

ORDINANCE NO. 090506

**AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF FISHERS, INDIANA - 1980.**

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 ORDINANCE - 1980, ORDINANCE NO. 110380, 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:

That the Zoning Classification of the following described Real Estate is hereby zoned as a Mixed Use Planned Development (PUD-M) and this ordinance shall hereinafter be referred to as the "*RiverPlace*" PUD Ordinance:

SEE "EXHIBIT A" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this planned development (PUD-M) is to provide an innovative mixed-use development that promotes pedestrian travel and accommodates and plans for the horizontal and vertical synergies between mixed uses in the development of the Real Estate. The development may include commercial, residential and mixed-use structures.

To the extent that the development, architectural, landscaping and parking standards specified in this PUD Ordinance conflict with or address the same subject matter as the Town's Zoning and Subdivision Control Ordinances, the development, architectural, landscaping and parking standards specified in this PUD Ordinance shall replace and supersede any such standard. Matters not governed by this PUD Ordinance shall be governed by the terms, conditions, and provisions of the Town of Fishers Zoning and Subdivision Control Ordinances in existence on August 1, 2006 (collectively hereafter "Fishers Zoning Code"). The underlying zoning for non-residential and/or mixed-uses (collectively, "mixed-uses") shall be the Commercial C-3 District and the underlying zoning for residential only uses ("residential uses") shall be the Residential R-6 District.

SECTION 3. LAND USE

All uses described in Exhibit G, "Permitted Uses", shall be permitted. The following uses shall be prohibited as tenants in a single-tenant freestanding structure on any outlot immediately adjacent to 96th Street: automobile repair and service, fast food restaurant with drive-thru, carwash and fuel station.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN

The concept plans, attached hereto as "Exhibit B", "Exhibit C" and "Exhibit D" (collectively "Concept Plan"), are adopted as part of this ordinance. The Concept Plan layout and location of anticipated uses are illustrative, and the development of the Real Estate is controlled by the standards of this PUD Ordinance. Development plans shall comply with the standards set forth in this Ordinance, and the character and quality of the development shall be substantially consistent with the Concept Plan and Illustrative Image Exhibits, attached hereto as "Exhibit E", subject to reasonable modifications due to engineering, development and market conditions. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plans; such further approval is subject to the development standards set forth by this PUD Ordinance and the procedures set out in Section 7, below.

SECTION 5. DEVELOPMENT STANDARDS

A. Mixed-Use Development Standards

(1) Bulk and Density

a) Building Setbacks.

The following minimum building setbacks shall apply:

- 96th Street: Thirty feet (30');
- Allisonville Road: Thirty-five feet (35');
- Remaining Perimeter of Real Estate: Twenty feet (20');
- Internal Setbacks: No minimum front, side or rear setback.

b) Building Height. There shall be a maximum building height of twenty-five (25) stories.

c) Lot Coverage. There shall be no maximum lot coverage.

d) Lot Area. There shall be no minimum lot area.

e) Gross Floor Area. There shall be no maximum gross floor area.

(2) Architecture

a) Façade:

1. *Compatibility:* Each building may be unique; however, all buildings within the development shall be compatible in design, theme and architecture.
2. *Exterior Materials:* Permitted exterior materials shall include brick, split-face concrete masonry unit (CMU), stone, stucco, decorative pre-cast panels, integrally colored block, E.I.F.S., metal, or glass.
3. *Windows.* Retail building windows shall be of scale and character in keeping with a "main street" style and incorporate such features including, but not limited to bays, divided lights, decorative stone frames, wood molding and trim, shutters, arches or awnings.

4. *Colors:*
- (a) *Façade:* Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited.
 - (b) *Building Trim and Accent Areas:* Building trim and accent areas may feature brighter colors, including primary colors, and neon tubing shall be an acceptable feature for building trim or accent areas.
- b) Entries: Customer entryways shall be clearly defined and architecturally treated. Such features may include, but are not limited to, the following: canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; architectural details such as tile work and moldings that are integrated into the building structure and design; integral planters or wing walls that incorporate landscaped areas and/or places for sitting; awnings; porches; plinths; bay windows; or shutters.
- c) Roof:
- 1. *Parapet:* Parapets shall not exceed fifteen (15) feet as measured from the top of the roof deck and shall conceal flat roofs and shall be in proportion to the supporting walls.
 - 2. *Cornice:* Cornices shall be three-dimensional.
 - 3. *Minimum Eave/Overhang Width:* Pitched roofs shall have eaves and overhangs equal to or greater than twelve (12) inches in depth. Depth shall be determined prior to the installation of masonry.
 - 4. *Cupola:* Cupolas shall not exceed fifteen (15) feet past the base roofline.
 - 5. *Flat Roofs:* Flat roofs shall be permitted provided that parapet walls, cornices or other similar architectural features are utilized to screen all mechanical equipment.
 - 6. *Pitched Roofs:* Pitched roofs shall be permitted provided:
 - (a) *Minimum Pitch:* 5 (vertical units): 12 (horizontal units).
 - (b) *Planes:* Pitched roofs shall be comprised of three (3) or more roof slope planes.
 - (c) *Materials:* Pitched roofs shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt/fiberglass shingles. Metal roofs shall have a low-gloss finish to reduce glare.
 - 7. *Variation in Roofline:* For buildings with elevations in excess of one hundred (100) feet in width, a variation in roofline shall be employed for architectural interest and to reduce the apparent scale of the buildings.
- d) Mechanical and Utility Equipment Screening: All mechanical equipment, trash compactors, pallets, and the like shall be screened from view. Screening can be achieved through the use of landscaping, fence or walls for ground placed equipment, and parapet walls or other roof designs for roof-mounted structures. Screening enclosures shall be architecturally compatible with the primary structure.
- e) Dumpster and Storage Area Screening: Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the primary structure, consist of the same building materials as the primary structure, is a

minimum of six (6) feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. Dumpster enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure.

- (3) Parking. Shared parking shall be encouraged. Additionally, on street parallel, angled, or ninety (90) degree head-in parking shall be permitted and shall count towards the required parking.
- (4) Existing Development. The Commercial C-3 District standards, in effect August 1, 2006, shall apply to the two (2) existing commercial structures, as identified on the Concept Plan, and shall not be regulated by this PUD Ordinance unless redeveloped. If these two sites are redeveloped, then the development standards of this PUD Ordinance shall apply.

B. Residential Development Standards

(1) Bulk and Density

- a) Lot and Project Area. There shall be no required minimum lot size, minimum project area or minimum project size.
- b) Building Setbacks.¹ The following minimum building setbacks shall apply:
 - Perimeter of Real Estate: Twenty feet (20');
 - Freestanding Building Separation: Twenty feet (20');
 - No other minimum setbacks shall apply.
- c) Building Height. There shall be a maximum building height of twenty-five (25) stories.
- d) Lot Coverage. There shall be no maximum lot coverage.
- e) Density. The maximum number of residential dwelling units permitted for the Real Estate shall not exceed one thousand (1,000) units.

(2) Architecture

- a) Façade:
 1. *Detailing*: Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid blank walls.
 2. *Materials*: Permitted exterior materials shall include masonry, wood, fiber cement plank siding, stucco, composite lap siding, decorative precast panels, integrally colored block, aluminum, E.I.F.S., metal, or glass. Lap siding shall have a maximum nine-inch (9") exposed board face.
- b) Entries: Entries shall be clearly defined and accented with such features as awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms or arches.
- c) Roof:
 1. Flat roofs shall be permitted provided that parapet walls, cornices or other similar architectural features are utilized to screen all mechanical equipment.
 2. Pitched roofs shall be permitted provided:
 - (a) *Minimum Pitch*: 5 (vertical units):12 (horizontal units)

¹ Open balconies, uncovered porches, and patios may project into minimum yards.

- (b) *Materials*: Quality roof materials such as tile, slate, three-dimensional asphalt or fiberglass shingles shall be used on all structures.
 - (c) *Minimum Eave/Overhang Width*: All multifamily buildings shall have eaves or overhangs a minimum of twelve (12) inches deep. Depth shall be determined prior to the installation of masonry.
 - (d) *Facade and Roof Articulation*: Any structure with three (3) or more units shall incorporate significant wall and roof articulation to reduce apparent scale. Elements such as balconies, porches, arcades, dormers, cross gables, secondary hipped or gabled roofs can be used to achieve this appearance.
- d) Windows: Windows are required on all sides of the building that are:
- 1. Adjacent to a street; or
 - 2. Adjacent to a common area.
- e) Architectural Features: Each multifamily building shall each have a total of ten (10) or more points from the following list. Each feature is worth one (1) point unless indicated otherwise. This section shall not apply to mid rise or high rise condominium structures:
- 1. *Front Entry*:
 - (a) Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
 - (b) Covered stoop/steps with a connection pathway from sidewalk;
 - (c) Architecturally-treated entrances for dwellings without a front porch (described in 1(a) above);
 - (d) Decorative front door or side lights;
 - 2. *Roof*:
 - (a) Hip roof;
 - (b) Multiple gables on the front elevation;
 - (c) Cross gable;
 - (d) Architectural treatments on gable ends;
 - (e) Two (2) or more roof planes visible from the front of the structure: (2 points);
 - (f) Two (2) or more dormers;
 - (g) Overhangs or soffits of at least fifteen (15) inches over all exterior walls;
 - (h) Parapet;
 - (i) Cornice;
 - 3. *Garage*:
 - (a) Decorative garage door on front- or side-loading garage;
 - (b) Windows in front- or side-loading garage door;
 - (c) A separate overhead door per car for each garage bay on front- or side-loading garage;
 - (d) No front-loading garage: (2 points);
 - 4. *Wall Planes*:
 - (a) At least a four-foot (4') deep offset at one (1) or more points along the front elevation;
 - (b) At least a two-foot (2') deep offset at two (2) or more points along the front elevation;

5. *Masonry:*
 - (a) Full first floor masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require masonry to be laid above the roof);
 - (b) Masonry accent areas on one hundred percent (100%) of the front elevation, excluding openings and areas that will not support masonry;
 - (c) More than two (2) masonry materials on the front elevation;
 - (d) Masonry detailing (either multiple quoins or other features such as arches, keystones);
 - (e) Fiber cement siding in all areas not covered by other masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require masonry to be laid above the roof);
 6. *Projections from the Façade Plane:*
 - (a) Veranda/balcony;
 - (b) Sunroom (perimeter and corner lots, only);
 - (c) Screened porch (perimeter and corner lots, only);
 - (d) Breakfast nook;
 - (e) Turret: (2 points);
 7. *Windows:*
 - (a) Transom window;
 - (b) Bay window;
 - (c) Decorative shutters on front elevation;
 8. Architecturally enhanced/articulated trim moldings (such as sunburst louvers above windows);
 9. Decorative columns composed of wood or glass.
- (3) Mechanical and Utility Equipment Screening: All mechanical equipment, trash compactors, pallets, and the like shall be screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.
- (4) Dumpster and Storage Area Screening: Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the primary structure, consists of the same building materials as the primary structure, is a minimum of six (6) feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. Dumpster enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure.
- (5) Parking. A minimum of two (2) parking spaces shall be required per one (1) dwelling unit. Parking structures shall be permitted and shall count towards the minimum

required parking. On street parallel, angled, or ninety (90) degree head-in parking shall be permitted and encouraged.

C. Landscaping. The following landscaping standards shall apply to the Real Estate. Reasonable modifications and variations of these landscaping requirements may be approved by the RiverPlace PUD Committee as set forth in Section 7 of this PUD Ordinance.

(1) General Landscaping Standards.

- a) Recommended Species: Plant material shall be selected from the *Town of Fishers Approved List of Recommended Species*, as amended. Proposals for additions and substitutions to the list may be submitted to the Development Department for approval as the list is intended to be a guide and is not inclusive of all appropriate selections available.
- b) Invasive and Poor Characteristic Species: Species identified as *Invasive & Poor Characteristic Species* of the *Town of Fishers Approved List of Recommended Species*, as amended, shall be avoided and shall not be counted toward landscaping requirements for projects requesting an Improvement Location Permit. Some species identified may be suitable for naturalizing in natural areas on a limited basis.
- c) Vision Clearance: Landscape material exceeding three feet (3') in height shall be located outside of the Vision Clearance Triangle. Vision Clearance Triangle shall be as defined by the Fishers Zoning Code.
- d) Minimum Size at Installation: The following minimum sizes shall apply to plant materials required by this PUD Ordinance.
 1. Deciduous Tree: One and one-half-inch (1½") caliper measured using standard nursery practices.
 2. Evergreen Tree: Six feet (6') tall.
 3. *Shrub*: Two-gallon container size or eighteen inches (18") tall from the adjacent ground level.
- e) Tree Grates: Where there is adequate clearance, trees may be planted in a paved area in a minimum twenty-five (25) square-foot cutout covered with a tree grate to maintain a flush grade.

(2) Street Trees.

- a) Street trees for arterial and collector streets shall be required at a ratio of one (1) canopy tree per fifty (50) feet. Street trees may be planted with a maximum distance of seventy-five (75) feet between street trees.
- b) Street trees for local streets shall be required at a ratio of one (1) canopy tree per forty (40) feet. Street trees may be planted with a maximum distance of sixty (60) feet between them.
- c) Street trees shall be planted in a minimum five-foot (5') wide planting strip between the curb and sidewalk if available. If a planting strip is not available then the trees shall be planted within the outer ten (10) feet of right-of-way. If space is not available within the outer ten (10) feet of right-of-way, then the trees shall be planted on the abutting property within ten (10) feet of the right-of-way and may be credited toward applicable perimeter planting.

- d) Minimum Distance from Sidewalk and Curb: Trees shall be planted at least two and one-half feet (2'6") from a sidewalk or curb edge. Where there is adequate clearance, trees may be planted in a paved area in a minimum twenty-five (25) square-foot cutout covered with a tree grate to maintain a flush grade.
- e) Vision Clearance: Trees shall be planted outside the Vision Clearance Triangle. Within seventy-five (75) feet of an intersection, trees may be planted back of sidewalk in order to maintain site distances for traffic control signs. Low-branching species shall not be allowed within seventy-five (75) feet of an intersection. Trees shall be located a minimum of ten (10) feet from a driveway cut or street light, and a minimum of three (3) feet from a fire hydrant.
- f) Frontage Roads: Street trees are not required on both sides of a frontage road. Street trees shall only be required on the side of the street where primary structures are located.
- g) Escrow: When circumstances prevent the planting of street trees, the petitioner shall provide the Town an itemized estimate, prepared by a certified arborist, a nurseryman, or a licensed landscape architect, of the cost of the required street trees and the labor to install the trees. The estimate shall be reviewed by the Town and either accepted or adjusted. Once a figure for the acquisition and installation of the street trees has been finalized, the petitioner shall submit one hundred ten percent (110%) of that amount to the Town, which shall deposit the sum into an escrow account established by the Town for the purpose of funding street tree plantings. The funds submitted by the petitioner shall be used exclusively for installing the required street trees along the public street frontages adjacent to the subject property. If after two (2) years from the date of the submission of the escrow funds the Town has not established the street tree improvements, the petitioner may apply to the Town for a full refund of the escrow deposit amount.

(3) Lot and Foundation Plantings.

- a) Lot Planting: The following lot planting requirements apply:
 - 1. Lots over 15,000 square feet but less than 30,000 square feet shall be required to plant one (1) canopy tree.
 - 2. Lots over 30,000 square feet but less than 45,000 square feet shall be required to plant two (2) trees, one (1) of which shall be a canopy tree.
 - 3. Lots over 45,000 square feet shall be required to plant three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
- b) Foundation Planting: The following foundation planting requirements apply to primary structures, be located on the lot of the primary structure and shall be in addition to the above Lot Planting requirements:
 - 1. At least one (1) shrub or ornamental tree shall be planted for every twelve (12) lineal feet of building circumference exclusive of window, door, and loading dock openings.
 - 2. Trash enclosures and ground-mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.

(4) Parking Lot Plantings.

- a) Perimeter Landscaping: Parking lots with six (6) or more spaces shall have the following perimeter planting:

1. Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds.
 2. Shrubs shall be planted at a maximum ratio of one (1) shrub per four (4) lineal feet around the perimeter and be maintained at a height of at least thirty-six (36) inches tall at maturity in order to minimize headlights projecting onto adjacent properties. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of fifty percent (50%) of the shrubs shall be evergreen.
 3. A wall or mound may be installed in lieu of shrubs. Walls or mounds, if used, shall be a minimum of thirty six (36) inches.
 4. One (1) deciduous tree per thirty-five (35) feet of parking lot perimeter shall be planted within ten (10) feet of the parking lot edge.
 5. The screen may be broken into segments to allow for pedestrian movement.
 6. Drive aisles located along property lines shall be required to have half of the above landscaping requirement.
- b) Interior Parking Lot Landscaping: Parking lots with twenty (20) or more parking spaces are required to have the following:
1. One (1) landscape island or peninsula shall be provided per twenty (20) spaces and the islands shall be distributed equally throughout the parking lot.
 2. Each island or peninsula shall be at least one hundred eighty (180) square feet in size.
 3. Each island or peninsula shall contain at least one (1) tree per one hundred eighty (180) square feet.
 4. One-third (1/3) of trees planted in islands or peninsulas shall be canopy trees.
 5. Each landscape island or peninsula shall be designed such that any tree when planted is not within three and one-half (3'6") feet of a curbed or paved edge.
 6. Each landscape island or peninsula shall be bordered by a four-inch (4") or higher curb above the surface of the parking lot.
 7. Parking lot landscape areas shall not be filled with gravel or impervious surface. They shall be free of litter and be maintained with plant materials and mulch.
 8. Exception: The portion of an institutional use's parking lot used primarily for bus circulation and staging is not required to install the landscape islands or peninsulas required in this section.
 9. Parking Lot Encroachment into Perimeter Landscaping Areas: Parking lots may project into the perimeter landscaping areas by up to ten (10) feet. When a parking lot extends into any portion of a perimeter landscape area, the Perimeter Landscaping plantings are no longer required in those areas.
- (5) Buffer Yards. Buffering shall not be required internally within the Real Estate.
- a) Western Property Line Buffer. The bufferyard between the western property line of the Real Estate and the proposed Town Park area shall include a minimum of four (4) canopy trees, four (4) evergreen trees and ten (10) shrubs per one hundred

feet (100') or as otherwise designed by the Developer and approved as appropriate by the RiverPlace PUD Committee.

- b) Northern Property Line Buffer. A minimum twenty-foot (20') wide bufferyard shall be located along the Real Estate's north and northeasterly perimeter property lines. Within this bufferyard, a minimum of four (4) canopy trees, four (4) evergreen trees and ten (10) shrubs shall be planted per one hundred feet (100').

(6) Perimeter Landscaping.

- a) Applicability: This section shall apply to any portion of the Real Estate that abuts 96th Street or Allisonville Road.
- b) Perimeter Landscaping Area: The perimeter landscaping area shall be at least twenty (20) feet wide and as long as the length of the frontage.
- c) Planting Requirements:
 - 1. Minimum Number of Trees: Trees shall be provided at a rate of six (6) trees per one hundred (100) lineal feet of perimeter planting.
 - 2. Calculation: Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet.
 - 3. Planting Pattern: It is suggested that the required trees be planted in clusters or irregular patterns.
 - 4. Replacement: Any plant materials that were installed as perimeter landscaping shall not be removed unless diseased or dead. If perimeter landscaping is removed, an equivalent type of replacement plant shall be installed. Additionally, a minimum of two-thirds (2/3) of the DBH of the removed landscaping shall be installed, whether as one plant or multiple plants.

D. Pedestrian Connection/Circulation

(1) Sidewalks.

Sidewalks, a minimum of six feet (6') wide, shall be provided along both sides of all public streets.

(2) Perimeter Walkway.

A perimeter walkway shall be located along the north side of 96th Street and west side of Allisonville Road. Such walkway shall be an eight foot (8') wide asphalt path or wooden path (e.g., pedestrian bridge for terrain appropriate areas) as approved by the Town.

(3) Internal Walkways.

Continuous internal pedestrian walkways, no less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal entrances of all buildings. Walkways shall be designed to connect the various buildings and store entry points.

(4) Pathway Connection to Town Park.

The Perimeter and Internal Walkways shall be designed and located so as to provide a publicly accessible pedestrian connection from the development to the future Town Park area.

(5) Pathway Connection.

Internal Walkways shall be designed and located so as to provide pedestrian connections between the Residential buildings and the Mixed-Use buildings.

(6) Walkway Delineation.

In order to enhance pedestrian safety, all internal walkways that cross roadways or parking lots shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as integrated colored concrete pavers, scored or textured concrete, or brick.

(7) Building Entrances.

As per Section 5(A)(2)(b) of this PUD Ordinance, all office and/or retail buildings shall include some form of weather protection feature (e.g., awnings or arcades) over walkways leading to customer entrances. Any encroachment of such features into the right-of-way shall be subject to obtainment of any required encroachment permit.

(8) Multi-tenant Retail Buildings.

Multi-tenant retail buildings shall include a walkway along the full length of any building façade which includes a customer entrance. Such walkway shall maintain a minimum useable width of six feet (6'), exclusive of areas devoted to landscape areas, and maintain a minimum overall width of not less than eight feet (8'). All or a portion of such walkway may be located in the public right-of-way.

(9) Office/Hotel Buildings.

Office/Hotel buildings shall include a walkway located along the edge of any parking area adjacent to a building facade. Such walkway shall maintain a minimum useable width of six feet (6'), exclusive of areas devoted to landscape areas, and maintain a minimum overall width of not less than eight feet (8'). All or a portion of such walkway may be located in the public right-of-way.

E. Sign Standards

Signs shall comply with the Fishers Sign Code, as amended, unless otherwise approved by the RiverPlace PUD Committee.

SECTION 6. WRITTEN COMMITMENTS

The Real Estate shall be subject to the voluntary commitments made by the Developer ("Commitments") in conjunction with this PUD Ordinance, attached hereto as Exhibit F. Commitments shall be recorded in the Hamilton County Recorders Office upon adoption of this PUD Ordinance.

SECTION 7. PROCEDURES

- A. The adoption of this 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 by the Fishers Zoning Code.
- B. RiverPlace PUD Committee:
- (1) PUD Committee Review: The RiverPlace PUD Committee shall review a Final Development Plan upon receipt of a complete application, supportive documents, and the appropriate fees which shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance.
 - (2) PUD Committee Membership: The RiverPlace PUD Committee shall be a separate committee from existing Town PUD Committees and shall be made up of the members of the Town PUD Committee, one resident of the Town appointed by the Town Council and one architect, appointed by the Town Council, who is an architect licensed in the State of Indiana.
 - (3) PUD Committee Authority: The RiverPlace PUD Committee shall be in charge of questions and issues arising in the RiverPlace PUD District and approval of plans that meet the regulations, design and development standards of this PUD Ordinance or approval of plans with development or design standard modifications as authorized by this PUD Ordinance.
- C. Development Standard Modifications: In order to accommodate the uniqueness of the development of RiverPlace, promote pedestrian travel and accommodate for the horizontal and vertical synergies between the mixed uses in the development of the Real Estate, modifications of the development standards established or referenced by this PUD Ordinance ("Standards") may be granted. The RiverPlace PUD Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage, parking and landscaping design standards established or referenced by this PUD Ordinance. The Plan Commission may consider and approve modifications from all other Standards. Only the Town Council, however, may approve modifications pertaining to permitted land uses and the Commitments.

SECTION 8. 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 4th day of June, 2007.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY:	AYE	NAY
<u>Scott A. Faultless</u>		

<u>Arthur J. Levine</u>		
<u>Eileen N. Pritchard</u>		
<u>Charles P. White</u>		

Scott A. Faultless, President	_____
Daniel E. Henke, Vice President	_____
Stuart F. Easley, Member	_____
David George, Member	<u>David C. George</u>
Arthur J. Levine, Member	_____
Eileen N. Pritchard, Member	_____
Charles P. White, Member	_____

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

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney

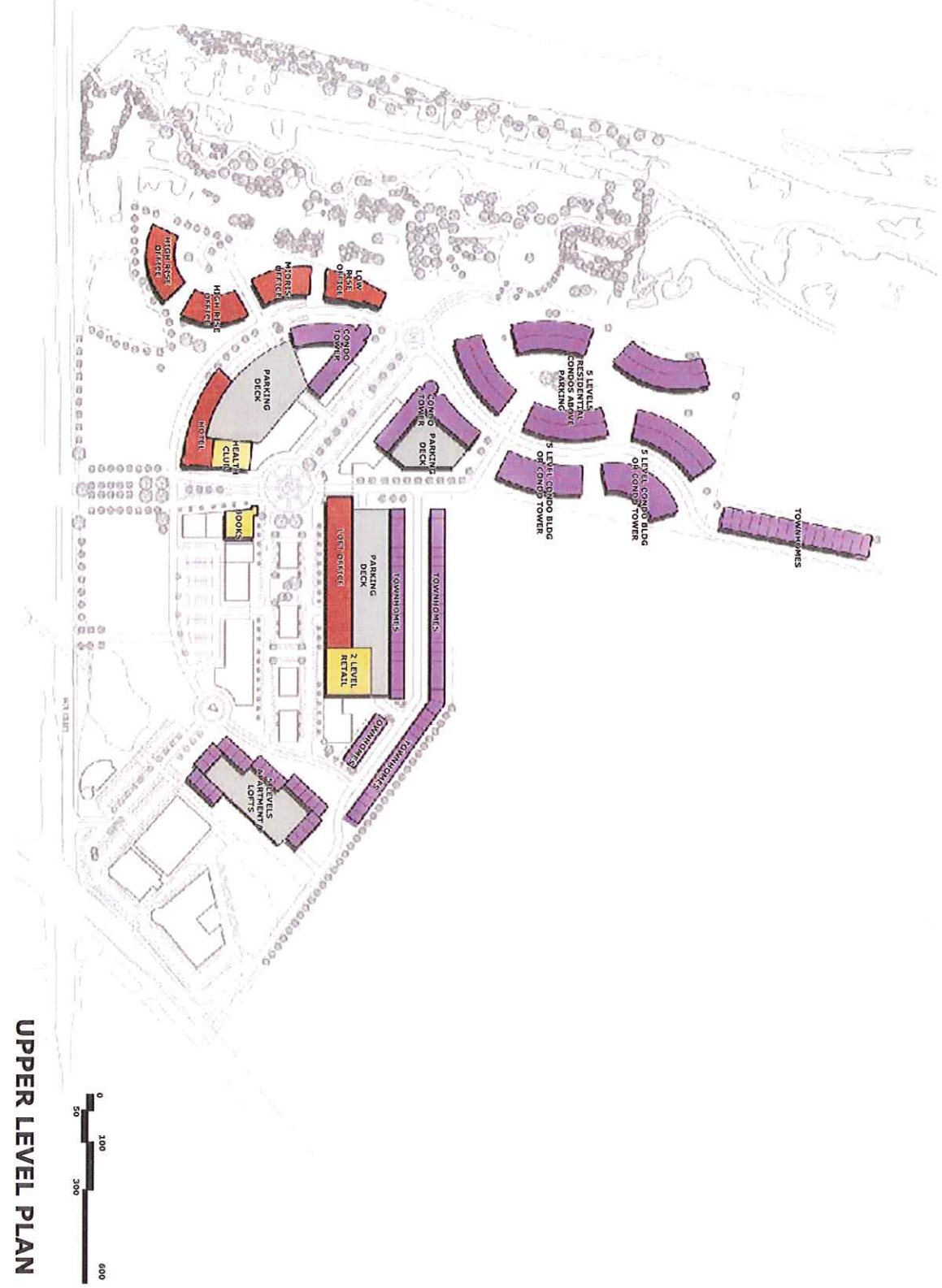
Prepared by: Steven D. Hardin, Esq., Attorney at Law, Baker & Daniels LLP,
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240

EXHIBIT "A"

LAND DESCRIPTION RIVERPLACE PLANNED DEVELOPMENT

Part of the Southwest Quarter of Section 10 and a part of the East Half of Section 9 all in Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 10: thence South 89 degrees 06 minutes.43 seconds West (assumed bearing) along the North line thereof a distance of 1747.33 feet to the Northwest corner of a 20.004 acre tract of land described in instrument Number 89-6342 In the Office of the Recorder of Hamilton County, Indiana; thence South 20 degrees 10 minutes 39 seconds West along West line of said 20.004 acre tract a distance of 1131.63 feet to the Southwest corner thereof; thence South 89 degrees 06 minutes 43 seconds West parallel with the North line of said Northwest Quarter a distance of 507.91 feet to the West line of said Northwest Quarter thence South 00 degrees 13 minutes 22 seconds East along said West line a distance of 1575.20 feet to the Southwest corner of said Northwest Quarter thence South 00 degrees 32 minutes 01 seconds East along the West line of the aforesaid Southwest Quarter a distance of 1074.94 feet; thence South 54 degrees 06 minutes 40 seconds East a distance of 501.05 feet to the POINT OF BEGINNING; thence continuing South 54 degrees 06 minutes 40 seconds East a distance of 1255.60 feet to the Northwestern boundary of Allisonville Road and also a point on the North right of way line of East 96" Street per Right of Way Grant to Hamilton County, Indiana as recorded In Deed Record 178 Page 62 in the Office of the Recorder of Hamilton County Indiana. (the following twelve (12) courses are along said North right-of-way line); (1) thence South 49 degrees 50 minutes 11 seconds West a distance of 416.95 feet; (2) thence South 42 degrees 45 minutes 24 seconds West a distance of 204.05 feet; (3) thence South 69 degrees 37 minutes 55 seconds West a distance of 102.64 feet; (4) thence North 89 degrees 32 minutes 27 seconds West a distance of 350.04 feet; (5) thence North 76 degrees 19 minutes 23 seconds West a distance of 103.08 feet; (6) thence North 86 degrees 32 minutes 42 seconds West a distance of 150.33 feet; (7). thence South 85 degrees 36 minutes 36 seconds West a distance of 501.31 feet; (8) thence South 89 degrees 35 minutes 07 seconds West a distance of 300.00 feet; (9) thence North 86 degrees 07 minutes 32 seconds West a distance of 401.12 feet; (10) thence North 79 degrees 06 minutes 17 seconds West a distance of 101.98 feet; (11) thence North 00 degrees 24 minutes 53 seconds West a distance of 120.00 feet; (12) thence South 89 degrees 35 minutes 07 seconds West a distance of 170.73 feet; thence North 19 degrees 04 minutes 44 seconds East a distance of 787.64 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 277.52 feet; thence North 10 degrees 11 minutes 55 seconds East 262.63 feet; thence North 23 degrees 18 minutes 50 seconds East 393.46 feet; thence North 13 degrees 51 minutes 23 seconds East 324.77 feet; thence South 77 degrees 37 minutes 17 seconds East 430.70 feet; thence North 10 degrees 02 minutes 31 seconds East 543.78 feet to the northwest corner of the Southwest Quarter of Section 10; thence South 11 degrees 35 minutes 28 seconds West 1203.95 feet; thence South 89 degrees 35 minutes 07 seconds West 18.65 feet; thence South 00 degrees 32 minutes 01 seconds East 193.65 feet to the west line of said southwest quarter; thence North 89 degrees 37 minutes 52 seconds East 403.18 feet to the POINT OF BEGINNING, containing 69.44 acres, more or less.



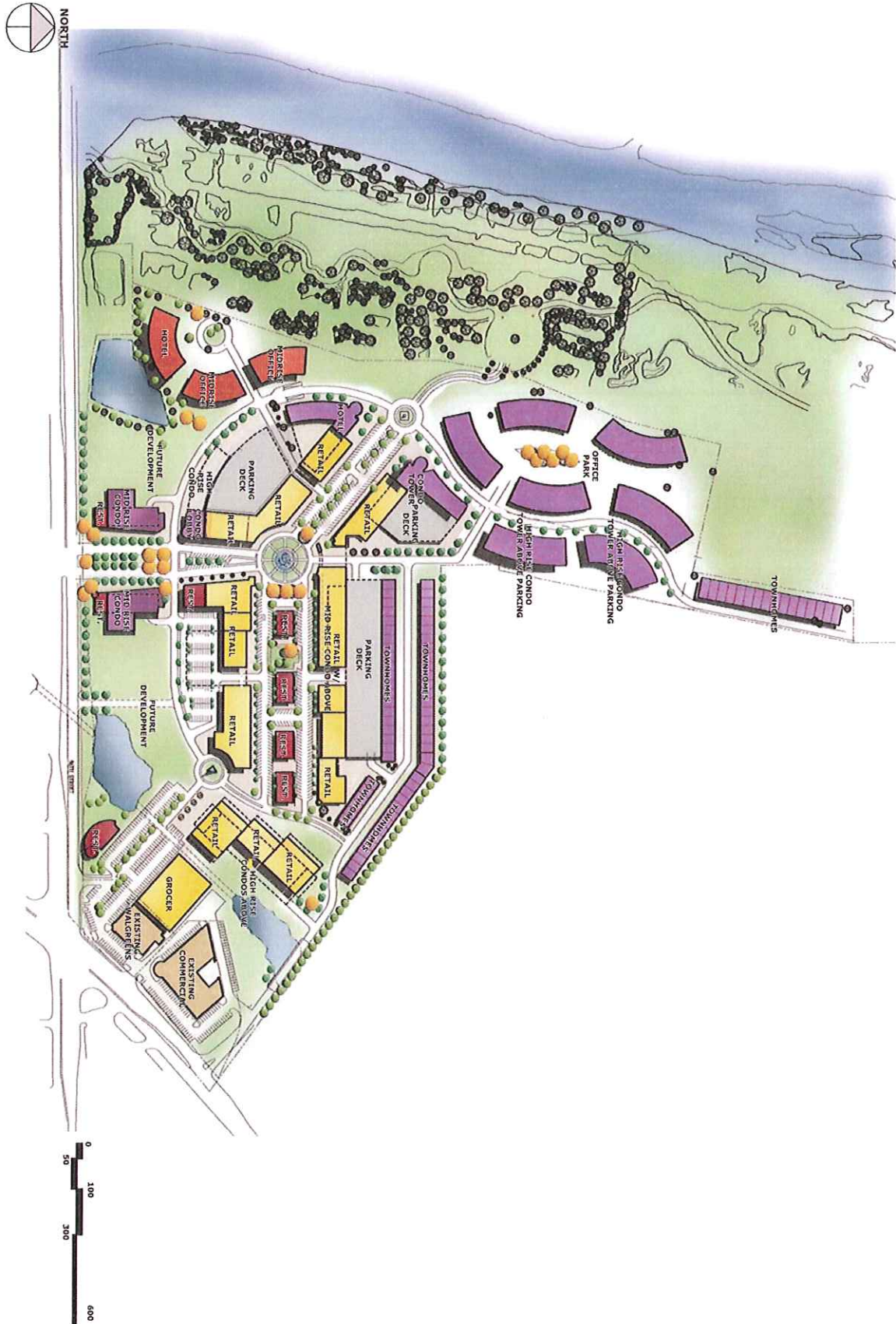
UPPER LEVEL PLAN



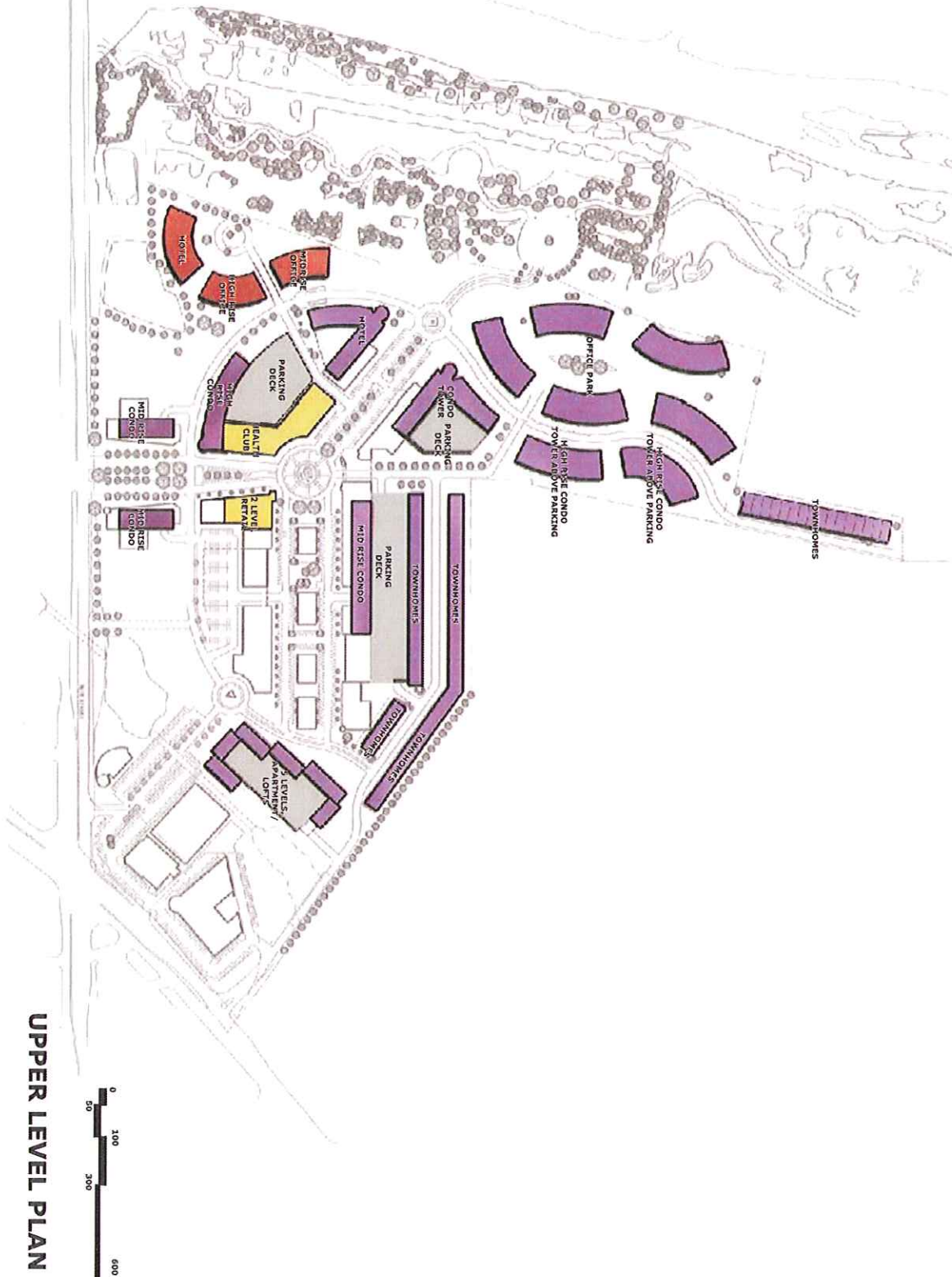
<p>CENTRE PROPERTIES River Place Town of Fishers, IN</p>	<p>MASTER PLAN</p>	<p>progress set: 10.30.06</p>	<p>PATRICIA FARINAS FARRELL 6180 RACHEL RIDGE NORCROSS GA 30092 TEL# 404-409-9447 FARINASFARRELL@HOTMAIL.COM</p>
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CENTRE PROPERTIES River Place Town of Fishers, IN	MASTER PLAN	PUD Zoning Meeting progress set: 08.22.06	PATRICIA FARINAS FARRELL 6180 RACHEL RIDGE NORCROSS GA 30092 TEL# 404-409-9447 FARINASFARRELL@HOTMAIL.COM
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<p>CENTRE PROPERTIES River Place Town of Fishers, IN</p>	<p>MASTER PLAN</p>	<p>progress set: 01.02.07</p>	<p>PATRICIA FARINAS FARRELL 6180 RACHEL RIDGE NORCROSS GA 30092 TEL# 404-409-9447 FARINASFARRELL@HOTMAIL.COM</p>
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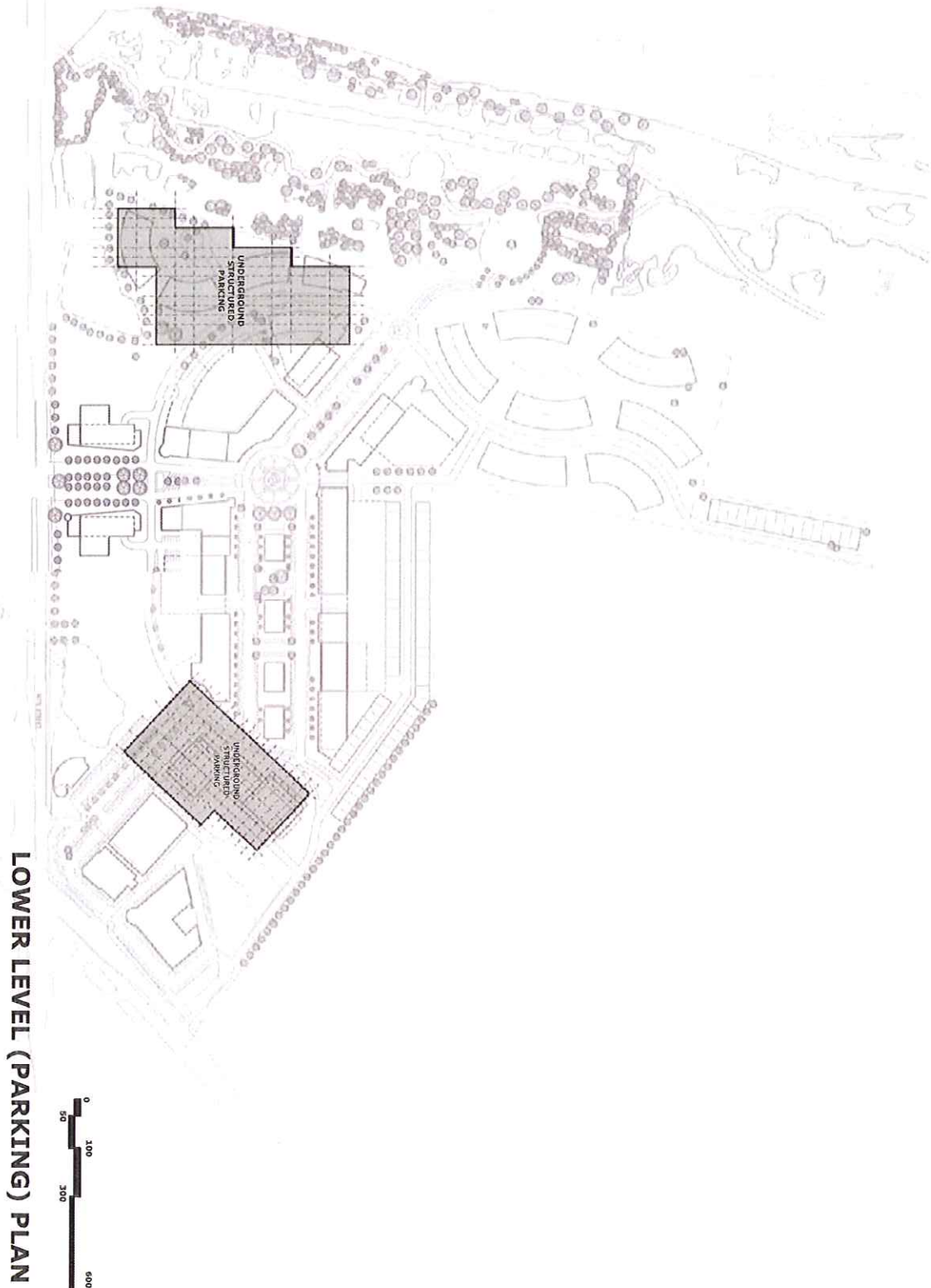


CENTRE PROPERTIES
River Place
Town of Fishers, IN

MASTER PLAN

progress set:
01.02.07

PATRICIA FARINAS FARRELL
6180 RACHEL RIDGE NORCROSS GA 30092
TEL# 404-409-9447
FARINASFARRELL@HOTMAIL.COM



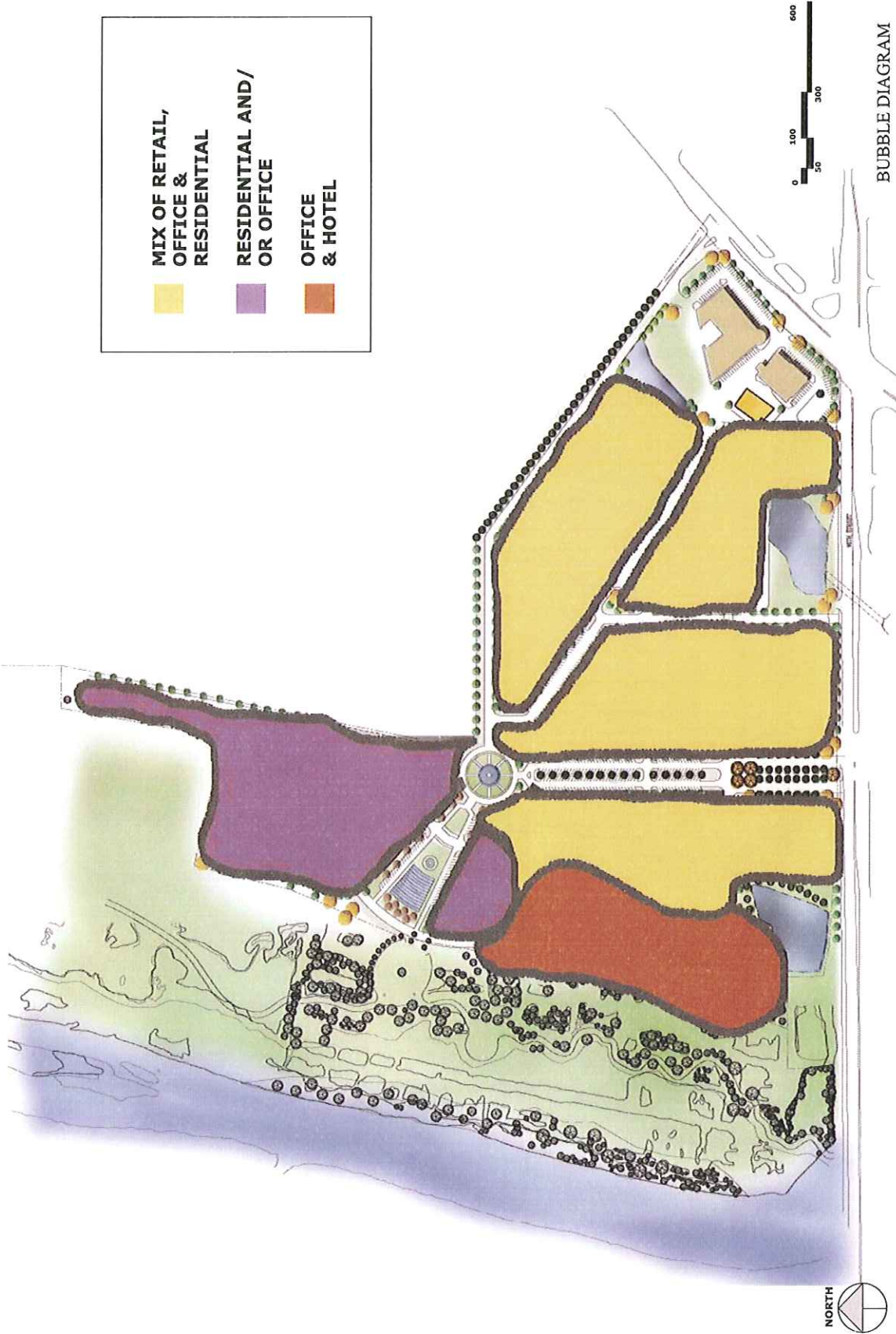
<p>CENTRE PROPERTIES River Place Town of Fishers, IN</p>	<p>MASTER PLAN</p>	<p>progress set: 01.02.07</p>	<p>PATRICIA FARINAS FARRELL 6180 RACHEL RIDGE NORCROSS GA 30092 TEL# 404-409-9447 FARINASFARRELL@HOTMAIL.COM</p>
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CENTRE PROPERTIES
River Place
Fishers, IN

MASTER PLAN

Progress set:
05.21.07

PATRICIA FARINAS FARBELL
6180 RACHEL RIDGE NORCROSS GA 30092
TEL# 678-389-9452
FARINASFARBELL@HOTMAIL.COM



- MIX OF RETAIL,
OFFICE &
RESIDENTIAL
- RESIDENTIAL AND/
OR OFFICE
- OFFICE
& HOTEL

0 100 300 600

BUBBLE DIAGRAM





EXHIBIT D

PATRICIA FARINAS FARRELL
6180 RACHEL RIDGE NORCROSS GA 30092
TEL# 404-409-9447
FARINASFARRELL@HOTMAIL.COM

progress set:
10.30.06

CENTRE PROPERTIES
River Place
Town of Fishers, IN

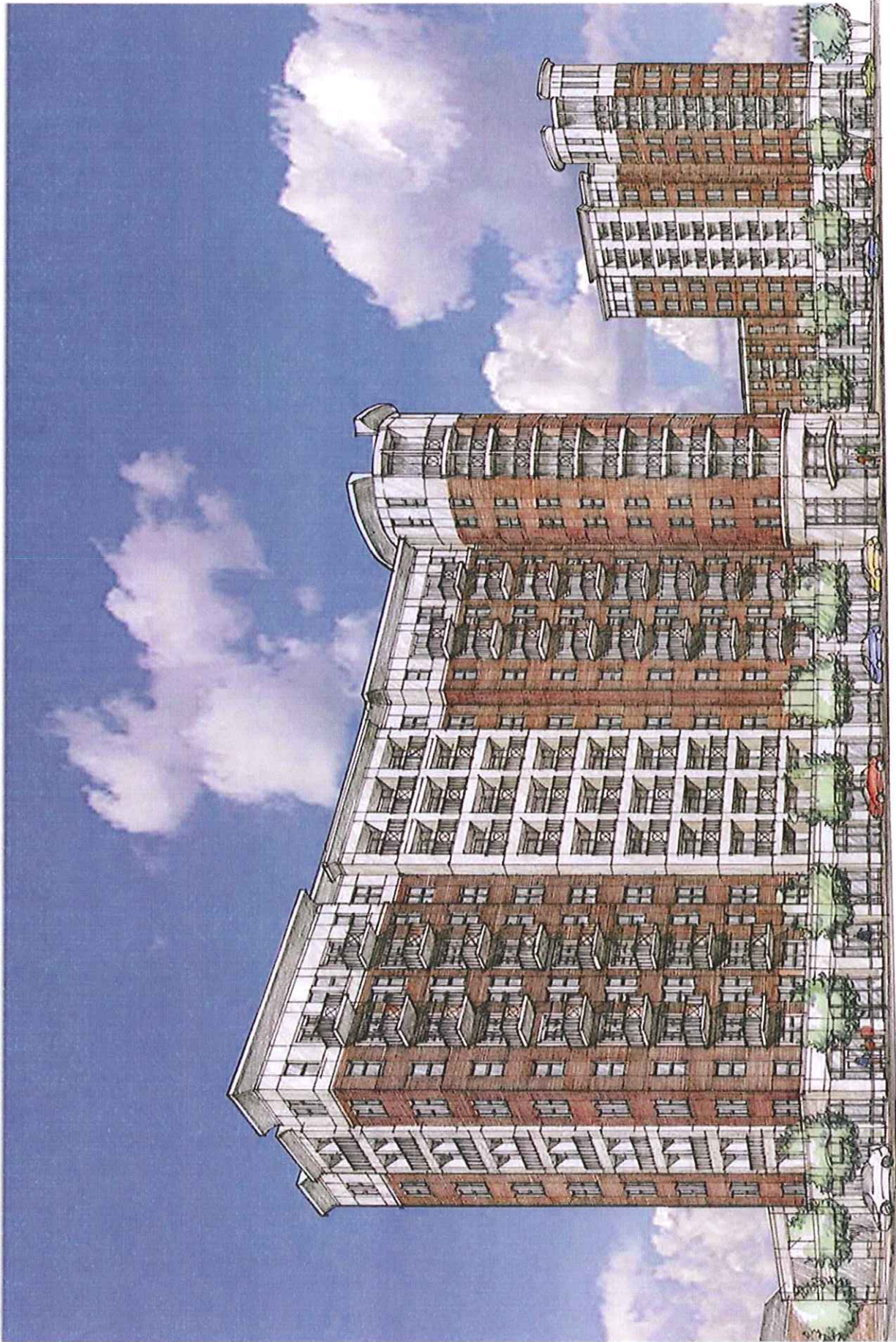


ILLUSTRATIVE MAIN STREET PERSPECTIVE

CENTRE PROPERTIES
River Place
Indianapolis, IN

RIVERPLACE
96 TH STREET & ALLISONVILLE ROAD, FISHERS, INDIANA
30 October 2006


CSO SCHENKEL SHULTZ

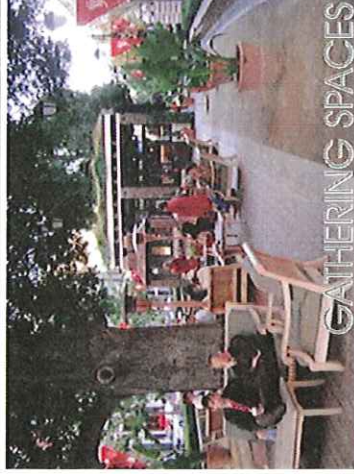


ILLUSTRATIVE CONDO TOWER PERSPECTIVE

CENTRE PROPERTIES
River Place
Indianapolis, IN

RIVERPLACE

96 TH STREET & ALLISONVILLE ROAD, FISHERS, INDIANA
30 October 2006



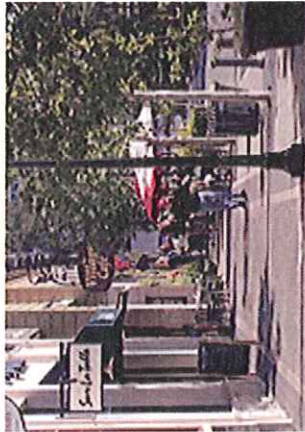
EVENT OPPORTUNITIES

INTEGRATED LANDSCAPE DESIGN

GATHERING SPACES



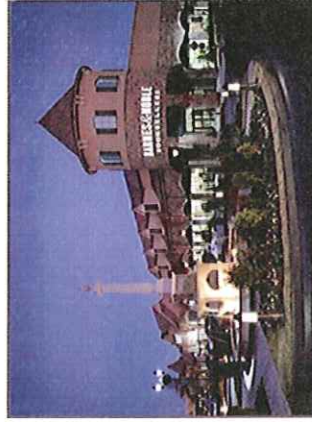
WALKABILITY



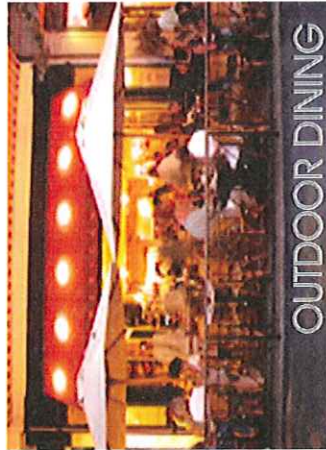
LIVE, WORK, PLAY



MAIN STREET PARKING



LIGHTING & GRAPHICS PROGRAM



OUTDOOR DINING



RETAIL MAIN STREET

STRONG
GEOMETRIES



BALCONIES



SHADOWS
RECESSED WINDOWS



MID-RISE RESIDENCES



BRICK & STONE

MODERN WINDOW DETAILS



MAXIMIZE VIEWS TO RIVERPARK



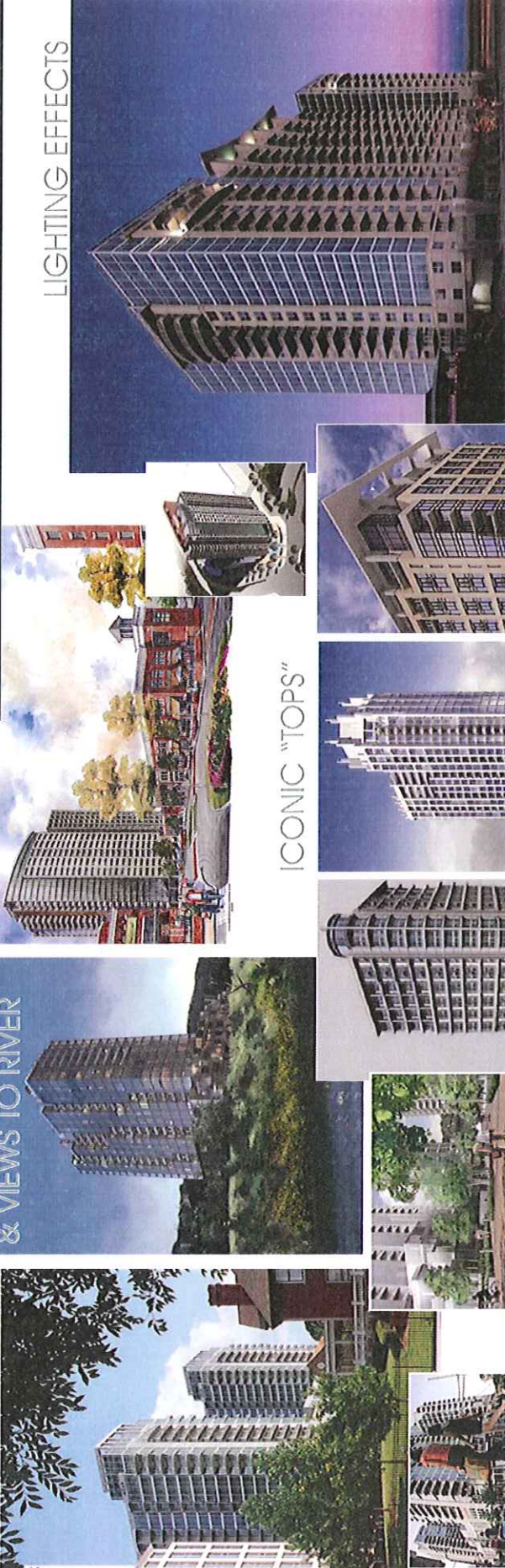
Click to activate and

Sign Up for Info

HIGH-RISE RESIDENCES

TRANSPARENCY

& VIEWS TO RIVER



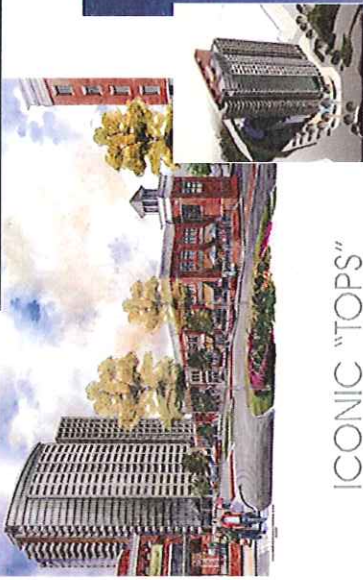
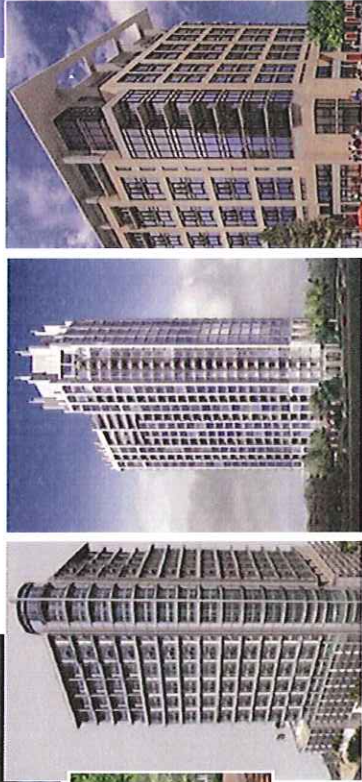
LIGHTING EFFECTS

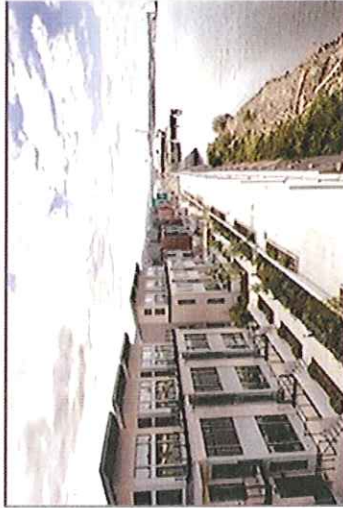
ICONIC "TOPS"

BALCONIES

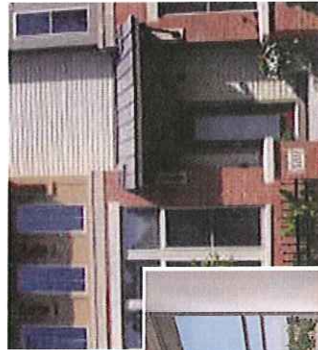
RETAIL AT STREET LEVEL

ROOFTOP GARDENS





COVERED ENTRIES



LOFTING OPPORTUNITIES



MODERN GEOMETRIES
TRADITIONAL MATERIALS
BRICK & STONE

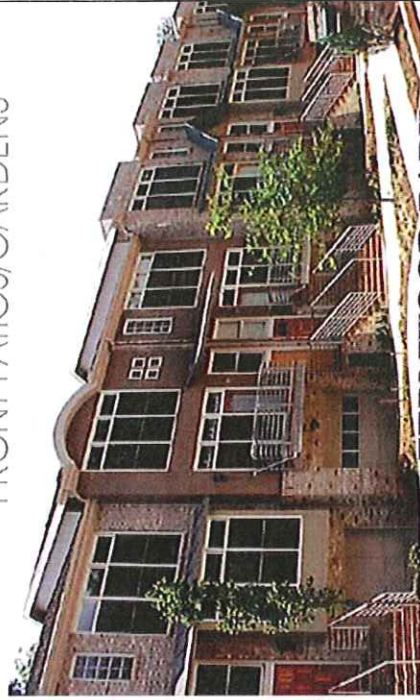


FRONT ENTRY GARAGES &

VARIATION IN FACADES



FRONT PATIOS/GARDENS



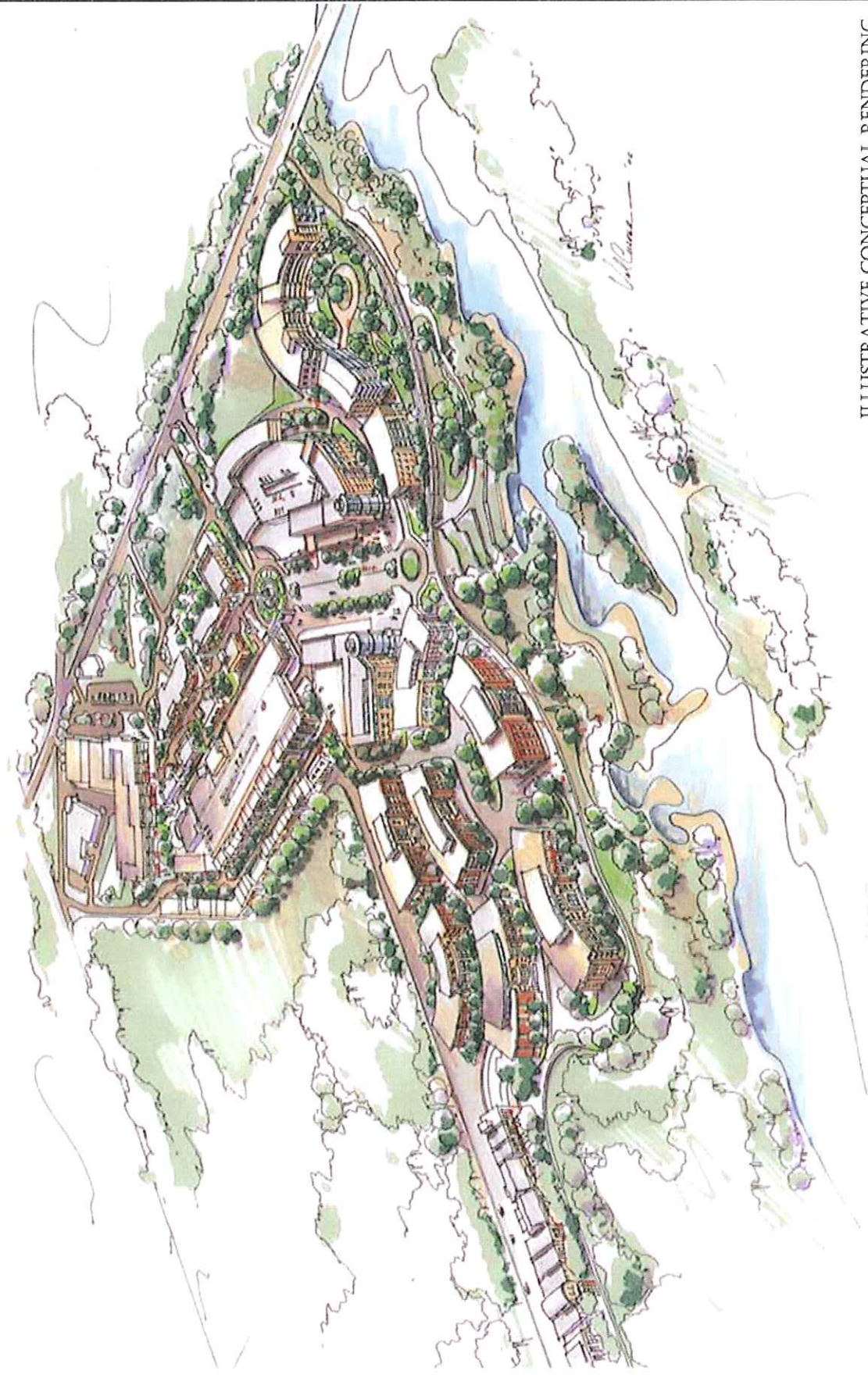
TOWNHOME RESIDENCES

CENTRE PROPERTIES
River Place
Fishers, IN

MASTER PLAN

progress sect:
10.30.06

PATRICIA FARINAS FARELL
6180 RACHEL RIDGE NORCROSS GA 30092
TEL# 404-409-9447
FARINASFARELL@HOTMAIL.COM



ILLUSTRATIVE CONCEPTUAL RENDERING

**COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE**

Centre Properties, LLC (the "Developer") make the following commitments to the Fishers Town Council (the "Town") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See attached Exhibit "A".

Section 2. Ordinance No.: 090506**Section 3. Statement of Commitments:**

- A. The homebuilder shall include in the covenants and restrictions for the Real Estate a disclosure statement regarding Martin Marietta's blasting operations and the proximity of the Town of Fishers' and the City of Carmel's wastewater treatment plants. A signed acknowledgement of receipt of this information shall be obtained by the homebuilder from the initial homeowner at or prior to closing;
- B. The Developer agrees to install, at no cost to the Town, a "Welcome to Fishers" sign on the Real Estate. The Developer agrees to work with the Town at the time of construction plan approval to determine the design and location of the sign; and
- C. Road Improvements
 - (1) If the Town requests, the Developer agrees to make the recommended road improvements ("Road Improvements") described in the Traffic Impact Study ("Traffic Study") dated November 14, 2006 conducted by American Structurepoint, Inc. and those improvements recommended by A & F Engineering Co., LLC in its letter dated March 9, 2007 ("A & F Letter"). The Traffic Study and A & F Letter are available for viewing at the Town of Fishers Development Department. The Road Improvements shall be subject to the required permitting and review process by the applicable agencies. All of the Road Improvements shall be made during the initial construction phase of the Real Estate. The Road Improvements shall be subject to reasonable modifications as determined by the Town at the detailed development plan review stage.
 - (2) The Developer and American Structurepoint, Inc. estimate that approximately 44,741¹ new trips could be generated if the Real Estate was developed under the C3 Commercial District standards (the "Trip Estimate"). During the development of the Real Estate, if the Developer submits an application for an Improvement Location Permit (ILP) that would result in estimated trips exceeding the Trip Estimate, then the following shall apply:
 - a) The Developer shall perform a new traffic impact study ("New Traffic Study") and make provisions for the installation and construction of any additional traffic improvements ("Additional Road Improvements") warranted by such study.

¹ 27,815 net new trips when adjusting for internal and pass-by trips.

EXHIBIT F

- b) The ILP shall only be issued upon (a) the Developer submitting its plans for the installation and construction of the Additional Road Improvements and (b) a decision of the Fishers Town Council following a public hearing held by the Fishers Plan Commission wherein notice has been given as provided by the Plan Commission's rules.
 - c) A certificate of occupancy shall not be issued for any buildings within the ILP area until the Additional Road Improvements are installed and completed.
- D. The Developer agrees to convey title of the parkland to the Town prior to the issuance of a building permit for the Real Estate. The parkland shall include portions of the Real Estate generally described as, currently or scheduled to be, lying below the seven hundred and forty (740) foot elevation. The parkland shall be more particularly described by the Developer in a survey and legal description to be prepared prior to conveyance.
- E. An ancient cemetery (the "Ancient Cemetery") currently is located on property adjacent to the Real Estate, as generally described on the attached Exhibit "B". The adjacent property is owned by Washington Park Cemetery Association, Inc. ("Oaklawn Cemetery"). If the Delaware Township Trustee (the "Trustee") cannot obtain access to the Ancient Cemetery through the Oaklawn Cemetery property, despite reasonable attempts to do so, then Developer shall grant the Trustee an access easement across the Real Estate to reach the adjacent property, until such time that access is obtained.

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a decision of the Fishers Town Council following a public hearing held by the Fishers Plan Commission wherein notice has been given as provided by the Plan Commission's rules.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the Town Council of Fishers, Indiana assigning the requested "RiverPlace" PUD-M zoning classification to the real estate identified in Ordinance No. 090506.

Section 6. Recording

The undersigned hereby authorizes the Town to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the Plan Commission and by the Town Council of Fishers, Indiana.

IN WITNESS WHEREOF, Centre Properties, LLC, an Indiana limited liability company, has caused this commitment to be executed as of the _____ day of _____, 2007.

By: _____, Centre Properties, LLC

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, of Centre Properties, LLC, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this _____ day of _____, 2007.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, IN 46240 (317) 569-9600.

EXHIBIT "A"

LAND DESCRIPTION
RIVERPLACE PLANNED DEVELOPMENT

Part of the Southwest Quarter of Section 10 and a part of the East Half of Section 9 all in Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 10: thence South 89 degrees 06 minutes 43 seconds West (assumed bearing) along the North line thereof a distance of 1747.33 feet to the Northwest corner of a 20.004 acre tract of land described in instrument Number 89-6342 In the Office of the Recorder of Hamilton County, Indiana; thence South 20 degrees 10 minutes 39 seconds West along West line of said 20.004 acre tract a distance of 1131.63 feet to the Southwest corner thereof; thence South 89 degrees 06 minutes 43 seconds West parallel with the North line of said Northwest Quarter a distance of 507.91 feet to the West line of said Northwest Quarter thence South 00 degrees 13 minutes 22 seconds East along said West line a distance of 1575.20 feet to the Southwest corner of said Northwest Quarter thence South 00 degrees 32 minutes 01 seconds East along the West line of the aforesaid Southwest Quarter a distance of 1074.94 feet; thence South 54 degrees 06 minutes 40 seconds East a distance of 501.05 feet to the POINT OF BEGINNING; thence continuing South 54 degrees 06 minutes 40 seconds East a distance of 1255.60 feet to the Northwestern boundary of Allisonville Road and also a point on the North right of way line of East 96" Street per Right of Way Grant to Hamilton County, Indiana as recorded In Deed Record 178 Page 62 in the Office of the Recorder of Hamilton County Indiana. (the following twelve (12) courses are along said North right-of-way line); (1) thence South 49 degrees 50 minutes 11 seconds West a distance of 416.95 feet; (2) thence South 42 degrees 45 minutes 24 seconds West a distance of 204.05 feet; (3) thence South 69 degrees 37 minutes 55 seconds West a distance of 102.64 feet; (4) thence North 89 degrees 32 minutes 27 seconds West a distance of 350.04 feet; (5) thence North 76 degrees 19 minutes 23 seconds West a distance of 103.08 feet; (6) thence North 86 degrees 32 minutes 42 seconds West a distance of 150.33 feet; (7). thence South 85 degrees 36 minutes 36 seconds West a distance of 501.31 feet; (8) thence South 89 degrees 35 minutes 07 seconds West a distance of 300.00 feet; (9) thence North 86 degrees 07 minutes 32 seconds West a distance of 401.12 feet; (10) thence North 79 degrees 06 minutes 17 seconds West a distance of 101.98 feet; (11) thence North 00 degrees 24 minutes 53 seconds West a distance of 120.00 feet; (12) thence South 89 degrees 35 minutes 07 seconds West a distance of 170.73 feet; thence North 19 degrees 04 minutes 44 seconds East a distance of 787.64 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 277.52 feet; thence North 10 degrees 11 minutes 55 seconds East 262.63 feet; thence North 23 degrees 18 minutes 50 seconds East 393.46 feet; thence North 13 degrees 51 minutes 23 seconds East 324.77 feet; thence South 77 degrees 37 minutes 17 seconds East 430.70 feet; thence North 10 degrees 02 minutes 31 seconds East 543.78 feet to the northwest corner of the Southwest Quarter of Section 10; thence South 11 degrees 35 minutes 28 seconds West 1203.95 feet; thence South 89 degrees 35 minutes 07 seconds West 18.65 feet; thence South 00 degrees 32 minutes 01 seconds East 193.65 feet to the west line of said southwest quarter; thence North 89 degrees 37 minutes 52 seconds East 403.18 feet to the POINT OF BEGINNING, containing 69.44 acres, more or less.

EXHIBIT B



Civil Designs

ANCIENT CEMETERY EXHIBIT
APPROXIMATE LOCATION
RiverPlace (Project 06-187)
96th Street & Allisonville Road

OWNER:	BPO
CHKD. BY:	BPO
SCALE:	1" = 200'
DATE:	07.25.2007



WARRANTY DEED
CENTRE PROPERTIES, LLC
INSTRUMENT 2003-58176
20.048± ACRES
(-)6.00± ACRES
14.048± ACRES

"OAKLAWN CEMETERY"
CORPORATE WARRANTY DEED
WASHINGTON PARK CEMETERY
ASSOCIATION, INC.
BOOK 332 PAGE 57

"WEST CEMETERY"
6 AC. PORTION OF DEED
WASHINGTON PARK CEMETERY
ASSOCIATION, INC.
INSTRUMENT NO. 9609609546
(6.00± ACRES)

APPROXIMATE LOCATION
ANCIENT CEMETERY

SPECIAL WARRANTY DEED
CENTRE PROPERTIES, LLC,
AN INDIANA LIMITED LIABILITY COMPANY
INSTRUMENT NO. 9709731886
54.372± ACRES (COMMERCIAL PARCEL)

EXHIBIT G: PERMITTED USES

Commercial Uses (C1, C2 & C3 Uses)

Accessory Uses:

- accessory use subordinate to the primary use of the building
- satellite television receiving-only antenna

Commercial and Service Uses:

- art and antique shop
- automobile sales and service¹
- bakery
- car wash completely indoors, self-service car wash, automatic or semi-automatic car wash²
- coffee shop
- confectionery
- dance studio
- day care, adult
- day care, child
- deli/carry-outs
- dry cleaner
- flower shop
- fuel sales
- general service business
- gift shop
- grocery/convenience mart
- hardware store
- health food store
- hotel/motel with or without a conference facility
- ice cream shop
- indoor commercial amusement/recreation facility
- mortuary

¹ Permitted provided that the service activities are conducted within enclosed buildings.

² Permitted provided (1) not less than ten auto waiting spaces at the entrance and five outdoor drying and finishing spaces at the exit to each wash bay of a self-service car wash establishment; (2) Provide not less than 20 auto waiting or storage spaces at the entrance and ten outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semi-automatic car wash establishment; (3) Not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within the required minimum front yard; (4) Meet the perimeter yard requirements; and (5) Not be located within 400 feet of a residential district fronting on the same side of the street.

- office supply store
- package goods store (alcohol)
- parking lot or parking structure
- personal body services
- personal care services
- pharmacy/nutrition store
- photography shop
- restaurant
- retail, low intensity
- retail, very low intensity³
- retail, low intensity⁴
- retail, high intensity⁵
- retail, medium intensity⁶
- retail shop, specialty
- sewing, art, or craft supply store
- shopping center
- telecommunication facility
- veterinary clinic

³ **Retail, Very Low Intensity:** Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

⁴ **Retail, Low Intensity:** Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

⁵ **Retail, High Intensity:** Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include: boat sales, building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales.

⁶ **Retail, Medium Intensity:** Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include: antique shop, apparel shop, art and craft supplies, auto part sales (new), auto part sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

EXHIBIT G: PERMITTED USES

Institutional Uses:

- civic club or recreational facility
- community center
- government office and building
- hospital
- library
- place of worship
- public safety facility
- school; trade, business or commercial
- transportation facility (light rail/commuter)

Office Uses:

- bank, credit union, financial services or savings & loan
- financial office
- general/professional office
- medical office

Residential Uses:

- nursing and convalescent home

Residential Uses:

Accessory Uses:

- garage, attached or detached
- man-made lakes and ponds, for both aesthetic and utilitarian purposes
- satellite television receiving-only antenna
- utility building with permanent foundation, self contained

Institutional Uses:

- cemetery
- park
- pumping station for water, sewage, or storm water
- swimming pool

Residential Uses:

- amenity area
- dwelling, multifamily (e.g., apartments)
- dwelling, single-family attached (e.g., townhouses and condominiums)
- group home
- keeping of domestic pets

- recreational area
- Private recreational clubs or associations, not for profit (e.g., golf clubs, swimming, tennis)

Permitted Use Restrictions

The following uses shall be prohibited as tenants in a single-tenant freestanding structure on any outlot immediately adjacent to 96th Street:

- fast food restaurant with drive-thru
- carwash
- fuel station
- automobile repair and service

**COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE**

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- c) A certificate of occupancy shall not be issued for any buildings within the ILP area until the Additional Road Improvements are installed and completed.
- D. The Developer agrees to convey title of the parkland to the Town prior to the issuance of a building permit for the Real Estate. The parkland shall include portions of the Real Estate generally described as, currently or scheduled to be, lying below the seven hundred and forty (740) foot elevation. The parkland shall be more particularly described by the Developer in a survey and legal description to be prepared prior to conveyance.
- E. An ancient cemetery (the "Ancient Cemetery") currently is located on property adjacent to the Real Estate, as generally described on the attached Exhibit "B". The adjacent property is owned by Washington Park Cemetery Association, Inc. ("Oaklawn Cemetery"). If the Delaware Township Trustee (the "Trustee") cannot obtain access to the Ancient Cemetery through the Oaklawn Cemetery property, despite reasonable attempts to do so, then Developer shall grant the Trustee an access easement across the Real Estate to reach the adjacent property, until such time that access is obtained.

Section 4. Binding Effect

- A. These commitments are binding upon the Developer, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only by a decision of the Fishers Town Council following a public hearing held by the Fishers Plan Commission wherein notice has been given as provided by the Plan Commission's rules.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of an ordinance by the Town Council of Fishers, Indiana assigning the requested "RiverPlace" PUD-M zoning classification to the real estate identified in Ordinance No. 090506.

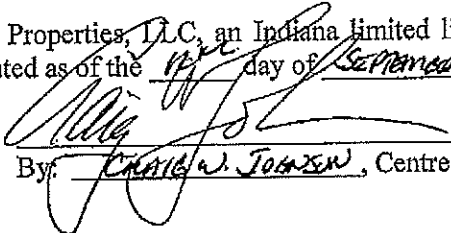
Section 6. Recording

The undersigned hereby authorizes the Town to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

These commitments may be enforced by the Plan Commission and by the Town Council of Fishers, Indiana.

IN WITNESS WHEREOF, Centre Properties, LLC, an Indiana limited liability company, has caused this commitment to be executed as of the 12th day of September, 2007.


By: Craig W. Johnson, Centre Properties, LLC

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Craig W. Johnson, of Centre Properties, LLC, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this 12th day of September, 2007.

My Commission Expires: 5/11/15


Notary Public

Printed TAMARA J. DEWITT
Residing in MARION County

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, IN 46240 (317) 569-9600.

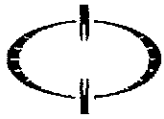
EXHIBIT "A"

LAND DESCRIPTION
RIVERPLACE PLANNED DEVELOPMENT

Part of the Southwest Quarter of Section 10 and a part of the East Half of Section 9 all in Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 10; thence South 89 degrees 06 minutes 43 seconds West (assumed bearing) along the North line thereof a distance of 1747.33 feet to the Northwest corner of a 20.004 acre tract of land described in instrument Number 89-6342 In the Office of the Recorder of Hamilton County, Indiana; thence South 20 degrees 10 minutes 39 seconds West along West line of said 20.004 acre tract a distance of 1131.63 feet to the Southwest corner thereof; thence South 89 degrees 06 minutes 43 seconds West parallel with the North line of said Northwest Quarter a distance of 507.91 feet to the West line of said Northwest Quarter thence South 00 degrees 13 minutes 22 seconds East along said West line a distance of 1575.20 feet to the Southwest corner of said Northwest Quarter thence South 00 degrees 32 minutes 01 seconds East along the West line of the aforesaid Southwest Quarter a distance of 1074.94 feet; thence South 54 degrees 06 minutes 40 seconds East a distance of 501.05 feet to the POINT OF BEGINNING; thence continuing South 54 degrees 06 minutes 40 seconds East a distance of 1255.60 feet to the Northwestern boundary of Allisonville Road and also a point on the North right of way line of East 96" Street per Right of Way Grant to Hamilton County, Indiana as recorded In Deed Record 178 Page 62 in the Office of the Recorder of Hamilton County Indiana. (the following twelve (12) courses are along said North right-of-way line); (1) thence South 49 degrees 50 minutes 11 seconds West a distance of 416.95 feet; (2) thence South 42 degrees 45 minutes 24 seconds West a distance of 204.05 feet; (3) thence South 69 degrees 37 minutes 55 seconds West a distance of 102.64 feet; (4) thence North 89 degrees 32 minutes 27 seconds West a distance of 350.04 feet; (5) thence North 76 degrees 19 minutes 23 seconds West a distance of 103.08 feet; (6) thence North 86 degrees 32 minutes 42 seconds West a distance of 150.33 feet; (7) thence South 85 degrees 36 minutes 36 seconds West a distance of 501.31 feet; (8) thence South 89 degrees 35 minutes 07 seconds West a distance of 300.00 feet; (9) thence North 86 degrees 07 minutes 32 seconds West a distance of 401.12 feet; (10) thence North 79 degrees 06 minutes 17 seconds West a distance of 101.98 feet; (11) thence North 00 degrees 24 minutes 53 seconds West a distance of 120.00 feet; (12) thence South 89 degrees 35 minutes 07 seconds West a distance of 170.73 feet; thence North 19 degrees 04 minutes 44 seconds East a distance of 787.64 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 277.52 feet; thence North 10 degrees 11 minutes 55 seconds East 262.63 feet; thence North 23 degrees 18 minutes 50 seconds East 393.46 feet; thence North 13 degrees 51 minutes 23 seconds East 324.77 feet; thence South 77 degrees 37 minutes 17 seconds East 430.70 feet; thence North 10 degrees 02 minutes 31 seconds East 543.78 feet to the northwest corner of the Southwest Quarter of Section 10; thence South 11 degrees 35 minutes 28 seconds West 1203.95 feet; thence South 89 degrees 35 minutes 07 seconds West 18.65 feet; thence South 00 degrees 32 minutes 01 seconds East 193.65 feet to the west line of said southwest quarter; thence North 89 degrees 37 minutes 52 seconds East 403.18 feet to the POINT OF BEGINNING, containing 69.44 acres, more or less.

EXHIBIT B



Civil Designs

ANCIENT CEMETERY EXHIBIT
APPROXIMATE LOCATION

RiverPlace (Project 06-187)
96th Street & Allisonville Road

DWN BY:	BPO
CHKD. BY:	BPO
SCALE:	1" = 200'
DATE:	07.25.2007



WARRANTY DEED
CENTRE PROPERTIES, LLC
INSTRUMENT 2003-58176
20.048± ACRES
~~(-)6.00± ACRES~~
14.048± ACRES

"OAKLAWN CEMETERY"
CORPORATE WARRANTY DEED
WASHINGTON PARK CEMETERY
ASSOCIATION, INC.
BOOK 332 PAGE 57

"WEST CEMETERY"
6 AC. PORTION OF DEED
WASHINGTON PARK CEMETERY
ASSOCIATION, INC.
INSTRUMENT NO. 9609609546
(6.00± ACRES)

APPROXIMATE LOCATION
ANCIENT CEMETERY

SPECIAL WARRANTY DEED
CENTRE PROPERTIES, LLC,
AN INDIANA LIMITED LIABILITY COMPANY
INSTRUMENT NO. 9709731886
54.372± ACRES (COMMERCIAL PARCEL)