

ORDINANCE NO. 081511A

**An Ordinance to Amend the Unified Development Ordinance of the Town of Fishers, Hamilton County,
Indiana – 2006**

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "UDO"), and the Fishers Marketplace Planned Unit Development Ordinance No. 070506, as amended by Ordinance 081808D, previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

WHEREAS, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 14-TA-11 as required by law in regard to the application filed by the Town of Fishers, Indiana regarding the subject real estate described in Exhibit A attached hereto (the "Real Estate"); and

WHEREAS, the Plan Commission at its September 13, 2011, meeting sent a favorable recommendation to the Town of Fishers Town Council by a vote of 11 in favor and 0 opposed.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Original PUD Ordinances are hereby amended as follows (the "**SECTION**" references below refer to the Sections of the Fishers Marketplace PUD Ordinance 070506):

SECTION 3. LAND USE

In addition to those uses permitted and prohibited by Ordinance 070506, the following uses shall be prohibited:

Automobile sales, new and/or used
Automobile rentals
Automobile service and/or repair
Gas stations
Car washes
Self storage
Kennel

In addition to those prohibitions, any single-tenant retail space greater than ninety-thousand (90,000) square feet shall comply with the following standards, in addition to all other applicable standards:

- The surface area (except for windows, doors, and other openings) of any frontage elevation shall have a minimum of 75% natural brick or stone as the exterior material
- All other elevations shall have a minimum of 50% natural brick or stone;
- All buildings shall use a mixture of natural brick and stone;
- Each ground floor frontage façade shall engage pedestrians. This can be achieved through the use of windows, display windows, entry areas, and other pedestrian-oriented features. These features should account for fifty (50) percent of the façade from two (2) feet to eight (8) above grade.

- The primary building frontage shall feature pedestrian scaled lighting.
- All customer entrances shall feature a plaza area, which features landscape beds/planter boxes, a weather protection feature, and decorative surface treatments (ie. stamped concrete or asphalt, or pavers).
- Shopping cart storage areas shall be screened from view of the parking lot, internal sidewalks, and any perimeter streets. This would not be interpreted to apply to cart corrals.
- Outdoor centers, garden centers, greenhouses, and the like shall be integrally designed into the primary structure and shall feature similar exterior materials and treatments.

EFFECTS OF APPROVAL

All other provisions of the Fishers Marketplace PUD Ordinance shall remain in effect with the adoption of this ordinance. All provisions and representations of the Fishers Marketplace PUD Ordinance that conflict with the provisions of this ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this ordinance.

APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 9th day of Nov, 2011.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

	AYE	NAY
BY: <u>Scott A. Faultless</u>	Scott A. Faultless, President	_____
<u>Mike L. Colby</u>	Mike L. Colby, Vice President	_____
_____	Stuart F. Easley, Member	_____
<u>Eileen N. Pritchard</u>	Eileen N. Pritchard, Member	_____
<u>Daniel E. Henke</u>	Daniel E. Henke, Member	_____
<u>David C. George</u>	David C. George, Member	_____
<u>Edward H. Offerman</u>	Edward H. Offerman, Member	_____

ATTEST: Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
081511A

Exhibit A – Fishers Marketplace North Property Description

A part of the Southeast Quarter of Section 19 and a part of the Northeast Quarter of Section 30, both being Township 18 North, Range 5 East, Fall Creek Township, Hamilton County, Indiana; being more particularly described as follows:

Commencing at the northeast corner of the Northeast Quarter of Section 30, Township 18 North, Range 5 East; thence South 89 degrees, 14 minutes, 41 seconds West a distance of 1,281.9747 feet, also being the Point of Beginning; thence South 00 degrees, 00 minutes, 00 seconds West a distance of 1,413.7419 feet; thence North 90 degrees, 00 minutes, 00 seconds West a distance of 432.9998 feet; thence North 00 degrees, 06 minutes, 58 seconds West a distance of 55.0006 feet; thence North 04 degrees, 02 minutes, 36 seconds West a distance of 40.1645 feet; thence North 07 degrees, 56 minutes, 35 seconds West a distance of 33.312 feet; thence North 10 degrees, 54 minutes, 58 seconds West a distance of 24.3102 feet; thence North 13 degrees, 30 minutes, 17 seconds West a distance of 30.7744 feet; thence North 17 degrees, 08 minutes, 32 seconds West a distance of 26.2291 feet; thence North 19 degrees, 07 minutes, 13 seconds West a distance of 22.6477 feet; thence North 23 degrees, 28 minutes, 48 seconds West a distance of 13.7432 feet; thence North 21 degrees, 00 minutes, 00 seconds West a distance of 82.8388 feet to northwest corner of parcel 15-11-30-00-00-014.004; thence continuing North 21 degrees, 00 minutes, 00 seconds West a distance of 27.5710 feet; thence North 19 degrees, 39 minutes, 06 seconds West a distance of 33.499 feet; thence North 16 degrees, 00 minutes, 55 seconds West a distance of 24.4646 feet; thence North 13 degrees, 38 minutes, 34 seconds West a distance of 23.0776 feet; thence North 10 degrees, 54 minutes, 16 seconds West a distance of 24.1693 feet; thence North 07 degrees, 24 minutes, 43 seconds West a distance of 27.0068 feet; thence North 03 degrees, 30 minutes, 48 seconds West a distance of 24.8682 feet; thence North 01 degrees, 12 minutes, 25 seconds West a distance of 28.7048 feet; thence North 00 degrees, 00 minutes, 00 seconds West a distance of 43.97 feet; thence North 89 degrees, 00 minutes, 00 seconds West a distance of 50.0804 feet; thence South 00 degrees, 06 minutes, 40 seconds West a distance of 246.0087 feet; thence South 20 degrees, 54 minutes, 31 seconds East a distance of 111.3213 feet; thence South 20 degrees, 19 minutes, 59 seconds East a distance of 28.5475 feet; thence South 14 degrees, 51 minutes, 30 seconds East a distance of 47.9704 feet; thence South 10 degrees, 37 minutes, 10 seconds East a distance of 38.5096 feet; thence South 05 degrees, 38 minutes, 27 seconds East a distance of 38.5096 feet; thence South 00 degrees, 26 minutes, 10 seconds East a distance of 71.0618 feet; thence South 90 degrees, 00 minutes, 00 seconds West a distance of 74.0002 feet; thence North 89 degrees, 41 minutes, 05 seconds West a distance of 454.5673 feet; thence South 87 degrees, 02 minutes, 01 seconds West a distance of 33.9867 feet; thence South 84 degrees, 48 minutes, 21 seconds West a distance of 26.7443 feet; thence South 77 degrees, 47 minutes, 57 seconds West a distance of 30.5529 feet; thence South 74 degrees, 14 minutes, 57 seconds West a distance of 32.7050 feet; thence South 69 degrees, 46 minutes, 29 seconds West a distance of 32.6848 feet; thence South 63 degrees, 58 minutes, 14 seconds West a distance of 38.6232 feet; thence South 61 degrees, 04 minutes, 24 seconds West a distance of 35.0413 feet; thence South 52 degrees, 54



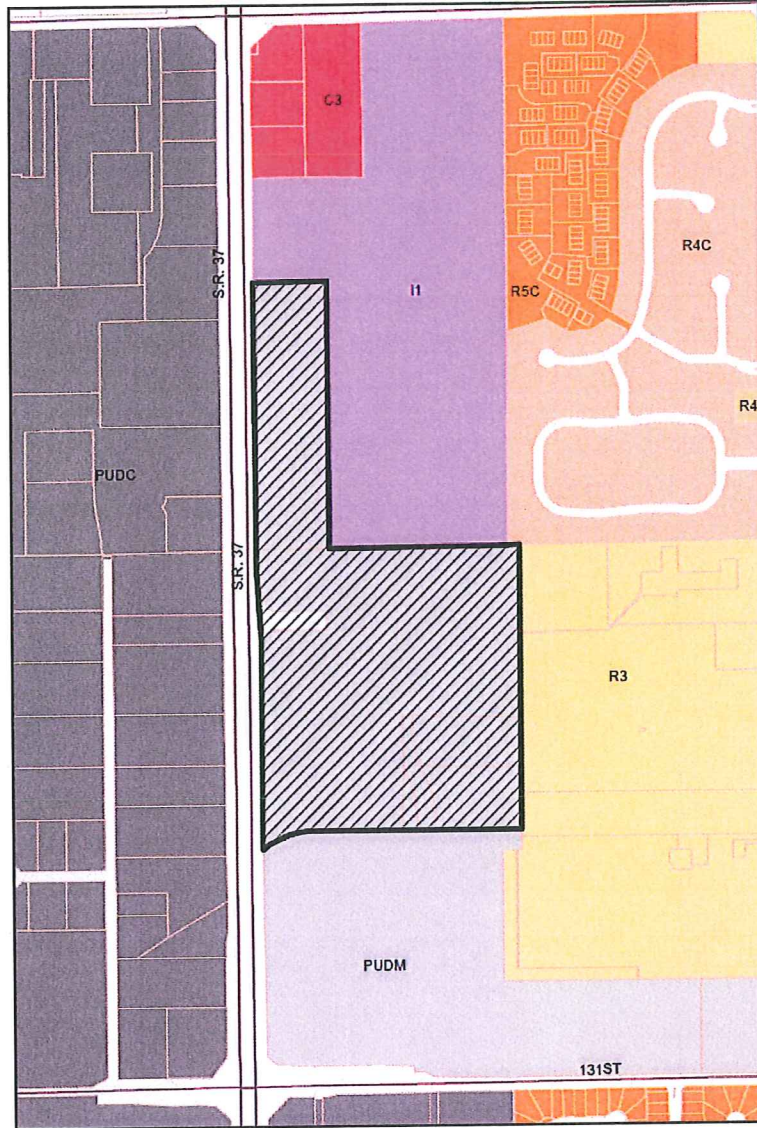
14-TA-11 Fishers Marketplace Text Amendment

Town Council

Scott A. Paulsen
Michael L. Colby
Susan P. Easley
Eileen N. Fitzchard
Daniel E. Henke
David C. George
Edward H. Offerman
Clerk-Treasurer
Linda Goye Cordell

This map was derived using parcel data supplied by Hamilton County, Indiana Information Services. This map is for display purposes only and is not to be considered accurate for legal descriptions or other legal purposes.

Town of Fishers
Development Department
One Municipal Drive
Fishers, Indiana 46038
www.fishers.in.us
August 2011



Legend

 14-TA-11

