

**CROSSPOINT
ORDINANCE NO. 122892A**

AN ORDINANCE AMENDING THE ZONING ORDINANCES 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 Zone Map, identified as OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated November 3, 1980, which accompanies and is a part of the Zoning Ordinance of the Town of Fishers, Indiana, as amended, is hereby changed as follows:

That the zoning classification of the following described real estate is hereby reclassified from C4 to PD:

A part of the southeast Quarter of the Southeast Quarter of Section 11, Township 17 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southeast corner of said Quarter Quarter Section; thence North 89 degrees 45 minutes 26 seconds West along the South line of said Quarter Quarter Section a distance of 980.75 feet to the Easterly right-of-way of the Norfolk and Western Railroad; thence North 27 degrees 25 minutes 44 seconds East along said Easterly right-of-way line a distance of 18.63 feet to the POINT OF BEGINNING; thence continuing North 27 degrees 25 minutes 44 seconds East along said Easterly right-of-way line a distance of 1,169.43 feet; thence North 89 degrees 46 minutes 38 seconds East a distance of 391.17 feet to the West right-of-way line of Hague Road; thence South 00 degrees 07 minutes 30 seconds West parallel with the East line of said Quarter Quarter Section and along said West right-of-way line a distance of 965.93 feet; thence South 14 degrees 44 minutes 42 seconds West along said West right-of-way line a distance of 32.20 feet to the North right-of-way line of East 96th Street (the following three (3) courses are along said North right-of-way line); (1) thence South 89 degrees 45 minutes 26 seconds West parallel with the South line of said Quarter Quarter Section a distance of 310.00 feet; (2) thence South 68 degrees 42 minutes 05 seconds West a distance of 107.16 feet; (3) thence South 89 degrees 45 minutes 26 seconds West parallel with the South line of said Quarter Quarter Section a distance of 513.94 feet to the point of beginning. Containing 15.40223 acres, more or less.

That Ordinance Number 112085, an Ordinance which originally established the Crosspoint Planned Development District, is hereby amended to include the real estate described above.

SECTION 2

That the Declaration of Covenants, Easements, and Restrictions ("Declaration"), recorded as Instrument #881527 in the Office of the Recorder of Hamilton County, Indiana, which specifies development standards and regulates land uses in the Crosspoint Planned Development District established by Ordinance Number 112085, shall be amended as follows:

AMENDMENT 1.

Article II, Section 2 of the Declaration shall be amended to read as follows:

14. Gasoline service stations generally, except that gasoline service stations may be allowed on the real estate described in Amendment 14 herein.

AMENDMENT 2.

Article II, Section 4 of the Declaration shall be amended by the addition of the following paragraph to the end of said Section:

In its plan review capacity, the Declarant or Architectural Review Board may waive, modify or reduce any of the development standards listed herein as required for plan approval, pursuant to the appropriate zoning approvals from the Town of Fishers, as long as such waiver, modification or reduction has no substantial adverse effect on the use, value or enjoyment of any Owner's property.

AMENDMENT 3.

Article III, Section 1 of the Declaration shall be amended to add the following sentence to the end of the Section:

For the purposes of this Declaration retail use shall be defined as a commercial enterprise which sells goods or commodities directly to consumers on its premises as its primary activity.

AMENDMENT 4.

Article III, Section 2.A of the Declaration shall be amended to read as follows:

A. Buildings.

1. With the exception of retail uses, buildings or structures of any kind, or any part thereof, shall not be placed closer than seventy-five (75) feet to the street right-of-way line for buildings or structures on Crosspoint Boulevard or closer than fifty (50) feet to any other street right-of-way line or any closer than twenty (20) feet to a side or rear property line, except that where a parcel abuts an existing residential area, minimum rear building setback shall be fifty (50) feet, with the rear thirty (30) feet to remain a natural buffer.

2. For retail uses, buildings or structures of any kind, or any part thereof, shall not be placed closer than fifty (50) feet to the street right-of-way line for buildings or structures on Crosspoint Boulevard, Hague Road, or 96th Street, or closer than twenty-five (25) feet to any other street right-of-way line or any closer than twenty (20) feet to a side or rear property line, except that where a parcel abuts an existing residential area, minimum rear building setback shall be fifty (50) feet with the rear thirty (30) feet to remain a natural buffer.

3. The building setback distances defined hereinabove may be reduced upon approval of both the Architectural Review Board and the Fishers Board of Zoning Appeals.

AMENDMENT 5.

Article III, Section 4.A.2 of the Declaration shall be amended to read as follows:

2. A minimum area of ten (10) feet deep along the front elevation of all non-retail buildings shall be reserved for foundation planting. A maximum of fifty (50) percent of this area may be lawn. Retail buildings and structures shall be required to provide a landscaping area at least ten feet wide between any parking area and the street right-of-way, at least five (5) feet of which shall be established as shrub planting strip. A maximum of twenty-five (25) percent of this shrub planting strip may be lawn. Shrubs within this strip shall be at least two and one-half (2 1/2) feet in height and shall have a maximum mature height or be maintained at a height not to exceed three-and-one-half (3 1/2) feet.

AMENDMENT 6.

Article III, Section 4.A.3 of the Declaration shall be amended to read as follows:

3. On non-retail sites, no less than twenty-five (25) percent of the area between the building line and the street right-of-way shall be devoted to landscaping. For retail sites, no less than ten (10) percent of the area between the building line and the street right-of-way shall be devoted to landscaping, which in no case shall be less than ten (10) feet wide along the property frontage on the street.

AMENDMENT 7.

Article III, Section 5 of the Declaration shall be amended to add subsection D as follows:

D. Highway Commerce Signs. The declarant may install up to four (4) highway commerce identification signs on the real estate within an area that lies within 1,500 feet of the intersection of the center lines of 96th Street and Interstate Highway 69 (I-69) in Hamilton County. The declarant may then allow from one (1) to four (4) business establishments within Crosspoint to identify themselves on each of these signs. Three of the four said identification signs may be erected to a maximum height of eighty-five (85) feet above the grade of I-69, and one (1) identification sign may be erected to a maximum height of forty (40) feet above the grade of I-69. Signs may be internally illuminated and double-sided, and the total sign area on any single pole sign face may not exceed five hundred seventy six (576) square feet in size per side, with no individual business allowed more than four hundred twenty (420) square feet of said maximum sign area. No highway commerce signs shall be installed by an individual owner within Crosspoint except by the express written permission of the Architectural Review Board.

AMENDMENT 8.

Article III, Section 6.C.1 of the Declaration shall be amended to read as follows:

1. General Retail Use: One (1) parking space per 180 gross square feet of floor area.

AMENDMENT 9.

Article III, Section 6.C. of the Declaration shall be amended to add 6.C.9 and 6.C.10 as follows:

9. Service Station (Repair and/or Gas Station): One (1) parking space per employee and two (2) spaces per service bay.

10. Retail Stores generating lighter traffic, including but not limited to: Furniture, Jewelry, Gifts, Appliance Stores, Personal Service Shops, Household or Equipment Repair Shops, Printing/Photocopying/Reprographic Services, Clothing and Shoe Repair, Tailor shops, Interior Decorating, Wearing Apparel, Photography, Records, Health Salon, Dry Cleaner, Pet Shops: One (1) parking space for each 300 gross square feet of floor area, but no case less than three (3) spaces per use.

AMENDMENT 10.

Article III, Section 6.F of the Declaration shall be amended to read as follows:

F. Curb-cuts. Each lot within the project shall have a maximum of two (2) curb-cuts onto any access road. The curb-cut shall be a maximum of thirty (30) feet wide from face of curb to face of curb. Curb cuts shall be a minimum of eighty (80) feet apart from centerline to centerline. Curb-cuts shall be a minimum of ten (10) feet from side lot line to the edge of the curb-cut for retail uses and twenty (20) feet from side lot line to the edge of the curb-cut for all other uses. All curb-cuts shall have a minimum fifteen (15) foot return radius for areas designated on the Final Development Plan for automobile traffic and thirty (30) feet for areas designated on the Final Development Plan for truck traffic.

AMENDMENT 11.

Article III, section 7.A.1 of the Declaration shall be amended to read as follows:

1. There shall be no loading doors, docks, material hauling facilities or accessory structures fronting on any streets within Crosspoint.

AMENDMENT 12.

Article III, Section 7.A.3 of the Declaration shall be amended to read as follows:

3. Loading doors, docks, facilities and other service areas shall be adequately screened from view by landscaping or other means as approved by the Declarant or the Architectural Review Board, to minimize the effect of their appearance from any street, access way, freeway, and/or neighboring real estate. If landscaping (shrubs, trees, etc.) is used for the screening, all plants shall be of a species, size, density and placement as determined by the Declarant or the Architectural Review Board to completely screen (block view of) the area to be screened.

AMENDMENT 13.

Article III, Section 7.C of the Declaration shall be amended to read as follows:

C. Mechanical Equipment. Any mechanical equipment at ground level or situated on a building roof top within view from ground level that is determined by the Declarant or the Architectural Review Board to be unsightly or incompatible with the established aesthetic standards of Crosspoint shall be appropriately screened with an architectural wall of a material compatible with

the principal building or approved landscaping. Any such walls or landscaping screens must be approved by the Declarant or the Architectural Review Board prior to their erection.

AMENDMENT 14.

Exhibit "A" of the Declaration shall be amended to include the following described real estate:

A part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 17 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Quarter Quarter Section; thence North 89 degrees 45 minutes 26 seconds West along the South line of said Quarter Quarter Section a distance of 980.75 feet to the Easterly right-of-way of the Norfolk and Western Railroad; thence North 27 degrees 25 minutes 44 seconds East along said Easterly right-of-way line a distance of 18.63 feet to the POINT OF BEGINNING; thence continuing North 27 degrees 25 minutes 44 seconds East along said Easterly right-of-way line a distance of 1,169.43 feet; thence North 89 degrees 46 minutes 38 seconds East a distance of 391.17 feet to the West right-of-way line of Hague Road; thence South 00 degrees 07 minutes 30 seconds West parallel with the East line of said Quarter Quarter Section and along said West right-of-way line a distance of 965.93 feet; thence South 14 degrees 44 minutes 42 seconds West along said West right-of-way line a distance of 32.20 feet to the North right-of-way line of East 96th Street (the following three (3) courses are along said North right-of-way line); (1) thence South 89 degrees 45 minutes 26 seconds West parallel with the South line of said Quarter Quarter Section a distance of 310.00 feet; (2) thence South 68 degrees 42 minutes 05 seconds West a distance of 107.16 feet; (3) thence South 89 degrees 45 minutes 26 seconds West parallel with the South line of said Quarter Quarter Section a distance of 513.94 feet to the point of beginning. Containing 15.40223 acres, more or less.

SECTION 3.

That if the terms or provisions of Ordinance 112085, as amended hereby, and the Fishers Zoning Ordinance, Ordinance 110380, come into conflict, the terms and provisions of Ordinance 112085, as amended, shall prevail.

SECTION 4.

That this Ordinance shall be in full force and effect from and after its passage.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this ____ day of _____, 1992.

TOWN COUNCIL, TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

By:

Walter F. Kelly

James P. Roederer

Roy G. Holland

David C. Gingrich

Deborah Heckart

ATTEST:

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

This instrument prepared by Douglas B. Floyd, Attorney at Law, P.O. Box 2020, 198 South 9th Street, Noblesville, Indiana, 46060.

EXHIBIT "C"

CHART OF MAXIMUM LOT COVERAGE
FOR USES AT CROSSPOINT

LAND USE	MAXIMUM LOT COVERAGE
Retail	65%
Office	40%
Office/Distribution	45%
Hotel	40%
Bulk Distribution	50%
Other	As determined by the Declarant or Architectural Review Board and the Fishers Plan Commission

Ord # 122 892A

CROSSPOINT

AMERICA'S BUSINESS CROSSING

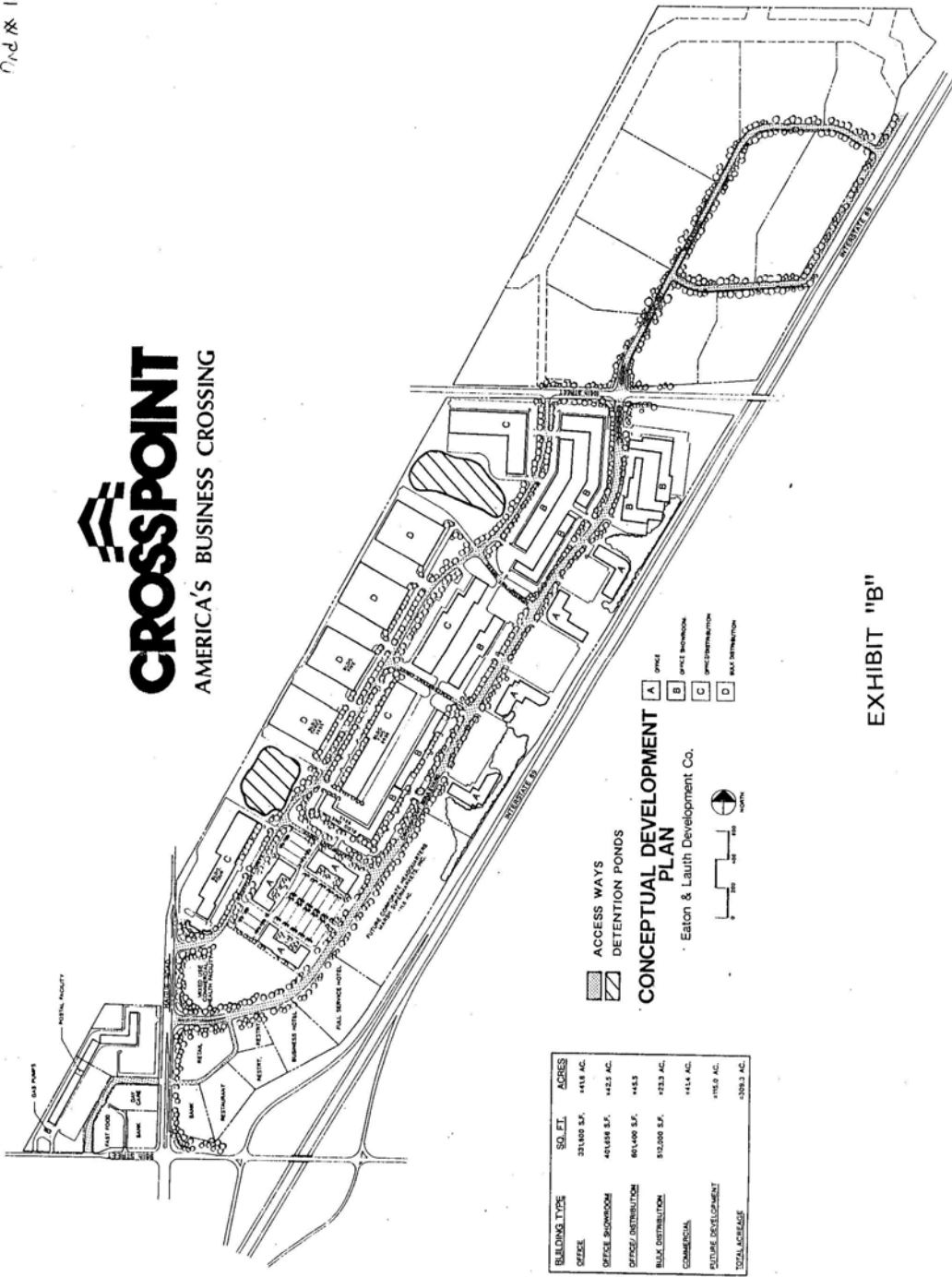


EXHIBIT "B"