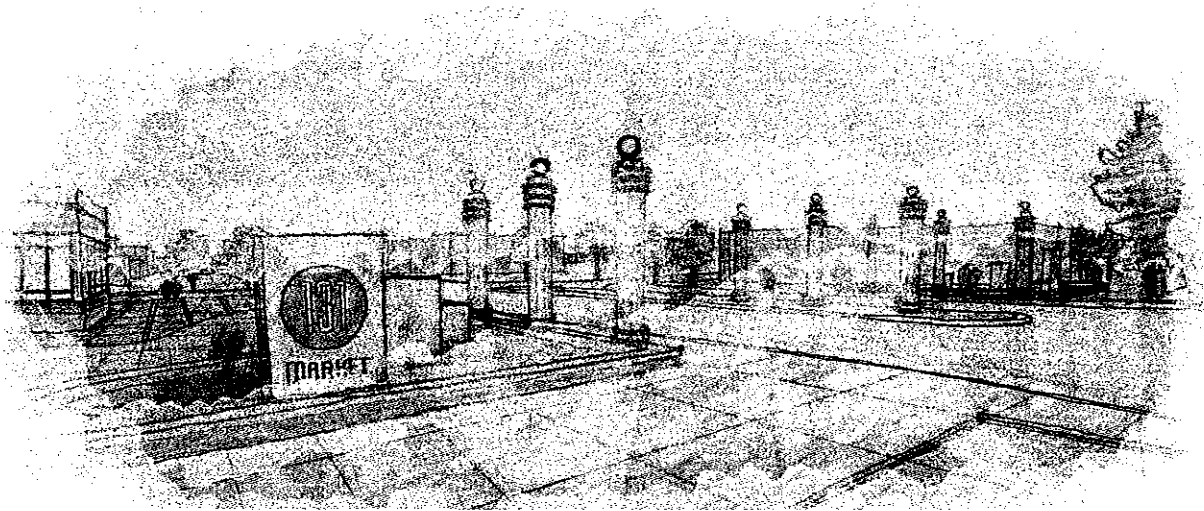
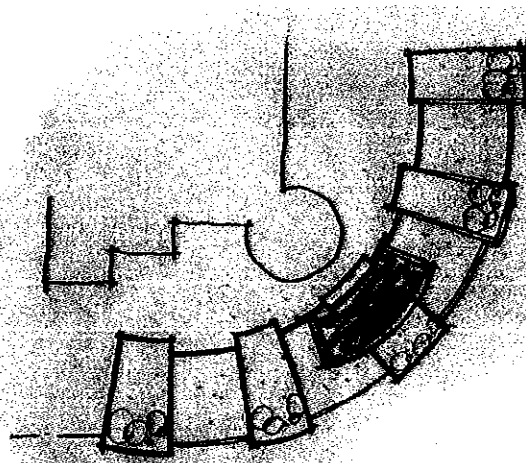
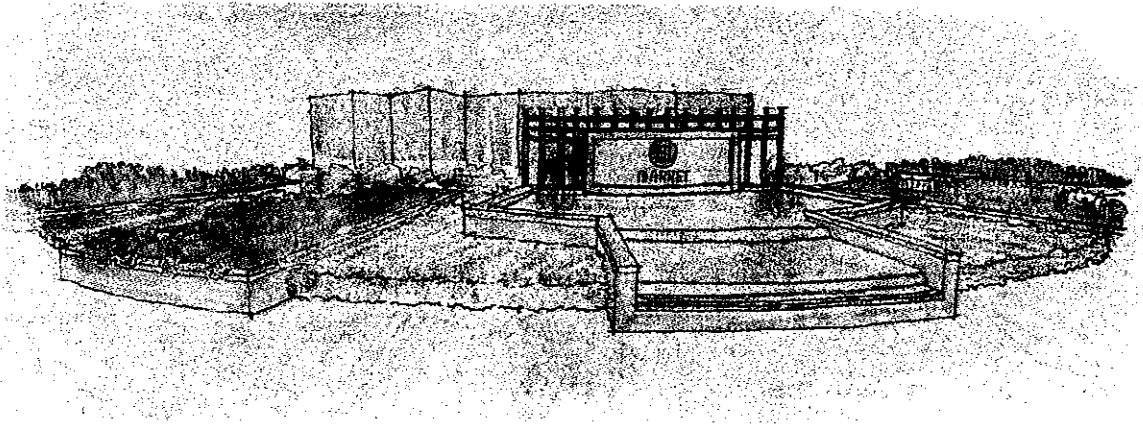


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Signature Feature Examples



Signature Feature Examples

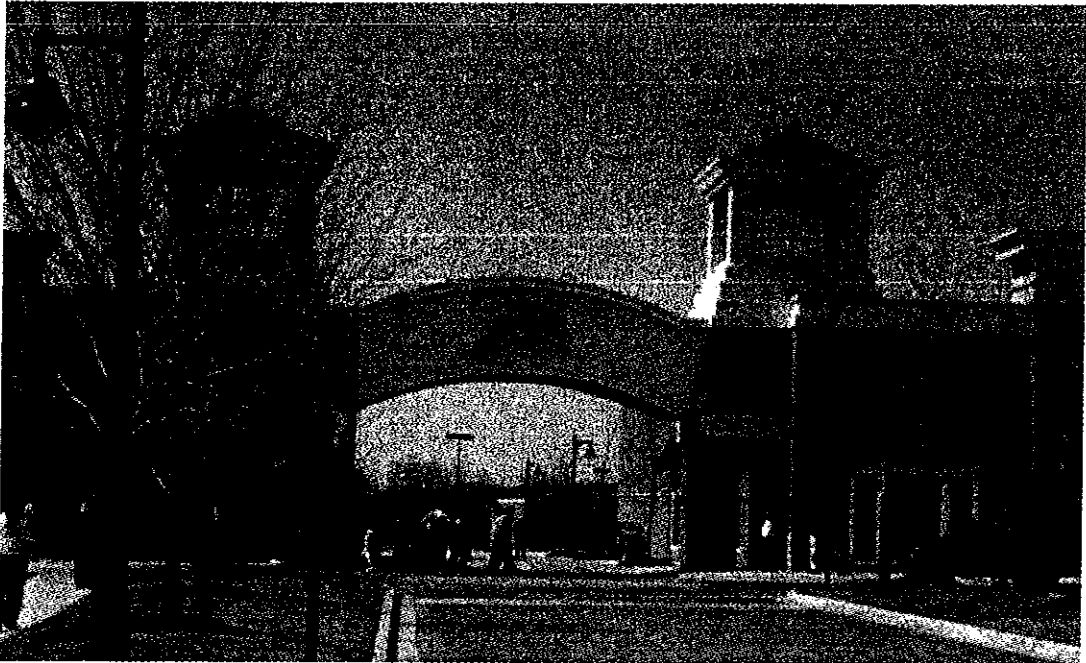
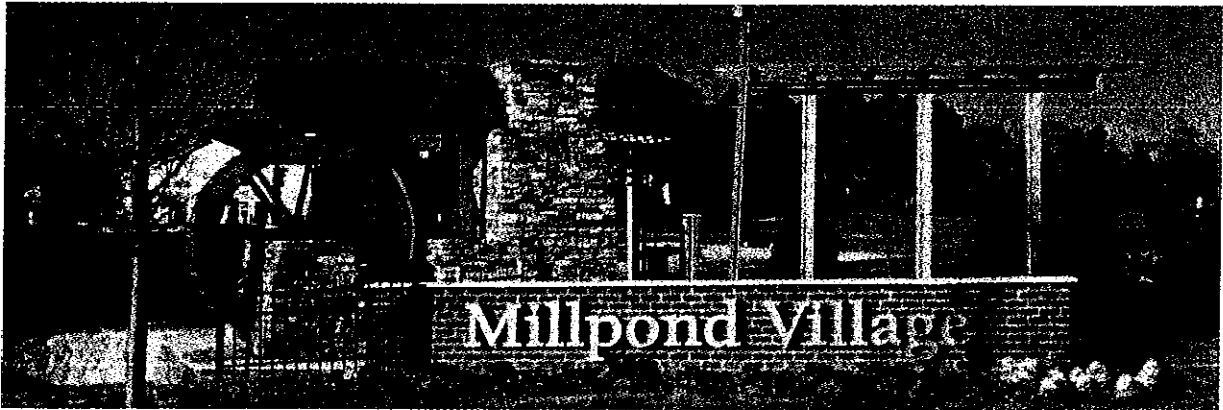


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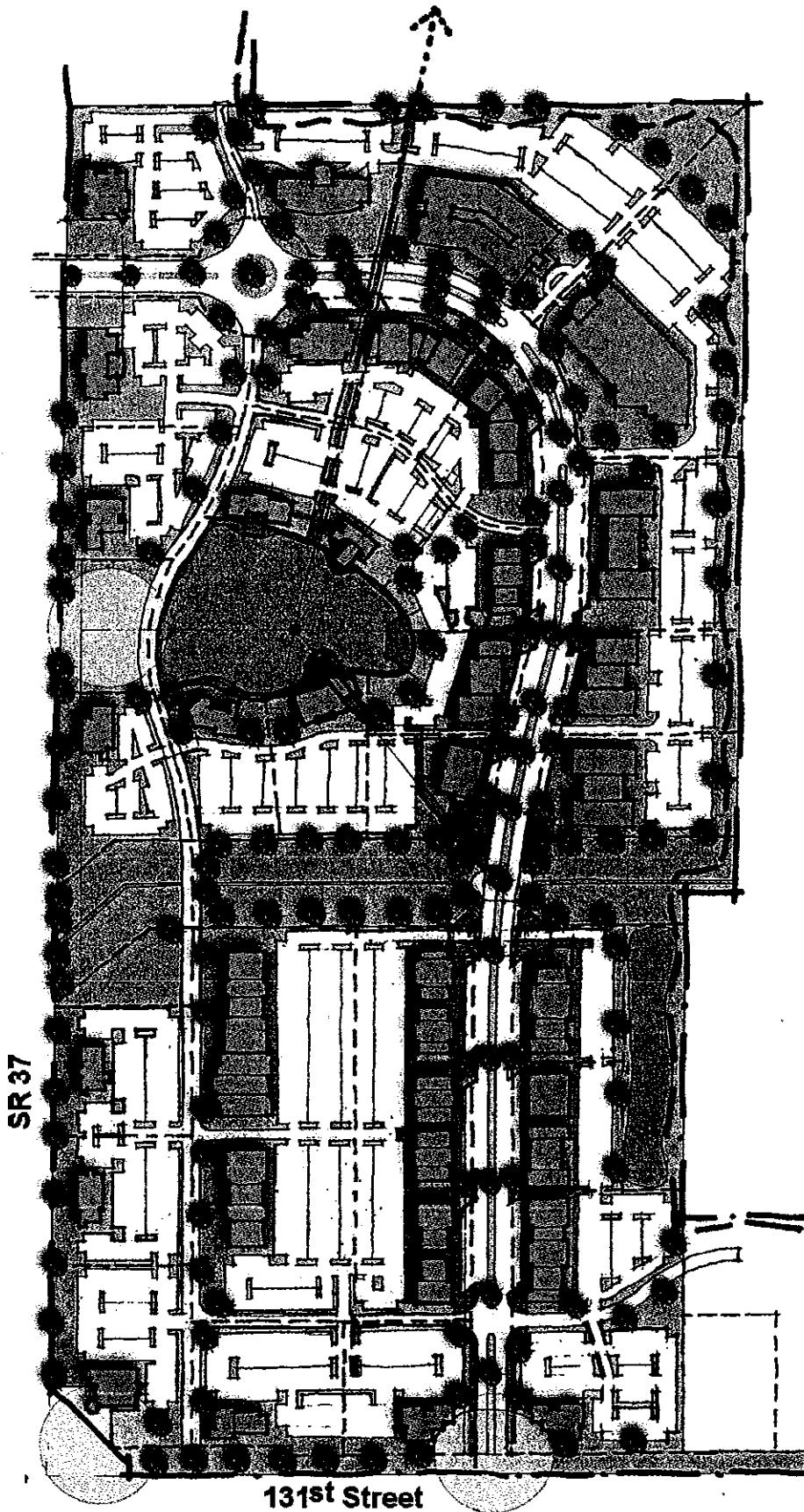


Exhibit F

**131st Street Marketplace
Conceptual Building Layout**