

**ALLISONVILLE PLACE  
PLANNED UNIT DEVELOPMENT ORDINANCE  
ORDINANCE NO. 120406 B**

AN ORDINANCE AMENDING AND RESTATING THE OLYMPIA ZONING  
ORDINANCE OF FISHERS, INDIANA, ADOPTED OCTOBER 15, 2001,  
ORDINANCE NO. 080601A.

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 1980, ORDINANCE NO. 110380, AS AMENDED, AND AS AMENDED BY OLYMPIA ORDINANCE NO. 080601A (hereinafter the “Zoning Ordinance”), IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

SECTION 1. DECLARATION.

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, as amended and restated on October 16, 2006, upon the adoption of a new Uniform Development Ordinance, Ordinance #090605A, (hereinafter referred to herein as the “UDO”) 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, and as amended by Olympia Ordinance No. 080601A, adopted October 15, 2001, are hereby amended as follows:

The Zoning Classification of the real estate described in Exhibit “A” hereto, (the "Real Estate"), is zoned PUD per the terms of this ordinance, which shall hereinafter be referred to as the “Commercial PUD Ordinance.”

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of this Commercial PUD Ordinance is to permit flexibility and creativity in development of the Real Estate.

SECTION 3. DEVELOPMENT STANDARDS.

The Development Standards for the Real Estate shall be as follows.

Maximum Square Footage of Any Building	22,000 square feet
Maximum Building Height	35 feet All buildings on Parcels A, B and C shall be one-story unless approved by the PUD Committee as a part of its review of the Final Development Plan.

<p>Signage</p>	<p>Per Sign Ordinance of the Town of Fishers, Indiana and as provided in Section 6 below for wall signage, except that four (4) ground signs shall be permitted as follows:</p> <ul style="list-style-type: none"> <li>● one ground sign, not to exceed eight (8) feet in height and sixty (60) square feet in sign area, may be erected at the northeast corner of Parcel A, at the intersection of Easy Street and Allisonville Road, and shall identify the retail and office development on Parcels A, B, C and D; and</li> <li>● one ground sign may be erected on the northernmost lot of Parcel A not to exceed five (5) feet in height and thirty-two (32) square feet in sign area and located in accordance with the approval of the Final Development Plan by the PUD Committee; and</li> <li>● one ground sign, not to exceed six (6) feet in height and sixty (60) square feet in sign area, may be erected at the intersection of Kennel Drive and Allisonville Road ( the full access intersection with Allisonville Road in Parcel B), and may include copy identifying up to four (4) tenants; and</li> <li>● one ground sign, not to exceed eight (8) feet in height and sixty (60) square feet in sign area, to identify the commercial development on Parcel D, may be erected at the northeast corner of Parcel D-at the intersection of Easy Street and Office Center Drive;</li> </ul> <p>Please see the Site Illustration Plan (Exhibit "D") for approximate sign locations.</p> <p>The ground signs shall be architecturally compatible with the development and shall use the same materials outlined for the buildings in Section 6. Support structures shall be constructed of masonry materials or EIFS.</p>
<p>Dumpster and Trash Compactors</p>	<p>Dumpster and trash compactors shall be enclosed by a masonry enclosure and gated. All enclosures shall have a shadow box style wood gate.</p>

Outdoor Display Areas	Permanent outdoor display areas must be surrounded by a combination of a masonry wall or wrought iron fencing, or a combination of both, 2.5 feet in height.
Landscape Buffers	A thirty (30) foot landscape buffer shall be established along the west boundary of Parcel D as shown on the Conceptual Site Plan, (Exhibit "B") with mounding as shown on the West Landscape Buffer Detail Plan (Exhibit "C"). To the extent that there are healthy, existing mature trees within the buffer area, those trees will be preserved and an appropriate landscaping area will be provided in lieu of the mounding, all as approved by the staff of the Development Department and the PUD Committee. A fifteen (15) foot landscape buffer shall run along the east boundary of the Real Estate along Allisonville Road, as shown on the Conceptual Site Plan. Landscaping within these buffer areas shall be approved by the PUD Committee.
Lighting	Lighting standards shall be in accordance with the UDO. All perimeter lighting shall be fully shielded with full cutoff fixtures to prevent direct lighting on Easy Street, Allisonville Road, or adjacent properties.
Parking	Parking shall be provided in accordance with the standards set forth in the UDO for the office and retail uses. A group of adjacent properties may provide a shared parking area in accordance with and pursuant to the UDO.
Front, Side and Rear Setbacks	<p>Building setbacks of 25 feet shall be provided on Easy Street and Kennel Drive, the street which has a full access intersection with Allisonville Road, 50 feet on Allisonville Road; and 20 feet on all other streets, drives and ways within the Real Estate.</p> <p>Lots in Parcels A and B shall have minimum side and rear setbacks as prescribed for the C-2 Neighborhood Business District under the UDO. Lots in Parcels C and D shall have minimum side and rear setbacks as prescribed for the C-1 Commercial District; provided,</p>

<p>Front, Side and Rear Setbacks (cont.)</p>	<p>however, that lots which abut a residential district, ("Perimeter Lots"), shall have side setbacks of 25 feet, exclusive of any driveway or parking area, and rear setbacks of not less than 50 feet. The rear setback may be used for off-street parking; subject to the landscape buffer requirements set forth herein.</p>
	<p>The side and rear setback requirements for the Perimeter Lots which abut areas that are zoned for residential uses but where a commercial use, legally established by variance or lawful non-conforming use, exists shall be determined in accordance with the minimum side and rear setbacks for the C-1 Commercial District, subject to the landscape buffer requirements set forth herein.</p>

SECTION 4. PERMITTED USES.

The commercial uses defined in Categories A and B, as set forth in Schedule I, attached hereto and incorporated herein, together with the additional permitted uses set forth below, shall be allowed on the Real Estate as follows:

<p>Parcel A</p>	<p>All uses set forth in Schedule I under Categories A and B of Schedule I and other similar uses, together with <b>Coffee Houses</b> (including those that primarily offer baked goods, such as donuts, pastries, bagels, muffins and other baked goods), the following restaurants: <b>Deli Style and Ice Cream Shop/Parlors, Family, Fine Dining, and Takeout Restaurants</b> and only one <b>Fast Food Restaurant</b>. If a Fast Food Restaurant is located on Parcel A, it must be located on Lot 2 (as shown on the Site Illustration Plan Exhibit "D").</p>
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Parcel B	All uses set forth in Schedule I under Categories A and B of Schedule I and other similar uses, together with <b>Coffee Houses</b> (including those that primarily offer baked goods, such as donuts, pastries, bagels, muffins and other baked goods), the following restaurants: <b>Deli Style and Ice Cream Shop/Parlors, Family, Fine Dining, and Takeout Restaurants</b> . No Fast Food Restaurants are permitted.
Parcels C & D	Only uses permitted in Category A as set forth in Schedule I and other similar uses shall be permitted.

The terms in **bold** are defined in the UDO.

#### SECTION 5. CONCEPTUAL SITE PLAN

The Conceptual Site Plan is attached hereto and incorporated herein by reference as Exhibit "B".

#### SECTION 6. ARCHITECTURAL STANDARDS

Building Signage	All wall signage shall be internally illuminated lit individual letters except that the office buildings may use reverse channel neon letters or individual backlit ("halo") letters. All other wall signage requirements shall be in conformance with the Sign Ordinance of the Town of Fishers.
Exterior Building Materials	Exterior building materials shall be high quality materials, including, but not limited to: brick; wood; limestone; other native materials; tinted/textured concrete masonry units of varying scales; and EIFS. 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 PUD Committee and (ii) would contribute to preservation or enhancement of existing traditional materials and the overall integrity and longevity of the structure.

<p>Building Facade and Trim</p>	<p>Façade colors shall be low reflectance, subtle, neutral or earth tone colors. Facades that are greater than 60 feet in length, measured horizontally, shall incorporate columns, wall plane projections or recesses or other architectural relief elements. No uninterrupted length of any façade shall exceed 60 horizontal feet.</p> <p>Building trim and accent areas may feature brighter colors, including primary colors.</p>
<p>Mechanical Equipment</p>	<p>All buildings shall screen all mechanical equipment, including that which is mounted to the roof and/or ground in accordance with the provisions of the UDO.</p>
<p>Building Design</p>	<p>The primary buildings on Parcels A, B and C shall be of a commercial design with residential features consistent with the conceptual design set forth in Exhibit "E" All single tenant buildings on Parcels A, B and C shall incorporate the elements of the brick, masonry and EIFS materials shown on the conceptual drawings in Exhibit "E." Primary buildings on Parcel D shall have residential style pitched roofs (6/12 pitch) with asphalt shingles.</p> <p>All buildings shall incorporate brick, masonry and/or EIFS materials on the front and side facades. The rear facade of all buildings shall incorporate brick and/or masonry materials.</p> <p><b>All building design shall be consistent with the conceptual design (including the Fast Food Restaurant, if applicable) and subject to the approval of the PUD Committee.</b></p>

SECTION 7. PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any detailed and final development plan shall be consistent with and pursuant to the provisions of the Planned Unit Development process as set forth in UDO.

SECTION 8. APPROVAL.

This Commercial PUD Ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 9<sup>th</sup> day of MAY, 2007.

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

**AYE**

**NAY**

**BY:**

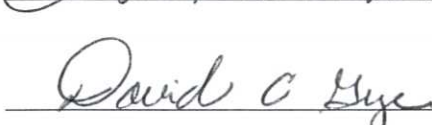
 Scott A. Faultless,  
President

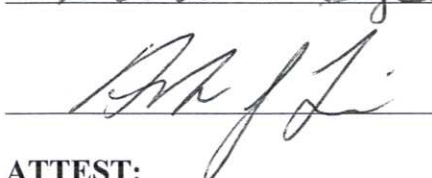
 Daniel E. Henke,  
Vice President

 Stuart F. Easley,  
Member

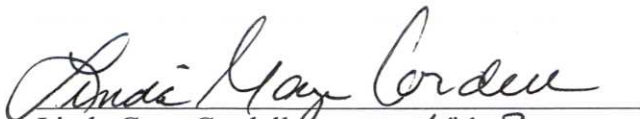
 Eileen Pritchard,  
Member

 Charles P. White,  
Member

 David C. George,  
Member

 Arthur J. Levine,  
Member

**ATTEST:**

  
Linda Gaye Cordell 120406 B  
Clerk-Treasurer  
Town of Fishers, Indiana

DATE: 5-9-07

Prepared by: Paul G. Reis, Esq., Bose McKinney & Evans LLP, Suite 300, 301 Pennsylvania Parkway, Indianapolis, IN 46280, (317) 684-5300.

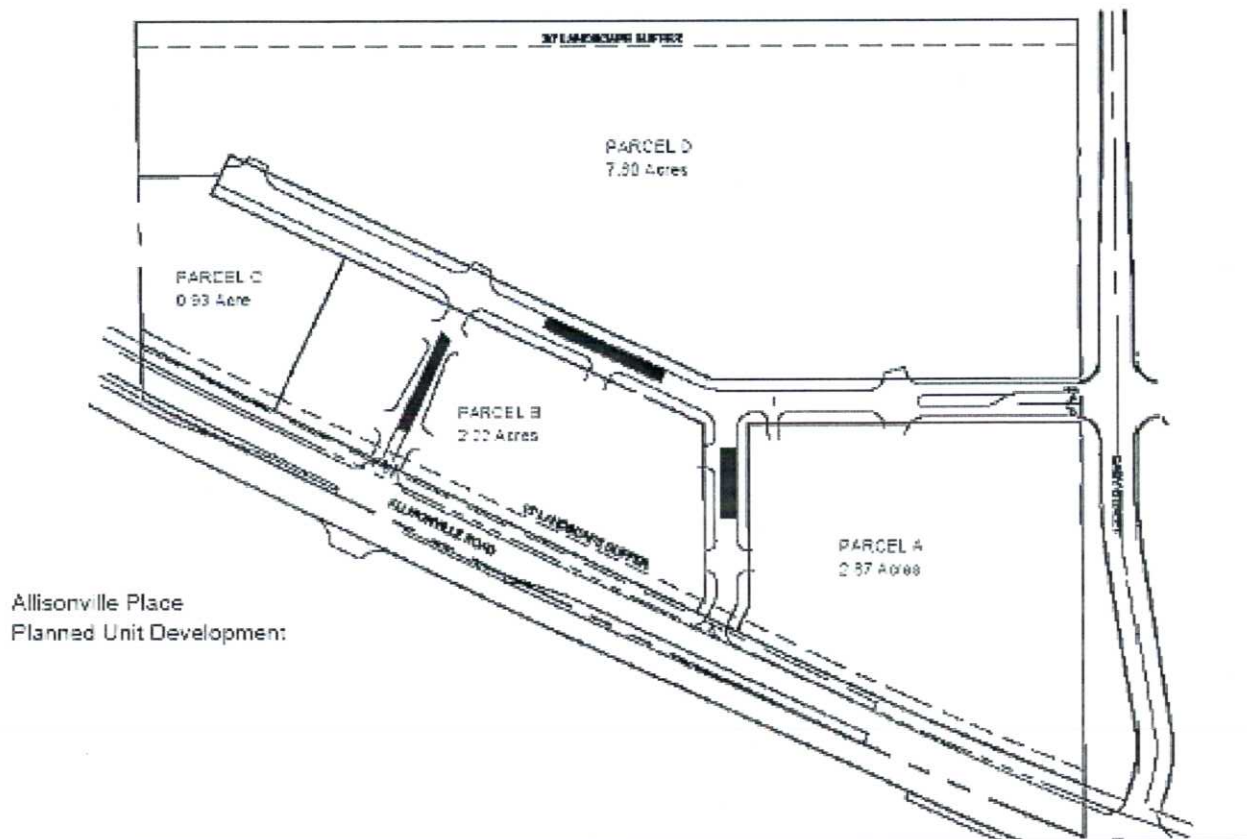
**EXHIBIT A****LEGAL DESCRIPTION**

Part of the Southwest Quarter of Section 2, Township 17 North, Range 4 East in Delaware Township, Hamilton County, Indiana, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 2, Township 17 North, Range 4 East; thence South 00 degrees 55 minutes 12 seconds West (assumed bearing) on the West line of said Southwest Quarter 115.00 feet to the Northwest corner of Gatewood, Section Two, a subdivision in Hamilton County, Indiana, the Secondary Plat of which is recorded in Plat cabinet No.1, on Slide 48, as Instrument #8919904 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 22 minutes 54-seconds East on the North line of said Subdivision, measured parallel with the North line of said Southwest Quarter, and the prolongation thereof, being the North line of Gatewood, Section One, a subdivision in Hamilton County, Indiana, the Secondary Plat of which is recorded in Plat Cabinet No.1, on Slide 47, as Instrument #8919903, in the Office of the Recorder of Hamilton County, Indiana, a total distance of 1203.80 feet to the Northeast corner of said Gatewood, Section One, said point being the POINT OF BEGINNING; thence South 01 degree 03 minutes 47 seconds West on the Easterly line of said Gatewood, Section One, 1074.20 feet to a point 1189.20 feet South of the North line of said Southwest Quarter, being the Northwesterly corner of real estate described on page 678, of Deed Record 309, in said Recorder's Office; thence deflecting left 91 degrees 05 minutes 00 seconds East 424.50 feet, deed (on a bearing of North 89 degrees 58 minutes 47 seconds East 425.58 feet, measured) on the Northerly line of said real estate to a point of the centerline of Allisonville Avenue, as now located and improved per I.S.H.C. plans for State Road #37, as Project #297, Sec. B, dated 1938, said centerline being on a curve, the radius point of which lies 2864.79 feet North 60 degrees 46 minutes 55 seconds West from said point; thence Northeasterly, curving to the left on said centerline, an arc distance of 135.44 feet to the point of tangency of said curve at a point 2864.79 feet South 63 degrees 29 minutes 27 seconds East of said radius point; thence North 26 degrees 30 minutes 33 seconds East on said centerline 689.30 feet to the point of curvature of a curve to the left having a radius of 4725.20 feet; thence Northeasterly, curving to the left on said centerline, an arc distance of 359.38 feet to a point which is 115.00 feet South of the North line of said Southwest Quarter; thence North 89 degrees 22 minutes 54 seconds West parallel with said North line 924.82 feet to the POINT OF BEGINNING, containing 16.79 acres, more or less.



**EXHIBIT B**  
**Conceptual Site Plan**



Allisonville Place  
 Planned Unit Development

Prepared by: DeBoy Land Development Services

**SITE CONCEPT PLAN**  
 DATE: 1 - 07

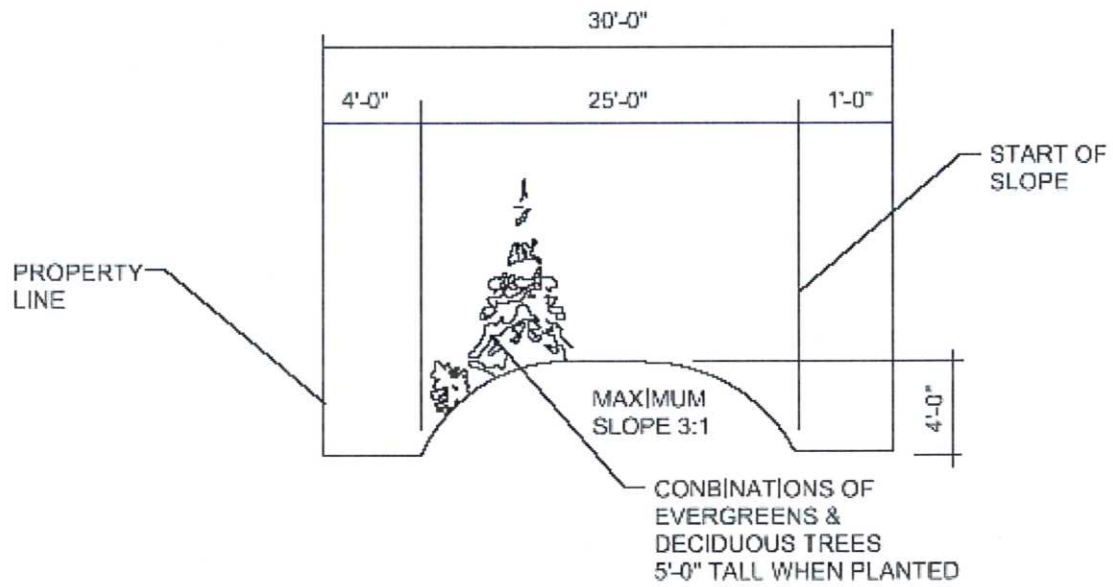


This site concept plan for the Allisonville Place Planned Unit Development shows the approximate location of the right-in/right-out curb cut on Allisonville Road. The exact location of the curb cut will be established with the approval of the Final Development Plan for Parcel A. The location of the line dividing Parcels B and C will be established with the Final Development Plans for those parcels.

**NOT TO SCALE**

EXHIBIT C

WEST LANDSCAPE BUFFER DETAIL PLAN



SECTION THRU REAR PROPERTY LINE

SCALE: NTS

### EXHIBIT D



Development details, including building sizes and locations, the north curb cut and detention areas, are conceptual and for illustration purposes only.

# ALLISONVILLE PLACE PLANNED UNIT DEVELOPMENT ORDINANCE

CONCEPTUAL BUILDING ELEVATIONS  
for illustration purposes – final design to be approved by PUD  
Committee



**SCHEDULE I**

**PERMITTED USES**

**A. Category A – permitted commercial uses:**

- (1) Office or office complex:
  - Professional offices
  - Bank, savings and loan, financial services
  - Real estate, insurance
  - Clinic, medical or dental
  - Nursing and convalescent homes
  - Medical or dental laboratories
  - Utility business office
  - Business offices related to local services
  - Mortuaries
  
- (2) Public and semi-public:
  - Libraries
  - Community centers
  - Governmental offices and buildings, limited to offices or clerical use only
  - Fire station
  - Civic clubs or recreational facilities
  - Parking areas for employees and public use
  
- (3) Schools, private and professional:
  - Dance
  - Music
  - Business
  - Clerical
  - Kindergarten, day nursery, day care
  - Arts and crafts
  
- (4) Accessory structures and uses.
  - (a) Accessory structures and uses shall be allowed which are subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, provided no exterior signage announcing such services or advertising to the public shall be permitted. Such permitted supportive services shall include pharmacy accessory to building medical offices, cafeteria, tobacco/candy/newspaper counter and similar uses designed and operated principally for service to building occupants, provided the total area occupied by such accessory shall not exceed 10% of the gross leasable area of the building.

- (b) Satellite television receiving-only antennas.
1. Satellite television receiving-only antennas shall be permitted as an accessory structure within the following standards subject to the setback requirements of the business zone.
  2. In all business districts a satellite television receiving-only antenna may have a maximum height of 12 feet above the ground, and when located on the roof of a building in a business district shall not exceed the height limitation for the district in which it is located.
  3. In a business district a satellite television receiving-only antenna shall not be located within 15 feet of any public right-of-way line.
  4. A satellite television receiving-only antenna having printed matter on its surface shall be treated as a sign in conformance with the regulations of the Zoning Code.
  5. An improvement location permit shall be required prior to the placement of all satellite television receiving-only antennas within a business district located on the ground of a building lot.
  6. All cables and connection from an antenna to other equipment on the premises shall be buried underground when an antenna is located on the ground, or appropriately concealed when an antenna is located on a building.
  7. Businesses selling or leasing satellite television receiving-only antennas may display antennas in the front yard of their businesses subject to the restrictions in divisions 1, 3, 5, and 6 of this section. Businesses shall take every precaution to safeguard the public from cables and connections to displayed antennas. All cables and connections shall be located out of the pedestrian walkways and vehicular parking areas and driveways adjacent to the respective business.

(5) Temporary structures and uses. Temporary structures and uses may include temporary signs, fences, walls, buildings, trailers, barricades and similar temporary structures incidental to the development of land during construction. These uses shall be shown and included in the plans and specifications with the application for the improvement location permit for the primary use and shall be removed concurrently with completion of construction of the primary use.

**B. Category B – permitted commercial uses:**

- (1) All uses allowed in the Category A-commercial uses listed above.
- (2) Shops and markets:
  - Bakery, retail outlet only
  - Barber shop
  - Beauty shop
  - Dairy—ice cream shop
  - Drug store
  - Meat market
  - Restaurant—A sit-down may have a liquor license if:
    - (1) Suitable kitchen facilities are on the premises;
    - (2) A primary use of the restaurant is for sit-down service to patrons;
    - (3) Adequate seating arrangements for patrons on the premises;
    - (4) Sale of alcoholic beverages is an incidental use to that of a sit-down restaurant.
  - Conventional table service
  - Cafeteria
  - Delicatessen
  - Grocery
- (3) Service shops:
  - Apparel store
  - Appliance store
  - Appliance repair
  - Shoe repair shop
  - Flower and garden shop
  - Gift shop
  - Jewelry shop
  - Dry cleaners, retail outlet only
  - Self service laundry and cleaners
  - Pet shop
  - Post office
  - Record shop
  - Stationery store
  - Variety store
  - Millinery shop
  - Hardware and paint store
  - Tailor shop
  - Utilities office, retail service only
  - Photographic studios
  - Reducing or health salons
- (4) Consumer oriented retail sales and services

(5) Neighborhood retail shopping. Neighborhood retail shopping shall mean a coordinated development of retail buildings composed of a mix of the permitted commercial uses as provided for in this ordinance. The total gross floor area of the retail development on Parcels A, B and C shall not exceed 90,000 square feet. As stated above, no single building on Parcels A, B or C shall exceed 22,000 square feet of gross floor area. See Site Illustration Plan, Exhibit "D."

(6) Accessory structures and uses.

(a) Accessory structures and uses, which are subordinate, appropriate and incidental to the above permitted uses, including supportive services related to, and in the same building with, the primary use, provided no exterior signage announces such services or advertises such to the public, shall be allowed.

(b) Satellite television receiving-only antennas.

1. Satellite television receiving-only antennas shall be permitted as structures within the following standards subject to the setback requirements of the business zone.
2. In all business districts a satellite television receiving-only antenna may have a maximum height of 12 feet above the ground, and when located on the roof of a building in a business district shall not exceed the height limitation for the district in which it is located.
3. In a business district a satellite television receiving-only antenna shall not be located within 15 feet of any public right-of-way line.
4. A satellite television receiving only antenna having printed matter on its surface shall be treated as a sign in conformance with the regulations of the Zoning Code.
5. An improvement location permit shall be required prior to the placement of all satellite television receiving-only antennas within a business district located on the ground of a building lot.
6. All cables and connections from an antenna to other equipment on the premises shall be buried underground when an antenna is located on the ground, or appropriately concealed when an antenna is located on a building.
7. Businesses selling or leasing satellite television receiving-only antennas may display antennas in the front yard of their businesses subject to the restrictions in divisions 1, 3, 5, and 6 of this section. Businesses shall take every precaution to safeguard the public from



cables and connections to displayed antennas. All cables and connections shall be located out of the pedestrian walkways and vehicular parking areas and driveways adjacent to the respective business.

(7) Temporary structures and uses. Temporary structures and uses may include temporary signs, fences, walls, buildings, trailers, barricades and similar temporary structures incidental to the development of land during construction. Their uses shall be shown and included in the plans, specifications and with the application for the Improvement Location Permit for the primary use, and all temporary structures or buildings shall be removed concurrently with the completion of the construction of the primary use.