

**ORDINANCE NO. 051611**

**Cross Reference:**

**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, AS IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1. DECLARATION**

That the text of the zoning ordinance of the Town of Fishers, Hamilton County, Indiana, Ordinance No. 110380 and the Official Zoning Map, Town of Fishers, Indiana, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as outlined within this ordinance.

**SECTION 2. PURPOSE AND INTENT**

This ordinance acknowledges that the Saxony PUD exists at the time of approval of this ordinance. This ordinance is intended to amend and expand the language of the existing Saxony PUD. This ordinance shall effect no change to the existing Saxony PUD unless those changes are explicitly outlined within this ordinance.

**SECTION 3. ZONING**

The zoning classification of the subject property, legally described in what is attached hereto and incorporated herein referenced as Exhibit A (the "Real Estate"), shall remain PUD-M as previously approved by the Town. This ordinance shall also expand the area within the Saxony PUD to include the property outlined in Exhibit B.

**SECTION 4. DEVELOPMENT STANDARDS**

The development standards for this development and the entire Real Estate described in Exhibit A shall be amended to include the standards established in Exhibit G. This ordinance also replaces the current District Map, Development Standards Matrix, and Thoroughfare Standards Matrix in the Saxony PUD with those included as Exhibit C, Exhibit D and Exhibit E. Nothing in this ordinance shall change or alter any of the already established development standards at the time of approval of this ordinance unless otherwise identified in this PUD ordinance.

**SECTION 5. LAND USE**

The uses permitted on the Real Estate shall be expanded to include those listed in Exhibit H. Nothing in this ordinance shall change or alter any of the already permitted land uses at the time of approval of this ordinance unless otherwise identified in this PUD ordinance.

## **SECTION 6. PROCEDURES AND APPROVALS**

The Plan Commission of the Town of Fishers has conducted a public hearing as required by law on Application Docket No.9-TA-11 as filed by law in regard to the application for a change of zoning district designation filed by Republic Development LLC.

The Plan Commission at its June 14, 2011 meeting sent its favorable recommendation to the Town of Fishers Town (the "Common Council") by a vote of 7 in favor and 0 opposed.


Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council of the Town of Fishers on this 6 day of September, 2011.


Be it now ordained by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Saxony PUD and the Official Zone Map be hereby amended and this ordinance shall be in full force and effect from and after its passage and approval.


TOWN COUNCIL OF THE TOWN OF FISHERS

Aye


Nay

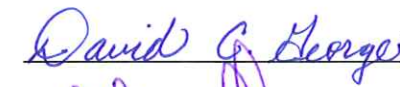
  
\_\_\_\_\_  
Scott A. Faultless  
President

  
\_\_\_\_\_  
Michael L. Colby  
Vice President

  
\_\_\_\_\_  
Stuart F. Easley  
Member

\_\_\_\_\_  
Eileen N. Prichard  
Member

  
\_\_\_\_\_  
Daniel E. Henke  
Member

  
\_\_\_\_\_  
David C. George  
Member

  
\_\_\_\_\_  
Arthur J. Levine  
Member

ATTEST:

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**

## LEGAL DESCRIPTION

A part of the Northeast, Northwest and Southeast Quarters of Section 26, part of the Southwest Quarter of Section 23, part of the Northwest Quarter of Section 25 and part of the Southwest Quarter of Section 24, all in Township 18 North, Range 5 East, in Hamilton County, Indiana, being described as follows:

BEGINNING at the southwest corner of the Southwest Quarter of said Section 24 thence North 89 degrees 36 minutes 25 seconds East (assumed basis of bearings) along the south line of said Southwest Quarter of Section 24 a distance of 91.64 feet to the southwest corner of Parcel 6A as described in Instrument Number 2010049755 on file in the Office of the Recorder of Hamilton County, Indiana being the POINT OF BEGINNING; thence North 01 degree 30 minutes 21 seconds East along the west line of said Parcel 6A 100.04 feet to the northwest corner thereof and a southwest corner of the tract of land conveyed to Olio 238 Partners, LLC in Instrument Number 2009074858, on file in the Office of said Recorder; thence North 00 degrees 11 minutes 57 seconds West along the west line of said Olio 238 Partners, LLC tract 150.60 feet to the southwest corner of Parcel 3 as described in an unrecorded exhibit dated March 5, 2008 (said exhibit depicts Parcel 3 as permanent right-of-way at the southeast corner of Olio Road and State Road 238), the following four (4) courses are along the west and north lines of said Parcel 3; 1)thence North 31 degrees 12 minutes 58 seconds East 29.12 feet; 2)thence North 70 degrees 59 minutes 01 seconds East 67.21 feet; 3)thence North 77 degrees 46 minutes 50 seconds East 60.72 feet; 4)thence North 88 degrees 47 minutes 45 seconds East 70.07 feet to the north line of said Olio 238 Partners, LLC tract and the point of curve of a non-tangent curve concave to the south, having a radius of 1,849.86 feet, the radius point of which bears South 07 degrees 38 minutes 44 seconds West, the following two (2) courses are along the north and east lines of said Olio 238 Partners, LLC tract; 1)thence easterly along said curve 33.22 feet to a point that bears North 08 degrees 40 minutes 28 seconds East from said radius point; 2)thence South 12 degrees 59 minutes 36 seconds West 2.26 feet to the south right-of-way line of State Road 238 and the point of curve of a non-tangent curve concave to the south, having a radius of 1,849.86 feet, the radius point of which bears South 09 degrees 03 minutes 09 seconds West, the following eight (8) courses are along said south right-of-way line; 1)thence easterly along said curve 197.40 feet to a point that bears North 15 degrees 09 minutes 59 seconds East from said radius point; 2)thence South 68 degrees 50 minutes 01 second East 386.73 feet; 3)thence South 60 degrees 30 minutes 37 seconds East 149.97 feet; 4)thence South 64 degrees 30 minutes 47 seconds East 99.90 feet; 5)thence South 64 degrees 30 minutes 47 seconds East 37.30 feet; 6)thence South 82 degrees 59 minutes 02 seconds East 1.70 feet; 7)thence South 70 degrees 27 minutes 01 second East 60.31 feet; 8)thence South 56 degrees 17 minutes 35 seconds East 146.56 feet to the east line of the Northwest Quarter of said Northwest Quarter of Section 25; thence South 00 degrees 12 minutes 34 seconds East along said east line 1,211.12 feet to the southeast corner of said Northwest Quarter of the Northwest Quarter; thence South 89 degrees 34 minutes 22 seconds West along the south line of said Northwest Quarter of the Northwest Quarter 1,321.88 feet to the southwest corner thereof; thence South 00 degrees 13 minutes 39 seconds East along the east line of the Northeast Quarter of said Section 26 a distance of 1330.83 feet to the

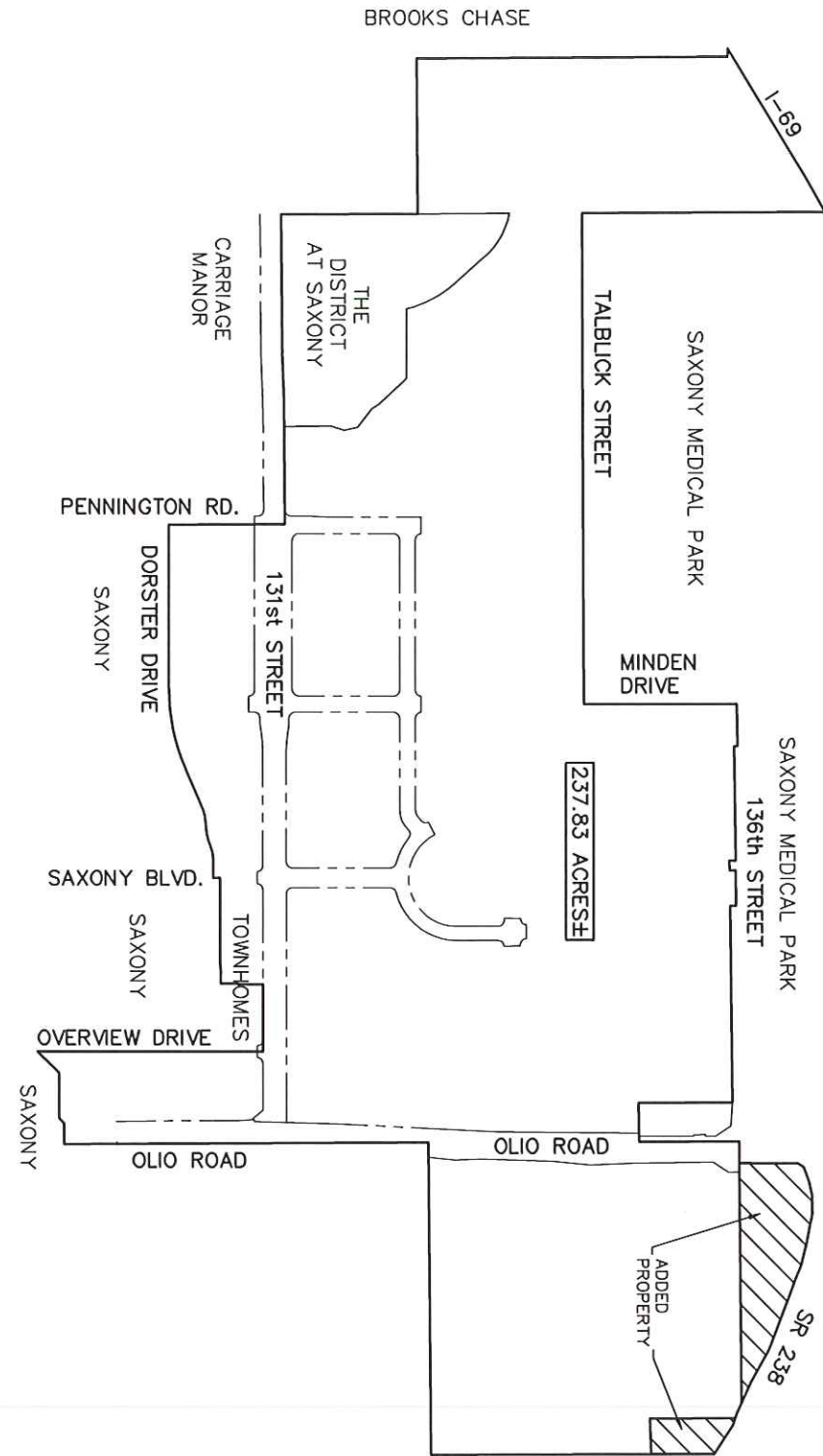
southeast corner thereof; thence South 00 degrees 14 minutes 24 seconds East along the east line of the Southeast Quarter of said Section 26 a distance of 223.92 feet; thence South 89 degrees 45 minutes 36 seconds West a distance of 88.60 feet to a northeast corner of the Secondary Plat of Saxony – Section 1A, recorded as Instrument Number 200300095504, on file in the Office of said Recorder, the following three (3) courses are along northern lines of said Saxony – Section 1A; 1)thence South 43 degrees 05 minutes 29 seconds West a distance of 28.29 feet; 2) thence South 89 degrees 59 minutes 26 seconds West a distance of 194.33 feet; 3) thence South 43 degrees 38 minutes 15 seconds West a distance of 130.66 feet to the centerline of Overview Drive; thence North 00 degrees 00 minutes 23 seconds East along said centerline 963.56 feet to the extension of the south right-of-way line of 131<sup>st</sup> Street as defined on the Saxony Right-of-Way Secondary Plat, recorded in Plat Cabinet 3, Slide 485 in the Office of said Recorder; thence South 89 degrees 59 minutes 37 seconds West along said south right-of-way line 286.42 feet to the northeast corner of Saxony Townhomes Block 1 Phase 2 recorded as Instrument Number 2007053403 on file in the Office of said Recorder; thence South 00 degrees 00 minutes 23 seconds East along the east line of said Saxony Townhomes a distance of 105.54 feet; thence South 89 degrees 59 minutes 37 seconds West along the north line of Lot 6-A in said Saxony Townhomes 3.34 feet; thence South 00 degrees 00 minutes 23 seconds East along the west line of said Lot 6-A 73.96 feet to the north right-of-way line of Whitten Drive North; thence South 89 degrees 59 minutes 37 seconds West 39.36 feet to the point of curve of a curve concave to the south having a radius of 125.50 feet, the radius point of which bears South 00 degrees 00 minutes 23 seconds East; thence southwesterly along said curve 12.44 feet to a point which bears North 05 degrees 41 minutes 23 seconds West from said radius point; thence South 87 degrees 08 minutes 39 seconds West 37.84 feet; thence South 89 degrees 59 minutes 37 seconds West 361.77 feet to the centerline of Saxony Boulevard; thence South 00 degrees 00 minutes 23 seconds East along said centerline 31.54 feet to the centerline of Dorster Street, the following seven (7) courses are along the centerline of Dorster Street; 1)thence South 89 degrees 59 minutes 37 seconds West 77.62 feet to the point of curve of a non-tangent curve concave to the south, having a radius of 139.00 feet, the radius point of which bears South 00 degrees 00 minutes 20 seconds East; 2)thence westerly along said curve 55.76 feet to a point of reverse curve concave to the north having a radius of 261.00 feet, the radius point of which bears North 22 degrees 59 minutes 23 seconds West; 3)thence westerly along said curve 105.00 feet to a point of reverse curve concave to the south having a radius of 139.00 feet, the radius point of which bears South 00 degrees 03 minutes 37 seconds West; 4)thence westerly along said curve 56.28 feet to a point that bears North 23 degrees 08 minutes 18 seconds West from said radius point; 5)thence South 66 degrees 51 minutes 42 seconds West 189.03 feet to the point of curve of a non-tangent curve concave to the north, having a radius of 875.00 feet, the radius point of which bears North 23 degrees 08 minutes 17 seconds West; 6)thence westerly along said curve 352.72 feet to a point that bears South 00 degrees 02 minutes 30 seconds East from said radius point; 7)thence South 89 degrees 57 minutes 30 seconds West 698.24 feet to the west line of the Northwest Quarter of said Section 26; thence North 00 degrees 09 minutes 13 seconds West along said west line 495.98 feet to the extension of the north line of said 131<sup>st</sup> Street, the following five (5) courses are along said north line; 1)thence South 89 degrees 25 minutes 25 seconds West along said north line and its

extension, a distance of 529.23 feet to the point of curve of a curve concave to the south having a radius of 1,045.00 feet, the radius point of which bears South 00 degrees 34 minutes 35 seconds East; 2)thence westerly along said curve 32.59 feet to a point that bears North 02 degrees 21 minutes 48 seconds West from said radius point; 3)thence South 87 degrees 38 minutes 12 seconds West, a distance of 167.63 feet to the point of curve of a curve concave to the north having a radius of 955.00 feet, the radius point of which bears North 02 degrees 21 minutes 48 seconds West; 4)thence westerly along said curve 32.03 feet to a point that bears South 00 degrees 26 minutes 29 seconds East from said radius point; 5)thence South 89 degrees 33 minutes 31 seconds West, a distance of 552.55 feet to the west line of Parcel 1 as described in Instrument Number 9809865682, on file in the Office of said Recorder; thence North 00 degrees 14 minutes 52 seconds West along said west line, a distance of 585.88 feet to the south line of the North Half of said Northwest Quarter; thence South 89 degrees 25 minutes 47 seconds West along said south line, a distance of 657.42 feet to the west line of said Parcel 1; thence North 00 degrees 17 minutes 43 seconds West along said west line, a distance of 1,332.68 feet to the north line of said Northwest Quarter; thence South 89 degrees 27 minutes 40 seconds West along said north line, a distance of 33.94 feet to the southeast right-of-way line of State Road I-69, the following two (2) courses are along said southeast right-of-way line; 1)thence North 58 degrees 12 minutes 36 seconds East, a distance of 435.41 feet to the point of curve of a curve concave to the southeast having a radius of 7,683.45 feet, the radius point of which bears South 31 degrees 47 minutes 24 seconds East; 2)thence northeasterly along said curve 372.79 feet to a point on the west line of the 94.699-acre tract of land described in Instrument Number 2008051613, on file in the Office of said Recorder, said point bears North 29 degrees 00 minutes 36 seconds West from said radius point, the following five (4) courses are along the west, south, east and north lines of said 94.699-acre tract; 1)thence South 00 degrees 06 minutes 58 seconds East, a distance of 411.49 feet; 2)thence South 00 degrees 14 minutes 52 seconds East a distance of 629.16 feet; 3)thence North 89 degrees 45 minutes 54 seconds East, a distance of 2,084.34 feet; 4)thence North 00 degrees 00 minutes 12 seconds East, a distance of 655.61 feet; 5)thence North 89 degrees 19 minutes 22 seconds East, a distance of 179.75 feet to the east line of said Parcel 1; thence South 00 degrees 07 minutes 10 seconds East along said east line, a distance of 13.50 feet to the north line of said Northwest Quarter; thence North 89 degrees 19 minutes 22 seconds East along said north line, a distance of 488.08 feet to the west line of the Dedication of Public Right-of-Way described in Instrument Number 9539034 , on file in the Office of said Recorder, the following six (6) courses are along the west, south and east lines of said Dedication; 1)thence South 00 degrees 40 minutes 38 seconds East, a distance of 26.50 feet; 2)thence North 89 degrees 19 minutes 22 seconds East, a distance of 41.80 feet; 3)thence North 00 degrees 04 minutes 28 seconds West, a distance of 26.50 feet; 4)thence North 89 degrees 19 minutes 22 seconds East, a distance of 151.13 feet; 5)thence South 00 degrees 12 minutes 54 seconds East, a distance of 26.50 feet; 6)thence North 89 degrees 19 minutes 22 seconds East, a distance of 836.72 feet to the southeast corner of said Dedication; thence South 00 degrees 13 minutes 25 seconds East along the east line of the tract of land described in Instrument Number 2007037136, and the east line of the 10.066-acre tract of land described in Instrument Number 2006074222, both on file in the Office of said Recorder, a distance of 402.50 feet; thence North 89 degrees 19 minutes 22 seconds East along the north line of

said 10.066-acre tract, a distance of 165.00 feet to the east line of said Northeast Quarter of Section 26; thence North 00 degrees 13 minutes 25 seconds West along said east line 429.00 feet to the POINT OF BEGINNING.

Containing 237.83 acres, more or less.





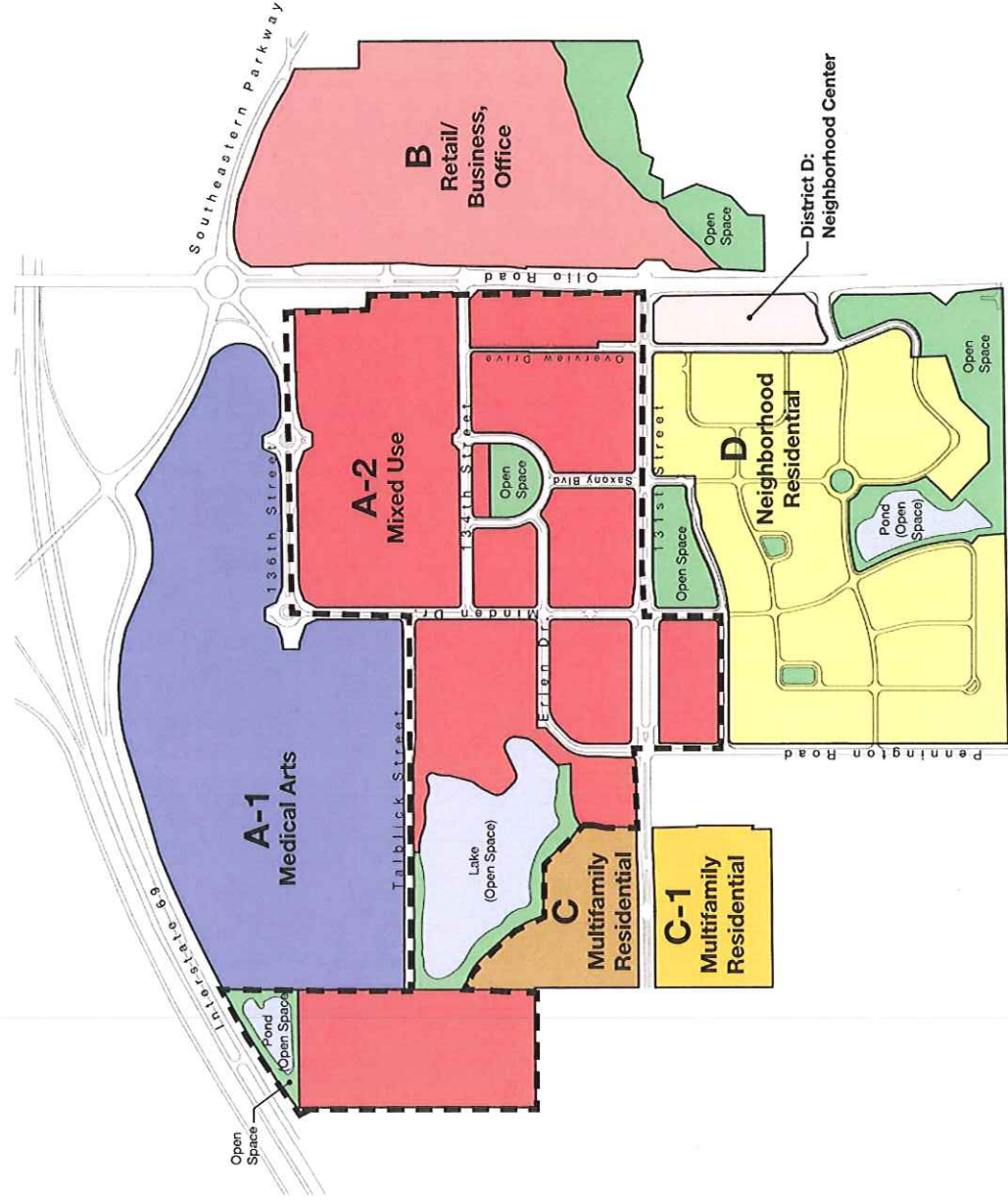
**REZONING EXHIBIT**

AMERICAN  
**STRUCTUREPOINT**  
INC.

7260 SHADELAND STATION  
INDIANAPOLIS, IN 46256-3957  
TEL 317.547.5580 FAX 317.543.0270  
www.structurepoint.com

SCALE:	1"=600'
DATE:	05/25/2011
DRAWN BY:	PED
CHK'D. BY:	MS
JOB NO.	20080540

SHEET NO.  
**1**  
OF 1



**LEGEND**

--- (dashed line)	District A2 Boundary
■ (blue)	District A1: Medical Arts
■ (red)	District A2: Mixed Use
■ (light red)	District B: Retail/ Business, Office
■ (brown)	District C: Multifamily Residential
■ (yellow)	District C-1: Multifamily Residential
■ (light yellow)	District D: Neighborhood Residential
■ (light green)	District D: Neighborhood Center
■ (green)	Open Space / Civic Park
■ (light blue)	Pond / Lake

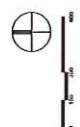


EXHIBIT B: DISTRICT MAP

**SAXONY**

05.02.2011

FISHERS, INDIANA

**REPUBLIC DEVELOPMENT**

**BIRD HOUK**  
A DIVISION OF OHM  
(602) 976-1343 | gahanna, ohio 43230

Exhibit B | Job Number: 6349100011

**SAXONY DEVELOPMENT STANDARDS MATRIX (PUD-M)**

**EXHIBIT C - pg.1**

5/2/2011

Prepared for: Republic Development Corporation  
Land Planning: Bird Houk - A Division of OHM

Town of Fishers, Indiana

DISTRICTS See attached Zoning District Map		DISTRICT DENSITY				SETBACKS AND RESTRICTIONS						
		District Acreage⊕	Permitted Land Uses*	Dwelling Units (Max.)	Density	Open Space Civic/Park (Included in District Acreage)	Rear Yard (Min.)	Side Yard (Min.) ⊗	Lot Width (Single Family)	Single Family Min. S.F.	Multi-Family Unit Min. S.F.	Max. Bldg. Hgt.
A-1	Commerce Center Medical Arts	± 88.1	C1, C2, C3, M1, M2	1362	NO MAX.	—	5' Building 5' Parking 0' Building & Parking (if abutting another Parking Lot)	0 (Common Wall Allowed) 0' Building & Parking (if abutting another Parking Lot)	—	—	1 Bedroom 650 S.F. 2 Bedroom 800 S.F. 3 Bedroom 1,000 S.F.	105'
A-2	Commerce Center Mixed Use	± 155.1	C1, C2, C3, R4, R5, M1, M2 (1)		Residential: No max. ****  Commercial (2): 18,000 sq.ft./ ac. max.	± 24.6	5' Building 5' Parking 0' Building & Parking (if abutting another Parking Lot) Single Family: 20' Townhouse: 20'	0 (Common Wall Allowed) 0' Building & Parking (if abutting another Parking Lot) Single Family: 20' Townhouse 0'	40' (Min.) With Alley 50' Without alley Townhouse 20'	1,300 S.F. Single Story 1,600 S.F. Multi-Story 1,000 S.F. Townhouse	Studio 400 S.F. 1 Bedroom 650 S.F. 2 Bedroom 800 S.F. 3 Bedroom 1,000 S.F.	85'
B	Retail/Business Mixed Use	± 66.5	C1, C2, C3, M2	***	Retail: 10,000 S.F. Per Acre If Office: 18,000 S.F. per acre	± 10.4	20' Building 15' Parking  If office: 10' Building, 10' Parking, 0' if abuts another parking lot	5' Building 10' Parking  If office: 5' Building, 10' Parking, 0' if abuts another parking lot	—	—	Same as Commerce Center Residential	45'  If Office: 65'
C	Multi-Family Residential	± 13.1	R1, R2, R3, R4, R5, M1, M2 C1, C2	270	Office Use Only 12,000 S.F./ Acre Max.  Residential: No max. ****	—	Single Family (Individual Lot) 20' Multi-Family (Project) 25' ⊗	Single Family (Individual Lot) 5' Multi-Family (Project) 15'	40' (Min.) With Alley 50' Without Alley	1,300 S.F. Single Story 1,600 S.F. Multi-Story	1 Bedroom 650 S.F. 2 Bedroom 800 S.F. 3 Bedroom 1,000 S.F.	45'
C1	Multi-Family Residential	± 13.4	R1, R2, R3, R4, R5, M1, M2 C1	68	Office Use Only 12,000 S.F./ Acre Max.  Residential: No max. ****	—	Single Family (Individual Lot) 20' Multi-Family (Project) 25' ⊗	Single Family (Individual Lot) 5' Multi-Family (Project) 15'	40' (Min.) With Alley 50' Without Alley	1,300 S.F. Single Story 1,600 S.F. Multi-Story	1 Bedroom 650 S.F. 2 Bedroom 800 S.F. 3 Bedroom 1,000 S.F.	45'
D	Neighborhood Center	± 5.8	C1, C2**, M1, M2	(+)	10,000 S.F. Per Acre	—	20' Building 5' Parking	0 (Common Wall Allowed)	—	—	Studio 500 S.F. 1 Bedroom 650 S.F. 2 Bedroom 800 S.F. 3 Bedroom 1,000 S.F.	45'
	Neighborhood Residential	± 96.6	R1, R2 R3, R4, R5	300	—	± 20.8	20' From Property Line or Centerline of Alley	5'	50' or Smaller up to 30% 51'-60' up to 40% 61' or Larger 30% Min.	1,300 S.F. Single Story 1,600 S.F. Multi-Story	—	45'
Over-all	TOTAL ACREAGE					± 55.8						
	TOTALS (Net)	± 439		2000								

**\*Permitted Land Uses**

For a Detailed explanation of each Land Use/Zoning Classification®, refer to the Town of Fishers Unified Development Ordinance. The code provides specific permitted land uses, conditional uses, and development standards. The development standards formulated and approved specifically for this PUD shall take precedence over the existing development standards.

- (1) Pedestrian-only streets shall be permitted and buildings shall be permitted to have frontage on such streets in lieu of public or private streets.
- (2) District A-2 Mixed Use: Commercial Density shall include any combination of retail, office, restaurant, hotel, or related commercial/ service uses, as identified in "Permitted Land Uses".
- (+) Up to 75 units can be transferred from other sub-areas to neighborhood center as long as the total unit count remains the same. Residential units can be placed above ground floor retail.

\*\* Individual Retail Users less than 10,000 S.F. only.

\*\*\* Up to 300 units can be transferred from other sub-areas to sub-area B as long as the total unit count remains the same.

\*\*\*\* For Residential density, see dwelling units max.

⊗ Does not apply to spacing between structures for projects with multiple buildings. Actual building separation distances shall be based upon construction type, materials, and State and Local Fire Codes.

⊕ NOTE: ALL ACREAGES ARE APPROXIMATE AND MAY VARY WITH FINAL ENGINEERING

⊕ Neighborhood center located on Pennington Road in District A2 is also subject to the zoning commitments attached. Commitments to be recorded by Developer within 30 days of approval of this Ordinance.

**SAXONY DEVELOPMENT STANDARDS MATRIX (PUD-M)**

**EXHIBIT C - pg.2**

5/2/2011

Prepared for: Republic Development Corporation  
Land Planning: Bird Houk - A Division of OHM

Town of Fishers, Indiana

DISTRICTS See attached Zoning District Map		PARKING Parking Lot Standards (except District D: Neighborhood Residential)	SIGNAGE District A-1, Medical Arts: See Ordinance No. 010509A																																		
A-1	Commerce Center Medical Arts	Commercial: Retail: 1 space per 250 s.f. gross floor area. Restaurant: 1 space per 75 s.f. gross floor area. Office (general & medical): 1 space per 333 s.f. gross floor area  See shared parking text pg.15 of pattern book. P	<p><b>SECTION 1. PURPOSE AND INTENT</b> This Chart is intended to establish signage and advertising standards in the Saxony District which are:</p> <ol style="list-style-type: none"> <li>1. Compatible with surroundings,</li> <li>2. An enhancement to the district's visual environment,</li> <li>3. Harmonious in color, material, and lighting with the building to which it relates,</li> <li>4. Orderly, readable, and safe.</li> </ol> <p><b>SECTION 2. DEFINITION</b> (per Section 158 of the Town of Fishers Code) 1. Sign - Any identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface or parcel of land, and which directs attention to an object, product, place, activity, business, person, service or interest.</p> <p><b>SECTION 3. CALCULATION OF SIGN AREA</b></p> <ol style="list-style-type: none"> <li>1. Sign area is determined per each horizontal linear foot of building/ tenant frontage allocated to each tenant.</li> <li>2. The area of a sign shall include all lettering, signs, or symbols, together with the background whether open or enclosed, upon which they are displayed. The supporting framework is not included.</li> <li>3. The sign area shall be considered to be the smallest regular shape encompassing all the letters and symbols (corporate and product logos);</li> <li>4. And in case of illuminated awning signs, only translucent areas shall be included in the total area calculation. Non-illuminated awnings shall have copy calculated as above.</li> </ol> <p><b>SECTION 4. SIGN REGULATION SUMMARY</b> Signs (including corporate symbols and logos) shall be permitted in the Saxony PUD Districts as summarized in the following tables as further regulated by the provisions of this section. <b>THE FOLLOWING SIGNS (TABLE 1) SHALL BE PERMITTED IN DISTRICTS A-2 MIXED USE, AND D: NEIGHBORHOOD CENTER, AS DESIGNATED ON THE SAXONY PUD ZONING DISTRICT PLAN.</b> An aggregate sign area of two (2) square feet per one horizontal lineal foot of building/ tenant frontage up to the categorical maximums listed below. The aggregate sign area may be increased by 25 percent if signs are chosen from more than one (1) category in table 1 below and are deemed architecturally compatible with proposed signs for that tenant as determined by the Exit 10 PUD committee.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 1.</th> </tr> <tr> <th>Type</th> <th></th> </tr> </thead> <tbody> <tr> <td>Wall sign (1st floor)</td> <td>1:1 ratio up to 150 sf per tenant frontage maximum</td> </tr> <tr> <td>Wall sign (2nd floor and above) – mixed use with pedestrian entrance on frontage or open air balcony</td> <td>1 sign at a .5:1 ratio up to 100 sf maximum per tenant frontage on second floor</td> </tr> <tr> <td>Wall Sign (2nd floor and above) – office/retail without pedestrian entrance or frontage</td> <td>Max. 2 signs per building at a 2:1 ratio up to 300 sf combined maximum, with no individual sign larger than 200 sf</td> </tr> <tr> <td>Projecting signs</td> <td>16 sf maximum per face</td> </tr> <tr> <td>Awning, Canopy or Marquee signs</td> <td>Deducted from the aggregate total</td> </tr> <tr> <td>Artwork / murals associated with business activity</td> <td>Deducted from the aggregate total</td> </tr> </tbody> </table> <p><b>THE FOLLOWING SIGNS (TABLE 2) SHALL BE PERMITTED FOR BUILDINGS FRONTING RETAIL DRIVE AND BUILDINGS NORTH OF RETAIL DRIVE IN ALL BUILDINGS IN DISTRICT B: RETAIL / BUSINESS, OFFICE AS IDENTIFIED ON THE DISTRICT ZONING PLAN.</b> An aggregate sign area of two (2) square feet per one horizontal lineal foot of building/tenant frontage up to the categorical maximums listed below. The aggregate sign area may be increased by 25 percent if signs are chosen from more than one (1) category in Table 2 below (ground signs excluded) and are deemed architecturally compatible with proposed signs for that tenant as determined by the Exit 10 PUD committee. Tenants may choose to follow the C3 sign standards of Section 158.41 in the Town of Fishers Land Use Code but will not receive the increased percentage.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 2.</th> </tr> <tr> <th>Type</th> <th></th> </tr> </thead> <tbody> <tr> <td>Ground sign</td> <td>32 square feet per face and 6 feet high maximum per lot</td> </tr> <tr> <td>Wall sign (1st floor)</td> <td>1.5:1 ratio up to 200 sf per tenant frontage maximum</td> </tr> <tr> <td>Wall sign (2nd floor &amp; above) – mixed use with pedestrian entrance on frontage or open air balcony</td> <td>1 sign at a .5:1 ratio up to 100 sf maximum per tenant frontage on second floor</td> </tr> <tr> <td>Wall sign (2nd floor &amp; above) – office/retail without pedestrian entrance or frontage</td> <td>2 signs per building at a 2:1 ratio up to 300 sf combined maximum with no individual sign larger than 200 sf</td> </tr> <tr> <td>Projecting signs</td> <td>16 sf maximum per face</td> </tr> <tr> <td>Awning, Canopy or Marquee signs</td> <td>Deducted from the aggregate total</td> </tr> <tr> <td>Artwork / murals associated with business activity</td> <td>Deducted from the aggregate total</td> </tr> </tbody> </table> <p><b>SECTION 5. ADDITIONAL PERMANENT PERMITTED SIGNS BY LAND USE ZONE AS IDENTIFIED ON THE DISTRICT ZONING PLAN.</b></p> <ol style="list-style-type: none"> <li>1. A-2: Mixed Use, B: Retail/ Business Office, D: Neighborhood Center, D: Neighborhood Residential.             <ol style="list-style-type: none"> <li>I. Artwork, murals, and sculpted elements that do not refer to the commercial activity may be placed on a building or lot and shall be approved by the Exit 10 PUD Committee.</li> </ol> </li> <li>2. A-2: Mixed Use, B: Retail/ Business Office, C: Multi-Family Residential, C-1: Multifamily Residential, D: Neighborhood Center.             <ol style="list-style-type: none"> <li>I. A sandwich board / A-frame type sign shall be allowed as follows:                     <ol style="list-style-type: none"> <li>1. The area shall not exceed five (5) sq. ft. per face.</li> <li>2. The signboard shall be made of wood, chalkboard, or metal with handwritten or painted letters.</li> <li>3. The sign shall be established only during business hours.</li> <li>4. The sign shall not be placed in the right-of-way.</li> </ol> </li> <li>II. Building Directory signs identifying the occupants of a commercial building shall be mounted on a wall near the entrance and shall not exceed six (6) square feet.</li> <li>III. Temporary signage including decorative banners, shall be limited per Exhibit F. The temporary signs shall be reviewed by the Exit 10 PUD Committee.</li> </ol> </li> <li>3. A-2: Mixed Use, B: Retail/ Business Office, C: Multi-Family Residential, C-1: Multifamily Residential, D: Neighborhood Center.             <ol style="list-style-type: none"> <li>I. Building Directory signs identifying the occupants of a commercial building shall be mounted on a wall near the entrance and shall not exceed six (6) square feet.</li> </ol> </li> <li>4. A-2: Mixed Use, B: Retail/ Business Office, D: Neighborhood Residential, D: Neighborhood Center.             <ol style="list-style-type: none"> <li>I. Saxony District identification signs may be erected as follows:                     <ol style="list-style-type: none"> <li>1. On Ohio Road, 131st Street and at other major entry points (e.g. Alston Drive at Ohio and Pennington Roads) into the Saxony District, one double-sided sign not exceeding 32 square feet or 6 feet in height, or two single-sided signs not exceeding 32 square feet each or 6 feet in height may be placed on each side of entry.</li> <li>2. One sign within 75 feet of the limited access right-of-way of I-69 and S.R. 238 that shall not exceed fifteen (15) feet in height and 75 square feet.</li> </ol> </li> <li>5. All Districts                     <ol style="list-style-type: none"> <li>I. Directional (Wayfinding) signs - Non-illuminated signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephone booths, parks, parking area entrances, service entrances, shopping / entertainment districts shall be allowed upon presentation and approval by Fishers Town Council.</li> </ol> </li> </ol> </li> </ol> <p><b>SECTION 6.</b> For any sign standards not defined in this ordinance, refer to requirements of section 158 of the Town of Fishers Land Use Code of Ordinances.</p> <p><b>SECTION 7. REVIEW PROCEDURES</b></p> <ol style="list-style-type: none"> <li>1. In addition to complying with these regulations and prior to installation, all signs, banners, kiosks, and similar signs shall be reviewed and approved by the Exit 10 PUD committee.</li> <li>2. All permanent signs described in this Ordinance or Section 158 of the Town of Fishers Land Use Code, exceeding four (4) square feet, shall require the issuance of a permanent sign permit before public display.</li> </ol>	Table 1.		Type		Wall sign (1st floor)	1:1 ratio up to 150 sf per tenant frontage maximum	Wall sign (2nd floor and above) – mixed use with pedestrian entrance on frontage or open air balcony	1 sign at a .5:1 ratio up to 100 sf maximum per tenant frontage on second floor	Wall Sign (2nd floor and above) – office/retail without pedestrian entrance or frontage	Max. 2 signs per building at a 2:1 ratio up to 300 sf combined maximum, with no individual sign larger than 200 sf	Projecting signs	16 sf maximum per face	Awning, Canopy or Marquee signs	Deducted from the aggregate total	Artwork / murals associated with business activity	Deducted from the aggregate total	Table 2.		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A-2	Commerce Center Mixed Use	Commercial: Retail: 1 space per 250 s.f. gross floor area. Restaurant: 1 space per 100 s.f. gross floor area. Office (general & medical): 1 space per 333 s.f. gross floor area.  Residential: Multifamily: 2 space per unit for 2 and 3 bedroom units One-Bedroom Unit or Studio: 1 space per unit Single Family: 2 off street spaces per unit Townhomes: 2 off-street spaces per residence  See shared parking text pg.15 of pattern book. P																																			
B	Retail/Business Mixed Use	Commercial: Retail: 1 space per 250 s.f. gross floor area. Restaurant: 1 space per 100 s.f. gross floor area. Office (general & medical): 1 space per 333 s.f. gross floor area.  Residential: Multifamily: 2 space per unit for 2 and 3 bedroom units One-Bedroom Unit or Studio: 1 space per unit Single Family: 2 off street spaces per unit Townhomes: 2 off-street spaces per residence See shared parking text pg.15 of pattern book. P																																			
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C1	Multi-Family Residential	Residential: Multifamily: 2 space per unit for 2 and 3 bedroom units One-Bedroom Unit or Studio: 1 space per unit Single Family: 2 off street spaces per unit (including garage or carport)  See shared parking text pg.15 of pattern book. P																																			
D	Neighborhood Center	Retail/ Commercial: One parking space for each 300 s.f. of gross floor area, but no less than three spaces per use. Residential: 1.5 spaces per unit multi-family (except for 3 bedroom units which will require 3 spaces), 2 off street spaces per unit for single family. Shared parking may be permitted.																																			
D	Neighborhood Residential	2 off-street spaces per residence (Excluding Garage)																																			
<p>The code provides specific permitted land uses, conditional uses, and development standards. The development standards formulated and approved specifically for this PUD shall take precedence over the existing development standards.</p> <p>↳ Town of Fishers may also give credit for on street parking. All lots should have cross easement parking agreements with neighbors when possible.</p> <p>Shared Parking Reduction Factor: Uses within district A-1: Commerce Center Medical Arts, and A-2: Commerce Center Mixed Use may utilize the shared parking reduction factor per type of use as follows (see Development Patterns and Design Guidelines for additional information):</p> <table border="1"> <thead> <tr> <th>Use:</th> <th>Retail</th> <th>Restaurant</th> <th>Office</th> </tr> </thead> <tbody> <tr> <td>Reduce Required parking by:</td> <td>24%</td> <td>19%</td> <td>28%</td> </tr> </tbody> </table> <p>Within the Mixed-Use District, all required parking may be provided off-site. Off-site parking shall be located within the District or in an immediately adjoining district. The allowance of off-site parking is contingent on the submittal of a parking master plan for the districts affected and approval of the parking master plan by the Town of Fishers Development Department. Any user requesting to utilize off-site parking for its required parking shall demonstrate compliance with the approved parking master plan. The Town of Fishers may require any user to provide a portion of its required parking on-site.</p>			Use:	Retail	Restaurant	Office	Reduce Required parking by:	24%	19%	28%																											
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**COMMITMENTS CONCERNING THE USE  
AND DEVELOPMENT OF REAL ESTATE**

**Republic Development** (the "Developer") makes the following commitments to the Fishers Advisory Plan Commission (the "Commission") 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 Exhibit A attached hereto.

**Section 2.**      **Docket No.:** 051611

**Section 3.**      **Statement of Commitments:**

For the property bordered by 131<sup>st</sup> Street on north side, Dorster Street on south side, Minden Drive on east side, and Pennington Road on west side;

1. Building height restriction of 35 feet and no more than two story.
2. All buildings and structures will have a minimum 4:12 sloped roof. Mansard roofs are acceptable provided they are a minimum height of 8 feet.
3. No loading or service areas will immediately face Pennington Road or Dorster Street
4. Excluding Assisted Living/ Nursing Care, no C 2 Land Use will have a business primary entrance facing Pennington Road or Dorster Street
5. The Land Use of C 3 will not be permitted
6. The following C2 Land Uses will not be permitted:
  - a. Fuel sales
  - b. Grocery/convenience mart
  - c. Package goods store (alcohol)
  - d. Tattoo Parlor
  - e. Fast Food Restaurants or Bar/Tavern catering only to ages 21 and over
  - f. Retail greater than 10,000 SF
  - g. Free Standing banks, credit unions, financial services or savings & loans within 350 feet of Pennington Road
7. For Land Use of C1, C 2; and M2, the following apply:
  - a. No loading areas, service areas, or primary storefronts will face Pennington Road or Dorster Street.
  - b. Except where the building serves as a visual screening, a parking area visual screen consisting of a 3 foot mound with 2 foot evergreen hedge or other continuous screening elements at a minimum height of 5 feet will be placed along the Pennington Road frontage and Dorster Street frontage to screen any area parking lots more than two stalls deep.
  - c. Lighting will be lowered to not exceed 18' height and will be directed to limit light spillage offsite.
  - d. No more than one ground mounted sign will be allowed along Pennington Road frontage (max size 32 sf/max height 6').

- e. Any business other than C1 classification will be limited to hours of operation between 7:00 a.m. and 10:00 p.m..
- f. All building sign lighting or free-standing sign lighting visible from Pennington Road shall be turned off no later than 10:00 p.m..
- g. For two stall parking aisles fronting Pennington Road a 15 foot wide continuous landscape buffer will be provided consisting of 4 foot to 6 foot tall grasses, 3 foot hedges, evergreen trees and other appropriate landscaping.

**Abutting Existing Pennington Road Residences' western property line (Carriage Manor):**

- 1. The number of dwelling units is limited to a maximum of 75.
- 2. Under the residential zoning classifications only for sale single-family detached or two family (duplex) attached units are permitted.
- 3. Buildings shall be a maximum 2 story in height.
- 4. At the time of development an 8' high buffer (consisting of a combination mound, fence and landscaping) shall be constructed along the eastern property line of the 15 acre parcel adjoining the existing Pennington Road residences. The following buffer items shall be installed/constructed by the developer:
  - 5. An earthen mound varying in height between 3' and 5' shall be constructed along the entire eastern property line.
  - 6. A 48" wood shadowbox fence shall be constructed on top of the mound in 90' to 110' segments with 15' separation between each segment to allow for landscaping breaks.
  - 7. Three evergreen trees a minimum of 6' in height shall be planted in the 15' area between the fence segments along with a minimum of three (3) shrubs a minimum 18" in height.
  - 8. Along each fence segment an additional 20' of planting beds containing shrubs 3' on center shall be installed on the eastern side of the fence.
  - 9. A minimum of two (2) deciduous trees shall be planted along each fence segment.

**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 Fisher 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 the Saxony PUD Ordinance #051611 as amended by the Town Council of Fishers, Indiana assigning the Saxony PUD-M zoning classification to the real estate identified in Docket No. 051611.

**Section 6. Recording**

The undersigned hereby authorizes the Secretary of the Commission 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, Interstate Holdings LLC has caused this commitment to be executed as of the \_\_\_\_ day of \_\_\_\_\_, 2011.

**INTERSTATE HOLDINGS LLC**  
**By, Republic Development Corporation**  
**Its managing member,**

By: \_\_\_\_\_

**SAXONY THOUROUGHFARE STANDARDS MATRIX  
(PUD -M)**

**EXHIBIT D**

5/2/2011

Town of Fishers, Indiana

Prepared for: Republic Development Corp.  
Land Planning: Bird Houk - A Division of OHM

Street	District	R.O.W.	Street Width (10) (Back to Back)	Curb Type	Parking Lanes	Tree Lawn (5,6,7,9) Min.	Sidewalk (9) Min. in R.O.W.	Front Yard Setback (min unless noted)	Street Tree Spacing (7)	
COMMERCIAL	136th Street	District A: Medical Arts District A-2: Mixed Use District B: Retail / Business, Office	70' 70' 70'	40' 40' 40'	Chairback Chairback Chairback	Both Sides Both Sides Both Sides	8' 8' 8'	5' 5' 5'	0' Building, 5' Parking 0' Building, 5' Parking 25' Building, 10' Parking	40' - 60' o.c. 40' - 60' o.c. 40' - 60' o.c.
	134th Street	District A-2: Mixed Use	70'	40'	Chairback	Both Sides (west of Overview Dr.) (11) None (east of Overview Dr.)	8'	5'	Retail: 0' Building, 5' Parking Residential and Office: 10' Building, 10' Parking	40' - 60' o.c.
	131st Street	District A-2: Mixed Use	100'	23'-6" each side	Chairback (3)	Each outside lane (1,2)	8'	5'	15' Building, 15' Parking	40' o.c.
	Talblick Street (within 650' of Minden Drive)	District A-1: Medical Arts District A-2: Mixed Use	65'	39'	Chairback	Both sides (east of Pennington)	8'	5'	0' Building, 5' Parking	40' - 60' o.c.
	Talblick Street (650' west of Minden Drive)	District A-1: Medical Arts District A-2: Mixed Use	53'	27'	Chairback	none	8'	5' (North-side only)	0' Building, 5' Parking	40' - 60' o.c.
	Erlen Drive	District A-2: Mixed Use	65'	39'	Chairback	Both Sides	8'	5'	0' Building, 5' Parking	40' - 60' o.c.
	Retail Drive	District A-1: Medical Arts	70'	40'	Chairback	Both Sides	8'	5'	10' Building, 10' Parking	40' o.c.
	Pennington Road	District A-2: Mixed Use	65'	36' (40' Within 150' of 131st Street)	Chairback	One Side	8'	5'	0' Building, 5' Parking	40' - 60' o.c.
	Saxony Blvd. East/ West (North of 134th)	District A-2: Mixed Use	60'	39'	Chairback	Both sides	8'	5'	0' Building, 5' Parking	40' - 60' o.c.
	Saxony Blvd. East/ West (South of 134th)	District A-2: Mixed Use	60'	32'	Chairback	One Side - opposite of park	8'	5'	0' Building, 5' Parking Residential: 10' Building, 10' Parking	40' - 60' o.c.
	Saxony Blvd. (South of 134th Street)	District A-2-Mixed Use	65'	39'	Chairback	Both sides	8'	5'	0' Building, 5' Parking Residential: 10' Building, 10' Parking	40' o.c.
	Olio Road	District A-1: Medical Arts District A-2: Mixed Use District B: Retail / Business, Office	Existing	Existing	Chairback	none	8'	5'	25' Building, 25' Parking	Varies
	Minden Drive	District A-1: Medical Arts District A-2: Mixed Use	65'	39'	Chairback	Both Sides	8'	5'	0' Building, 5' Parking Residential: 10' Building, 10' Parking	40' - 60' o.c.
	Overview Drive (private)	District A-2: Mixed Use	62' (4)	24'	Chairback	none	8'	5'	10' Building, 10' Parking	40' o.c.
	Tannen Way, Elster Way	District C: Multi-Family Residential	50'	26'	Roll	One Side	7'	5'	15' Building	40' o.c.
Alley (private)	All Districts	20' (4)	20'	none	none	none	none	N/A	none	
RESIDENTIAL	Pennington Road	District D: Neighborhood Center District D: Neighborhood Residential	65' 65'	36' (40' Within 150' of 131st Street)	Chairback Chairback	East Side Only none	8' 8'	5' 5'	15' Building 15' Building	40' - 60 o.c. 40' o.c.
	Saxony Blvd.	District D: Neighborhood Residential	52'	28'	Roll	One Side	7'	5'	15' Building	40' o.c.
	Olio Road	District D: Neighborhood Residential	Existing	existing	Chairback	Not Required		5'	25' Building, 25' Parking	Varies
	Street 'A'	District D: Neighborhood Residential	60'	28'	Roll	One Side	10'	5'	15' Building	40' o.c.
	Cossel Way	District D: Neighborhood Residential	50'	26'	Extnd. Gutter	One Side	7'	5'	15' Building	40' o.c.
	131st Street	District C: Multifamily Residential District C-1: Multifamily Residential District D: Neighborhood Residential District D: Neighborhood Center	100' 100' 100' 100'	23'-6" Each Side 23'-6" Each Side 23'-6" Each Side 23'-6" Each Side	Chairback (3) Chairback (3) Chairback (3) Chairback (3)	Each outside lane (2) Each outside lane (2) Each outside lane (2) Each outside lane (1,2)	10' 10' 10' No tree lawn paved	5' 5' 5' 5'	15' Building, 15' Parking 15' Building, 15' Parking 15' Building, 15' Parking 15' Building, 15' Parking	40' o.c. 40' o.c. 40' o.c. 40'-60' o.c.
	Overview Drive	District D: Neighborhood Residential	60'	30'	Roll	One Side	10'	5'	15' Building, 10' Parking	40' o.c.
	Dorster Street, Elbe Street, Whitten Drive North & South, Westhaven Ave., Walbeck East Erlen Drive, Dresden Court, Walbeck Drive	District D: Neighborhood Residential	50'	26'	Roll	One Side	7'	5'	15' Building	40' o.c.
	Alley (private)	All Districts	20' (4)	20'	none	none	none	none	N/A	none

Notes:

- A: Developer may choose to keep any individual street private.
- B: Streets shown as Public may be kept Private in which case design criteria may change.
- C: Street trees shall not block vision clearance triangles or traffic control signs at intersections.  
Town shall have right to remedy any obstruction.
- D: MUTCD standard signs shall be installed by developer and maintained by the town. If other signs are used the applicable association or master will be responsible for maintenance.

Footnotes:

- 1. Angled parking may be provided in lieu of parallel parking. 22.5' min. parking lane width dimension and 26' length of parking space.
- 2. Parking lane changes required as a result of traffic changes shall be approved by the Town Council.
- 3. Straight curbs form the median.
- 4. Ingress / Egress easement.
- 5. Tree lawn can be paved in Commercial Areas with trees located in tree grates or elevated planters.
- 6. R.O.W. width in commercial districts may be reduced when tree lawn is removed or paved as long as minimum width equals or exceeds 50'.
- 7. Street tree spacing and locations may vary or be eliminated as required in urban retail plazas.
- 8. Setbacks measured from back of curb on private streets.
- 9. Tree lawn and sidewalks are not required adjacent to common areas and parks if other pathways provide connectivity through the area.
- 10. If alley home product is planned in the future, then street width minimum shall be increased to 32 feet back to back with parking on both sides.



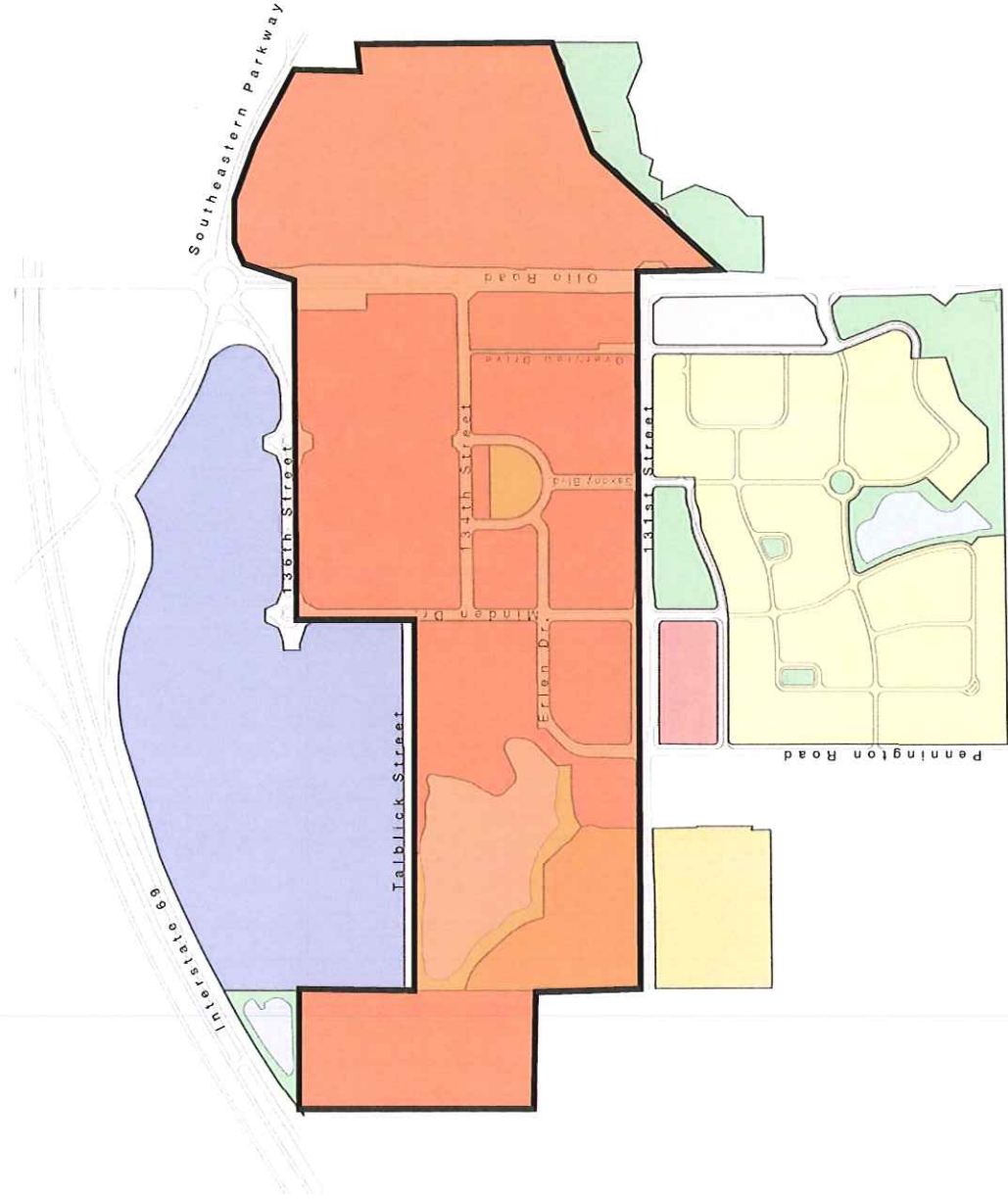


EXHIBIT E: MIXED USE ENTERTAINMENT OVERLAY MAP

**SAXONY**

FISHERS, INDIANA

05.02.2011



**REPUBLIC**  
DEVELOPMENT



Exhibit E | Job Number: 6349100011

## EXHIBIT F

### Activities and Uses with Special Use Standards – Mixed Use –Entertainment Overlay (MUEO)

#### 1. Geography of the MUEO

The boundaries of the MUEO shall be defined as those of the Activity Areas as depicted on Exhibit E.

#### 2. Annual Permit

An annual permit shall be required for uses and activities within the MUEO. This permit shall outline, as best as possible; the number, type, dates, and location of events and activities proposed for the calendar year. This permit shall be good for 12 months and shall be filed for review and approval in January of each year. Activities and events listed in the permit shall not have separate fees for review. In the event a tent is required for the event, such tent may require an inspection by the Fishers Fire Department or Development Department.

#### 3. Fees

A MUEO fee shall be payable at the time the Annual Permit is filed with the Development Department. This fee shall cover all permitting and approvals from the Town for the purposes of allowing and facilitating the events and activities listed in the Schedule of Events. In the event that tents are installed for events, an inspection will be required by the town and a fee will be paid for each required inspection. Such fee shall be in addition to the Annual Permit fee. Separate and individual inspections shall be performed on an as needed basis and fees will be charged in accordance with the Town of Fishers Fee Schedule section 35.30 of the Town Code of Ordinances as amended from time to time.

#### 4. Schedule of Events

As part of the application process, a twelve (12) month schedule of events and activities shall be submitted for consideration and approval by the Development Department. An example of this schedule is attached in Exhibit H. This schedule may not be all inclusive of activities and events for the year, but shall be a best effort to identify the activities planned for the twelve (12) month period. The schedule may be amended to include events not included in the schedule at the time of filing. Such amendments must be made at least two (2) weeks in advance of the event if public road closure is not required. Any event that requires the closure of a public road shall follow the permitting procedures of the Town of Fishers. If an event is added that does not require the closure of a public street, no additional fee shall be charged, except for separate and individual inspections on an as-needed basis as identified in Section 3. If a previously approved event needs to be altered, such changes can take place without additional permitting cost and with notice to the Development Department as outlined in this Section 4.

**5. Exempt Events**

Events that occur on private property that do not currently require a permit, that do not require closure of a public street, and that do not require the installation of a tent shall not be required to be on the schedule or receive pre-approval by the Town. While no permit is required, an electrical inspection may be required if new or altered electrical service is proposed. Separate and individual fire, electrical, and zoning inspections shall be performed on an as needed basis and fees will be charged in accordance with the Town of Fishers Fee Schedule section 35.30 of the Town Code of Ordinances as amended from time to time.

**6. Permitted Uses and Activities**

All uses permitted and activities permitted by the Saxony PUD, Fishers UDO (as applied by the Saxony PUD) and in Exhibit G shall be permitted within the MUEO.

**7. Tents**

A. Limited Use Tents (up for less than one week in duration)

Limited Use Tents shall be permitted in the MUEO and shall not be restricted in size or number. Such tents shall not require permits from the Town; however, tents will be subject to the safety standards for tent installation as established and enforced by the Town, and shall comply with all state and local building codes and regulations. If an inspection is required, a fee will be charged in accordance with the Town of Fishers Fee Schedule section 35.30 of the Town Code of Ordinances as amended from time to time.. Limited Use Tents shall not be required to be located on a property with a primary structure.

B. Semi-Permanent Tents (up for greater than one week at one location)

Separate and individual inspections shall be performed on an as needed basis and fees will be charged in accordance with the Town of Fishers Fee Schedule section 35.30 of the Town Code of Ordinances as amended from time to time. Each tent shall comply with all state and local building codes and regulations. Semi-Permanent Tents shall not be required to be located on a property with a primary structure.

**8. Parking on non-hard surface areas**

Non hard surface parking areas shall be permitted so long as the use of such areas is exclusively for special events, markets, or activities that are intermittent and temporary. Gravel and grass shall both be acceptable surfaces for this temporary parking.

## 9. Signs

In addition to the signage permitted by the Fishers UDO and the Saxony PUD, the following signs shall be permitted in the MUEO district:

### A. General Banner Requirements

- i. No banner shall exceed thirty two (32) square feet in size or six (6) feet in height.
- ii. Banners placed on a structure shall not be placed any higher than the eaves of the structure.
- iii. Banners shall comply with Vision Clearance Standards defined by the UDO, but shall otherwise not be subject to any setback requirement.
- iv. In no instance shall any two banners which are affixed to the ground along public street be closer than 100 feet from one another.
- v. Banners along 131<sup>st</sup> Street, 134<sup>th</sup> Street, 136<sup>th</sup> Street, or Olio Road shall be permitted for a period not to exceed 30 days unless addressed as a Semi-Permanent Banner below.
- vi. Banners along any other public street in the MUEO shall not be subject to any time constraints.
- vii. Banners shall be kept in good working condition and shall be removed or replaced if damaged or rendered in a state of disrepair.
- viii. No fee or permit shall be required for the installation of banners within the MUEO.

### B. Semi-Permanent Banners

- i. Semi-Permanent Banners shall be permitted in the locations as identified in Exhibit I. Banners shall also be permitted on light-poles located in Town of Fishers public ROW, provided such poles include appropriate banner-mounting hardware. Such banners shall provide at least eight (8) feet of clearance from the bottom of the banner to grade. If any part of the banner overhangs any street (between the backs-of-curbs) or vehicle-use area, the banner shall provide at least fifteen (15) feet of clearance from the bottom of the banner to grade.
- ii. These banner locations shall be used exclusively for the advertisement of activities and events within the MUEO as identified in Exhibit G, and may include sponsorship information for events.
- iii. There shall be no restriction on when these banners may remain in place.
- iv. No fee or permit shall be required for semi-permanent banners.

### C. Special Event Banners

- i. These banners shall be used exclusively for the advertisement of community activities and events as identified in Exhibit G within the MUEO, and may include sponsorship information for events.
- ii. Banners shall be unlimited in size, height, and placement within the MUEO, except where specified in this text.
- iii. Banners shall be permitted to be located on parking lot light poles, provide such poles include appropriate banner-mounting hardware and shall be limited to 32 sq.ft. in area. Such Banners shall provide at least 8 feet of clearance from the bottom of the banner to grade. If any part of the banner overhangs any street (between the backs-of-curbs) or vehicle-use area, the banner shall provide at least fifteen (15) feet of clearance from the bottom of the banner to grade.

- iv. Banners up to and including 32 sq. ft. in area shall be permitted to be installed for a total period of up to six months, including the duration of the event.
- v. Banners between 32 and 64 sq. ft. in area shall be permitted to be installed up to 2 weeks before the start of the event and for the duration of the event, and shall be removed within 72 hours of the end of the event.
- vi. Banners larger than 64 sq. ft. shall be permitted to be installed up to 48 hours before the start of the event and for the duration of the event, and shall be removed within 24 hours of the end of the event.
- vii. Special event banners shall be permitted to be illuminated with temporary exterior lighting. Light fixtures shall not be aimed off site.
- viii. No fee or permit shall be required for special event banners.

D. Balloons, Pennants, and Streamers

- i. Balloons, Pennants, and Streamers shall be permitted for use exclusively for the advertisement of community activities and events as identified in Exhibit G within the MUEO, but may include sponsorship information for events.
- ii. Balloons, Pennants, and Streamers shall not be located in the ROW, shall not be permitted to extend over any public ROW, but otherwise shall not be subject to any setback requirement.
- iii. Balloons, Pennants, and Streamers shall be permitted to be installed up to 72 hours before the start of the event and for the duration of the event, and shall be removed within 72 hours of the end of the event.
- iv. Balloons, Pennants, and Streamers that are located within the MUEO, but are not designed to attract attention from a public ROW, shall be permitted without restriction.
- v. No permit or fee shall be required for Balloons, Pennants, and Streamers

E. Directional Wayfinding Signs

- i. Signs shall be limited to information that directs people to public and semi-public uses and districts within the MUEO and as identified in Exhibit G.
- ii. Signs shall be limited to eight (8) square feet and four (4) feet in height
- iii. Such signs shall be set back at least five (5) feet from the ROW unless within medians.
- iv. Signs shall comply with Vision Clearance Standards defined by the UDO.

## **EXHIBIT G**

### Additional Permitted Uses in Saxony within the Mixed Use Entertainment Overlay (MUEO)

#### **Permitted Activities (including, but not limited to...)**

Farmers Markets

Outdoor Food, Market and Activity vendors (tied to specific activities and events: site plan to be provided to town prior to activity)

Fairs

Festivals

Carnivals

Indoor markets

Parades, celebration events and ceremonies; holiday activities

Concerts and Performances (acoustic and non-acoustic), dancing

Outdoor seating related to the activities on the annual schedule (Exhibit H)

Sports fields and passive and organized activities, and competitions

Running events, bicycling events, triathlon

Lake Activities, boating, swimming, fishing, water taxi

Beach

Outdoor passive and organized recreational activities (including, but not limited to: yoga, educational events, and movies)

Private parties (including but not limited to weddings, corporate events)

Special event exhibitions, hot-air balloons and skydiving

...and other such related community uses, activities, and events.

## EXHIBIT H

### SAXONY EVENTS – 2011

#### APRIL

23<sup>rd</sup> Easter Egg Hunt  
30<sup>th</sup> Fishers Parks 5K & Family Walk

#### MAY

14<sup>th</sup> Saxony Market Opening  
Shakespeare in the Park  
19<sup>th</sup> Concert in the Park  
21<sup>st</sup> Saxony Market  
26<sup>th</sup>-28<sup>th</sup> Saxony Carnival  
27<sup>th</sup> Activate the Beach  
28<sup>th</sup> Saxony Market

#### JUNE

4<sup>th</sup> Saxony Market  
8<sup>th</sup> Movie in the Park  
11<sup>th</sup> Saxony Market  
WELLNESS DAY @ THE MARKET  
18<sup>th</sup> Saxony Market  
25<sup>th</sup> Saxony Market

#### JULY

2<sup>nd</sup> Saxony Market  
3<sup>rd</sup> Independence Day Concert  
9<sup>th</sup> Saxony Market  
13<sup>th</sup> Movie in the Park  
16<sup>th</sup> Saxony Market  
KID'S DAY @ THE MARKET  
23<sup>rd</sup> Saxony Market

30<sup>th</sup> Saxony Market  
CORN DAY @ THE MARKET

August

6<sup>th</sup> Saxony Market  
10<sup>th</sup> Movie in the Park  
13<sup>th</sup> Saxony Market  
PUBLIC SAFETY DAY @ THE MARKET  
18<sup>th</sup> Concert in the Park  
20<sup>th</sup> Saxony Market  
27<sup>th</sup> Saxony Market  
PET DAY @ THE MARKET

SEPTEMBER

3<sup>rd</sup> Saxony Market  
5<sup>th</sup> Close the Beach  
10<sup>th</sup> Saxony Market  
17<sup>th</sup> Saxony Market  
17<sup>th</sup> SAXONY OKTOBERFEST  
24<sup>th</sup> Saxony Market

OCTOBER

1<sup>st</sup> Saxony Market (SEASON CLOSES – LAST DAY)  
1<sup>st</sup>-2<sup>nd</sup> RENAISSANCE FAIRE

NOVEMBER

5<sup>th</sup> AUTISM 5K

DECEMBER

2<sup>nd</sup>-3<sup>rd</sup> OLD TOWN CHRISTMAS & TREE LIGHTING





EXHIBIT I: SEMI-PERMANENT BANNER LOCATION MAP

**SAXONY**

FISHERS, INDIANA

05.02.2011



Exhibit I | Job Number: 6349100011