

**ORDINANCE NO. 031912A**

**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"), as amended, and the River Place Planned Unit Development District Ordinance No. 090506 (the "PUD Ordinance"), as amended, 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. 1-TA-12 as required by law in regard to the application filed by Centre Properties, LLC (the "Developer") regarding the subject real estate described in **Exhibit A** (the "Original Real Estate") and **Exhibit B** (the "Additional Real Estate") (collectively, the "Real Estate") attached hereto; and,

**WHEREAS**, the Plan Commission at its May 15, 2012, meeting sent a favorable recommendation to the Town of Fishers Town Council by a vote of seven (7) in favor and zero (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 River Place PUD is hereby amended as follows:

**Section 1. Applicability of Amendment Ordinance.**

- 1.1 This ordinance shall hereafter be referred to as the River Place PUD Amendment Ordinance (the "Ordinance"). The Additional Real Estate is hereby zoned and incorporated into the River Place Mixed Use Planned Development (PUD-M) District, as amended.
- 1.2 The concept plan, attached hereto as **Exhibit C**, is hereby adopted as part of this Ordinance and shall become a part of the collective Concept Plan adopted as part of the PUD Ordinance.
- 1.3 The PUD Ordinance, as amended by this Ordinance, shall apply to both the Original Real Estate and the Additional Real Estate.
- 1.4 Any provisions of the PUD Ordinance or UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All other provisions of the PUD Ordinance not affected by this Ordinance shall remain in effect with the adoption of this Ordinance.

**Section 2. Definitions.**

- 2.1 The definitions set forth in *Article 11: Definitions* of the UDO shall apply to the regulations of this Ordinance. Words not defined herein or by the PUD Ordinance but defined in the UDO shall be interpreted in accordance with the UDO definition.
- 2.2 Electronic Display Panel: A fixed display screen capable of depicting words, symbols, figures or images (the "Message") that can be changed or altered electronically.
- 2.3 Parking Structure: Shall mean an attached or stand alone Structure composed of one or more floors or levels designed to accommodate vehicular parking spaces. This definition includes common terms such as parking garages, parking decks and underground or under-building parking areas.

**Section 3. Procedure for Reviewing and Approving Development Proposals.**

- 3.1 Recognition of Plan Uniqueness and Need for Flexibility. As set forth in Section 7(C) of the PUD Ordinance, and in order to accommodate the uniqueness of the development of River Place, promote pedestrian travel and accommodate for the horizontal and vertical synergies between mixed uses in the development of the Real Estate, the River Place PUD Committee (the "PUD Committee") shall have the discretion and flexibility to consider and approve modifications of the development standards pertaining to architecture, signage, parking, and landscaping contained in the PUD Ordinance, as amended by this Ordinance. These procedures specifically are intended to encourage creative and collaborative planning and design during the development plan approval process.

**Section 4. Parking Standards.** Parking shall comply with *Article 05: Parking Standards (PK)* of the UDO, except as modified below.

- 4.1 *Article 05.066 PK-04(G)(1): Parking Standards; Commercial; Shared Parking; Minimum Number of Parking Spaces Required* shall be modified to require that the shared lot shall provide at least seventy-five percent (75%) of the cumulative total of parking spaces required for each use.
- 4.2 *Article 05.065 PK-03(A): Parking Standards; Multifamily Residential; Off-Street Parking Spaces* shall be modified to require a minimum number of parking spaces, which includes visitor parking spaces, as follows:
  - A. One-bedroom: 1.5 space per dwelling unit
  - B. Two-bedroom: 2.0 spaces per dwelling unit
  - C. Three-bedroom: 2.5 spaces per dwelling

- 4.3 *Article 05.065 PK-03(C)(1): Parking Standards; Multifamily Residential; Visitor Parking Spaces* shall not apply; Section 4.2 of this Ordinance includes visitor spaces.

**Section 5.** **Parking Structures.** The following standards shall apply to Parking Structures located within the District:

5.1 Architectural Design.

- A. Compatibility and Exterior Materials. Parking Structures may be unique in design from the District's other buildings; however, the Parking Structure's building materials and architectural design shall be compatible and in keeping with the primary structure served by the Parking Structure.
- B. Screening of Parked Vehicles. The exterior façade of the Parking Structure shall be of a design, height and materials to balance the need both (i) to provide appropriate air flow; and (ii) to screen, where reasonably necessary and appropriate, vehicles utilizing the Parking Structure.
- C. Elevator and Stair Shafts. Any stairwells and elevators shall be integrated into the design and footprint of the Parking Structure. Stairwells and elevators located on the exterior façade and outside the Parking Structure's footprint may be permitted if deemed architecturally compatible by the PUD Committee.
- D. Mixed-Use Building. Retail, office and other uses may be integrated into the Parking Structures.
- E. Pedestrian Delineation. Pedestrian circulation/walkways serving the Parking Structure shall be clearly delineated through the use of landscaping, striping, walkways and/or decorative hardscapes (e.g., scored concrete, decorative patterns, mix of materials).

5.2 Lighting.

- A. Uniformity. Exterior lighting fixtures and poles shall be consistent in style, color, size, height and design and be compatible with the architecture of the Parking Structure.
- B. Cutoff. All freestanding lights and lights mounted on exterior walls or facades shall have at least semi-cutoff luminaries; however, lights on the top deck of the Parking Structure shall utilize full cut-off fixtures.
- C. Light Poles. Light poles on the top deck of a Parking Structure shall not exceed fifteen (15) feet in height.

5.3 Landscaping Design Standards.

A. General Landscaping Standards. The General Landscaping Standards of Section 5(C)(1) of the PUD Ordinance shall apply.

B. Planting Standards.

(i) The following shall be required along the perimeter of a Parking Structure that abuts a greenspace:

(a) A minimum of one (1) shrub shall be planted for every four (4) lineal feet of foundation.

(b) One (1) deciduous or ornamental tree shall be planted for every twenty (20) of foundation.

(c) Plantings shall include a mix of evergreen and deciduous species and may be clustered or planted in irregular patterns to create a more natural planting scheme.

(ii) The following shall be required along the perimeter of a Parking Structure where a sidewalk immediately abuts the Parking Structure:

(a) One (1) deciduous tree shall be planted every forty (40) feet. Trees may be planted within the sidewalk in a minimum twenty-five (25) square-foot cutout covered with a tree grate to maintain a flush grade. If trees are planted within the sidewalk, then a minimum clearance width of five (5) feet shall be maintained for pedestrian circulation.

(b) Section 5.3(B)(ii)(a) above shall not be required when the sidewalk and Parking Structure abut a street where street trees would otherwise be required.

(iii) No landscaping is required in areas adjacent to a Parking Structure that would be inhospitable to plant life.

5.4 Applicability. The exterior design standards of this section shall not apply to Parking Structures that are not visible to the public (e.g., Parking Structure located in the center of other buildings or immediately surrounded by other buildings) or to an underground Parking Structure.

5.5 Interior Design. The interior design of a Parking Structure (e.g., informational and directional signage, interior finish, interior height, interior drive aisles and ramps, interior and exterior lighting, accessibility, safety and other interior considerations) shall comply with the Indiana Building Code, the Indiana Fire Code and any other applicable building codes and regulations.

**Section 6.** **Sign Standards.** Signs shall comply with *Article 05: Sign Standards (SS)* of the UDO, except as otherwise modified below:

6.1 **Integrated Center Identification Signs.** The District shall be permitted integrated center identification signs in accordance with the following:

A. **96<sup>th</sup> Street.** The District shall be permitted two (2) integrated center identification signs along 96<sup>th</sup> Street as follows:

(i) The Sign Area shall not exceed a maximum of two hundred of forty (240) square feet.

(ii) The overall Sign Height shall not exceed twenty-eight (28) feet.

(iii) A minimum separation of five hundred (500) feet shall be maintained between the integrated center identification signs.

(iv) If the UDO is amended to permit Electronic Display Panels, then they shall be permitted per the UDO, as amended.

B. **Allisonville Road.** The District shall be permitted one (1) integrated center identification sign along Allisonville Road as follows:

(i) The Sign Area shall not exceed a maximum of one hundred eighty (180) square feet.

(ii) The overall Sign Height shall not exceed twenty (20) feet.

C. Except as otherwise permitted by this Ordinance, no other ground sign shall be permitted along Allisonville Road or 96<sup>th</sup> Street for individual businesses or property owners within the District.

6.2 **Individual Ground Signs.** Each Building within the District shall be permitted one additional thirty-two (32) square foot ground sign, with an overall maximum height of five (5) feet. Individual Building ground signs may be located only along a street internal to the District (e.g., prohibited to be oriented to or along the District's 96<sup>th</sup> Street or Allisonville Road frontages).

6.3 **Wall Signs.** Wall signs are permitted in accordance with *Article 05: Sign Standards (SS)* of the UDO (the "Sign Code"), which shall govern the number, size, type and location of wall signs, subject to the following modifications:

A. **Location.** The Sign Code permits wall signs in some situations on a "per street frontage" and "per building frontage" basis. The phrases "per street frontage" and "per building frontage" shall include lots and buildings adjacent to or fronting either (i) a vehicular way whether located in a public or private right-of-way or easement; or (ii) a parking area.

B. Electronic Display Panels. If the UDO is amended to permit Electronic Display Panels, then they shall be permitted per the UDO, as amended.

C. Single-Level Buildings. *Article 05.094 SS-04(A)(8): Sign Standards; Commercial Districts; Permanent Signs; Wall Signs; Single-Level Buildings* shall apply, except as follows:

(i) The maximum aggregate Sign Area per primary street frontage shall be four hundred and fifty (450) square feet, and the maximum Sign Area for a single sign facing a primary street frontage shall be three hundred (300) square feet.

(ii) The maximum aggregate Sign Area per secondary street frontage shall be three hundred and thirty (330) square feet, and the maximum Sign Area for a single sign facing a secondary street frontage shall be two hundred and twenty five (225) square feet.

D. Multi-Level Buildings. *Article 05.094 SS-04(A)(9): Sign Standards; Commercial Districts; Permanent Signs; Wall Signs; Multi-Level Buildings* shall apply, except as follows:

(i) The maximum Sign Area permitted for a ground floor retail tenant shall be seventy-five (75) square feet.

(ii) The Sign Area and number of signs for ground floor retail tenants shall not count towards the building frontage's maximum aggregate Sign Area or number of signs as otherwise permitted.

(iii) *Article 05.094 SS-04(A)(9)(a)(i): Sign Standards; Commercial Districts; Permanent Signs; Wall Signs; Multi-Level Buildings – Less Than 50,000 Sq. Ft.* shall be modified to permit a maximum aggregate Sign Area per building frontage of two hundred and twenty-five (225) square feet.

6.4 Awning and Canopy Signs. *Article 05.094 SS-04(A)(10): Sign Standards; Commercial Districts; Permanent Signs; Awning and Canopy Signs* shall apply; however, in order to encourage architectural features that enhance the pedestrian experience, a tenant's Awning or Canopy Signs and Sign Areas shall not count against the building's otherwise allowable signs or Sign Area. An individual Awning or Canopy Sign shall: (i) not exceed fifty (50) percent of the Sign Area of the tenant's Wall Sign; and (ii) be limited to the vertical planes of a canopy or awning as illustrated on the Illustrative Awning/Canopy Exhibit attached hereto as Exhibit D.

6.5 District Theme Features. The District's name and/or logo may be incorporated into or on any Structure or landscaping features (e.g., mounds, decorative walls) within the District. Such features and identifiers shall not count against the District's otherwise allowable signs or Sign Area.

**Section 7.** **Entryway Features.** Each entrance along 96<sup>th</sup> Street and along Allisonville Road shall be permitted to have entryway features located on the corners of the entrances. The features at one entrance along 96<sup>th</sup> Street and at one entrance along Allisonville shall be permitted a maximum height of twenty-eight (28) feet in height. The features at one additional entrance along 96<sup>th</sup> Street shall be permitted a maximum height of fourteen (14) feet in height. The features at the other entrances shall be permitted a maximum height of twelve (12) feet in height. Each feature may incorporate the District's name and/or logo. No individual business or tenant shall be permitted to be identified and the features shall not count against the District's otherwise allowable signs or Sign Area.

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SIGNATURE PAGE FOLLOWS.]

**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, this <sup>18th</sup> Fourth day of June, 2012.

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

AYE	NAY
BY: <u>Scott A. Faultless</u>	_____
Scott A. Faultless, President	_____
<u>Michael Colby</u>	_____
Michael Colby, Vice President	_____
<u>Stuart F. Easley</u>	_____
Stuart F. Easley, Member	_____
<u>David C. George</u>	_____
David C. George, Member	_____
<u>Renee Cox</u>	_____
Renee Cox, Member	_____
<u>C. Pete Peterson</u>	_____
C. Pete Peterson, Member	_____
<u>John W. Weingardt</u>	_____
John W. Weingardt, Member	_____

ATTEST: Linda Gaye Cordell  
Linda Gaye Cordell, Clerk/Treasurer,  
The Town of Fishers, Indiana  
Ordinance No. 031912A

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney  
Prepared by: Steven D. Hardin, Esq., Attorney at Law, Faegre Baker Daniels, LLP  
Jesse M. Pohlman, Land Use Consultant, Faegre Baker Daniels, LLP  
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240



**EXHIBIT A**  
**Original Real Estate**

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**  
**Additional Real Estate**  
**River Place Block 5**

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 a stone at the northwest corner of said Section 10; thence South 00 degrees 13 minutes 22 seconds East (assumed bearing) along the west line of the northwest quarter of said section a distance of 2631.27 feet to a 5/8 inch rebar with cap stamped "Schneider Eng. Firm #0001" (hereinafter referred to as "rebar") at the POINT OF BEGINNING at the southwest corner of said northwest quarter; thence South 00 degrees 32 minutes 01 seconds East along the west line of the southwest quarter of Section 10 a distance of 1074.94 feet to a "rebar" on the northeasterly line of a tract of land described in Instrument Number 9609609546 in the Office of the Recorder of Hamilton County, Indiana; thence South 54 degrees 06 minutes 40 seconds East along said northeasterly line a distance of 501.05 feet to a "rebar" on the north line of a tract of land described in Instrument Number 9709731886 (following two courses are along the north line of said tract of land); (1) thence South 89 degrees 37 minutes 52 seconds West a distance 403.16 feet to the west line of said southwest quarter section; (2) thence South 89 degrees 35 minutes 07 seconds West a distance of 271.54 feet to a "rebar"; thence north 00 degrees 32 minutes 01 seconds West parallel with the west line of said southwest quarter section (being also the east line of the southeast quarter of Section 9) a distance of 193.65 feet to a "rebar"; thence North 89 degrees 35 minutes 07 seconds East a distance of 18.65 feet to a "rebar"; thence North 11 degrees 35 minutes 28 seconds East a distance of 1203.95 feet to the POINT OF BEGINNING, containing 6.00 acres, more or less.

ALSO Part of the Southwest Quarter of Section 10, Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

COMMENCING at a stone at the northwest corner of said Section 10; thence South 00 degrees 13 minutes 22 seconds East (assumed bearing) along the west line of the northwest quarter of said section a distance of 2631.27 feet to a 5/8 inch REBAR with cap stamped Schneider Eng. Firm #0001 (hereinafter referred to as REBAR) southwest corner of said northwest quarter; thence South 00 degrees 32 minutes 01 seconds East along the west of the southwest quarter of Section 10 a distance of 16.42 feet to the POINT OF BEGINNING at the southwest corner of the 91.77 acres tract of land described in a Warranty Deed to the Town of Fishers recorded as Instrument number 92-25459 in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 06 minutes 42 seconds East along the south line of said 91.77 acres tract of land 403.18 feet; thence South 00 degrees 32 minutes 01 second East parallel with the west line of the southwest quarter 1358.51 feet to the northeasterly line of a tract of land described in Instrument Number 9609609546; thence North 54 degrees 06 minutes 40 seconds West along said northeasterly line a distance of 501.05 feet to the west line of the southwest quarter; thence North 00 degrees 32 minutes 01 second West along said west line 1058.52 feet to the POINT OF BEGINNING, containing 11.186 acres, more or less.

Containing in all for this block 17.186 acres, more or less.

EXHIBIT C: CONCEPTUAL SITE PLAN



**EXHIBIT D: ILLUSTRATIVE AWNING/CANOPY EXHIBIT**



**EXHIBIT D: ILLUSTRATIVE AWNING/CANOPY EXHIBIT**



**EXHIBIT D: ILLUSTRATIVE AWNING/CANOPY EXHIBIT**

