

**OLYMPIA
ORDINANCE NO. 080601A**

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 1980, ORDINANCE -1980, ORDINANCE NO.110380 (the "Zoning Ordinance"), 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:

The Zoning Classification of the real estate described in Exhibit "A" hereto 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. DEVELOPMENTAL STANDARDS.

The Development Standards are specified in what is attached hereto and incorporated herein as Exhibit "B".

SECTION 4. LAND USE.

Uses permitted under Commercial Districts C1 and C2 of the Zoning Ordinance, together with (i) convalescent, nursing home and assisted living uses and (ii) one restaurant offering fast food services.

SECTION 5. CONCEPTUAL SITE PLAN.

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

SECTION 6. 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 Section 151.072 Planned Unit Development District.

SECTION 7. 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 All provisions or parts thereof in conflict herewith are hereby repealed.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 15th day of October, 2001.

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

BY:

Scott A. Faultless /s/ Scott A. Faultless,
President

Timothy O. Lima /s/ Timothy O. Lima,
Vice President

Charles P. White /s/ Charles P. White,
Member

_____ Stuart F. Easley,
Member

Eileen Pritchard /s/ Eileen Pritchard,
Member

James W. Wallace /s/ James W. Wallace,
Member

Dan E. Henke /s/ Dan E. Henke,
Member

ATTEST:

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

DATE: _____

Prepared by: Charles D. Frankenberger, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, IN 46280, (317) 844-0106.

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 said Recorder's Office, a total distance of 1203.80 feet to the Northeast corner of said GATEWOOD, SECTION ONE; 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 on 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 4775.48 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 place of beginning, containing 16.79 acres, more or less.

EXHIBIT "B"

Development Standards

Maximum Square Footage of Any Building	22,000
Maximum Building Height	35 Feet
Signage	Per Sign Ordinance of the Town of Fishers, Indiana
Permitted Uses - Parcel A	All uses permitted in the Commercial District C-1 of the Zoning Ordinance
Permitted Uses - Parcel B-1	All uses permitted in the Commercial District C-2 of the Zoning Ordinance; provided, however, that fast food restaurants, auto service stations, and gasoline sales are prohibited.
Permitted Uses - Parcel B-2	One fast food restaurant and all uses permitted in the Commercial District C-2 of the Zoning Ordinance, including gasoline sales. There can be either one fast food restaurant or gasoline sales in Parcel B-2, but not both. In other words, if there are gasoline sales in Parcel B-2, there can be no fast food restaurant, and if there is a fast food restaurant in Parcel B-2, there can be no gasoline sales.
Front, Rear, and Side Yard Set Backs	As defined in the Commercial District C-1 of the Zoning Ordinance for Parcel A, and as defined in the Commercial District C-2 of the Zoning Ordinance for Parcels B-1 and B-2.

Architectural standards

1. All roofs will be pitched residential style with asphalt shingles;
2. Exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone, tinted/textured concrete masonry units 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 PD Committee and (ii) would contribute to preservation or

enhancement of existing traditional materials and the overall integrity and longevity of the structure;

3. Facade colors shall be low reflectance, subtle, neutral or earth tone colors;
4. Building trim and accent areas may feature brighter colors, including primary colors;
5. No building, except buildings used for nursing, convalescent and assisted living services, shall be more than one story in height. Buildings used for assisted nursing, convalescent, and assisted living services may exceed one story in height;
6. All buildings shall screen all mechanical equipment, including that which is mounted to the roof and/or ground; and
7. Gasoline service station canopies shall be architecturally compatible. Gasoline pumps and bays are to be located on the west side of the building located on Parcel B-2.

Signage

1. All wall signage shall be reverse channel letter neon.
2. All other signage requirements shall be in conformance with Sign Ordinance of the Town of Fishers.
3. Ground signs shall be architecturally compatible.

Lighting

1. Except for areas adjacent to public rights-of-way, lighting shall be limited to 0.5-foot candles at the property line.
2. There shall be no greater than a ten-foot candle maximum on site.
3. Light poles shall be limited to 30 feet in height.
4. Site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180-degree angle of light.

Accessory uses

1. Dumpster and trash compactors shall be enclosed by a masonry enclosure and gated.
2. No outdoor sales areas are permitted unless surrounded by a permanent structure consistent with the material of the building.
3. Permanent outdoor display areas are permitted provided that they are surrounded by a combination of a 2.5-foot tall masonry wall or wrought iron fencing or combination of the two.

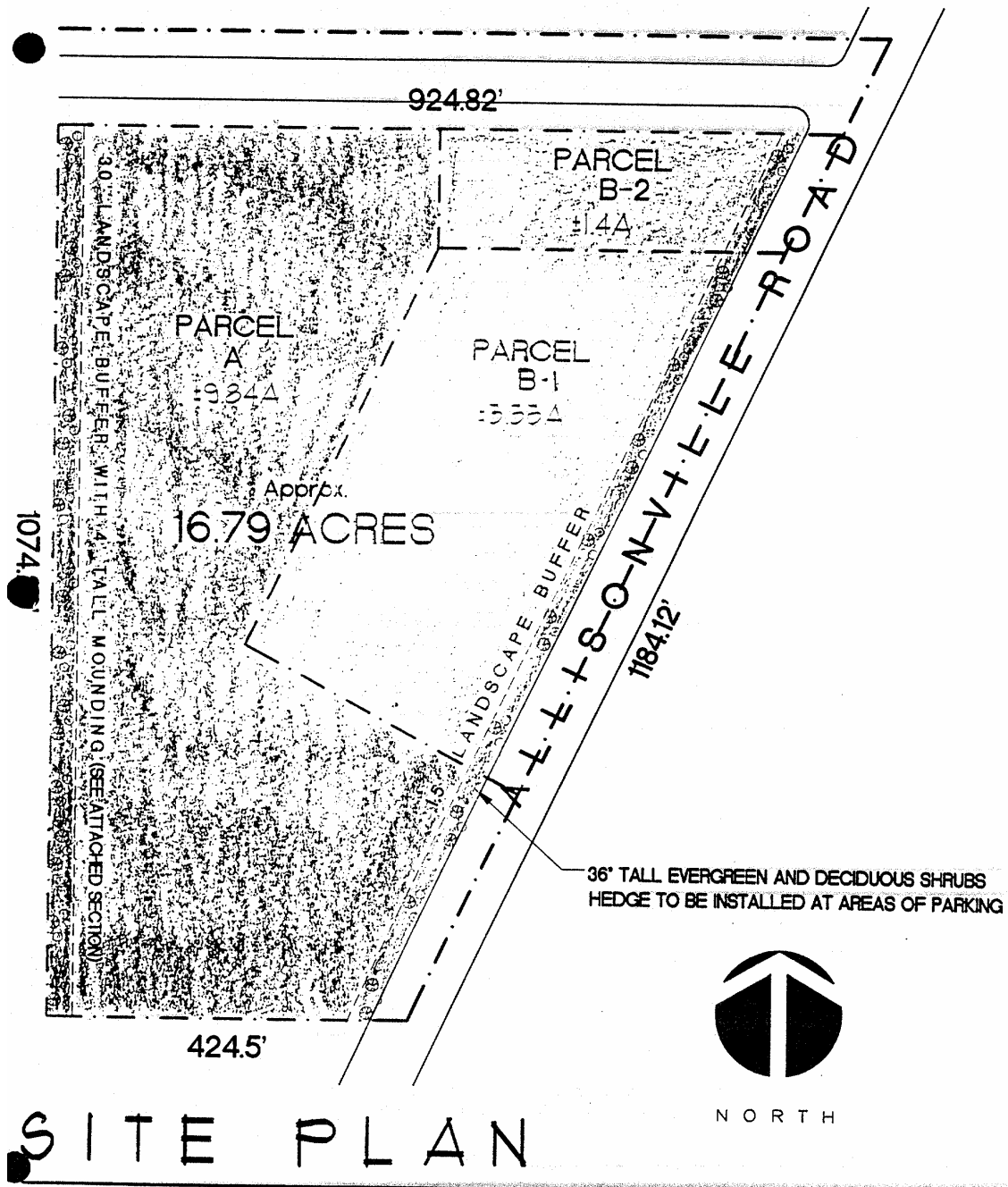
Landscaping

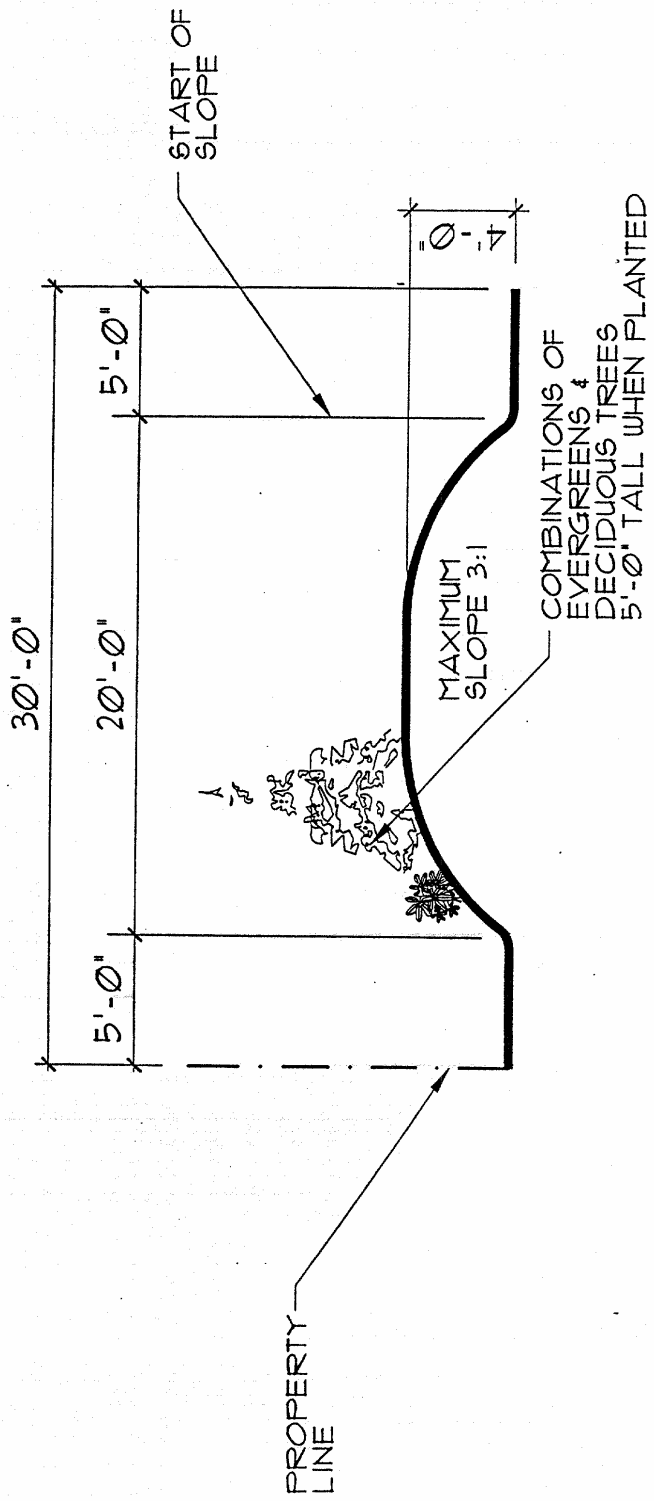
1. Landscaping is generally depicted on the Conceptual Site Plan.
2. The actual landscaping to be installed within the 30-foot and 15-foot landscape areas identified on the Conceptual Site Plan shall be approved by the PD Committee.

Variations

1. The actual configuration and dimensions of Parcels A, B-1, and B-2, as shown on the Conceptual Site Plan, may vary; provided, however, that (a) the gross acreage of Parcel A may not be reduced by more than five percent, (b) the gross acreage for Parcel B-1 may not increase by more than five percent and (c) the gross acreage for Parcel B-2 may not increase by more than ten percent, and (ii) the western and southern perimeter boundaries of the Real Estate must be occupied by only C-1 uses.

EXHIBIT "C"





SECTION THRU REAR PROPERTY LINE