

ORDINANCE NO. 120103C

AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF FISHERS, INDIANA – 1980

THIS ORDINANCE #120103C (the “Exit 5 PUD”) IS AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA, DATED NOVEMBER 3, 1980, Ordinance No. 110380, as amended (the “Zoning Ordinance”), which Zoning Ordinance includes the Comprehensive Plan – Chapter 150, as amended (the “Comprehensive Plan”) and the Zoning Code, Chapter 151, as amended (the “Zoning Code”);

SECTION 1. DECLARATION.

It is hereby ordained by the Town Council (the “Council”) of the Town of Fishers, Indiana (the “Town”) that the text of the Zoning Ordinance and the Official Zoning Map (the “Zone Map”) of the Town, which accompanies and is part of the Zoning Code, are hereby amended as follows:

That the Zoning Classification of the real estate described in what is attached hereto and incorporated herein by this reference as Exhibit “A” (the “Real Estate”) is hereby zoned PUD-C per the terms and conditions of this Exit 5 PUD.

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of the Exit 5 PUD is to provide an innovative commercial use development which promotes creativity and flexibility in the development of the Real Estate.

SECTION 3. LAND USE.

The above-described Real Estate is hereby designated as a PUD district, as further defined in this Ordinance.

The Preliminary Development Plan is attached hereto, incorporated herein and marked “Exhibit B”.

The permitted land uses are as follows:

1. Commercial. All uses permitted in the C3 classification of the Zoning Ordinance.
2. Industrial. All uses permitted in the I1 classification of the Zoning Ordinance.
3. Accessory Standards and Uses. All special uses, accessory structures, and accessory uses per the terms of the C3 and I1 classifications of the Zoning Ordinance.

SECTION 4. DEVELOPMENTAL STANDARDS. The applicable development standards shall be as follows:

1. The development of any use permitted within the C3 classification of the Zoning Ordinance shall be in accordance with the C3 development standards of the Zoning Ordinance;
2. The development of any use permitted within the I1 classification of the Zoning Ordinance shall be in accordance with the I1 development standards of the Zoning Ordinance.

SECTION 5. PROCEDURES.

The adoption of this Exit 5 PUD 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 (the "PUD Procedures").

The petitioner shall follow all PUD Procedures. In addition, the petitioner shall:

- Meet with staff to discuss the project;
- Meet with the PUD Committee to present preliminary plans and drawings for the project and for architectural review for compliance with this Exit 5 PUD and the corresponding written commitments; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;
- Submit material samples, color boards and other materials which further illustrate the project to the PUD Committee;
- Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project;
- A fee for PUD architectural review shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance.

SECTION 6. APPROVAL.

This Exit 5 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
20th DAY OF January, 2004

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY:

AYE

NAY

Scott Faultless Scott Faultless,
President

Timothy O. Lima Timothy O. Lima,
Wice President

Charles P. White Charles White,
Member

Stuart F. Easley Stuart F. Easley,
Member

Eileen N. Pritchard Eileen N. Pritchard,
Member

David C. George David C. George,
Member

Dan E. Henke Dan E. Henke,
Member

ATTEST:

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

120103C

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

Prepared by: Charles D. Frankenberger, NELSON & FRANKENBERGER, 3105 E. 98th Street,
Suite 170, Indianapolis, IN 46280, (317) 844-0106.

EXHIBIT "A"

Legal Description of Real Estate

Part of the West Half of the Southwest Quarter of Section 32, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, described as follows:

Beginning on the West line of the Southwest Quarter of Section 32, Township 18 North, Range 5 East 245.00 feet North 01 degrees 15 minutes 39 seconds East (assumed bearing) from the Southwest corner of said Southwest Quarter; thence South 89 degrees 07 minutes 11 seconds East parallel with the South line of said Southwest Quarter 307.85 feet; thence North 01 degrees 15 minutes 39 seconds East parallel with said West line 283.00 feet; thence North 89 degrees 07 minutes 11 seconds West parallel with said South line 307.85 feet to the West line of said Southwest Quarter; thence South 01 degrees 15 minutes 39 seconds West on said West line 283.00 feet to the place of beginning, containing 2.00 acres, more or less.

Subject Site of Sunbeam Development Annexation & Initial Zoning

EXHIBIT "B"

