

Year

2016

TOPGOLF PUD

City of Fishers  
Planned Development  
Ordinance  
No. 051616E

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p><b>Ordinance No.</b> (this Ordinance) <b>Adopted:</b> <u>6/20/2016</u></p> <p>The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 090605A, as amended, and the OFFICIAL ZONING MAP, CITY OF FISHERS, INDIANA, dated October 16, 2006, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:</p> <p>The zoning classification of the real estate legally described in Section 1.08 of this Ordinance (the "Real Estate"), is hereby designated as a <b>Planned Unit Development - Commercial District (PUD-C)</b>, and that said PUD-C zoning district shall hereafter be known as the "<b>Topgolf PUD.</b>"</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All previous PUD Ordinances, and amendments thereto, applicable to the Real Estate are hereby repealed.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the UDO to the development of the Real Estate.</p>	<p>All uses described in the <b>C3</b> Commercial District, and</p> <ul style="list-style-type: none"> <li>• Sports entertainment facility</li> </ul>

# TOPGOLF PUD

## 1.02 Applicability

A. If the Real Estate is developed and used as a sports entertainment facility, then the standards of the UDO applicable to the **C3** Commercial District shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this Ordinance. For all other permitted uses, the standards applicable to the **C3** Commercial District shall apply. "Article" cross-references of this Ordinance shall hereafter refer to the Article section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein shall have the meaning ascribed to them in the UDO. Pursuant to Article 4.02(F): Amendments to the Unified Development Ordinance, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Article 1.10: Basic Provisions: Transition Rules also shall apply to amendments.

## 1.03 Concept Plan

A. The Concept Plan is hereby incorporated. The Real Estate's development plan may vary from the Concept Plan; however, per Article 9.17(A)(2)(a): Planned Unit Development District; General; Purpose & Intent, the Concept Plan provides the Plan Commission and City Council with a general vision for the development of the Real Estate.

Concept Plan Exhibit



# TOPGOLF PUD

## 1.04 Development Standards

- A. Cross References: The regulations of *Article 05: Development Standards* shall apply, except as modified by this Ordinance.
- B. General Regulations: *Article 2.28: C3 Commercial District Development Standards* shall apply.
- C. Accessory Structure Standards (AS): shall apply, except as modified below:
  - (1) Article 5.04 AS-01: Accessory Structures; General; (D)(3): *Trash Receptacle Enclosures; Design* shall not apply. Instead, the following shall apply:
    - (i) Enclosures shall be constructed of a steel structure with wood cladding to match the building.
  - (2) Article 5.09 AS-06: Accessory Structures; Commercial; (A): *Permitted Accessory Structures*; shall apply, except as modified below:
    - (i) A barrier netting system up to one hundred seventy-five (175) feet in height from the finished floor elevation, as shown on the Barrier Exhibit, attached hereto as Exhibit A, shall be permitted.
- D. Architectural Design Standards (AD): shall apply, except as modified below:
  - (1) The Illustrative Architectural Exhibit, as shown below, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building design may vary from the Illustrative Architectural Exhibit; however, buildings shall be substantially similar in quality and character to the building shown in the Illustrative Architectural Exhibit.

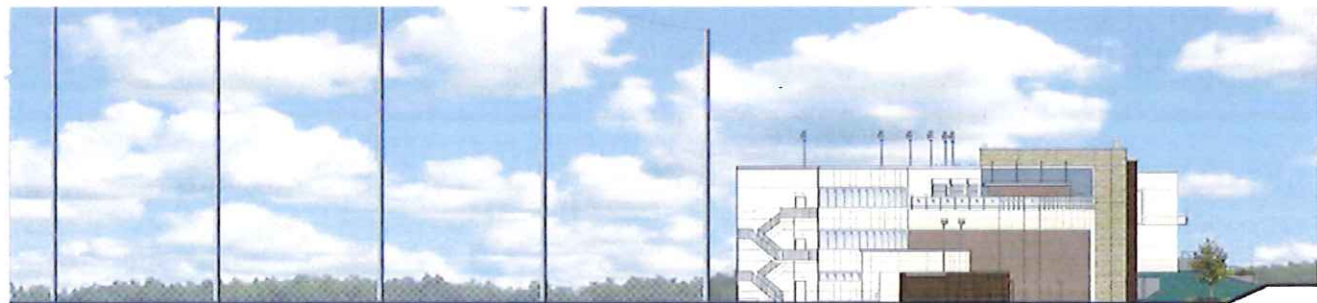
*Illustrative Architectural Exhibit*



Front Elevation

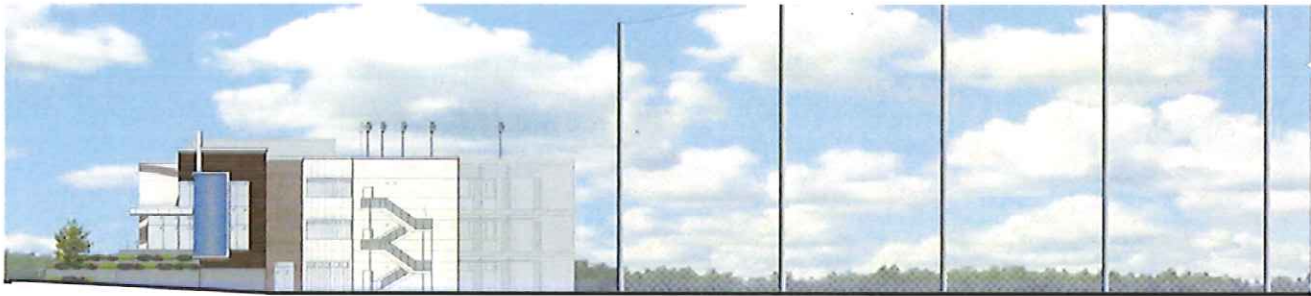


Rear Elevation



Left Elevation

TOPGOLF PUD



Right Elevation

- (2) Article 5.15 AD-03: Architectural Design; Commercial; (A)(4): *Facade; Wall Planes*; shall not apply.
- (3) Article 5.15 AD-03: Architectural Design; Commercial; (D)(6): *Roof; Flat Roofs*; shall not apply.
- (4) Article 5.15 AD-03: Architectural Design; Commercial; (E): *Mechanical and Utility Equipment Screening*; shall apply, except as modified below:
  - (i) All mechanical equipment regardless of mounting style or location on site shall be screened from view from the east, south, and west sides.
- (5) Article 5.15 AD-03: Architectural Design; Commercial; (G): *Signature Feature*; shall apply, as modified below:
  - (i) The Topgolf Shield Logo as depicted in the Sign Exhibit, attached hereto as Exhibit B, shall qualify as the signature feature and shall be permitted.

- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall not apply. Instead, the following shall apply:
  - (1) One (1) deciduous tree per sixty (60) feet shall be installed in the area depicted on Exhibit C.
  - (2) At least two (2) shrubs and/or ornamental trees shall be planted within twenty (20) feet of the foundation wall for every twelve (12) lineal feet of the building's south, east, and west facades. Plantings may be clustered.
  - (3) Parking Lot Plantings, per Article 5.44 of the UDO, shall apply.
- N. Lighting Standards (LT): shall apply, except as modified below:
  - (1) Article 5.47 LT-01: Lighting Standards; General; (F): *Sport Field Lighting*; shall apply, except as modified below:
    - (i) Sport field lights shall be shut off by 2:30 a.m. on any given night.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall not apply. Instead, there shall be 476 parking spaces as shown on the Concept Plan.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Permanent Outdoor Display Area Standards (PD): shall apply.
- V. Property Identification Standards (PI): shall apply.
- W. Public Art Standards (PT): shall apply.

# TOPGOLF PUD

- X. Public Improvement Standards (PV): shall apply.
- Y. Setback Standards (SB): shall apply.
- Z. Sewer & Water Standards (SW): shall apply.
- AA. Sexually Oriented Business Standards (SX): shall apply.
- BB. Sign Standards (SG): shall not apply. Instead, the sign types graphically depicted in the Sign Exhibit, attached hereto as Exhibit B, shall be permitted as follows:
  - (1) Exterior Sign:
    - (i) One exterior sign shall be permitted as depicted in Exhibit B.
  - (2) Shield Logo:
    - (i) One shield logo sign shall be permitted as depicted in Exhibit B.
  - (3) Monument Sign:
    - (i) One (1) double-faced monument sign shall be permitted as depicted in Exhibit B.
  - (4) Integrated Center Identification Sign:
    - (i) In addition to the above permitted signs, the Real Estate shall be permitted a sign on an Integrated Center Identification Sign in the location depicted in Exhibit B.
- CC. Structure Quantity Standards (SQ): shall apply.
- DD. Telecommunication Facilities Standards (TC): shall apply.
- EE. Temporary Use/Structure Standards (TU): shall apply.
- FF. Use-specific Standards (US): shall apply.
- GG. Vision Clearance Standards (VC): shall apply.

## 1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Density and Intensity Standards (DE): shall apply.
- I. Development Name Standards (DN): shall apply.
- J. Easement Standards (EA): shall apply.
- K. Erosion Control Standards (EC): shall apply.
- L. Floodplain Standards (FL): shall apply.
- M. Lot Establishment Standards (LT): shall apply.
- N. Mixed Use Development Standards (MU): shall apply.
- O. Monument & Marker Standards (MM): shall apply.
- P. On-street Parking Standards (OG): shall apply.
- Q. Open Space Standards (OP): shall apply.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards (PL): shall apply.
- T. Prerequisite Standards (PQ): shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- W. Street Lighting Standards (SL): shall apply.
- X. Street Name Standards (SN): shall apply.
- Y. Street Sign Standards (SS): shall apply.
- Z. Surety Standards (SY): shall apply.
- AA. Utility Standards (UT): shall apply.

# TOPGOLF PUD

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## 1.06 Procedures

- A. The procedures set forth in *Article 9: Processes, Permits & Fees; Planned Unit Development* shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. The Real Estate shall be assigned to the City's general PUD Committee (the "Committee") for review pursuant to *Article 9.20 Planned Unit Development; Final Development Plan*.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage, and landscaping design standards established or referenced by this Ordinance if the Committee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

TOPGOLF PUD ORD 051616E

1.07 Adoption

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

APPROVED by the Common Council of the City of Fishers this 20<sup>th</sup> day of June, 2016.

THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA  
AYE NAY

*[Handwritten signatures of council members]*

- John W. Weingardt, \_\_\_\_\_  
President
- David C. George, \_\_\_\_\_  
Vice-President
- C. Pete Peterson, \_\_\_\_\_  
Member
- Eric Moeller, \_\_\_\_\_  
Member
- Selina M. Stoller, \_\_\_\_\_  
Member
- Richard W. Block, \_\_\_\_\_  
Member
- Cecilia C. Coble, \_\_\_\_\_  
Member
- Todd P. Zimmerman, \_\_\_\_\_  
Member
- Brad DeReamer, \_\_\_\_\_  
Member

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 20<sup>th</sup> day of June 2016, at 10:00 P m.

ATTEST: *[Signature]*  
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL  
*[Signature]*  
Scott A. Fadness, Mayor

DATE 6/20/16



Approved by: Chris Greisl, City of Fishers, City Attorney  
Prepared by: Steven D. Hardin, Esq.,  
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,  
Indianapolis, Indiana 46240. (317) 569-9600.

In accordance with Indiana Code, I affirm, under 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, Esq.



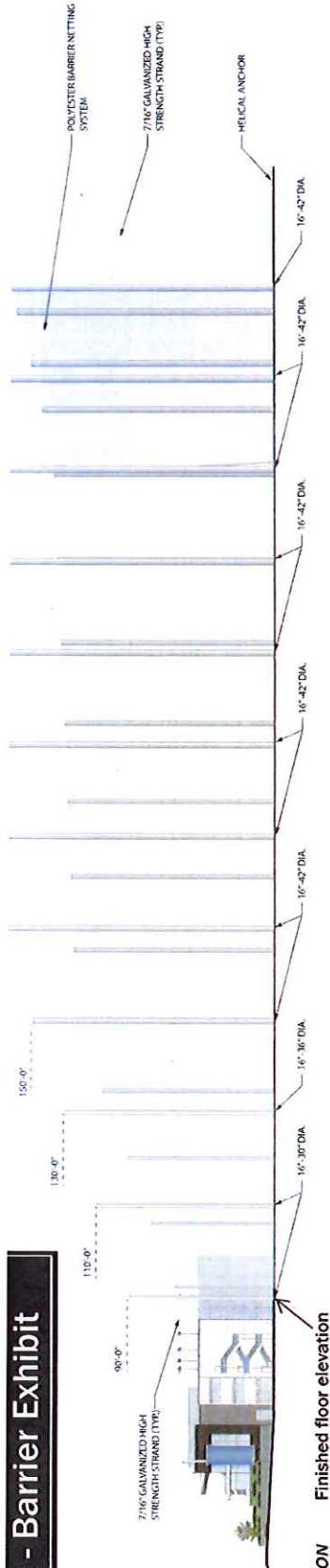
## TOPGOLF PUD

## 1.08 Real Estate

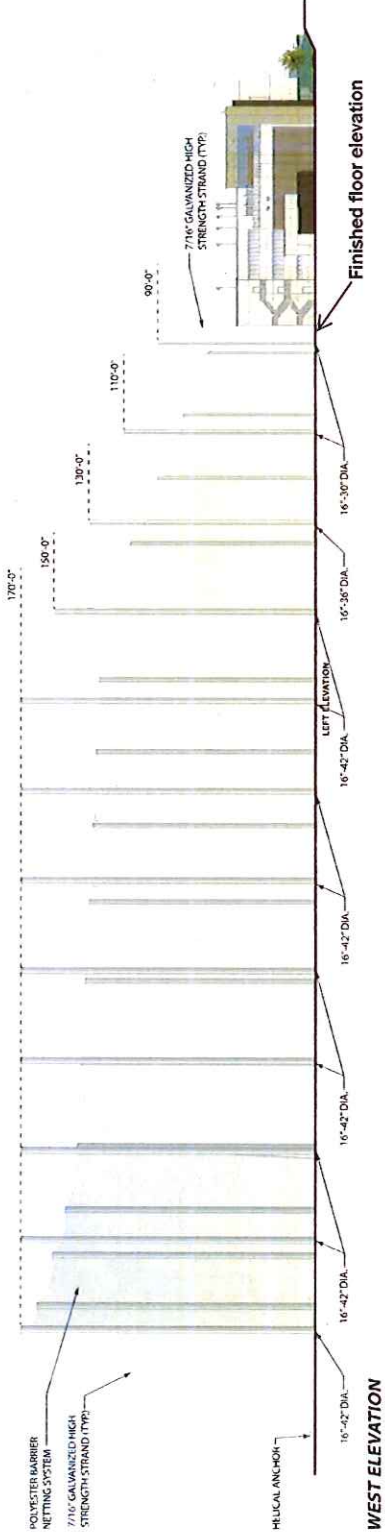
Part of the Southwest Quarter of Section 31, Township 18 North, Range 5 East in Hamilton County, Indiana, described as follows:

Commencing at the southeast corner of the Southwest Quarter of Section 31, Township 18 North, Range 5 East; thence North 00 degrees 51 minutes 22 seconds West (assumed bearing) 55.00 feet along the east line of said Quarter to the North right of way line of 116th Street as now located by description of Parcel 73 as taken for right of way per I.S.H.C. plans for Project I 69-1(33)0; thence South 89 degrees 26 minutes 00 seconds West 101.86' on and along said North right of way line parallel with the South line of said Quarter Section to the point of beginning; thence continuing thence South 89 degrees 26 minutes 00 seconds West 71.20 feet on and along said North right of way line parallel with the South line of said Quarter Section to the beginning of the limited access right of way along the interchange ramp for I 69 as now located by said highway plans; thence North 84 degrees 13 minutes 35 seconds West on and along said limited access right of way line 452.77 feet; thence North 86 degrees 44 minutes 16 seconds West on and along said line 326.74 feet to the East limited access right of way line of I69 as now located by said highway plans; thence North 29 degrees 01 minutes 26 seconds East on and along said right of way line 1089.81 feet to a point on a curve to the right, the radius point of which bears South 56 degrees 20 minutes 52 seconds East 1367.39 feet from said point; thence Northeasterly on and along said right of way line and curve 323.66 feet to the point of tangency thereof which bears North 42 degrees 49 minutes 40 seconds West 1367.39 feet from the radius point aforesaid; thence North 47 degrees 10 minutes 20 seconds East on and along said right of way line 46.92 feet; thence North 88 degrees 55 minutes 27 seconds East 158.55 feet to the East line of said Southwest Quarter; thence South 00 degrees 51 minutes 22 seconds East 320.79 feet; thence South 16 degrees 48 minutes 21 seconds West 332.38 feet; thence South 00 degrees 46 minutes 06 seconds East 657.49 feet to the Point of Beginning, containing 15.536 acres more less.

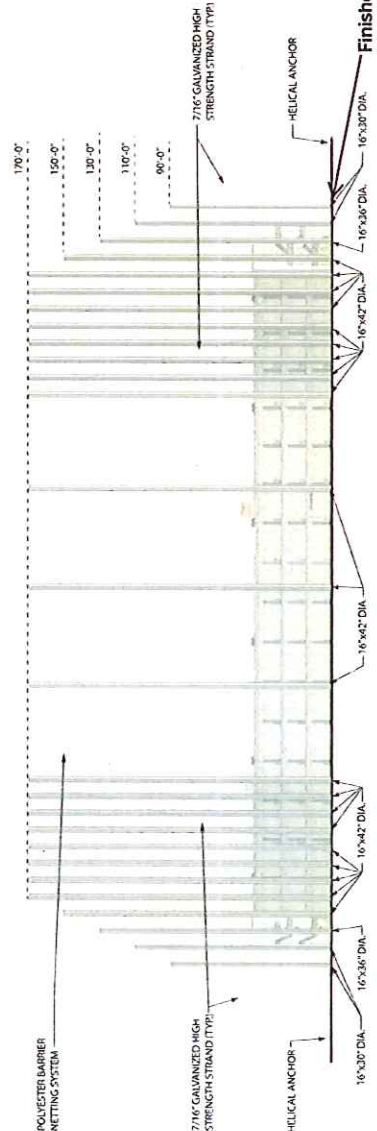
# Exhibit A - Barrier Exhibit



**EAST ELEVATION** Finished floor elevation



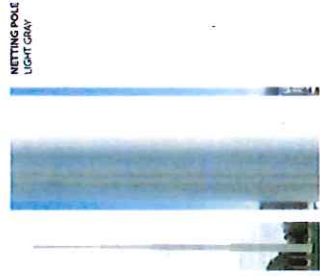
**WEST ELEVATION** Finished floor elevation



**NORTH ELEVATION** Finished floor elevation



**POLYESTER BARRIER NETTING SYSTEM**  
 NETTING COMPONENT:  
 COLOR: BLACK  
 MESH SIZE: 1 1/2\"/>



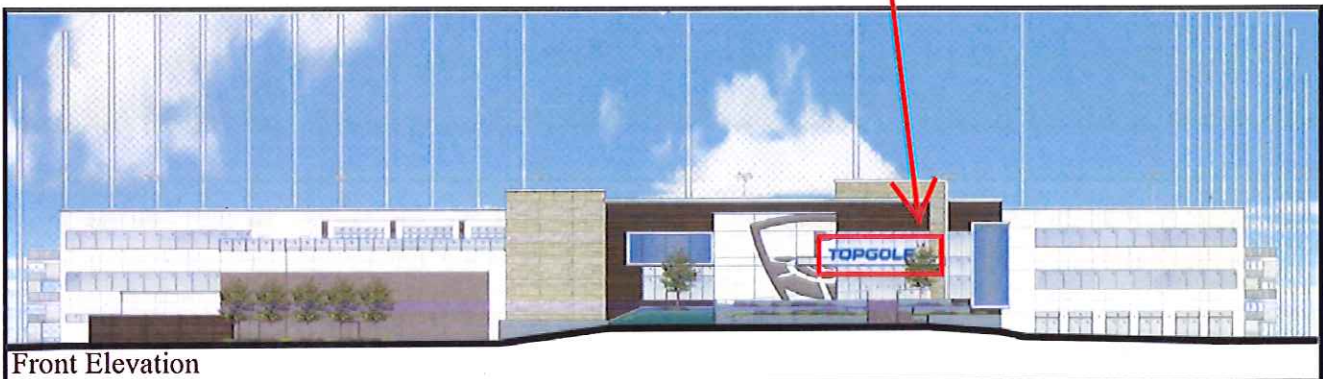
**NETTING POLE LIGHT GRAY**

# Exhibit B - Sign Exhibit

## Exterior Sign

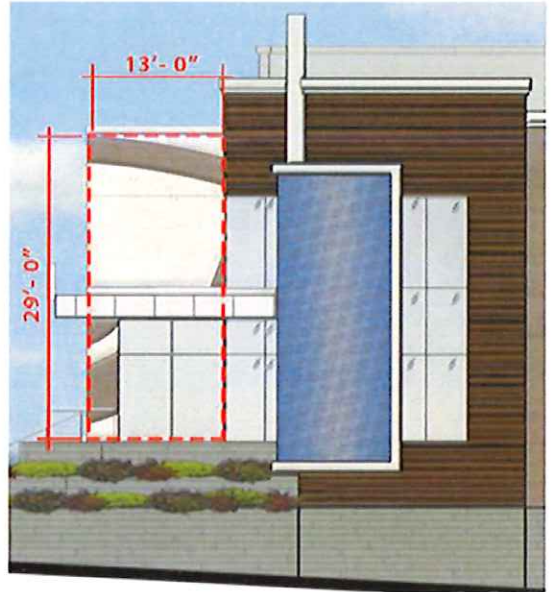
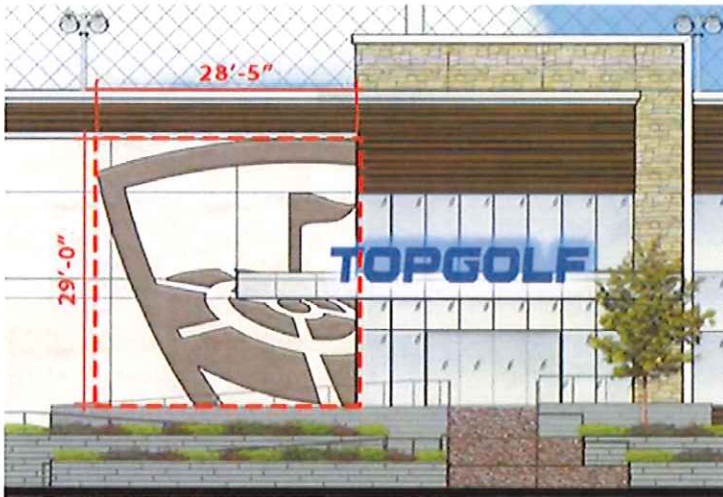


## Exterior Sign Location

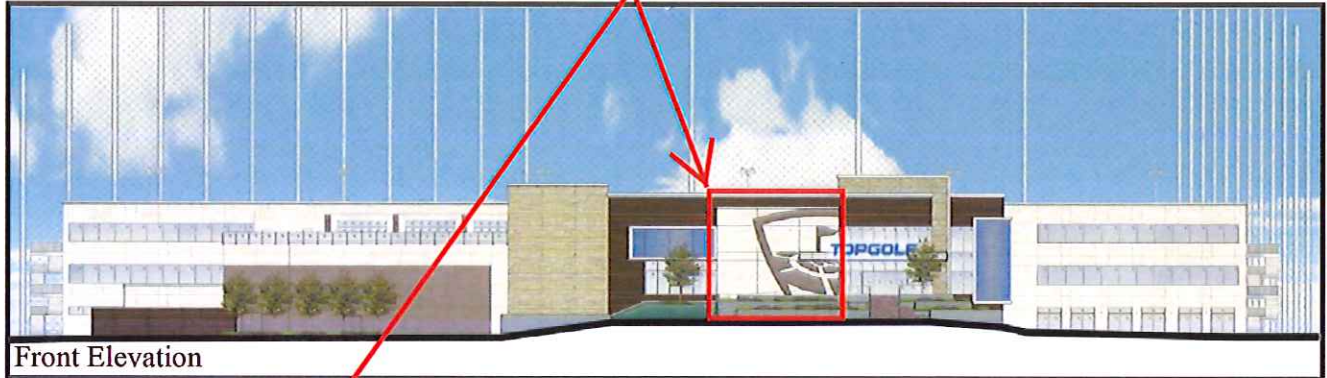


# Exhibit B - Sign Exhibit

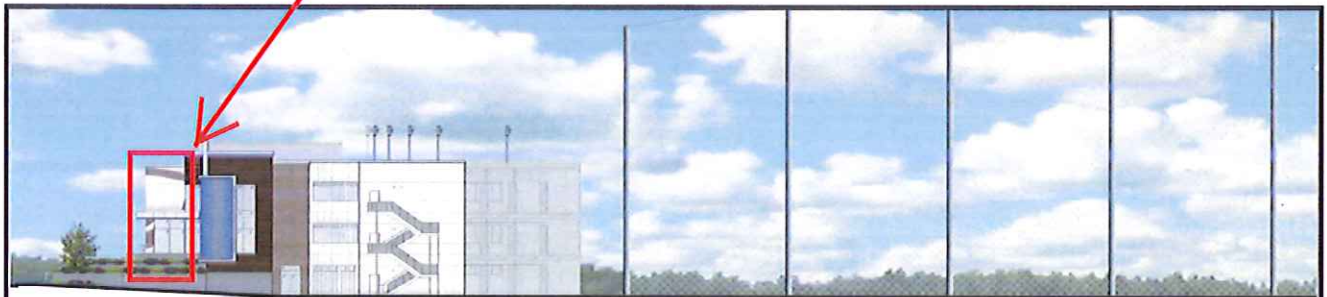
## Shield Logo



## Shield Logo Location



Front Elevation



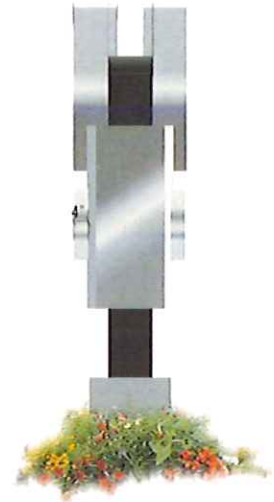
Right Elevation

# Exhibit B - Sign Exhibit

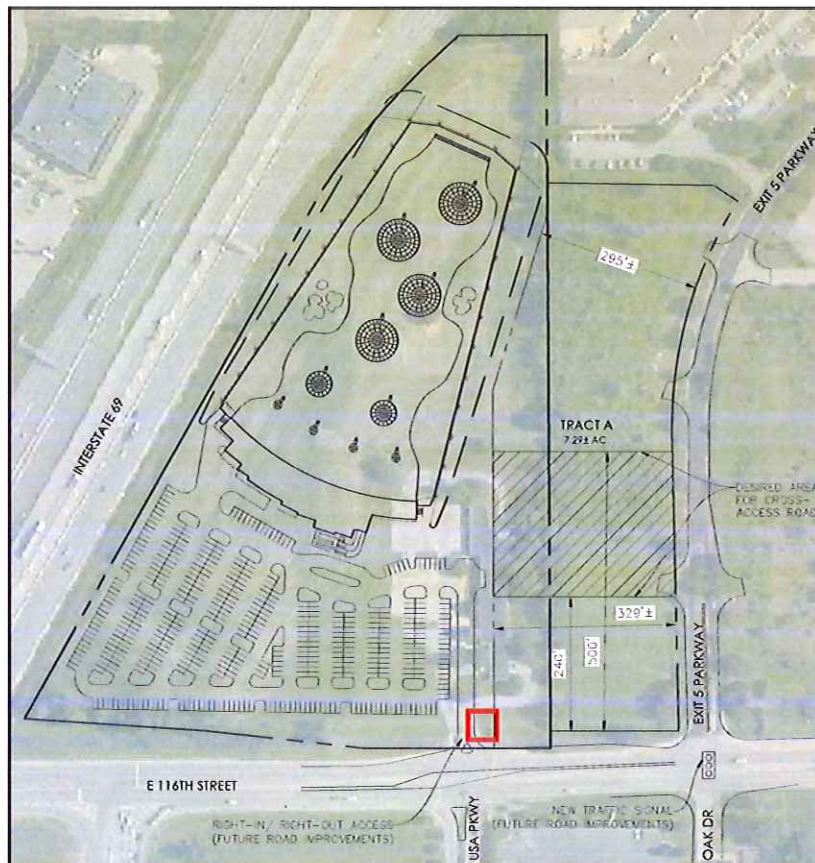
## Monument Sign

Maximum Height: Ten (10) feet

Maximum Sign Area: Seventy (70) square feet per sign face



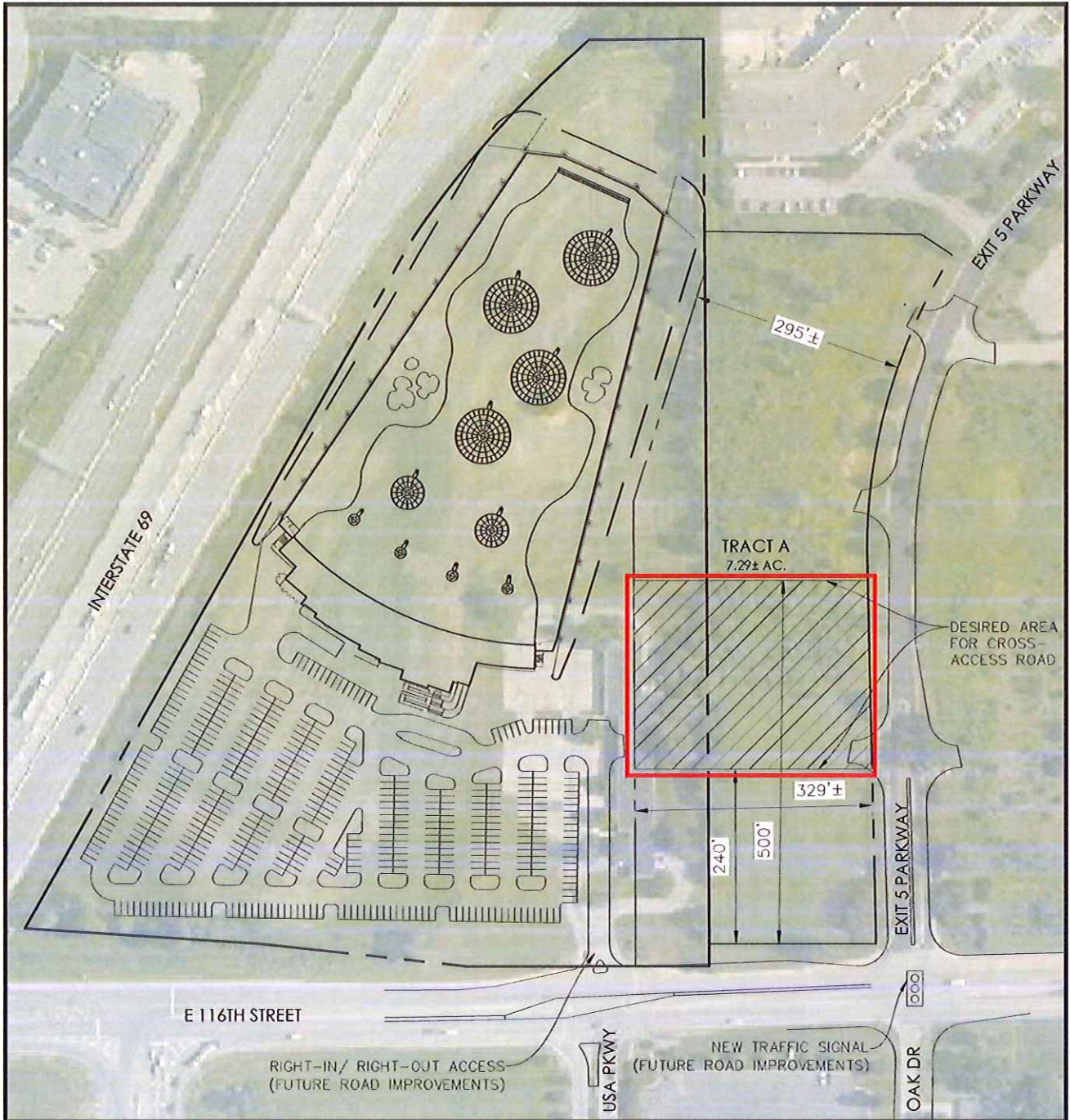
Approximate Location of permitted Monument Sign



# Exhibit B - Sign Exhibit

## Integrated Center Identification Sign

 Approximate Location of Integrated Center Identification Sign



# Exhibit C - Tree Exhibit

