



The public may [stream the meeting online](#).

Members of the public may [submit comments online](#) before 12pm on Monday, January 1, 2023.

BOARD/COMMISSION: City Council Meeting

DATE: 4/17/2023

DIRECTIONS: Launch Fishers, 12175 Visionary Way, Fishers, Indiana 46038

REGULAR CITY COUNCIL MEETING, 7:00 p.m., Launch Fishers, Auditorium

- 1. Meeting Called to Order with the Pledge of Allegiance**
- 2. Announcements**
- 3. Proclamations**
- 4. Presentations**
 - a. State Championship Recognition: FHS - We the People
 - b. State Championship Recognition: HSE Cheerleading Team
 - c. Service Awards FPD: Jonathan Floyd (20 years), Brad Myers (25 years), and Anthony David (25 years)
- 5. Council Committee Reports**
 - a. Finance Committee Report - MEETING WAS CANCELLED
- 6. Department Reports**
 - a. Health Department Report - REPORT
 - b. Engineering Report - REPORT

7. Consent Agenda

- a. Request to approve the previous meeting Minutes from Monday, March 20, 2023.
- b. R041723 - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds: Council Action Form I Exhibit A I Resolution

8. Regular Agenda - Economic Development

- a. R041723A - A Request to Approve a Project Agreement (City Walk): Council Action Form I Exhibit A I Resolution

9. Regular Agenda - Government/Miscellaneous

- a. 032023 - An Ordinance of the City of Fishers, Hamilton County, Indiana, Amending Chapters 36 and 118 of the City of Fishers Code of Ordinances (Towing Ordinance)- 2nd Reading: Council Action Form I Exhibit A I Ordinance
- b. R041723B - A Request to Approve an Interlocal Agreement with Hamilton Southeastern School Corporation (SRO MOU): Council Action Form I Exhibit A I Resolution

10. Regular Agenda - Planning & Zoning

- a. 041723A - Request to approve a vacation of existing sanitary sewer easement located at 13450 Dockside Dr. Sanitary sewer main is being relocated as a part of the Silver Collection at Saxony multifamily project (VAC-23-2) - Public Hearing, 1 st, 2nd, and 3rd Reading: Council Action Form I Ordinance
- b. 041723C - Consideration of a rezone of 109 acres from R2 Residential to PUD-M known as the Flat Fork PUD. (RZ-23- 3) - 1 st Reading: Council Action Form I Petitioner's Packet I Petitioner's Packet I Ordinance
- c. 041723D - Consideration of a text amendment to various sections of the Nickel Plate District Code (NPDC), including the Zone Map to add the Technology Center (TC) Zoning District, Figure 1.3. Development Standards, Figure 1.4. Building Types, and streetscape options. (TA-22-36) - 1 st Reading: Council Action Form I Exhibit A I Ordinance
- d. Voluntary Annexations: . 041723E - Request to approve a voluntary annexation of 29.04 acres, known as Geist Forest. Subject site is generally located Northeast of Geist Ridge and Florida Rd. (ANX-22-10) - 1 st Reading & Public Hearing **The petitioner has asked for a continuance until May.**
- e. Voluntary Annexations: 041723F - Request to approve a voluntary annexation of .29 acres known as the Willow Crest Annexation, Lot 3. Subject site is generally located east of Allisonville Road with a common address of 14543 Allisonville Road (ANX-23-2) - 1 st Reading & Public Hearing: Council Action Form I Ordinance

- f. Voluntary Annexations: 041723G - Request to approve a voluntary annexation of .4 acres known as the Willow Crest Annexation, Lot 5. Subject site is generally located east of Allisonville Road with a common address of 14521 Allisonville Road (ANX-23-3) - 1st Reading & Public Hearing: Council Action Form I Ordinance
- g. Voluntary Annexations: 041723H - Request to approve a voluntary annexation of .37 acres known as the Willow Crest Annexation, Lot 4. Subject site is generally located east of Allisonville Road with a common address of 14541 Allisonville Road (ANX-23-4) - 1st Reading & Public Hearing: Council Action Form I Ordinance

11. Regular Items - Any other Unfinished / New Business

12. Regular Items - Community Comment

13. Regular Items - Meeting Adjournment



Fishers Health Department Update – 4/17/2023

Annual Report

- 2022 annual report available [here](#).

Health Conditions Under Watch:

- Influenza-like illness ER/urgent care visits remain in plateau from December 2022 peak.
- COVID-19 cases remain low over the last 30 days. All counties in Indiana are in CDC COVID-19 Community Level 'Low' this past reporting period.
-

Community Health Assessment:

- Wrapping up secondary data analyses. Remaining work includes community-based surveys, stakeholder focus groups and report writing.
-

Core Health Services (March 2023)

- 220 patients seen for non-COVID-19 immunizations and tuberculosis (TB) tests.
- 208 COVID-19 vaccines administered. Booster uptake 22.3%.
- 13 COVID-19 tests administered. All tests are currently offered free of charge through COVID-19 grant funding.
- Working to streamline processes and add additional services over coming months.
- Reportable conditions continue to be managed at a steady pace; monitoring for outbreak potential.
- Indiana Vital Records Association hosting conference in Fishers this Friday.

Mental Health

- [Credible Mind](#) launch scheduled for May 2023. Free online platform covering over 200 topics and 16,000+ self-care resources and evidence-based interventions to assist individuals with mental health inquiries, needs, assessment and referral, etc.
- Hope for Happiness, led by Bring Change2Mind clubs at HSE, planned for Farmer's Market on May 13.
- Internal Mental Health Action Teams convening focused on People, Place, Purpose and Prevention Resources

Environmental Health & Inspections

- 2023 inspections underway with new grading system in place. Graded 192 facilities to date with 173 receiving grade A, 15 grade B, and 5 grade C. There are 191 more facilities to be inspected and graded. Grades to be posted publicly on September 30, 2023.
- Public facing GIS dashboard to be launched this summer. Allows any member of the public to view and access all facilities and associated inspection reports, grades, etc.

Community Outreach and Health Promotion

- Participated in Mudsock Youth Athletics Softball recreational opening day April 15. Used mobile clinic trailer to deliver health education and routine vaccinations for children entering 6th grade.
- April social media to spotlight lead testing changes, public health week, staff profiles, community events, and Narcan (Naloxone) training courses.
- FHD's first Teen Public Health Academy now accepting applications [here](#).

Emergency Preparedness:

- Completing Improvement Plan based on COVID After Action Report.

Grants and Funding:

- FHD will be host-site for Indiana Public Health Association public health student internship opportunity.
- Senate Bill 4 currently working through state legislature, in combination with HB 1001, with potential to



substantially increase funding for public health at the local level. Senate Bill 1 has high potential to impact behavioral health crisis response system, if passed. We are actively monitoring.

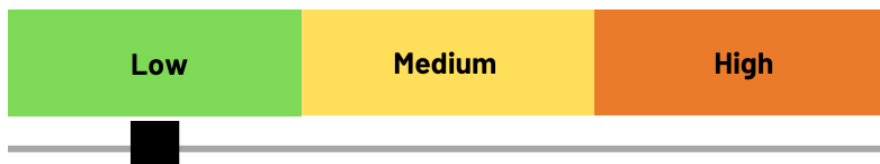
- We anticipate a third year of CoAg grant funding, which supports our school liaison position and efforts to improve relationships and services with our schools.
- We anticipate a third year of COVID Supplemental funding which will continue to support our Community Health Advocate position as well as COVID testing and vaccination efforts.
- We are awaiting word on VFC grant funding. This funding supports staff to provide all scheduled vaccinations, and vaccinations for underinsured and uninsured children.
- We have collected \$2,896,541.21 to date from IDOH to date for COVID vaccines administered.

Open Positions

- Health educator, Kacy Brobst, hired. Full-time role starts June 5.
- Health Department Social Worker, Brittany Cheviron, LCSW, LSSW, started April 10. Grant funded position.



CDC COVID-19 COMMUNITY LEVEL LOW



INDICATOR	DESCRIPTION
15.5	New COVID-19 cases per 100,000 people in the past 7 days
4.7	New COVID-19 admissions per 100,000 population (7-day total)
1.7%	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)

► = increasing
◄ = decreasing
■ = no change

Updated on 04/10/2023



To: Fishers City Council
From: Jason Taylor, P.E. –Director of Engineering
Date: April 18, 2023

RE: Barrett Law of Commercial Private Roadways – Britton Park/Trade Center and Publishers Business Parks

Purpose

The purpose of this memorandum is to provide the City Council with information concerning the current status of the Barrett Law of Commercial Private Roadways. Specifically, the private roadways within the Britton Park/Trade Center and Publishers Business Parks. (exhibits included)

Summary

Since 2022, the City and the business owners within the above mentioned business parks have been collaborating on ways the private roadways can be improved and what support the City can provide to the business owners. Through the discussions, it was determined the Barrett Law process was an avenue that allowed the improvements to occur while not requiring the businesses to bear the costs in a single lump sum. Once the Barrett Law process was determined to be a way to accomplish the improvements while spreading the payments over time, the Department of Engineering communicated with the businesses of the intent through a series of presentations and one-on-one meetings.

On March 14th, the Board of Public Works & Safety approved the preliminary resolution to begin the Barrett Law process for both commercial private roadways. Those resolutions can be found here: [Barrett East](#) and [Barrett West](#). Per Indiana Code 36-9-36, the City mailed official notifications to the property owners/businesses that a Public Hearing will be held at the Board of Public Works and Safety meeting on March 28, 2023. Although not required, the City provided additional information to the property owners/businesses concerning the construction costs that can be expected. An example letter is included as an attachment in this memo.

Approximately eight (8) of the property and/or business owners, including the property manager, were in attendance at the March 28, 2023 meeting for the public hearing. Comments were provided and the video of the meeting can be found [here](#). One property owner hired an attorney, of which was present and spoke against the project with the other property owners being generally supportive of the need of the improvements but had concerns related to the total costs. As such, the mayor and other board members requested the Department of Engineering to revisit the scope of the work to determine if there were other methods for the improvements that could be explored and provide an alternate of the work being performed in 2024.

Since those meetings, the Department of Engineering and City Attorney have communicated the allocation percentage to the property/business owners through the property manager, but due to the requirements of IC-36-9-36, the total costs of the project will not be determined until after full completion of the improvements.

With the feedback and direction from the board, an updated timeline (60 days) for the project has been determined:

- May 1st – Complete revised scope of work
- May 1st through 19th
 - Advertise for bids
 - Explore ways to reduce financing costs
- May 19th through May 26th – Open contractor bids
- June 13th – Present updates to Board of Public Works & Safety

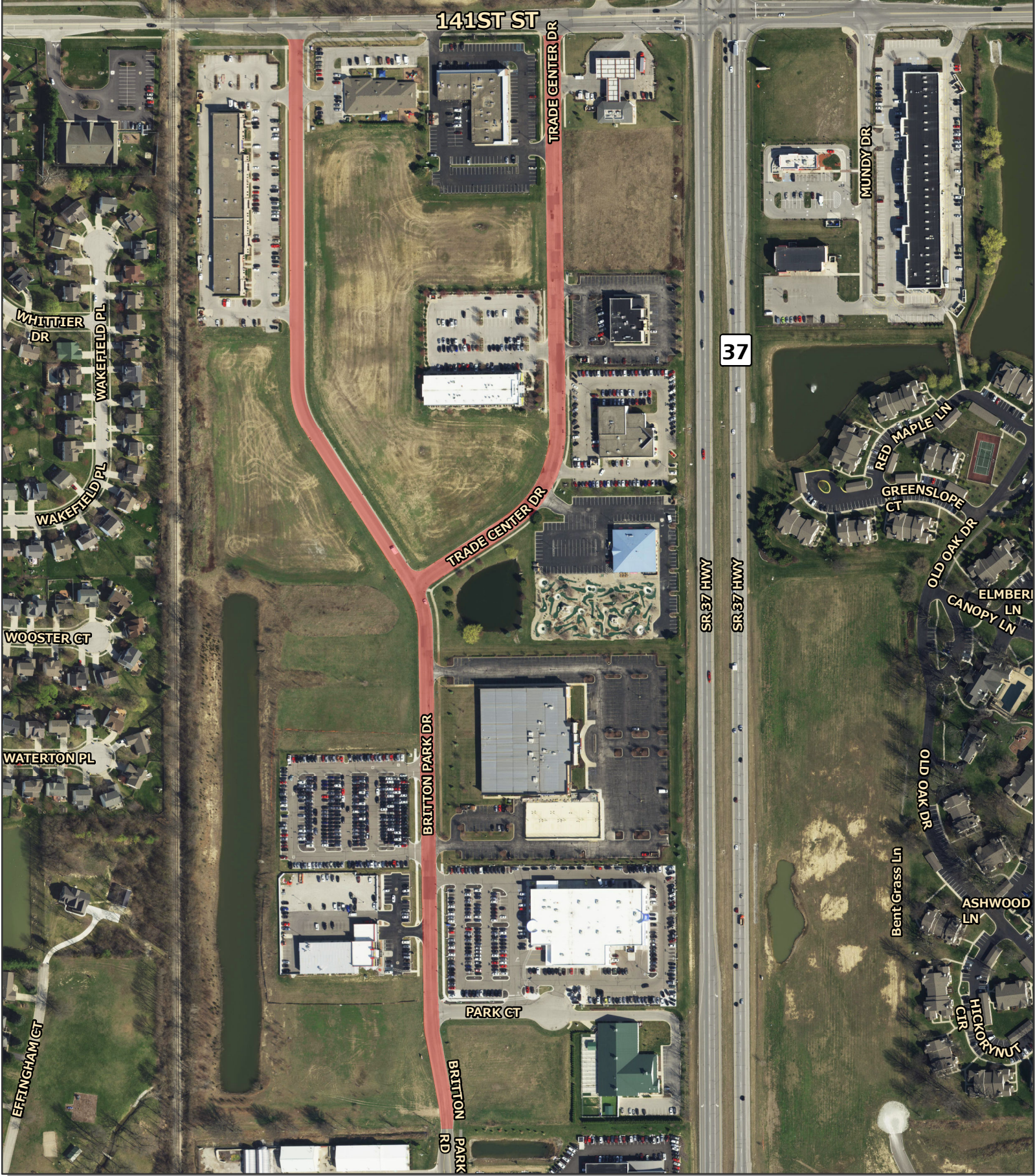
As can be seen from the information above, the Engineering Department is continuing to work with the Controller's Office and City Attorney to determine and provide the allocation apportionment and financial information to the property owners/businesses as quickly as possible. The intent is still for the roadways to be under construction and completed prior to the end of the 2023 construction season, but it has been communicated the work may move to 2024 due to pricing.



Parkside Dr, Publishers Dr, and Enterprise Dr

Legend
Project Limits

1 inch = 300 feet



Britton Park Rd and Trade Center Dr

Legend
Project Limits

1 inch = 300 feet

Fishers City Council Minutes March 20, 2023

BOARD/COMMISSION: City Council Meeting

DATE: 3/20/2023

DIRECTIONS: [Launch](#) Fishers, 12175 Visionary Way, Fishers, Indiana 46038

WORK SESSION, 6:30 p.m., Launch Fishers, Auditorium

- **Allisonville Road Corridor Study**
- President John Weingardt called the meeting to order at 6:30p.m. Present were Cecilia Coble, Selina Stoller, Pete Peterson, David Giffel, Brad DeReamer, and Crystal Newman. Jocelyn Vare was present virtually. Todd Zimmerman was absent. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Megan Vukusich, Lisa Bradford, Ashley Elrod, Lindsey Bennett, and Megan Baumgartner.
- Megan Vukusich made her presentation which is attached to the agenda. 2 Public comments were submitted online. One for the approved the study, one against the study.
- The meeting was closed at 6:55 p.m.

REGULAR CITY COUNCIL MEETING, 7:00 p.m., Launch Fishers, Auditorium

1. Meeting Called to Order with the Pledge of Allegiance

- President John Weingardt called the meeting to order at 7:00 p.m.. Present were Cecilia Coble, Selina Stoller, Pete Peterson, David Giffel, Brad DeReamer, Crystal Newman. Jocelyn Vare was present virtually. Todd Zimmerman was absent. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Megan Vukusich, Lisa Bradford, Ashley Elrod, Lindsey Bennett, Megan Baumgartner, Larry Lannan, Joe Eaton, Marissa Deckart, Ross Reinhardt, Bill McLellan, Howard Stevenson, Mike Colby, Lane Skeeters, Tom Teitgen, Dayna Colbert, Samantha Chapman, and Tiffanie Ditlevson.

2. Announcements:

- Cecilia Coble announced it is National Disability Awareness Month.

3. Proclamations: None

4. Presentations: None

5. Council Committee Reports

- a. Finance Committee Report - **REPORT**
- Chairman John Weingardt gave a brief report on the Finance Committee meeting.

6. Department Reports

- a. Health Department Report - **REPORT**
- b. Engineering Report - **REPORT**

7. Consent Agenda:

- a. Request to approve the previous meeting minutes from the **February 20, 2023**.
- b. **R032023** - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds: **Council Action Form** | **Exhibit A** | **Resolution** **Signed Adoption**
- Pete Peterson made a motion to approve the consent agenda. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Selina Stoller, Pete Peterson, Brad DeReamer, Crystal Neumann, Jocelyn Vare and David Giffel voted yay. Cecilia Coble abstained. Todd Zimmerman was absent. The vote was 7-Yay, 1-Abstained, 1-Absent. The motion passed.

REGULAR AGENDA

Budget/Financial

8. **R032023A** - Request to approve a Resolution of the City of Fishers, Hamilton County, Indiana Re-Establishing a Cumulative Capital Development Fund Pursuant to Indiana Code section 36-9-15.5. **Public Hearing:** [Council Action Form](#) | [Exhibit A](#) | [Exhibit B](#) | [Resolution](#) ***Signed Adoption***
- Lisa Bradford gave her presentation to the council members. This is a budget line item only.
 - President Weingardt opened the public hearing. No members of the public came forward. President Weingardt closed the public hearing.
 - Pete Peterson made a motion to approve resolution **R032023A**. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, Jocelyn Vare, and David Giffel voted yay. Todd Zimmerman was absent. There was no remonstrance. The vote was 8-Yay, 0-Nay, and 1-Absent. The motion passed.
9. **R032023B** - A Resolution of the Common Council Authorizing the City Controller to appropriate additional Economic Development Funds. **Public Hearing:** [Council Action Form](#) | [Exhibit A](#) | [Exhibit B](#) | [Resolution](#) ***Signed Adoption***
- Lisa Bradford gave her presentation to the council members.
 - President Weingardt opened the public hearing. No members of the public came forward. President Weingardt closed the public hearing.
 - Pete Peterson made a motion to approve resolution **R032023B**. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, Jocelyn Vare, and David Giffel voted yay. Todd Zimmerman was absent. There was no remonstrance. The vote was 8-Yay, 0-Nay and 1-Absent. The motion passed.

Government/Miscellaneous

10. **R032023C** - A request to adopt the Allisonville Road Corridor Study: [Council Action Form](#) | [Resolution](#) ***Signed Adoption***
- Megan Vukusich gave her presentation to the council members.
 - Pete Peterson made a motion to approve resolution **R032023B**. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, and David Giffel voted yay. Jocelyn Vare abstained. Todd Zimmerman was absent. The vote was 7-Yay, 1-Nay, 1-Abstain, and 1-Absent. The motion passed.
11. **032023** - An Ordinance of the City of Fishers, Hamilton County, Indiana, Amending Chapters 36 and 118 of the City of Fishers Code of Ordinances- **1st Reading:** [Council Action Form](#) | [Ordinance](#)
- Lindsey Bennett made her presentation to the council members.
 - Pete Peterson made a motion to have the **1st Reading**.

Planning & Zoning

Ren Annexation

12. **R032023D**- Request to approve a resolution adopting the Fiscal Plan for the Ren property (**Case #ANX-23-1**): [Council Action Form](#) | [Fiscal Plan](#) | [Resolution](#) ***Signed Adoption***
- Megan Vukusich gave her presentation to the council members.
 - Pete Peterson made a motion to approve resolution **R032023D**. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, Jocelyn Vare, and David Giffel voted yay. Todd Zimmerman

was absent. There was no remonstrance. The vote was 8-Yay, 0-Nay, and 1-Absent. The motion passed.

13. **022023A** - Request to approve a voluntary annexation of 0.48 acres, known as the Ren property. Subject site is located at 10031 E. 126th St. (Case #ANX-23-1) – **Final Reading: [Council Action Form I Ordinance](#) [Signed Adoption](#)**

- Megan Vukusich made her presentation to the council members.
- Pete Peterson made a motion to approve the ordinance **022023A**. Selina Stoller seconded the motion. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, Jocelyn Vare, and David Giffel voted yay. Todd Zimmerman was absent. There was no remonstrance. The vote was 8-Yay, 0-Nay, and 1-Absent. The motion passed.

Miscellaneous

14. **022023D** - Consideration of a rezone to Open Space for the Geist Waterfront Park. (Case #RZ-23-1) – **Final Reading: [Council Action Form I Ordinance](#) [Signed Adoption](#)**

- Pete Peterson made a motion to approve the ordinance **022023D**. Selina Stoller seconded the motion. There was no remonstrance and all members voted yay. The motion passed. A roll-call vote was taken. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neuman, Jocelyn Vare, and David Giffel voted yay. Todd Zimmerman was absent. There was no remonstrance. The vote was 8-Yay, 0-Nay, and 1-Absent. The motion passed.

REGULAR ITEMS

15. Any other Unfinished / New Business

- None

16. Community Comment

- [Comments Submitted Online](#)
- Mike Colby came forward and stated if there is a committee for Public Roads he would volunteer.
- Ross Anart came forward and said he is excited for the Allisonville Corridor trails. He said traffic needs to slow down at the intersections.

17. Meeting Adjournment

- Pete Peterson made a motion to adjourn the meeting. Cecilia Coble seconded the motion. All members voted yay. The motion passed. The meeting was adjourned at 7:21 p.m.

Respectfully Submitted,



Jennifer L. Kehl
Fishers City Clerk

DATE:

March 20, 2023

	PLEASE PRINT NAME	STAFF/ BUSINESS NAME / RESIDENT ADDRESS / OTHER
1	Joe Eaton	Allisonville Rd Corridor
2	Marissa Puckett	Staff
3	Ross Reinhardt	Resident
4	Bill McLeelan	resident
5	Howard Stevenson	Resident
6	MIKE COLBY	RESIDENT
7	Lane Skeeters	resident
8	TOM TEITGEN	Resident
9	Danica Colbert	Resident
10	Mike Byers	Fishers Rotary
11	Samantha Chapman	Resident
12	Tiffani Dittles	1033 Brixton Ln
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ALLISONVILLE ROAD CORRIDOR STUDY

December 2022



ACKNOWLEDGMENTS

The Allisonville Road Corridor Study would not have been possible without the tremendous input, feedback, and expertise of the project steering committee and City leadership and staff. We would also like to give a special thank you to the many residents and business owners who generously devoted their time and ideas in the hopes of building a better Allisonville Road corridor.

Steering Committee

Corby Thompson
Joe Eaton
Selina Stoller
David Giffel
Kelly Marburger Novak
Pat Sullivan
Mike Colby
Brad Rochford
Jim Trueblood
Drew Bender
Allen Bourff
Stephanie Perry
Marissa Deckert

City Staff

Megan Vukusich
Ross Hilleary
Breanna King
Jonah Butler
Megan Baumgartner
Ashley Elrod
Samantha Wisecup
Rich Bassett
Eric Pethtel

Mayor

Scott Fadness

City Council

Todd Zimmerman - President, District At Large
John Weingardt - Vice President, South Central District
Cecilia Coble - District At Large
Brad DeReamer - North East District
David Giffel - South West District
Crystal Neumann - North Central District
Pete Peterson - South East District
Selina Stoller - North West District
Jocelyn Vare - District At Large

Prepared by:



01. Executive Summary 4

- Purpose
- Process
- Recommendations
- Implementation

02. Introduction 10

- Purpose
- Study Area
- Process
- Plan Organization

03. Existing Conditions 16

- Land Use & Redevelopment
- Vehicular Network
- Bicycle & Pedestrian Network
- Corridor Character

04. Community Participation 26

- Importance of Community Participation
- Who Did We Reach?
- What Did We Hear?
- Key Themes

05. Recommendations 30

- Goals
- Land Use & Redevelopment
- Streetscape Character
- Connectivity

06. Implementation 56

- Framing the Opportunity
- Implementation Tools
- Implementation Matrix
- Priority Projects

A. Appendix 70

- Online Survey Results
- Community Workshop Results
- Northeast Quadrant Redevelopment Concept



01

EXECUTIVE SUMMARY

Purpose

The Allisonville Road corridor, especially nearest to the intersection with 116th Street, is one of the original commercial centers in Fishers. While the area continues to serve nearby residents with retail, restaurant, and service businesses, key vacant sites and older commercial buildings create opportunities for economic and aesthetic enhancement. The Allisonville Road Corridor Study examines roadway character, adjacent land uses, bicycle and pedestrian amenities, and other elements that together define this important corridor between 106th and 126th streets, including portions of 116th Street just east and west of Allisonville Road. This study includes an analysis of existing corridor conditions, recommended improvements to the public right-of-way, redevelopment concepts for key properties along the corridor, and the tools and policies that will be needed to achieve desired future development and community character. The purpose of the study is to describe the desired recommendations for the corridor so that as property owners, business owners, and developers make investments in the future, they are done in a way that ensures the corridor remains a contributing commercial destination and reflects the current vision of the City while being the center of pride for neighboring residents.

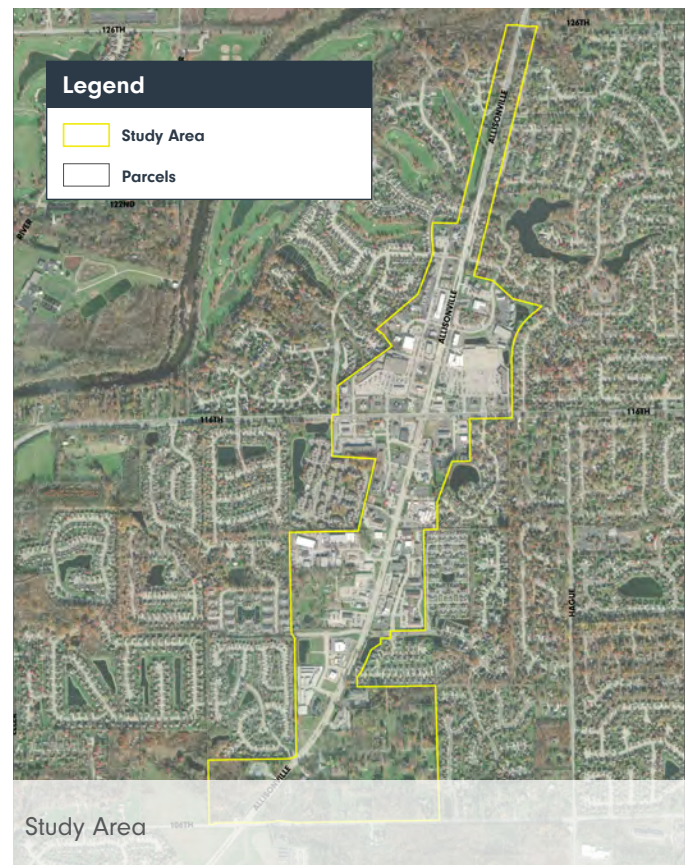
Process

The planning process began in late May 2020 and took place over a 6-month period; it was guided by a project steering committee comprised of elected and appointed officials, nearby residents, business owners, and other community leaders. The study was also guided from community input gathered throughout the planning process which included a series of focus group discussions, online survey, open house workshop, and presentations to area homeowners associations.

In addition to the information gathered during these meetings, the plan's creation was informed by examining the areas existing demographic and market conditions, the status of ongoing infrastructure and development plans, positive and negative aspects of the built environment, and multiple field studies.

Study Area

The central focus of the study area is the 116th Street and Allisonville Road intersection and surrounding commercial development, but includes the length of the roadway between 106th Street to the south and 126th Street to the north. Where applicable, the planning area includes additional properties further back from the Allisonville Road right-of-way. This includes industrial and commercial properties along Shadowlawn Drive, and residential properties along 111th, 108th, and 106th streets.



EXECUTIVE SUMMARY

Recommendations

The Allisonville Road Corridor Study's recommendations are organized around three topics: Land Use & Redevelopment; Streetscape Character; and Connectivity. Each topic includes a number of recommendations that collectively address and support the overall goals for the corridor. Specific recommendations are detailed in Chapter 5: Recommendations with supporting text, renderings, and precedent images to better communicate desired future conditions along the Allisonville Road corridor.

Land Use & Redevelopment

- Allow for increased development intensity that includes a mixture of uses combining restaurant, entertainment, and recreation activities with active open spaces and varied housing types.
- Promote building form and massing, density, setbacks, open space, landscape and lighting that result in more walkable and bike-friendly development.
- Ensure redevelopment accounts for surrounding context, especially adjacent single-family neighborhoods.
- Elevate the quality of architecture and aesthetics along the corridor through new development and redevelopment projects.
- Create a signature community gathering space to host public events, act as a destination along the corridor, and support desired business attraction.
- Design sites that create functional open spaces and incorporate stormwater infrastructure as an attractive amenity.
- Consider reduced parking requirements and promote conversion of excess pavement to functional recreation or stormwater management use.
- Facilitate incremental investment in non-residential properties along the corridor and ensure development regulations don't act as a disincentive to property investment and maintenance.
- Explore a redevelopment concept for the northwest quadrant of the Allisonville Road and 116th Street intersection.
- Long-term, support redevelopment of properties along Shadowlawn Drive and E 111th Street from industrial and heavy commercial use to mixed commercial and residential use.
- Attract professional and medical office development to vacant commercial properties west of Allisonville Road and south of Easy Street.
- Support mixed use development along the east side of Allisonville Road around 106th and 108th streets with mixed residential redevelopment further east along 106th and 108th streets, when properties can be assembled and designed with appropriate respect to existing residential development.

Streetscape Character

- Promote the White River as the identifying characteristic for the area by incorporating landscape elements, signage, and art along the Allisonville Road and 116th Street corridors.
- Use wayfinding signs to communicate and connect key destinations such as Conner Prairie, Ritchey Woods, and the Nickel Plate District.
- Install street trees where they are missing from medians and elsewhere along Allisonville Road where adequate space exists within the right-of-way.
- Develop a standard design and list of acceptable landscape plantings for utility easement areas to make it easier for property owners along the overhead transmission lines to beautify their properties.
- Provide incentives for site and building improvements on private properties along the corridor, which may include landscape plantings, outdoor activity areas, sustainable stormwater infrastructure, signage, and façade enhancements.
- Use the Allisonville Road and 116th Street roundabout as an opportunity to showcase a high-quality landscaped gateway into Fishers that reflects the proximity and importance of the White River.
- Continue to implement access management best practices as properties are redeveloped.
- Increase traffic enforcement operations to ticket speeding and other traffic violations along the corridor.



An example of commercial development typical along much of Allisonville Road through the study area.

EXECUTIVE SUMMARY

Connectivity

- Develop a dedicated and protected circulation system through area neighborhoods that connects key destinations.
- Retrofit existing bicycle and pedestrian facilities with physical barriers and additional landscape where limited buffers exist.
- Improve the River Glen Drive and 116th Street intersection to allow for safe pedestrian and cyclist crossings.
- Ensure bicycle and pedestrian facilities and safe crossings are incorporated into the roundabout design for Allisonville Road and 116th Street.
- Continue to explore wider shared use facilities and separation along both sides of 116th Street as roadway and infrastructure improvements are made.
- Emphasize 106th Street as a key east-west bicycle and pedestrian connection to Heritage Park and the planned White River Park further south, Ritchey Woods Nature Preserve, and the Nickel Plate Trail.
- Consider opportunities to narrow travel lanes, add or improve crossing treatments, and incorporate other traffic calming measures as area roadways are repaired and improved.
- Work with commercial property owners to plat and dedicate private roads and drives so that they are public streets and add pedestrian paths where possible.
- Prohibit the creation of new private roads in commercial areas as redevelopment projects occur.
- Evaluate signal timing changes and other bicycle and pedestrian safety improvements at the intersection of 126th Street and Allisonville Road, especially as shared use paths may be continued east along 126th Street.



View south along Allisonville Road near 126th Street.

Implementation

This Study addresses how the area should evolve into the future as market conditions and property ownership changes may present opportunities for investment and redevelopment. In all cases, changes to private properties will be voluntary and it is anticipated that many of the existing businesses will continue indefinitely. The study also identifies targeted infrastructure improvements, ideas for changes in zoning, and City investments that will result in visible and positive change for the area. This foundation will set the stage for future transformations that will attract private investment, support the fiscal health of the City, and provide a vibrant district that supports existing residents and creates opportunities to attract new ones.

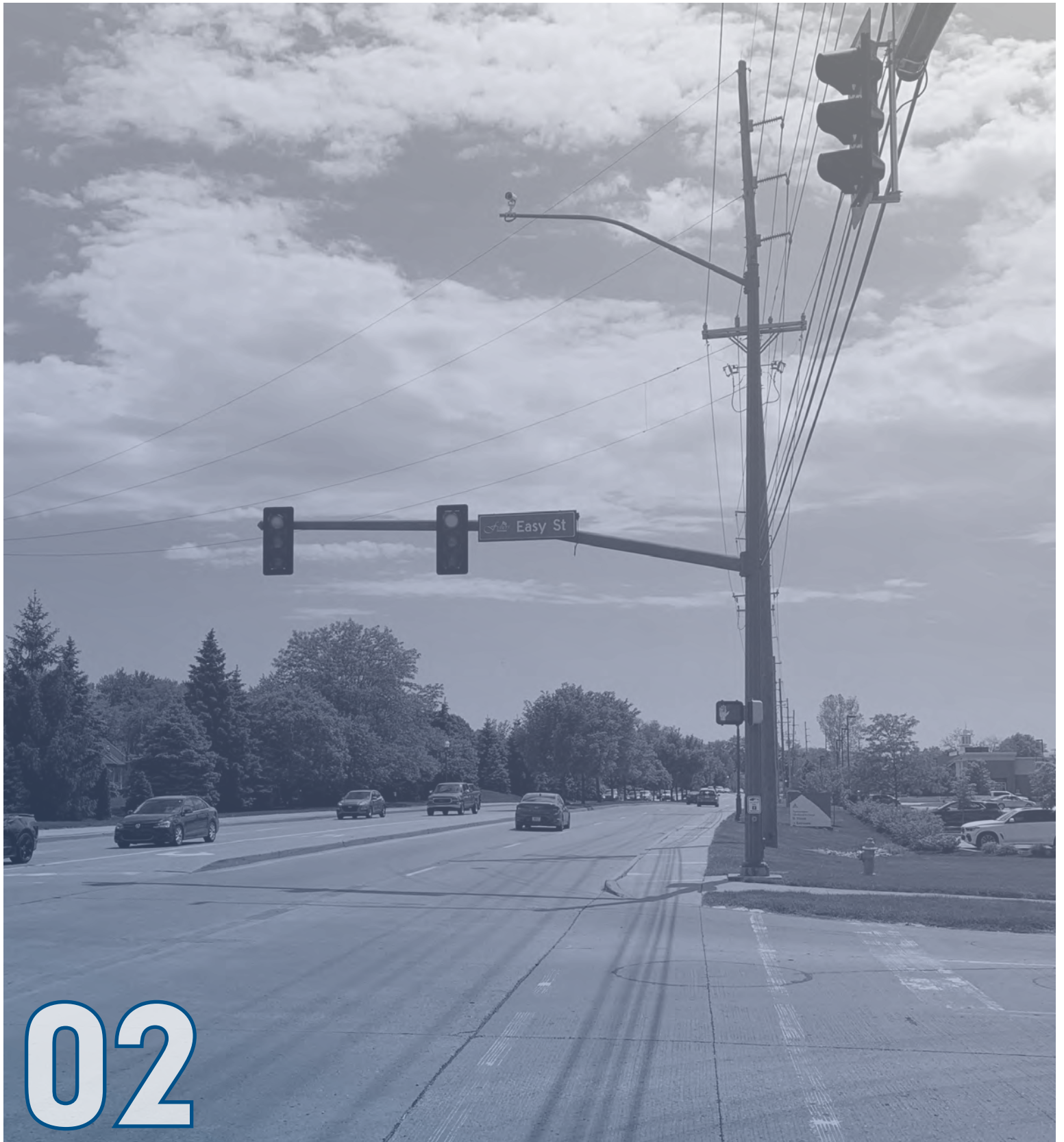
After discussing area needs and priorities with the project steering committee, area homeowner association representatives, and City staff and leadership, a list of primary initiatives was identified to help create a working plan of next steps. In addition to the four priority projects, three 'quick win' projects have also been identified. These projects are already in the planning and design stages or can be advanced in the very near-term.

Priority Projects

- Promote the White River as the identifying characteristic for the area.
- Establish a grant program for non-residential site and building improvements.
- Create a Neighborhood Mixed Use Zoning District within the Unified Development Ordinance.
- Develop a dedicated and protected circulation system through area neighborhoods that connects the Allisonville Road corridor to Roy G. Holland Memorial Park, the Nickel Plate District, and Nickel Plate Trail.
- Utilize "Quick Win" projects to deliver short-term, visible enhancements along the corridor
 - Use wayfinding signs to communicate and connect key destinations such as Conner Prairie, Ritchey Woods, and the Nickel Plate District.
 - Use the Allisonville Road and 116th Street roundabout as an opportunity to showcase a high-quality landscaped gateway into Fishers that reflects the proximity and importance of the White River.
 - Install street trees where they are missing from medians and elsewhere along Allisonville Road where adequate space exists within the right-of-way.



The City-owned property at the southeast corner of Allisonville Road and 116th Street is a redevelopment priority.



02

INTRODUCTION

Purpose

Allisonville Road is an important transportation corridor running north and south for 5.8 miles through the west side of the City of Fishers. The roadway continues south for another 6.9 miles into the City of Indianapolis and heads north through the City of Noblesville for approximately 2.1 miles before becoming 10th Street. Not only is Allisonville Road an important regional thoroughfare between these communities, it also serves the critical function of connecting local neighborhoods to destinations around Fishers. When considering 116th Street and the bridge over White River, the area becomes a primary gateway from Carmel and provides key connections to Interstate 69 further east.

The properties surrounding the Allisonville Road and 116th Street intersection represent one of the original commercial centers for the City of Fishers. Retail, restaurant, personal service, medical office, and light industrial uses have grown out from this center with the surrounding areas including many of the earlier Fishers neighborhoods. The corridor has undergone numerous transportation enhancements over the years including lane additions and widening, new bicycle and pedestrian facilities, and several intersection improvements. Some properties along the

corridor have been redeveloped for new commercial use while others show their age and represent redevelopment opportunities. Given the importance of the area to the City of Fishers as a whole, and especially the surrounding residents and business owners, the City initiated a planning study to better understand corridor issues, opportunities, and the desired direction for the future.

The Allisonville Road Corridor Study examines roadway character, adjacent land uses, bicycle and pedestrian amenities, and other elements that together define this important corridor between 106th and 126th streets, including portions of 116th Street just east and west of Allisonville Road. The overall goal of the study is to ensure that the corridor remains a contributing commercial destination that reflects the current vision of the city while being center of pride for neighboring residents.

This study includes an analysis of existing corridor conditions, recommended improvements to the public right-of-way that best support the future land use mix and community character objectives while maintaining a safe and efficient transportation system, and land use and character recommendations that guide redevelopment of properties in the future.



View of 116th Street just east of Allisonville Road.

INTRODUCTION

Study Area

The Allisonville Road Corridor Study planning area generally encompasses one or two parcels on either side of Allisonville Road between 106th Street to the south and 126th Street to the north. The central focus of the study area is the 116th Street and Allisonville Road intersection and surrounding commercial development, generally from River Glen Drive to the west and between Conner Creek Drive and Wainwright Boulevard to the east. In several locations, the planning area includes additional properties further back from the Allisonville Road right-of-way. This includes industrial and commercial properties along Shadowlawn Drive, and residential properties along 111th, 108th, and 106th streets. The primary study area is depicted in Figure 2.1: Study Area. It stretches 2.2 miles along Allisonville Road and covers approximately 344 acres. This area is comprised of 219 parcels with 165 different owners.

Pedestrian and bicycle connectivity along the Allisonville Road corridor and to other destinations is a significant focus of the corridor study. As such, broader connectivity recommendations extend outside the primary planning area to include the White River to the west, Roy G. Holland Memorial Park and the Nickel Plate District to the east, and Ritchey Woods Nature Preserve to the south.

Process

The planning process lasted 6 months and was guided by a project steering committee comprised of elected and appointed officials, nearby residents, business owners, and other community leaders. Several community input and engagement opportunities were offered over the course of the process which included a series of focus group discussions, online survey, open house workshop, and presentations to area homeowners associations.

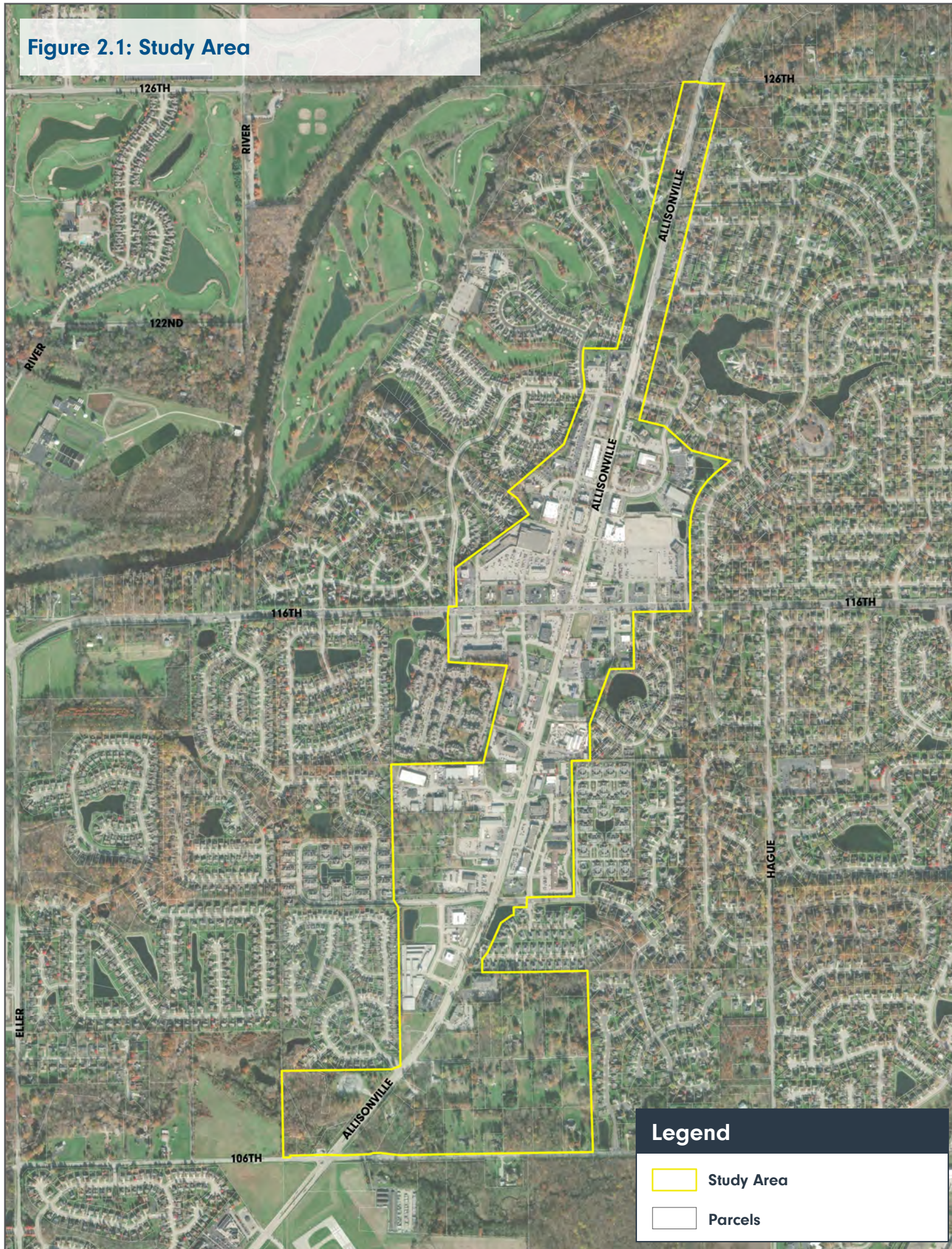
The planning process began in late May 2020 with a kickoff and coordination meeting between City planning staff and the consultant team. This meeting was used to review the project scope and schedule, discuss communications procedures, and refine the community engagement plan. City staff also shared expectations for the process and recent or on-going projects that could have an impact on the planning area.

The project steering committee met four times over the 6-month period with the first meeting occurring on June 14, 2022. It focused on introducing the project to the committee, reviewing process and schedule, and having a discussion about the plan's vision, issues to be addressed, and opportunities to capitalize on. Following the first steering committee meeting, the



View of the Allisonville Road and 116th Street intersection, looking south towards Allisonville Road.

Figure 2.1: Study Area



INTRODUCTION

project team began planning for and implementing community engagement opportunities. A project page was added to the City's website and both in-person and online opportunities were advertised. Members of the City's planning staff and the consultant team had a booth at the farmers market on July 16, 2022. The booth was used to promote interest in the in-person workshop and online survey. Exercises were present asking participants for their "big idea" for the corridor as well as mapping prompts for assets, issues, and opportunities.

Focus group discussions were held on July 19, 2022 and were organized around business and property owners, restaurants and bars, and residents of nearby neighborhoods. Each meeting lasted approximately one-hour and focused on the unique interests and needs of each corridor user group.

The open house workshop took place on July 21, 2022 in the City Hall Auditorium. It was attended by over 100 residents and business owners. Presentation boards were used to share background information for the study as well as results of the existing conditions analysis including land use, corridor character, and existing vehicular, bicycle, and pedestrian systems. A number of input exercises were also conducted to better inform the study vision and desired improvements.

While the in-person events were happening, an online survey was also conducted to provide a flexible opportunity for interested residents to participate. The survey was open from July 5th through August 1st. More than 1,500 surveys were completed.

Following these community engagement efforts, results were presented to the steering committee at their second meeting on August 17, 2022. After presenting the various input results, common themes and potential direction of study recommendations was discussed. The preliminary recommendations were presented at the third steering committee meeting on September 14, 2022. The committee was asked to confirm these recommendations and identify any missing components before the final recommendations were developed.

The draft plan was presented to the steering committee and area neighborhood homeowners associations on October 11, 2022. In addition to presenting plan recommendations and graphics, the group discussed project priorities. Following this meeting, the consultant team created the final Allisonville Road Corridor Study and implementation plan based on committee and HOA representative feedback.

City staff, the Plan Commission, and City Council will use this study to inform potential updates to the City's comprehensive plan and development ordinances. Even before that, the plan will be used to inform property owners and potential developers about desired changes along the corridor and opportunities for redevelopment in alignment with the community's vision.

Plan Organization

The remainder of the study is organized around the following four chapters:

Chapter 3: Existing Conditions

The Existing Conditions chapter presents the current state of the corridor as it relates to the vehicular roadway network, bicycle and pedestrian network, land use of properties within the study area, and overall character. A demographic and economic profile is included to examine the areas defined by 1-, 3-, and 5-mile radii around the Allisonville Road and 116th Street Intersections.

Chapter 4: Community Participation

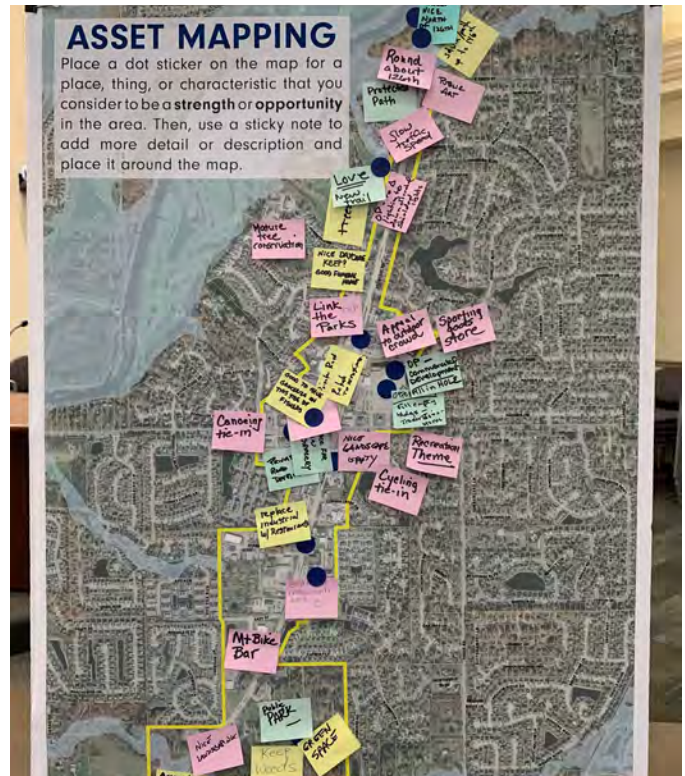
This chapter presents the various community outreach opportunities and the input gathered by each. It is summarized with common themes heard across the multiple input methods, that were then used to inform study recommendations.

Chapter 5: Recommendations

The Recommendations chapter defines the overall goals of the corridor study. Recommendations are then organized around three topics: Land Use & Redevelopment; Corridor Character; and Connectivity. Each topic includes a number of recommendations that collectively address and support the overall goals. Specific recommendations are detailed with supporting text, renderings, and precedent images to better communicate desired future conditions along the Allisonville Road corridor.

Chapter 6: Implementation Plan

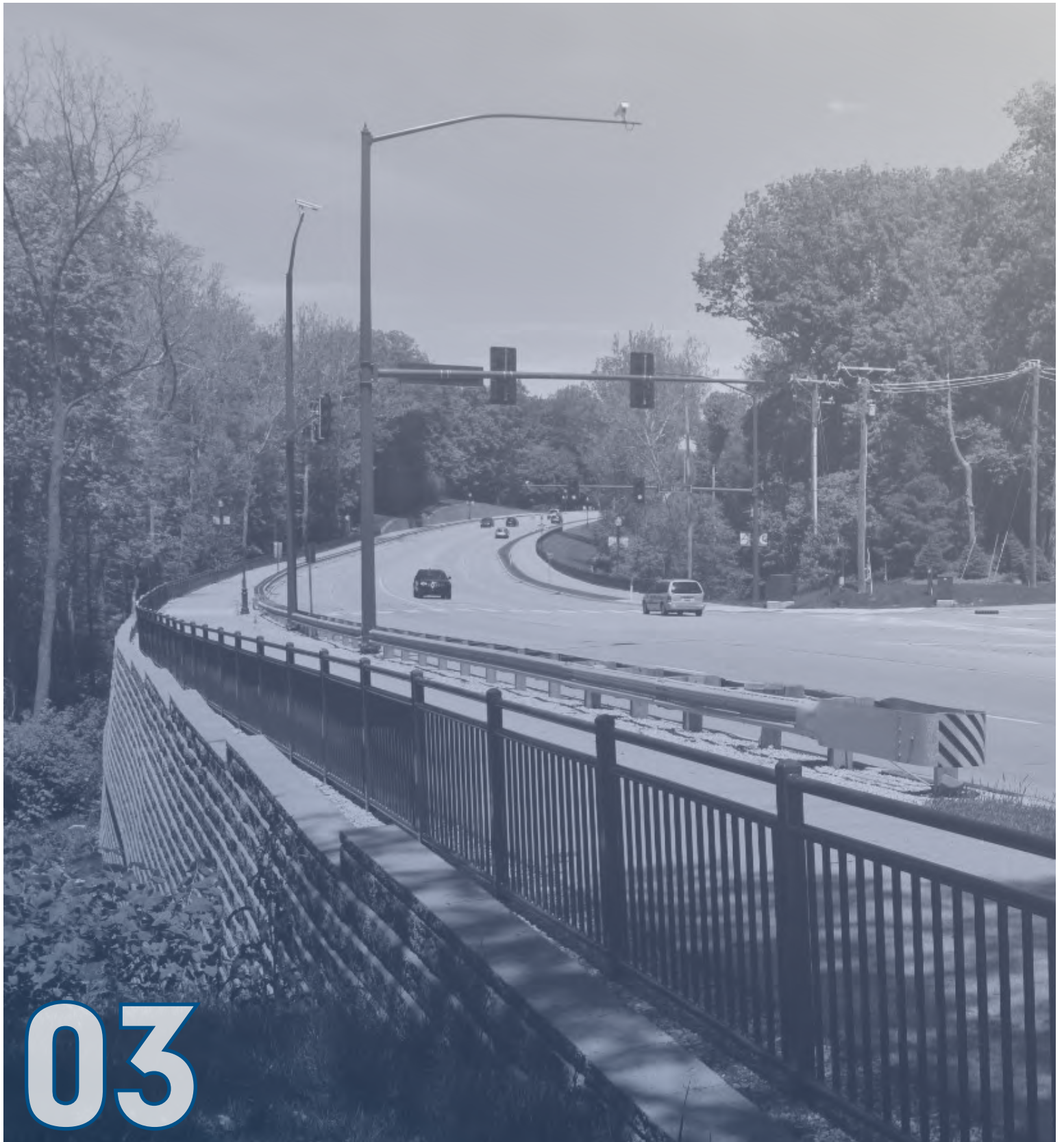
The implementation plan identifies the tools that will be necessary to translate study recommendations into built reality. Plan recommendations are listed in an implementation matrix that identifies relative cost, timing, potential tools, and necessary partners. For priority projects, a list of necessary action steps is included.



Results of an asset mapping exercise at the Community Workshop that took place on July 21, 2022.



View of Allisonville Road and the adjacent multi-use trail looking north towards 126th Street.



03

EXISTING CONDITIONS

Land Use & Redevelopment

Land Use

The Allisonville Road corridor between 106th and 126th streets includes a variety of uses ranging from single family neighborhoods to offices, restaurants, auto-related businesses, and even light industrial uses. Figure 3.1 presents existing land use along the corridor. From north to south, use and character can be described as follows:

126th Street to River Glen Drive/Sunblest Boulevard

With the exception of Randall & Roberts Funeral Home and Primrose School at Fishers Station, both located at the northwest corner of Allisonville Road and River Glen Drive, this area is composed entirely of single family homes and open space. Neighborhoods along this section of corridor include River Glen, River Highlands, Sunblest, and The Orchard at Sunblest. Open spaces include the River Glen Golf Course, subdivision common areas, and a forested property owned by Conner Prairie just west of where 126th Street terminates at Allisonville Road.

River Glen Drive/Sunblest Boulevard to 116th Street

This segment of the corridor includes various commercial uses with mostly restaurants and convenience retail businesses along Allisonville Road and professional offices set back along Fishers Crossing Drive and Lakeside Drive. This area represents a typical auto-oriented commercial corridor with many drive-thrus, surface parking lots in front of businesses, and a high number of access driveways to/from Allisonville Road and between properties. The northeast and northwest corners of the Allisonville Road and 116th Street intersection are included in this segment.

These area differ from the strip development elsewhere along the corridor in that they include large anchor sites, the Kroger supermarket in the northwest quadrant and the former Marsh supermarket in the northeast quadrant. The former Marsh was demolished and although redevelopment of the center began, it was not completed and the anchor site is currently vacant land. Kroger had planned to relocate to this site from their current location to the west, but those plans were ultimately not pursued. Kroger was

in the process of reevaluating and potentially amending those plans during the planning process.

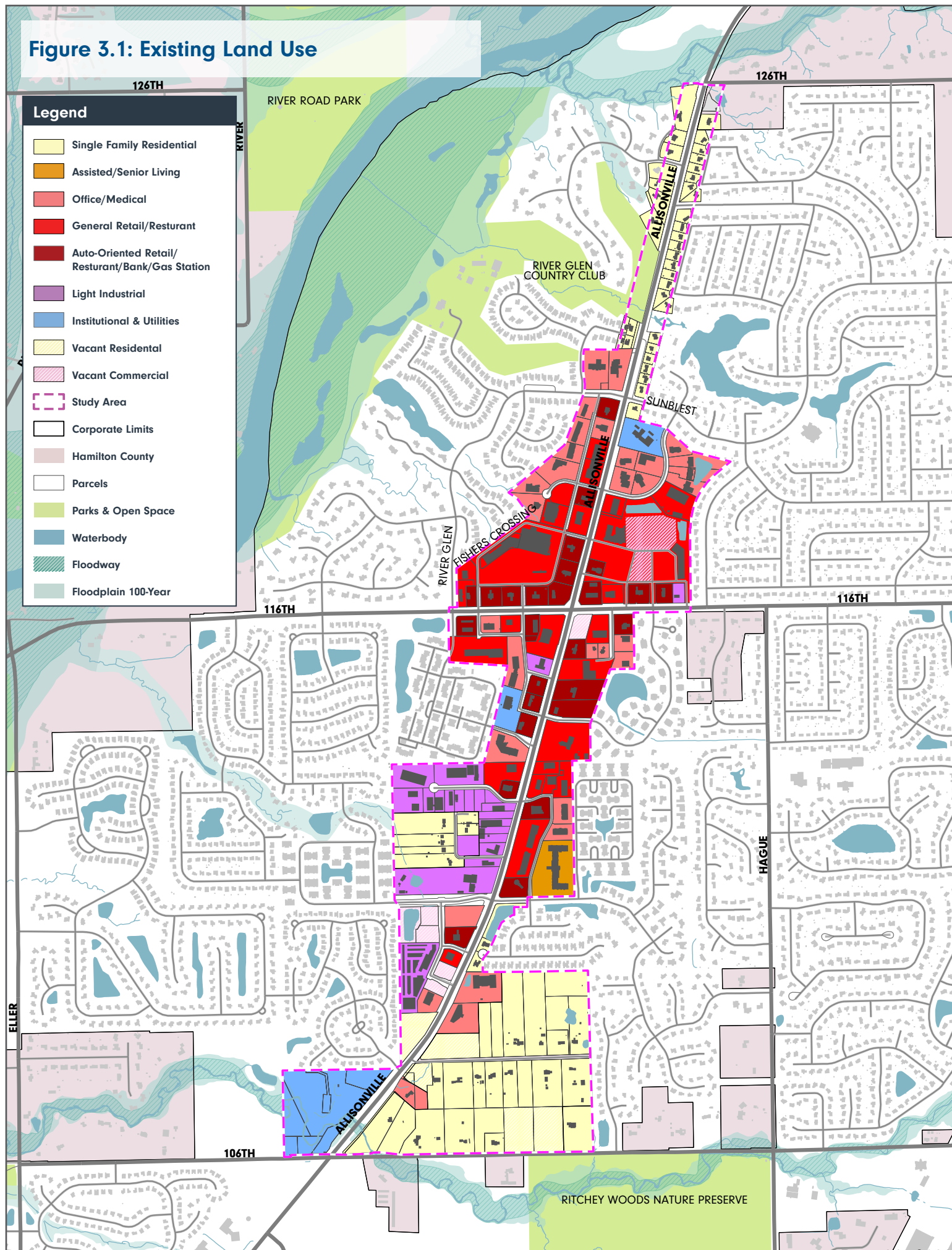
116th Street to Shadowlawn Drive

This segment of Allisonville Road and the accompanying properties on the south side of 116th Street are mostly commercial in use and designed with traditional auto-oriented character including many drive accesses along Allisonville Road and 116th Astreet, surface parking in front of businesses, drive-thrus associated with fast food restaurants and banks, and auto-serving businesses such as gas stations, car washes, and automotive services. Similar to the corridor segment to the north, several offices and professional service businesses are located on the properties setback from Allisonville Road and 116th Street.

Shadowlawn Drive to Easy Street

Land use and character between Shadowlawn Drive and Easy Street differs when examining the east side of the corridor as compared to the west. The west side of the study area through this section includes several light industrial and intensive commercial uses characterized by outdoor storage of products and equipment, and in many cases, older pre-engineered steel buildings that lack architectural character. Also on the west side of the corridor, setback from Allisonville Road, several single family homes are present along E. 111th Street. These homes are on larger lots and are not within the city's corporate limits. The east side of the study area along this corridor segment is a continuation of traditional commercial strip development found to the north. Small professional offices and the Meadow Brook Senior Living center are located behind the strip development along Allisonville Road.

Figure 3.1: Existing Land Use



Easy Street to 106th Street

Allisonville Road between Easy Street and 106th Street includes a variety of land uses. The Bluestone subdivision sits at the southeast corner of the Allisonville Road and Easy Street intersection. The west side of the corridor includes medical office buildings and a few vacant lots for sale at the time of the study. A self-storage business is located further west along Allisonville Office Drive. On the east side of Allisonville Road, continuing east along 106th Street on the north side of the roadway, several single family homes are located on large lots. Some of these homes show clear signs of recent investment while others appear to be investor-owned and may be held for redevelopment purposes. These properties have not been annexed into the City of Fishers. The west side of Allisonville Road just north of 106th Street includes property owned by the Indianapolis Airport Authority to protect runway approach zones, as well as a Duke Energy substation, and entrance into the Gatewood subdivision.

Redevelopment

Most all of the residential properties along the corridor are expected to remain in the future, and many of the commercial properties are established and successful businesses that are anticipated to continue operations indefinitely. However, there are several vacant and underutilized parcels with redevelopment potential. Additionally, there may be opportunity to assemble some of the light industrial and intensive commercial businesses along Shadowlawn Drive for redevelopment. Some of the residential properties along 106th Street and 108th Street may also be assembled and proposed for redevelopment. Figure 3.2 is a map of potential infill and redevelopment sites along the corridor. Redevelopment concepts for key properties are included in the Recommendations chapter. The Shadowlawn Drive and 106th/108th Street areas could be assembled and redeveloped in any number of ways. Subsequently, specific redevelopment concepts have not been included but desired character and important considerations for these properties are discussed in more detail later.



One of several medical office buildings on Allisonville Road south of Easy Street.

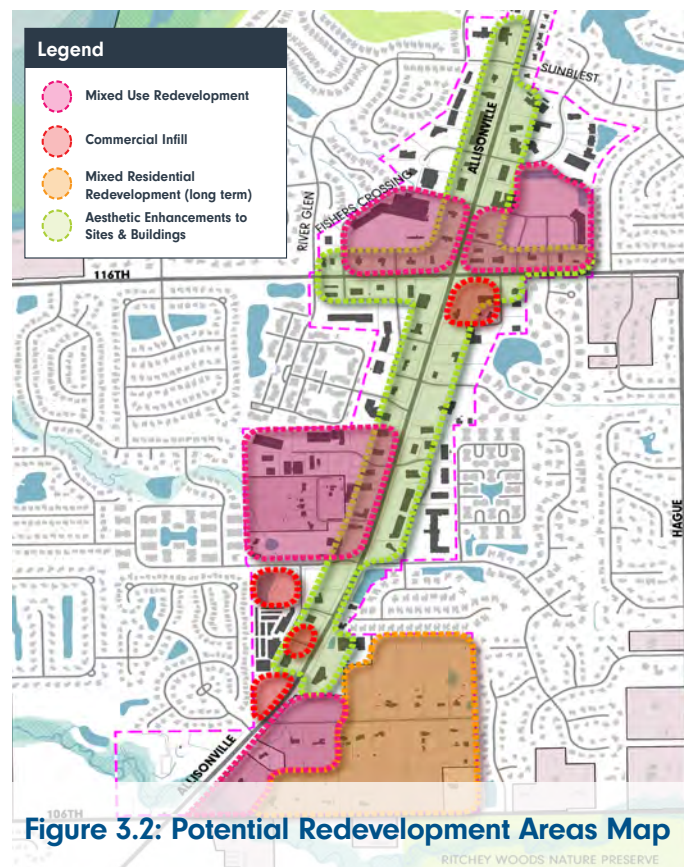


Figure 3.2: Potential Redevelopment Areas Map

EXISTING CONDITIONS

Vehicular Network

The majority of Allisonville Road through the study area includes two northbound lanes, two southbound lanes, and a median that becomes a center left turn lane at key locations. Approximately 750 feet north of the Allisonville Road and River Glen Drive/Sunblest Boulevard intersection, the median stops and only the two northbound and two southbound lanes remain. This condition continues north for approximately one-quarter mile until the roadway widens to include a center left turn lane for Orchard Boulevard and River Highlands Drive. North of River Highlands Drive, the road narrows again with the termination of the center left turn lane until the Allisonville Road and 126th Street intersection.

Existing Signalized Intersections

- 126th Street and Allisonville Road
- River Glen Drive/Sunblest Boulevard and Allisonville Road
- Fishers Station Way and Allisonville Road
- 116th Street and Allisonville Road
- Easy Street and Allisonville Road
- 106th Street and Allisonville Road
- 116th Street and Fishers Station Drive/Conner Creek Drive

During the corridor planning process, the City of Fishers was in the process of designing a roundabout for the Allisonville Road and 116th Street intersection. It is anticipated that construction of the roundabout will start in early 2024.

Traffic Counts

Both Allisonville Road and 116th Street carry significant amounts of vehicle traffic. On average, 116th Street carries more daily traffic; likely as a means to/from Interstate 69, the Nickel Plate District, and other destinations further east of I-69. Average Annual Daily Traffic (AADT) counts as reported by the Indiana Department of Transportation (INDOT) for 2021 are:

- Allisonville Road north of 116th Street: 19,060
- Allisonville Road south of 116th Street: 19,489
- 116th Street east of Allisonville Road: 24,138
- 116th Street west of Allisonville Road: 21,652

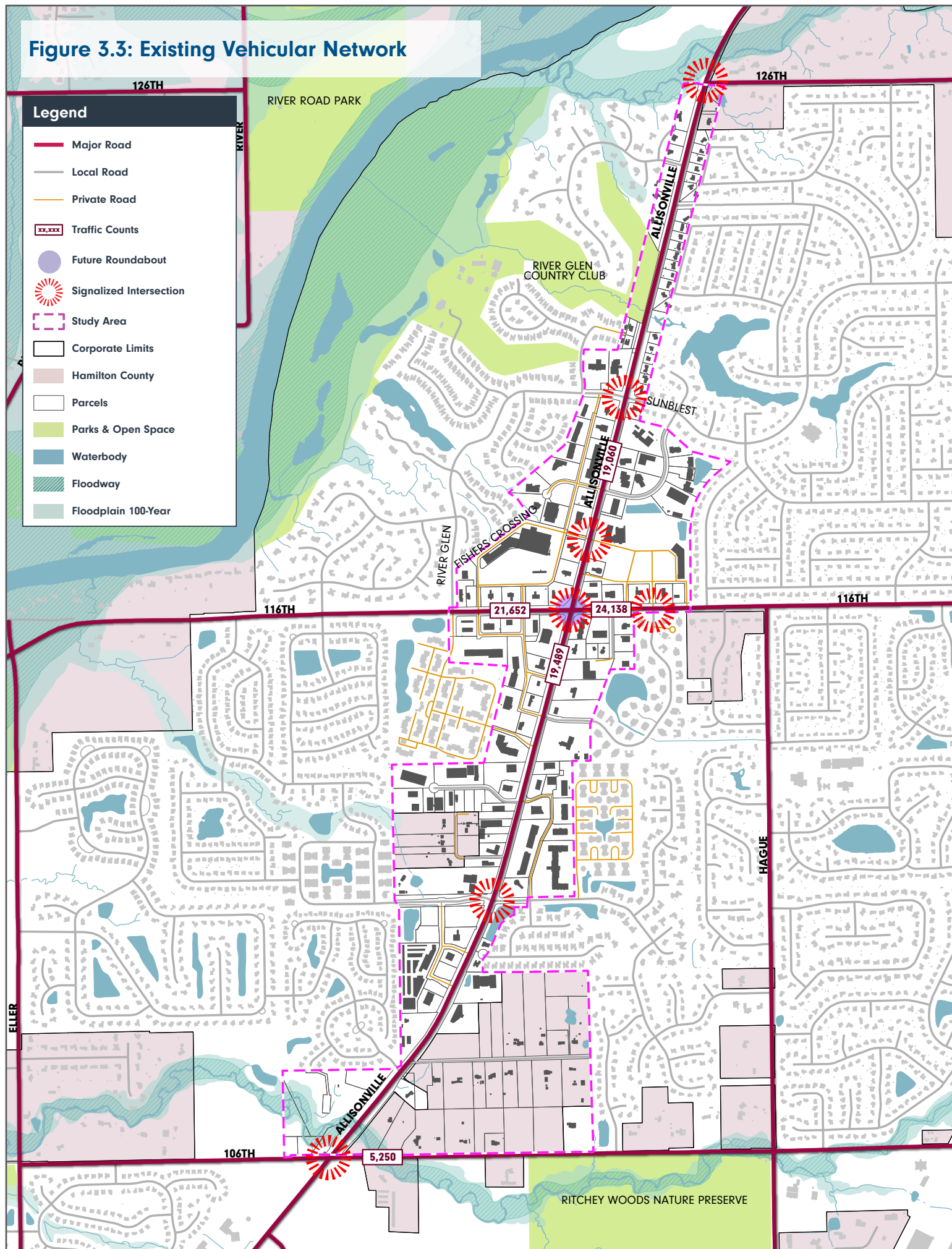
Private Roads

While many of the access and circulation roads off the main thoroughfares function as public streets in that they are used by multiple businesses and their customers, they are in fact private roads, not owned by the City of Fishers and not within the public right-of-way. These private roads are usually owned by the surrounding properties owners collectively. Many of these private roads were not constructed to the standards required for public streets and have not been maintained to the same standards as Fishers' city streets. Significant private roads in the study area include:

- Fishers Crossing Drive
- Fishers Station Way
- Fishers Landing Drive
- Village Square Lane
- Allisonville Office Drive

Several shorter road segments are also private, as depicted in Figure 3.3 Existing Vehicular Network.

Figure 3.3: Existing Vehicular Network



EXISTING CONDITIONS

Bicycle & Pedestrian Network

The City of Fishers has long recognized the importance of a well-connected bicycle and pedestrian system. Multi-use trails and sidewalks are located throughout much of the study area but several key gaps remain. Multi-use trails within the study area are typically 8 feet in width and surfaced with asphalt. Sidewalk width varies; they typically measure between 4 and 6 feet in width and are most commonly made of concrete. In many instances where a multi-use trail or sidewalk exists, it is immediately adjacent to the Allisonville Road or 116th Street curb. Without any planted buffer space or physical barrier, these facilities are not perceived as bicycle or pedestrian friendly given roadway traffic volumes and speeds.

Multi-use Trails

- East side of Allisonville Road from 106th Street to 126th Street, and further north and south
- West side of Allisonville Road from River Glen Drive to 126th Street, and continuing north
- North side of 126th Street, east of Allisonville Road for approximately 300 feet
- South side of 116th Street, west of Gables Drive to the White River
- South side of 106th Street, both east and west of Allisonville Road

Sidewalks

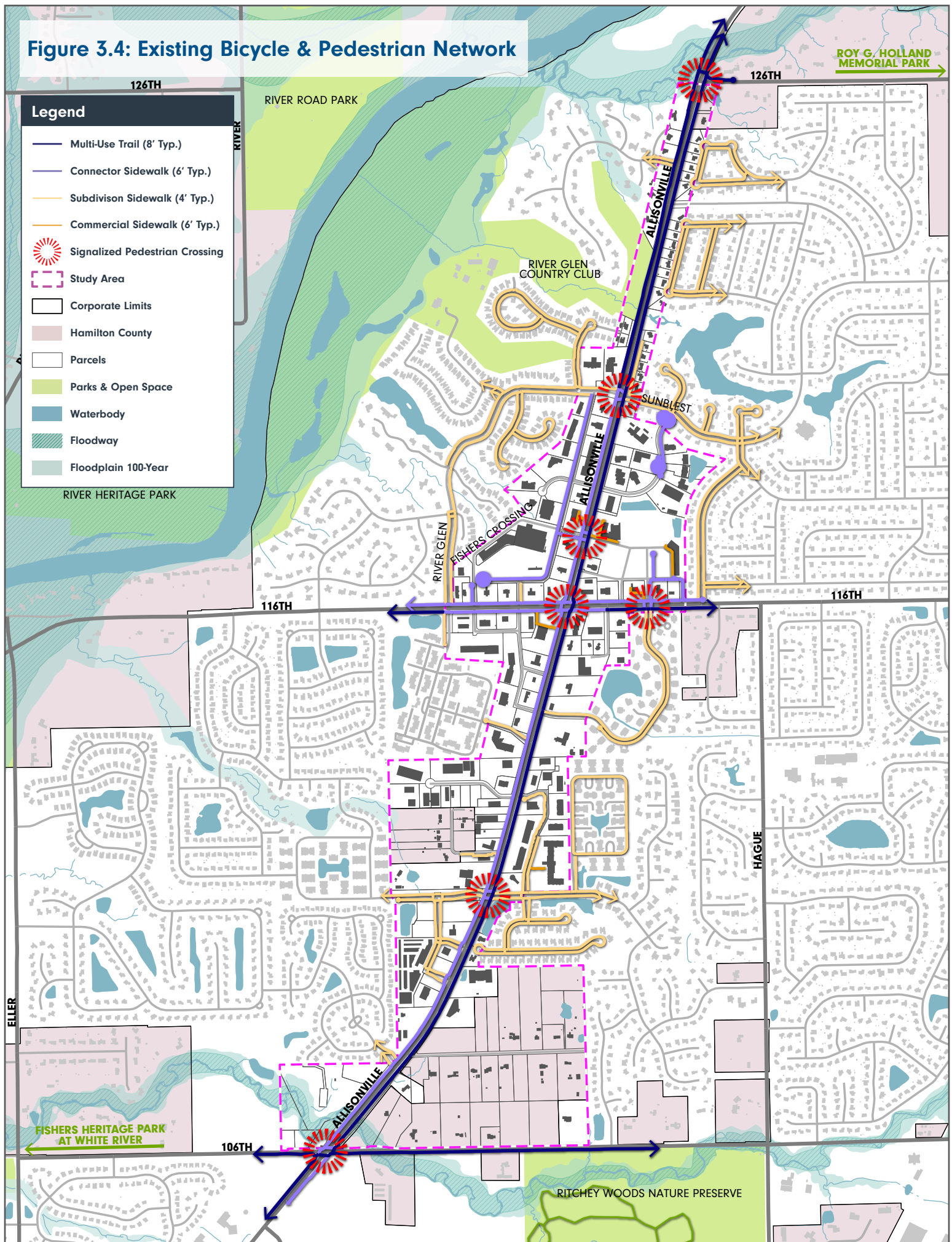
- West side of Allisonville Road from 106th Street to River Glen Drive
- North side of 116th Street from River Glen Drive to Wainwright Boulevard
- South side of 116th Street from Gables Drive to Hague Road

Sidewalks also exist through some, but not all the commercial developments within the study area. They are also located throughout all the adjacent neighborhoods. The existing bicycle and pedestrian system is depicted in Figure 3.4 Existing Bicycle & Pedestrian Network.



A typical sidewalk condition along the corridor.

Figure 3.4: Existing Bicycle & Pedestrian Network



EXISTING CONDITIONS

Corridor Character

While the study area only covers a short portion of Allisonville Road there are a variety of streetscape conditions that shape the corridors current character and dictate future enhancements. These conditions are impacted by sidewalk and trail layouts, landscaping and buffers, traffic lane width, above-ground utilities, existing land uses, and other physical aspects present along the corridor. Figure 3.5 Corridor Character identifies three segments along Allisonville Road and their distinct character. The highlights of each section include:

106th Street to Easy Street

- 8' Multi-Use Trail on east side of the street. No separation between street and trail.
- 6' Sidewalk on west side of the street. No separation between street and sidewalk.
- 4 traffic lanes, 12' wide.
- 16' wide planted median with turn lanes.
- Pedestrian lighting on both sides of the street.
- Overhead electric lines on west side of street.
- Less developed with natural areas, residential and a few businesses



View of the crosswalk at the Allisonville Road and 126th Street intersection.

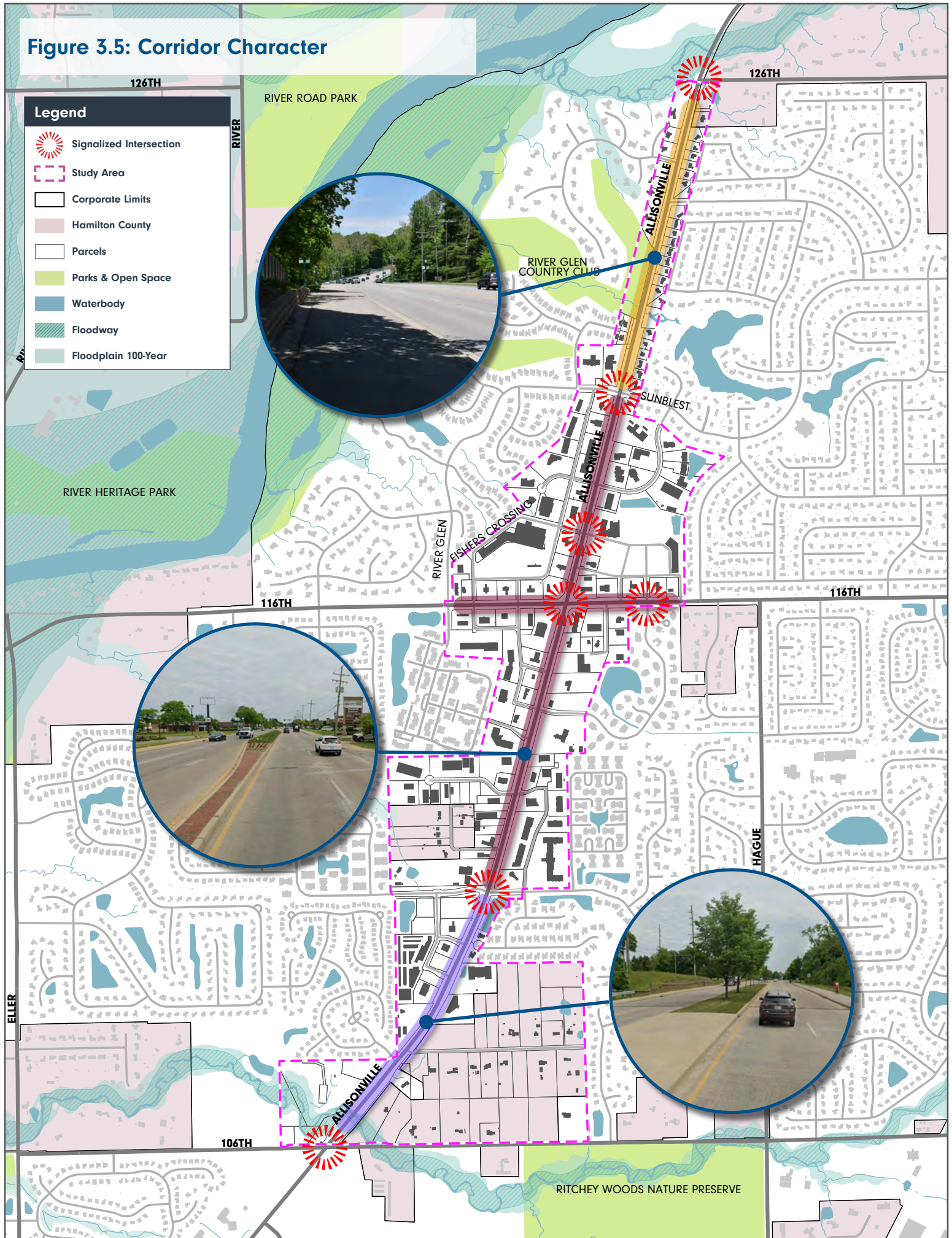
Easy Street to Sunblest Boulevard

- 8' Multi-Use Trail on east side of the street. No separation between street and trail.
- 6' Sidewalk on west side of the street. No separation between street and sidewalk.
- 4 traffic lanes, 12' wide.
- 16' wide planted median with turn lanes.
- Pedestrian lighting on both sides of the street.
- Overhead electric lines on west side of street from Easy Street to 116th Street. Overhead electric lines on east side from 116th Street to River Glen Drive.
- Developed with lawn/planted areas between the streetscape and development.

Sunbest Boulevard to 126th Street

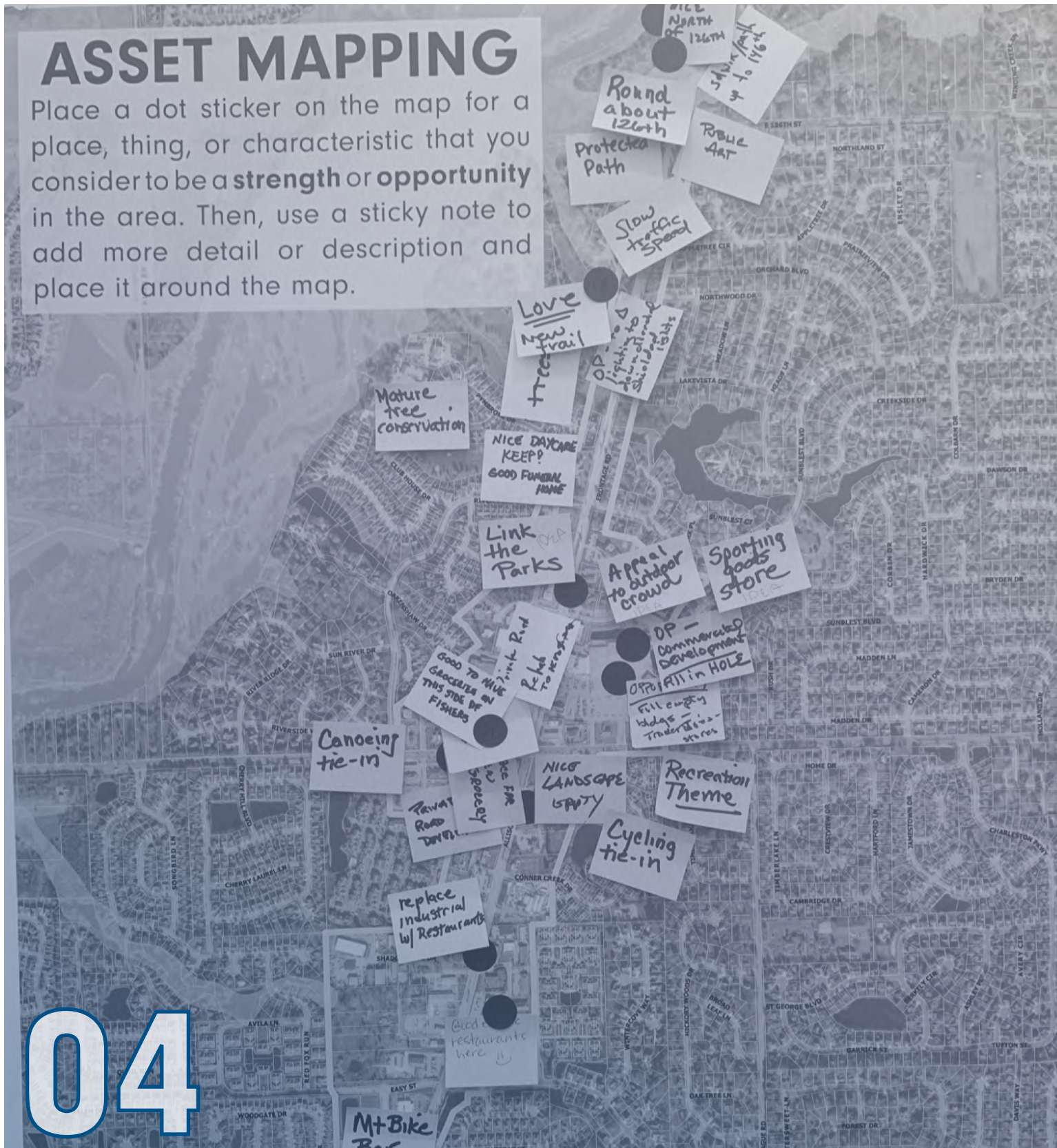
- 8' Multi-Use Trail on east side of the street. No separation between street and trail from River Glen Drive to River Highlands Drive. From River Glen Drive to 126th Street there is a 5' grass strip between the street and trail.
- 6' (near River Glen Drive) to 10' (near 126th Street) wide Multi-Use Trail on west side of the street. No separation between street and trail until 126th Street.
- 4 traffic lanes, 12' wide.
- 16' wide planted median with turn lanes ends between River Glen Drive and Orchard Blvd.
- Pedestrian lighting on both sides of the street.
- Overhead electric lines on east side of the street.
- Less developed with natural areas and residential.

Figure 3.5: Corridor Character



ASSET MAPPING

Place a dot sticker on the map for a place, thing, or characteristic that you consider to be a **strength** or **opportunity** in the area. Then, use a sticky note to add more detail or description and place it around the map.



COMMUNITY PARTICIPATION

Importance of Community Participation

Successful plans are built on a strong foundation of community participation and engagement. Working with a community's residents, businesses, property owners, and elected and appointed officials is critical to ensure the recommendations within a plan are supported by the community and realistic given local context. For these reasons, the planning process included both targeted engagement with key stakeholders as well as opportunities open to the broader public. A brief snapshot of the community outreach and engagement opportunities is detailed in the following pages while a more complete summary can be found in the Appendix.

There were five distinct methods used to gather input during the planning process, each with the goal of reaching a specific audience or obtaining specific information. Those methods include steering committee meetings, focus groups, a community workshop, outreach at the farmers market, and an online community survey. Information gathered from these events combined with best practice research, community demographics, and physical conditions formed the basis of the plan's recommendations (Chapter 5).

Who Did We Reach?

As stated above, a goal of any community engagement effort is to reach a diverse range of people who live, work, or visit the study area. The following is a brief summary on each engagement opportunity including locations, times, and who was involved.

Steering Committee Meetings

Steering committees play crucial roles in any planning process guiding the development of a plan through continual input and feedback. The committee itself had 18 members in total consisting of 12 community stakeholders and six City staff members. The group met four times over the process to discuss key points of the study.

Focus Group Meetings

Three focus groups were held on July 19th with business and property owners, restaurant owners, and residents. Topics covered during conversations varied, but included development opportunities and bicycle/pedestrian safety along the corridor.

Farmers Market

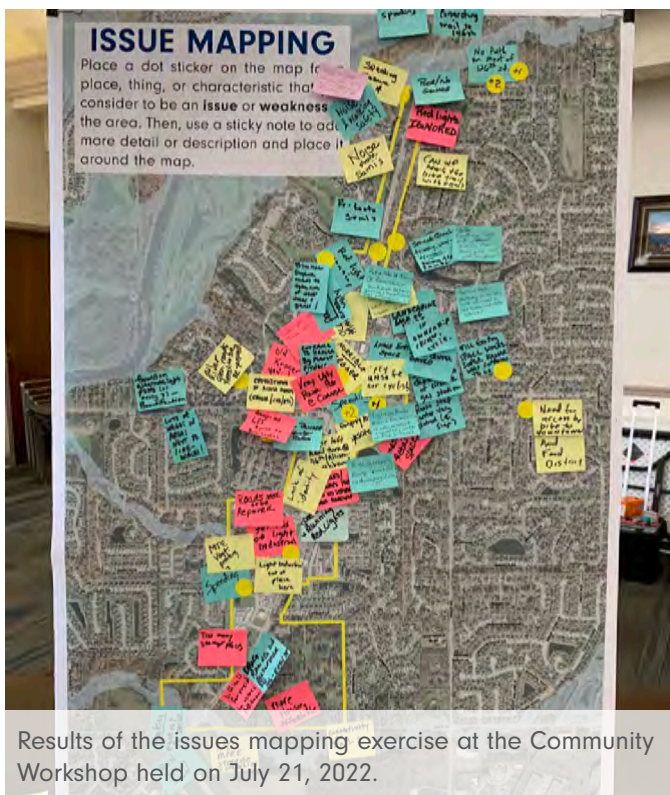
The project team set up a booth at the Fishers Farmers Market on July 16th to gather feedback from community members and advertise additional input opportunities. Passersby were encouraged to share their one wish for the corridor, as well as information about assets, issues, and opportunities

Online Survey

The online survey attempted to gauge the community's satisfaction with current conditions along the Allisonville Road Corridor. Participants were also asked to help establish priorities and provide feedback on potential improvements along the corridor. Over 1,600 residents completed the survey between July 5th and August 1st.

Community Workshop

The community workshop, held on July 21st at the Fishers City Hall Auditorium, encouraged the public to share their thoughts about the corridor through a variety of mapping, visioning, and voting exercises. Over 100 people participated in this meeting.



COMMUNITY PARTICIPATION

What We Did Hear?

Multiple engagement efforts are intended to attract a variety of people who can give their unique perspective on the community. While business owners may have one perspective on how the Allisonville Road corridor should look in the future, residents living along the corridor or elected officials implementing policy changes may see things in a different light. The information below highlights the discussion points most commonly seen from all forms of community engagement.

Assets

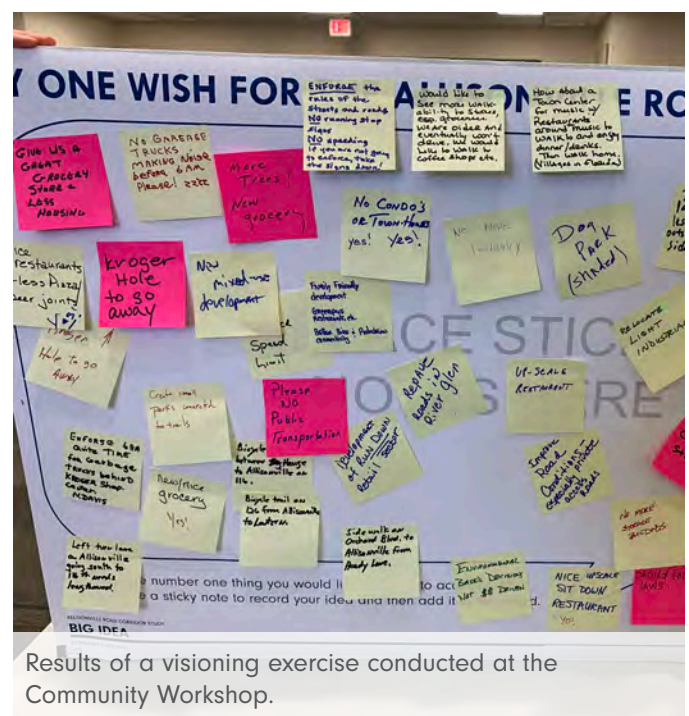
- There are a number of established businesses and anchor institutions along the corridor.
- Roads are generally in good condition and recent projects have brought median and landscaping improvements.
- Diverse housing stock.
- Proximity and access to major parks, the river, neighborhoods, and surrounding communities.
- There is a good mix of land uses and business types along the corridor.

Opportunities

- Multiple sites hold redevelopment potential.
- Potential pedestrian and bicycle connections between the corridor and surrounding destinations.
- Public gathering, recreation, and entertainment spaces.
- Facade and landscaping improvements that develop a unique character for the corridor.
- Opportunity to become a gateway for people traveling from one community to the next.
- Potential for higher density to promote walkability and accessibility for nearby residents and visitors.
- A number of natural areas and parks can be part of future pedestrian connections and destinations for residents and visitors.

Challenges

- Pedestrian and bicycle safety along major roadways and at intersections along Allisonville Road.
- Vehicular congestion and speed enforcement.
- Dated building aesthetics and lack of strong design guidelines for commercial developments.
- Private roads are in need of repair.
- Lack of central gathering space for adjacent neighborhoods such as a park, event venue, or other recreational destination.
- Multi-family housing types are not desired by many residents.
- Mixed views on promoting mixed use development.
- Traffic control signal timing and synchronization.
- Property upkeep and maintenance of landscaping along the corridor.
- Lack of connectivity to downtown and other destinations for pedestrians and bicycles.
- Not enough restaurants and entertainment focused businesses for nearby residents.



Key Themes

When shifting through the feedback received from the multiple meetings and online input a number of themes emerged that helped identify the corridor's major assets, challenges, and opportunities. The following themes, paired with existing conditions analysis, were used as a foundation for the recommendations within this study:

- Connectivity between neighborhoods and key destinations (Nickel Plate District/Downtown, Holland Park, Ritchey Woods, White River - Heritage Park and planned White River Park).
- The corridor needs a community gathering and recreation space to serve as a key destination and support desired restaurants and other businesses.
- No new light industrial or heavy commercial businesses should locate here, mixed opinions on whether the existing should stay.
- Corridor should not be an extension or duplication of downtown Fishers/Nickel Plate District.
- Any opportunities to protect cyclists and pedestrians and calm traffic while ensuring efficient traffic flow should be explored.
- Corridor needs overall aesthetic, façade, and landscape enhancements (but not major use or form changes).
- Apartments and condos are not desired, there are mixed feelings about mixed use development, with some understanding it may be needed to support other desired improvements.
- Vacant sites, especially the former Marsh/planned Kroger property and the city-owned lot on the SE corner of 116th and Allisonville, need to be developed.
- If Kroger relocates, need a plan for what happens to the existing Kroger property.
- Condition of private streets is an issue and City needs to address.



The first steering committee meeting was held on June 14, 2022.

As investment is made in existing buildings and sites, and as private redevelopment and layout of buildings change? Help us understand your vision for the change over time. Please place a dot sticker on the characteristics and the corridor. (select up to 4)

Similar form but higher quality architecture and materials PLACE DOTS HERE	Similar uses but different form (buildings closer to the street, pedestrian-oriented) PLACE DOTS HERE	New residential development PLACE DOTS HERE
Public gathering, recreation, entertainment space PLACE DOTS HERE	Gathering, recreation, entertainment space in private development PLACE DOTS HERE	More landscape sensitive PLACE DOTS HERE

One of the exercises at the Community Workshop asked participants their desired vision for how the corridor should change over time.



05

RECOMMENDATIONS

The Allisonville Road Corridor Study defines a vision for strengthening the appearance, function, and economic potential of this key corridor within the City of Fishers. It outlines recommendations for a series of constructed improvements and a strategy to guide public and private investment in the future. It also identifies ideas for changes in zoning and development control and shows how city-facilitated projects can be used to leverage private reinvestment. Collectively, these recommendations will drive the development of a vibrant mix of businesses, housing options, recreational amenities, and bicycle and pedestrian facilities that will serve surrounding neighborhoods and all of Fishers.

This study is a long-range guide for how the area can be improved through both incremental investment and larger scale redevelopment projects. While the study presents the ultimate long-range view on the corridor, many recommendations can be implemented in a much shorter timeframe as resources become available. In all cases, changes to private properties will be voluntary and largely driven by market forces and it is anticipated that many of the existing businesses will continue indefinitely. Specific goals of the study are identified below.



Portions of the study area have already experienced redevelopment, including this strip center on the site of a former Marsh supermarket.

Allisonville Road Corridor Study Goals

- Communicate the desired vision for the future of the Allisonville Road corridor to better express City goals and resident interests for both public and private investment.
- Continue to support a diverse mixture of uses that serve the daily needs of nearby residents and employees while promoting redevelopment opportunities that create additional dining, retail, and entertainment businesses and active gathering spaces.
- Ensure surrounding neighborhoods remain attractive and desirable locations for both long-term and new residents of Fishers.
- Identify preliminary redevelopment concepts for key sites so that if they transition in use, new development can happen in alignment with study recommendations.
- Use City investments within the public realm for items such as transportation enhancements, stormwater infrastructure, plazas and landscapes, sidewalks, and multi-use paths to realize reinvestment on private properties along the corridor.
- Improve pedestrian and bicycle connectivity between the Allisonville Road corridor, nearby neighborhoods, and destinations such as the Nickel Plate District, Nickel Plate Trail, Roy G. Holland Park, Ritchey Woods, and the White River.
- Enhance corridor aesthetics both within the public right-of-way and on adjacent development sites.
- Recommend development policies and potential amendments to the City of Fishers Comprehensive Plan, Unified Development Ordinance, and City efforts to help implement the goals and strategies of this study.

RECOMMENDATIONS

These goals are addressed with recommendations organized into three groups: **Land Use & Redevelopment**, **Streetscape Character**, and **Connectivity**. The land use and redevelopment recommendations address how existing development can be enhanced and how vacant and underutilized properties can be redeveloped to serve project goals. The streetscape character recommendations describe how improvements both within the public right-of-way and on adjacent properties can lead to a safe and attractive corridor. Finally, the connectivity recommendations include projects to enhance travel within and surrounding the study area, with a particular focus on bicycle and pedestrian facilities and amenities.

It should also be noted that many comments related to roadway function and safety were gathered during public engagement activities. The goals within this study attempt to balance the desire to reduce traffic congestion and create an efficient roadway network while reducing traffic speeds and improving bicyclist and pedestrian safety. These traffic concerns are important, and the City of Fishers is continually monitoring the street network, assessing potential impacts of new development, exploring opportunities to improve safety, and using enforcement when necessary. While Fishers will continue these efforts, recommendations in this study focus more on corridor character, adjacent land use, and bicycle and pedestrian facilities, as a detailed traffic analysis was not included.



New and varied housing products will help to support new commercial uses desired within the study area.

Land Use & Redevelopment

Allow for increased development intensity that includes a mixture of uses combining restaurant, entertainment, and recreation activities with active open spaces and varied housing types.

A common theme heard throughout the planning process was the need for attractions and amenities that serve as a draw to the area and help support the market for additional sit-down restaurants, breweries, and entertainment businesses. Given the current scale of development within the study area, combined with the number of auto-oriented uses, it is difficult to support diversified restaurant and retail options or identify an ideal location for an outdoor gathering and recreation space. However, by allowing for increased development intensity, especially when organized into walkable mixed use developments, the district will be better equipped to incorporate and support a mix of land uses and businesses desired by residents.

Diversifying housing product options along the corridor, including apartments, condominiums, and townhomes, can also help establish a walkable corridor and increase activity at broader hours to support existing and new businesses. Larger apartment developments without any commercial use or public open space are not desired by many residents. However, low-rise mixed use buildings, typically 3 stories in height, that combine apartments or condominiums with ground floor retail, restaurant, and office spaces were looked at more favorable. Ultimately, new mixed use development will be the mechanism to realize community goals for open space, recreation, and desired commercial development.

Promote building form and massing, density, setbacks, open space, landscape and lighting that result in more walkable and bike-friendly development.

Many comments during the planning process described the study area as being unwalkable and not bike-friendly. This could be attributed to several factors including vehicle speeds, narrow bicycle and pedestrian facilities and buffers, and the overall form and organization of development along the corridor. Many properties along the corridor represent typical automobile-oriented commercial development characterized by such things as:

- Individual buildings isolated from other sites and uses
- Surface parking lots, frequently located between the street and the front of the building
- Numerous driveways, often only serving one property and resulting in multiple curb cuts along the corridor
- Lack of defining character and design
- Limited placemaking elements that contribute to district vitality
- Lack of access between properties and adjacent neighborhoods, requiring additional car trips onto Allisonville Road and 116th Street

Rapid and significant changes to the overall built form of the corridor is unlikely to occur, and in many cases isn't desired by residents. With the exception of key redevelopment opportunities mentioned in Chapter 3: Existing Conditions, much of the existing uses and buildings will remain as they are currently. In these areas, bringing development up to current standards in the Unified Development Ordinance (UDO) will be a substantial improvement. For redevelopment areas, creation and application of a neighborhood mixed use zoning district will support study goals and can be used to better regulate building form and massing, site design and circulation, and landscape and open space areas. A neighborhood mixed use district is discussed in more detail within Chapter 6: Implementation.



Key redevelopment projects should emphasize walkable and bike-friendly design as an alternative to the automobile-oriented character present along much of the corridor.

RECOMMENDATIONS



New buildings should use high quality materials including masonry and glass, in support of resident goals related to improved character and aesthetics.

Ensure redevelopment accounts for surrounding context, especially adjacent single-family neighborhoods.

Commercial and light industrial uses are located immediately adjacent to residential uses along much of the corridor. Some of these non-residential properties include landscape buffers and screening of service areas, but others do not. Even where buffers are in place, the proximity and intensity of commercial activity has created concerns amongst nearby homeowners. When non-residential properties are making site improvements, additional screening should be a point of emphasis. Knowing this was identified by numerous residents and homeowners association representatives as a key priority, the City should consider incentives for additional buffering, and potentially support development standards variances when doing so would allow for wider or more substantial landscape buffer areas.

As larger redevelopment projects may occur, sites should be designed to increase separation and buffering between residential and non-residential buildings. Locating new commercial and mixed use development closer to Allisonville Road and 116th Street, while ensuring internal roads support walkability and bicycling for adjacent neighborhoods, would help to accomplish this.

Elevate the quality of architecture and aesthetics along the corridor through new development and redevelopment projects.

The businesses along the Allisonville Road corridor have been critical to supporting neighborhood needs and enhancing livability in Fishers. However, many of these same businesses lack an aesthetic character unique to the area and visibly clash with other buildings along the corridor. The City's UDO and a new neighborhood mixed use district, as well as the current development review process, should be used to ensure new development, redevelopment, and incremental investments to existing buildings utilizes high quality design and materials. If this area's design aesthetic is not covered within Fisher's current ordinances, amendments that reflect these changes should be considered.

RECOMMENDATIONS

Create a signature community gathering space to host public events, act as a destination along the corridor, and support desired business attraction.

The Allisonville Road corridor is missing a pedestrian-scaled and oriented activity space. From the first steering committee meeting to the last and during other outreach activities, the opportunity to develop an outdoor destination space to serve as the “living room” of the area was discussed. The most logical location for such a space would be as part of a larger redevelopment project in the northeast or northwest quadrant of the Allisonville Road and 116th Street intersection. Such a space could include flexible lawn and plaza areas to accommodate performances and special events, shaded seating, a water feature, interactive public art, limited play equipment, and activities for all ages such as ping pong, cornhole, and bocce.

This space is not intended to duplicate the amenities and activities present within the Nickel Plate District. It should be smaller scale and create opportunities for programming and events unique to its size and location which could be organized by Fishers Parks, non-profit community organizations, or even nearby private businesses. New mixed use development could help to support and activate such a space, shaping it into an important catalyst that supports the desired uses of restaurants, breweries, and other business within the new development.



A community amenity and recreation space would help activate the corridor and support the types of businesses desired by residents.

Design sites that create functional open spaces and incorporate stormwater infrastructure as an attractive amenity.

Many of the properties within the study area were developed under previous planning and zoning regulations and therefore don't reflect current standards and best practices related to landscaping and stormwater management. When landscaping is present, it is mostly located in narrow bands around the perimeter of sites. New development and redevelopment should be designed so landscaped areas serve a functional purpose, either as usable open space for customers and residents, or as part of the stormwater infrastructure system to help decrease runoff volumes. This recommendation also supports broader City goals related to sustainability. The City should consider incorporating incentives into the UDO for projects that incorporate green infrastructure and sustainable stormwater strategies into site design and landscape plans.

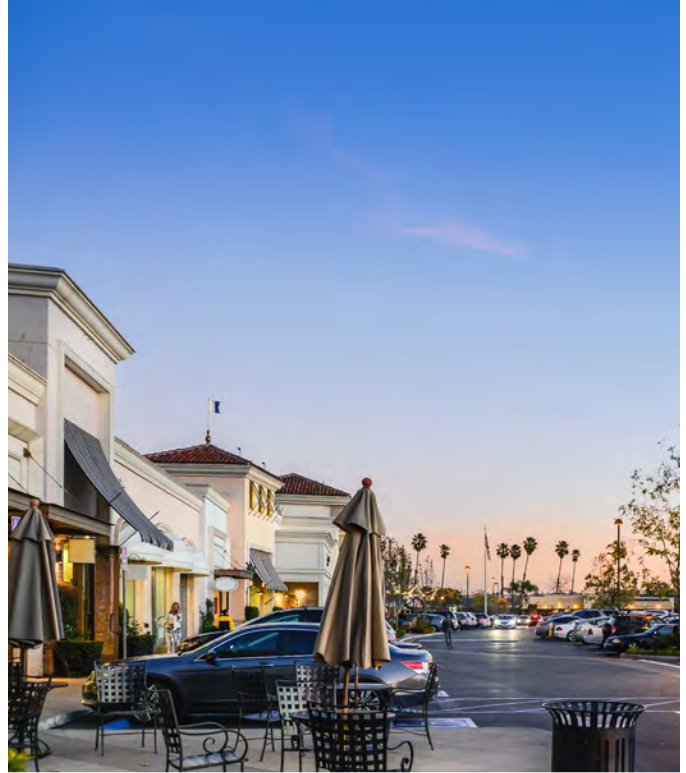


Stormwater infrastructure is too often pushed to the perimeter of a site when it could be incorporated as an attractive feature.

RECOMMENDATIONS

Consider reduced parking requirements and promote conversion of excess pavement to functional recreation or stormwater management use.

For existing developments, there is little opportunity to increase landscape and functional open space areas without reducing building size or converting other parts of a site. Reducing building size is rarely, if ever, desirable or feasible, but parking lots, and more specifically excess parking spaces and drive aisles, represent a unique opportunity for conversion to more active and attractive site features. This may include usable open space in the form of outdoor dining, entertainment, or recreation spaces. It could also be in the form of additional landscape and stormwater management areas. A recent example of successful pavement conversion to functional outdoor space can be found in the Village Square commercial center within the study area. Many plan participants cited Mashcraft Brewing's new outdoor space and pickleball courts on what had been parking lot as a perfect example of desired improvements to existing commercial centers. The City should consider reductions to required off-street parking spaces to better encourage and facilitate similar projects in the future. Oftentimes, the need for a parking variance may be enough to prevent a property or business owner from pursuing such a project.



This City should continue to support conversion of excess parking and drive areas to dining and recreation space.



Stormwater planters, or bioretention swales, help to filter and reduce stormwater runoff.

RECOMMENDATIONS

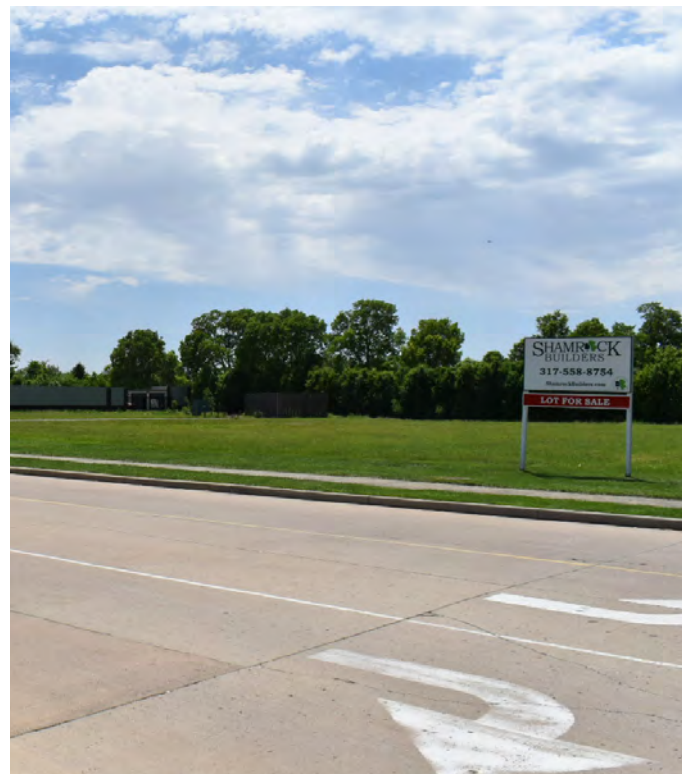
Long-term, support redevelopment of properties along Shadowlawn Drive and E 111th Street from industrial and heavy commercial use to mixed commercial and residential use.

As described in Chapter 3: Existing Conditions, the properties along Shadowlawn Drive and E. 111th Street are home to a number of light industrial and intensive commercial uses. 111th Street also serves as the only access point for several large residential lots outside of Fishers' municipal limits. Some of these light industrial and commercial businesses have been in operation for decades without generating significant conflicts with neighboring properties. They are supported by the City and expected to continue operations for some time. However, feedback from the online survey and steering committee suggests a desire to move away from these types of businesses along the corridor. For that reason, the City has identified long-term redevelopment of this area should these businesses wish to relocate or otherwise cease operations along the corridor. If any of these properties become vacant, redevelopment would be supported over new light industrial businesses moving in.

This specific area includes 27 parcels totaling over 35 acres. If assembled together, they could potentially create a special redevelopment opportunity. However, with that many parcels and their different owners, this would be a challenge. If a smaller group or groups of parcels are assembled, redevelopment to a mixture of commercial and residential uses is preferred, but it will be important to consider how the proposed projects fit into the surrounding context and interact with adjacent residential properties.

Attract professional and medical office development to vacant commercial properties west of Allisonville Road and south of Easy Street.

There are currently four undeveloped commercial properties in the Allisonville Place development west of Allisonville Road and south of Easy Street. There is an additional vacant residential property just south of this area, adjacent to the Gatewood subdivision. Despite current residential zoning, this property is appropriate for future commercial use. It is recommended that this area continues to be developed with medical and professional office buildings. The properties are currently within City limits and served by utilities. They are essentially shovel ready for a prospective developer or business and should be advertised as such.



Property for sale during along Allisonville Office Drive, south of Easy Street.

Support mixed use development along the east side of Allisonville Road around 106th and 108th streets with mixed residential redevelopment further east along 106th and 108th streets, when properties can be assembled and designed with appropriate respect to existing residential development.

There are several residential properties along 106th and 108th streets within the study area with future redevelopment potential. Some of these properties have occupied houses on them while others are vacant. Some of the vacant properties are owned by adjoining landowners and function as an extension of their lot. Others are vacant and listed for sale or appear to be held for potential redevelopment purposes. This area has significant redevelopment potential but will require assembling multiple properties to make larger projects viable. Depending on how many and which parcels are assembled, a number of redevelopment possibilities exist.

The western portion of this sub-area, along Allisonville Road, is appropriate for mixed use development that may include office, restaurant, and retail commercial space as well as apartments or condominiums. As the area transitions east towards established neighborhoods, new development would need to scale down. Here, the commercial uses should give way to housing products that may still include apartments and condos, but also townhomes and single-family homes on compact lots. In all cases it will be critical to evaluate the potential impacts of new development on adjacent single-family lots and subdivisions. Additionally, this area is currently within unincorporated Hamilton County and it should be expected that infrastructure and service extensions will be required and that if redeveloped, the properties should be annexed into the City of Fishers.



View of a large parcel on the east side of Allisonville Road just north of 108th Street. This property was actively being marketed during the planning process. It has mixed use potential but is not currently within City limits.

RECOMMENDATIONS

Streetscape Character

Promote the White River as the identifying characteristic for the area by incorporating landscape elements, signage, and art along the Allisonville Road and 116th Street corridors.

There were mixed opinions expressed during the planning process as to whether the Allisonville Road corridor and surrounding area needed a unique identity within the broader Fishers context. However, there was near unanimous recognition of the White River and its proximity to the corridor as a unique opportunity. Past planning efforts have included recommendations for improving connectivity to the river via multiple routes, and these efforts should continue. Beyond connections to the river, landscape plantings, art, and wayfinding signage within the study area can continue to reinforce this proximity and be used to organize additional improvements that support corridor “greening” and beautification goals. Proximity to the White River should also be used to encourage sustainable development practices on private property. Investment and redevelopment along the corridor can be used as a regional model in retrofitting traditional suburban commercial centers with site design principles focused on enhancing water quality and promoting urban forestry.



Heritage Park is one of several opportunities to connect the Allisonville Road corridor to the White River.

Use wayfinding signs to communicate and connect key destinations such as Conner Prairie, Ritchey Woods, and the Nickel Plate District.

The ease by which residents and visitors are able to safely and successfully navigate a community is vitally important to economic prosperity. Visitors to a community need to be able to orient themselves, find local services and points of interest, and feel that they can safely travel to their destination. It is recommended that Fishers continue to implement a coordinated and comprehensive wayfinding signage system as a means for directing motorists, bicyclists, and pedestrians to key destinations. The City is currently developing new wayfinding signage for key corridors and Allisonville Road and 116th Street should be included in that plan.

FISHERS

→ Municipal Complex & City Hall

→ Nickel Plate District Amphitheater

↑ Conner Prairie

↑ Ritchey Woods Nature Preserve

Sign #AL-17
116th & Allisonville
Allisonville | Northbound
← Nonie W. Krauss Preserve
→ Nickel Plate District
→ Arts & Municipal Complex
↑ Conner Prairie

FISHERS

→ Municipal Complex & City Hall

→ Nickel Plate District Amphitheater

↑ Conner Prairie

↑ Ritchey Woods Nature Preserve

Sign #AL-18
116th & Allisonville
Allisonville | Westbound
← Metro Airport
← Ambassador House
→ Conner Prairie
↑ Nonie W. Krauss Preserve

Example wayfinding signs currently being planned for the area around 116th Street and Allisonville Road.



Trees are missing from several medians along Allisonville Road.

Install street trees where they are missing from medians and elsewhere along Allisonville Road where adequate space exists within the right-of-way.

The thoughtfully planted and well-maintained medians along Allisonville Road and 116th Street were recognized as an asset to the corridor. Unfortunately, street trees face many stresses and have short life spans. Some of the original median trees have died and been removed, leaving empty spaces and awkward gaps in several medians. The City should prioritize replacing missing streets trees from medians not only within the study area, but elsewhere along these important corridors.

The City should also install new street trees within the public right-of-way where space allows. In addition to enhancing aesthetics, street trees provide shade to cyclists and pedestrians and can serve as an important buffer between the sidewalk and street or sidewalk and parking lots on adjacent properties. The overhead electric transmission lines along the east side of Allisonville Road north of 116th Street, and along the west side of Allisonville Road south of 116th Street mean most tree species are excluded from these areas, but there are other opportunities for greening the corridor.

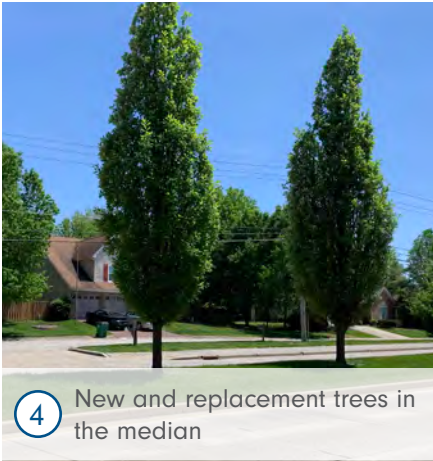
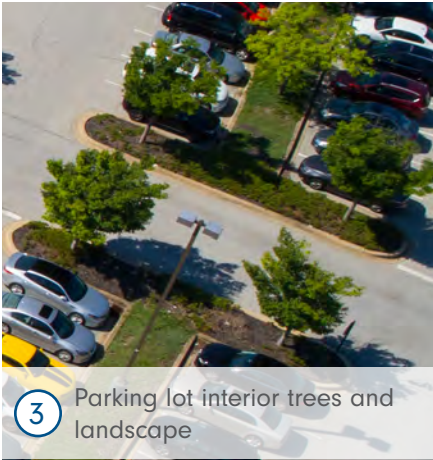
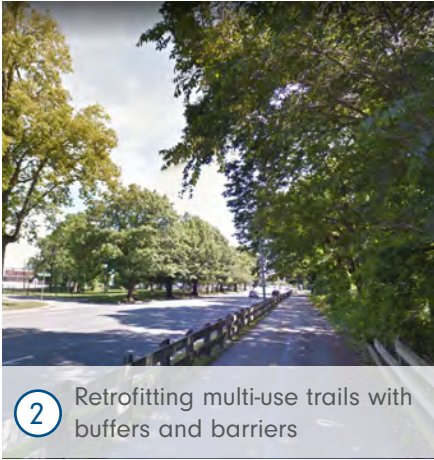
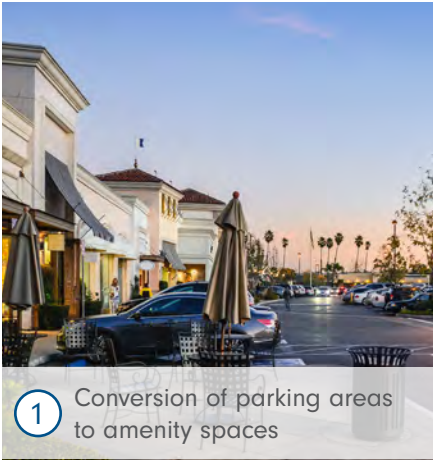


Limited right-of-way and utility easements make City-led beautification projects difficult, but the City can support adjacent property owners with planning and design help.

Develop a standard design and list of acceptable landscape plantings for utility easement areas to make it easier for property owners along the overhead transmission lines to beautify their properties.

Tree planting restrictions under transmission lines and other limitations for easement areas are necessary to ensure safe operation of and access to this important infrastructure. That is not to say all landscape plantings are prohibited, and smaller ornamental trees may be permitted in easements for lower voltage distribution lines. Duke Energy promotes a “Right Tree, Right Place” program, but many property owners may not be comfortable or have the expertise to select appropriate plantings. Because “greening” the corridor was a common theme heard throughout engagement efforts, the City should take the lead to work with Duke Energy and a landscape design professional to develop a typical design and list of potential plants to be installed within these areas. This may reduce obstacles for adjacent property owners while also promoting consistent landscape treatments along Allisonville Road.

RECOMMENDATIONS





A matching grant program for commercial properties, similar to the existing Neighborhood Matching Grant Program, could be used to incentivize site and building improvements.

Provide incentives for site and building improvements on private properties along the corridor, which may include landscape plantings, outdoor activity areas, sustainable stormwater infrastructure, signage, and façade enhancements.

There is low vacancy among the commercial properties within the project area. Without the need to attract new tenants, property owners may not see a strong return on investment for largely aesthetic building and site enhancements. However, the need to improve corridor character, specifically the quality of architecture and appearance of older commercial properties, was consistently listed as a top priority throughout all community engagement opportunities. For this reason, the City needs to take a more proactive approach in encouraging incremental enhancements to private property. Similar to the neighborhood beautification grants already offered, the City should create a grant program and dedicate funding to better incentivize improvements to non-residential properties.

Many communities offer façade improvement programs that provide matching funds to commercial property owners for exterior improvements such as signage, lighting, painting, windows, and structural or design changes. It is recommended that Fishers implement a more flexible program that may also fund improvements to the site, including but not limited to landscaping, sustainable stormwater infrastructure, and outdoor seating, dining, or recreation amenities. Ultimately the City will need to decide what improvements are eligible and what percentage of matching funds are required by the property owner in order to be eligible for the grant.

RECOMMENDATIONS

Use the Allisonville Road and 116th Street roundabout as an opportunity to showcase a high-quality landscaped gateway into Fishers that reflects the proximity and importance of the White River.

116th Street serves as an important entry corridor into Fishers from the west. While this entry into Fishers technically happens when one crosses the White River, the Allisonville Road and 116th Street intersection serves as the first major entry experience. With the planned roundabout improvements, the center island will become a unique opportunity to re-enforce the White River's identity through this area.

Gateways can take on many forms and don't have to include signage, built monuments, or public art. A high-quality landscape can create the same sensory arrival but in a more nuanced manner. The project steering committee felt strongly that the roundabout should be used as a western gateway, and rather than some vertical structure in the roundabout island, it should be designed with a landscape plantings and other natural elements that reflect the character and proximity of the White River.



A more natural looking landscape design is recommended within the roundabout planned for Allisonville Road and 116th Street.



Numerous driveways along the corridor increase the potential for accidents and negatively impact pedestrian and cyclist comfort.

Continue to implement access management best practices as properties are redeveloped.

Access management refers to the coordination and balancing of development needs with function and capacity of adjacent roadways. The goals of access management are to ensure and improve safety, preserve function and mobility, and manage existing and future access in a regular and consistent manner. Good access management practices can contribute to corridor character, advance economic development goals, and protect the City's investment in local roads.

A contributing factor to poor roadway function, appearance, and safety is the number of curb cuts or driveways along the road. The City should continue to promote access management strategies and explore opportunities for consolidated accesses and driveway removals as properties may be redeveloped. When adjacent properties can only be accessed from Allisonville Road, driveway spacing should be maximized so motorists have time to address one set of potential traffic conflicts before worrying about another. Driveways should also be properly set back from intersections so as not to impede intersection functions.

Increase traffic enforcement operations to ticket speeding and other traffic violations along the corridor.

Vehicle speed along the corridor, especially through the northern and southern reaches of the study area, was identified as a significant concern by the community. Presently, the speed limit is 40 miles per hour along Allisonville Road through the study area. The City of Fishers Police Department should continue to monitor speeding along Allisonville Road and 116th Street to ensure a safe corridor for motorists, cyclists, and pedestrians. However, since the police department is responsible for much more than speed enforcement department resources must be used effectively. The department should consider periodic enforcement campaigns to address problem segments and hopefully lower speeds over time. Other considerations include reducing the posted speed limit to 35 miles per hour, installing additional speed limit signs, and replacing existing speed limit signs with solar-powered radar speed signs that display the vehicles speed back to the driver.

RECOMMENDATIONS

Connectivity

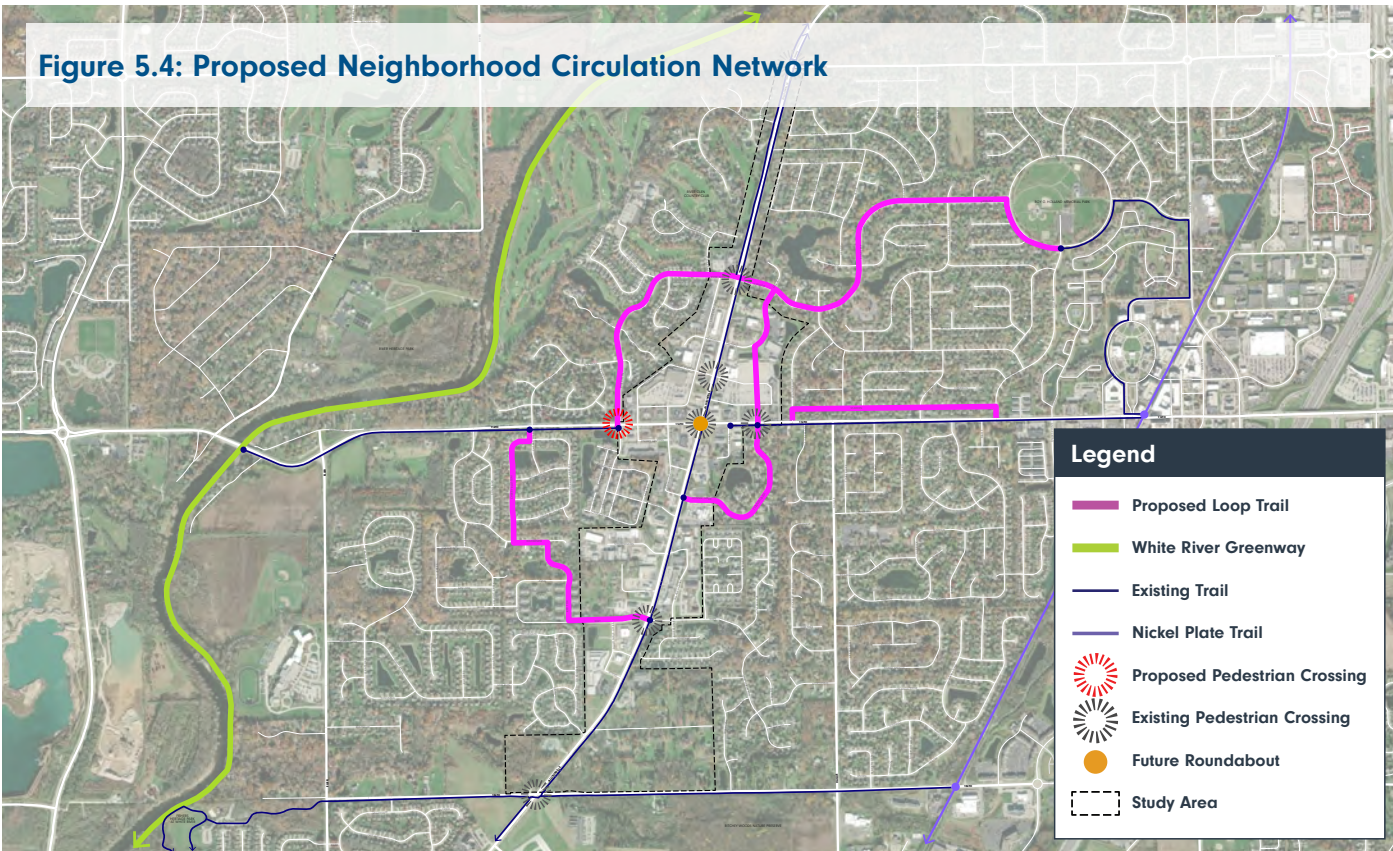
Develop a dedicated and protected circulation system through area neighborhoods that connects key destinations.

Improved bicycle and pedestrian connectivity were a point of emphasis heard throughout the planning process from the steering committee, survey responses, and community workshop attendees. Both Allisonville Road and 116th Street experience high traffic volumes and the multi-use trails and sidewalks along them feature little to no buffer space in many locations. Many participants noted not feeling safe on these facilities, especially when used by families with children. For this reason, neighborhood streets were explored as a means to connect key destinations while avoiding the heavily trafficked thoroughfares.

This loop network, as shown in Figure 5.4, utilizes a combination of neighborhood streets and existing multi-use trails along segments of Allisonville Road and 116th Street. Starting at River Glen Drive, on the north side of 116th Street, the route continues along River Glen Drive, turning east to where it intersects Allisonville Road. The Allisonville Road

and River Glen Drive/Sunblest Boulevard intersection is signalized giving pedestrians and cyclists a safe crossing location. East of Allisonville Road, River Glen Drive becomes Sunblest Boulevard. Sunblest Boulevard winds through the Sunblest neighborhood and connects to Roy G. Holland Memorial Park. From here, existing multi-use trails along Sunblest Boulevard and Lantern Road connect to the Nickel Plate District and Nickel Plate Trail.

As mentioned in the potential redevelopment concept for the northeast quadrant of Allisonville Road and 116th Street, there is an opportunity to construct a multi-use trail through this area during redevelopment efforts. This would link planned improvements along Sunblest Boulevard to 116th Street at the Fishers Station Drive/Conner Creek Drive intersection. This is another signalized intersection and therefore an optimal crossing location. The route can continue along Conner Creek Drive, turning west and intersecting Allisonville Road. The existing multi-use trail on the east side of Allisonville Road can then be used to continue the route south to Easy Street. At the Easy Street signalized intersection, the route continues west across Allisonville Road, and along Easy Street,

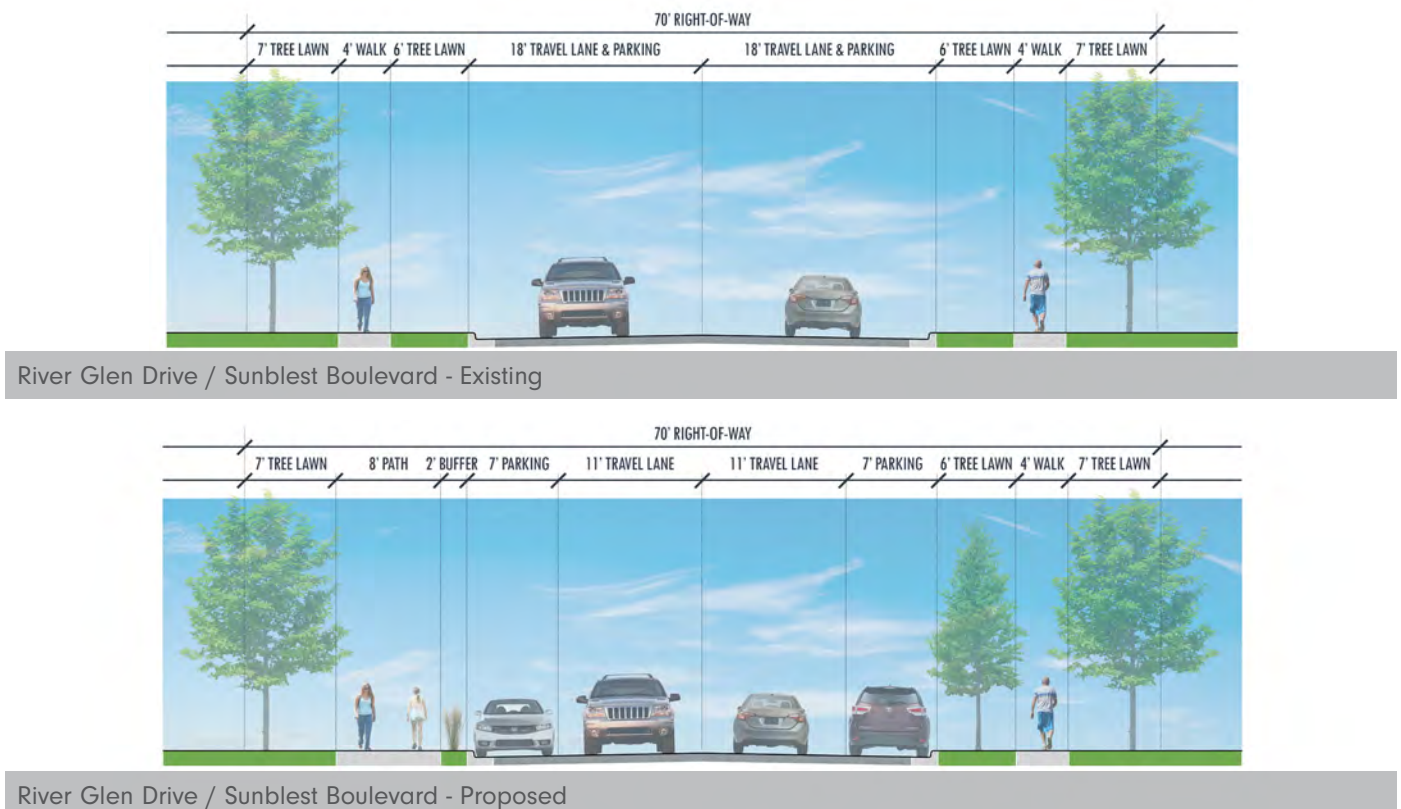


before turning north on Red Fox Run. From Red Fox Run a small segment of Wilderness Trail is used to connect to Cherry Blossom Drive, which then takes the route north to 116th Street. From here, the existing multi-use trail on the south side of 116th Street can be used to connect east to River Glen Drive, completing the loop.

It's not envisioned that most cyclists or pedestrians would complete the entire loop route. Rather, the loop route creates the connectivity framework to join surrounding neighborhoods to businesses within the study and multiple key destination beyond. Various

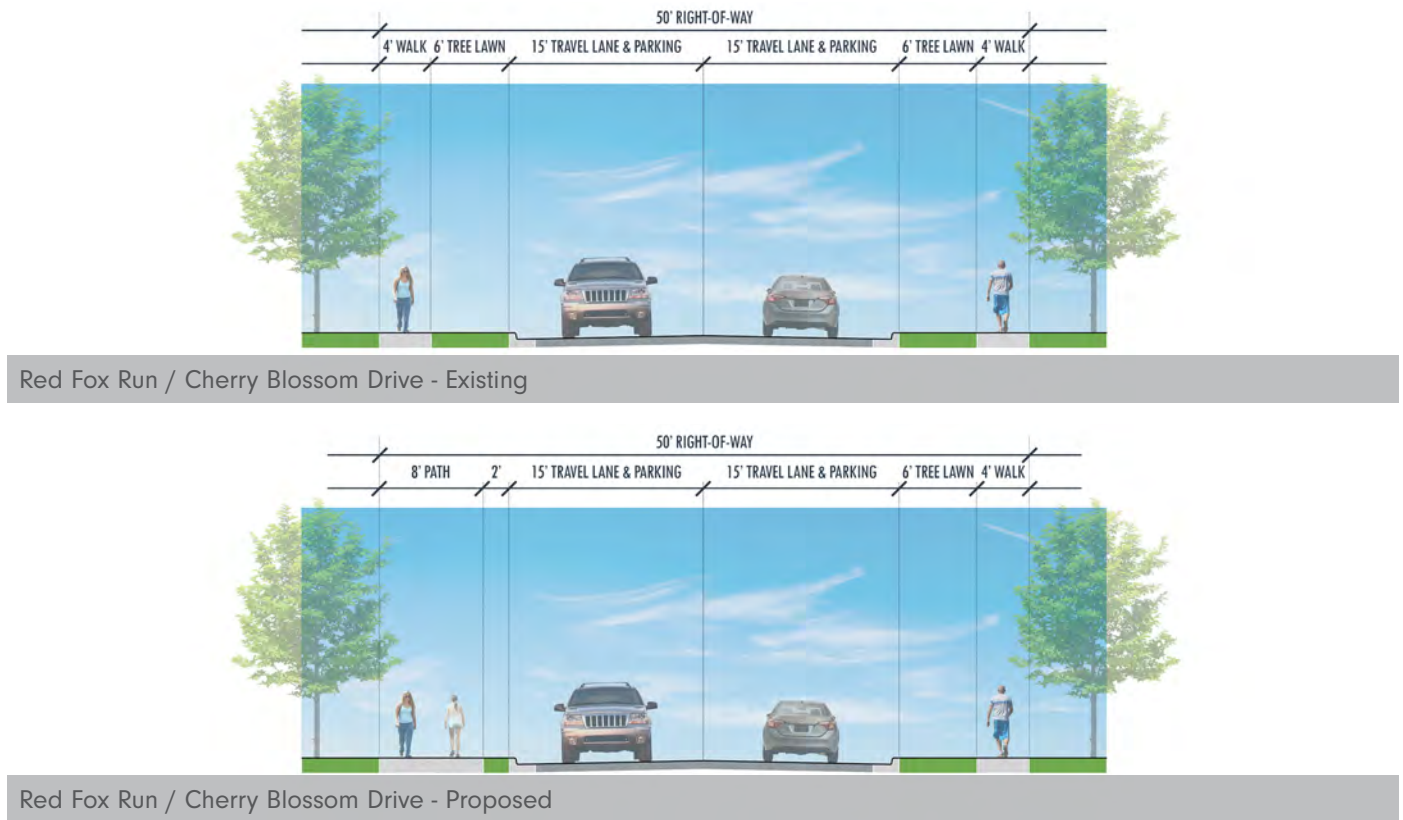
facility improvements were considered for the neighborhood streets that make up this circulation network. Utilizing existing right-of-way and widening the sidewalk on one side of the street to create a multi-use trail that can be used by both pedestrians and cyclists is the recommended improvement for this area. River Glen Drive and Sunblest Boulevard feature a similar right-of-way configuration as shown in Figure 5.5: Existing and Proposed Cross Sections. Similarly, Red Fox Run and Cherry Blossom Drive also share a similar right-of-way configuration, depicted in Figure 5.6 on the following page.

Figure 5.5: River Glen Drive / Sunblest Boulevard Existing and Proposed Cross Sections



RECOMMENDATIONS

Figure 5.6: Red Fox Run / Cherry Blossom Drive Existing and Proposed Cross Sections



Retrofit existing bicycle and pedestrian facilities with physical barriers and additional landscape where limited buffers exist.

In addition to broader network enhancements and converting existing sidewalks into wider multi-use trails, there are opportunities to enhance existing facilities and make them safer for pedestrians to use. Buffer lawns refer to the narrow strip of grass between the street and the adjacent sidewalk or trail. Where narrow buffer lawns already exist, they can be planted with ornamental grasses or other vegetation to provide both a visual and physical barrier between the road the multi-use trail or sidewalk. If even more protection is desired, a guardrail can be installed. Where multi-use trails and sidewalks immediately abut the curb and no buffer lawn is present, the path may need to be narrowed or shifted to create

a small amount of buffer space to install a barrier or additional landscape. In many places along the corridor there is approximately one-foot of additional right-of-way on the outside of trails and sidewalks that could be used to accommodate these improvements. In cases where the trail or sidewalk already goes to the edge of the right-of-way, the facility would have to be narrowed to allow for buffer improvements. These improvements may be costly and hard to justify as standalone projects but as streets, curbs, and underground utilities are maintained and replaced these improvements may become more cost-effective and feasible if sidewalk and trail improvements are integrated into the overall enhancements. If such improvements occur, it will be critical the City and adjacent property owners have a clear understanding of maintenance responsibility.



The Fall Creek Greenway in Indianapolis is a good example of a protected path near the roadway.

Improve the River Glen Drive and 116th Street intersection to allow for safe pedestrian and cyclist crossings.

The intersection of 116th Street and River Glen Drive is not presently signalized and therefore can't be recommended as a safe crossing location. However, this intersection is included in the neighborhood circulation system referenced above and could become a key crossing location in the future. Additionally, once the roundabout is constructed at the Allisonville Road and 116th Street intersection, there will not be a signalized intersection with protected pedestrian crossing cycle anywhere along 116th Street from the White River until Fishers Station Drive, east of Allisonville Road. The City should examine this segment of 116th Street in more detail once the roundabout is open, and if full signalization of the 116th Street and River Glen Drive isn't warranted or would conflict with safe roundabout function, a HAWK signal or other highly visible crossing treatment should be explored. HAWK stands for High Intensity Activated CrossWalk. These signals are used to improve non-motorized crossings of major streets in locations where side-street volumes do not support installation of a conventional traffic signal. Unlike a standard traffic signal that automatically cycles between green, yellow, and red, a HAWK signal only functions when activated by a pedestrian or bicyclist. Upon actuation, the beacon begins flashing yellow, changes to steady yellow, then displays as solid red, requiring drivers to stop and remain stopped, as with a standard traffic signal. The signal then flashes red and allows drivers to proceed when the roadway is clear of crossing pedestrians or bicyclists. After a set time the signal then returns to "off" and free flow traffic resumes on the major street, which would be 116th Street in this instance.

Ensure bicycle and pedestrian facilities and safe crossings are incorporated into the roundabout design for Allisonville Road and 116th Street.

Early in the planning process, members of the steering committee expressed concerns that the planned roundabout would further impact bicycle and pedestrian connectivity and safety around the Allisonville Road and 116th Street intersection. It is true that the primary function of a roundabout is efficient vehicle movement, and pedestrians never have a "protected" or clearly identified time to cross. There is little data to suggest roundabouts are more dangerous for pedestrians, but cars may be less likely to yield to pedestrians and pedestrians may therefore feel frustrated and perceive the intersection as less safe for use.

As the City continues to design the roundabout and associated driveway closures/relocations, it is imperative that a focus be put on safe and visible bicycle-pedestrian infrastructure. The roundabout should be designed with travel lane geometry that facilitates vehicles yielding to pedestrians and bicyclists. Pedestrian crosswalks and curb ramps should be located so that cars are already slowing to enter the roundabout and can therefore stop for pedestrians. They should also be setback far enough from the center of the roundabout so that a car exiting the roundabout can stop for a pedestrian without a portion of their vehicle remaining in the roundabout circulation lane. Center medians/islands can be used to offer crossing pedestrians a respite and allow them to focus on only one direction of vehicle traffic at a time.

RECOMMENDATIONS

Continue to explore wider shared use facilities and separation along both sides of 116th Street as roadway and infrastructure improvements are made.

The neighborhood bicycle and pedestrian circulation system recommended above represents a short-term solution to promote regional connectivity. However, 116th Street is the shortest connection between key destinations and remains a desired route by many pedestrians and cyclists. Unfortunately, little existing right-of-way is available to accommodate new or enhanced facilities. Presently there is no facility on the north side of 116th Street between Wainwright Boulevard and Holland Drive, which is a serious gap between the Allisonville Road corridor and the Nickel Plate District. The rear yards of homes along this section of 116th Street are already shallow as a result of the project that widened 116th Street from two lanes to four lanes. Further right-of-way acquisition on the north side of the street for construction of bicycle-pedestrian facilities is unlikely.

One option to add a pedestrian facility along the north side of 116th Street would be to narrow the median by several feet and reduce the width of each travel lane from 12 feet to 11 feet. The space gained could be allocated to the north side of the street for a sidewalk or narrow multi-use trail, but the facility would be immediately adjacent to the curb and create a condition similar to the multi-use trail along Allisonville Road. However, many participants in the process stated these facilities do not feel safe and would like to see limited use of these facilities moving forward. A better allocation of the space gained through median and lane narrowing may be adding it to the existing path and buffer lawn on the south side of 116th Street. This would result in a 10-foot wide multi-use trail separated from the roadway by a 7-foot buffer lawn, as shown in the proposed cross section in Figure 5.7. This 7-foot buffer lawn would be wide enough to accommodate street trees or a physical barrier to further protect pedestrians and cyclists.

If a pedestrian or cyclist were on the north side of 116th Street near Allisonville Road, this route would require two crossings of 116th Street to travel to the heart of the Nickel Plate District. While that may not currently be a palatable solution, as the Nickel Plate District continues to develop and more destinations are created on the south side of 116th Street, it may not be such an inconvenience. However, this would be a very costly project that would require demolition and re-construction of three curbs and associated stormwater inlets. It may also necessitate reconstruction of much of the median and mature trees.

A more realistic solution to address east-west connectivity between the Allisonville Road corridor and Nickel Plate District is to utilize Madden Drive, which parallels 116th Street between Wainwright Boulevard and Holland Drive. The existing buffer lawn along one side of Madden Drive could be reduced to accommodate a wider sidewalk or multi-use trail, as shown in Figure 5.8. Cyclists and pedestrians would then only have to use short segments of facilities along 116th Street while still having a fairly direct connection along a much calmer street. Madden Drive improvements should be explored as a short-term project, but the City should continue to explore future trail opportunities along 116th Street as road reconstruction, utility repairs, and other infrastructure projects that require substantial work within the right-of-way occur.

Figure 5.7: 116th Street Existing and Proposed Cross Sections

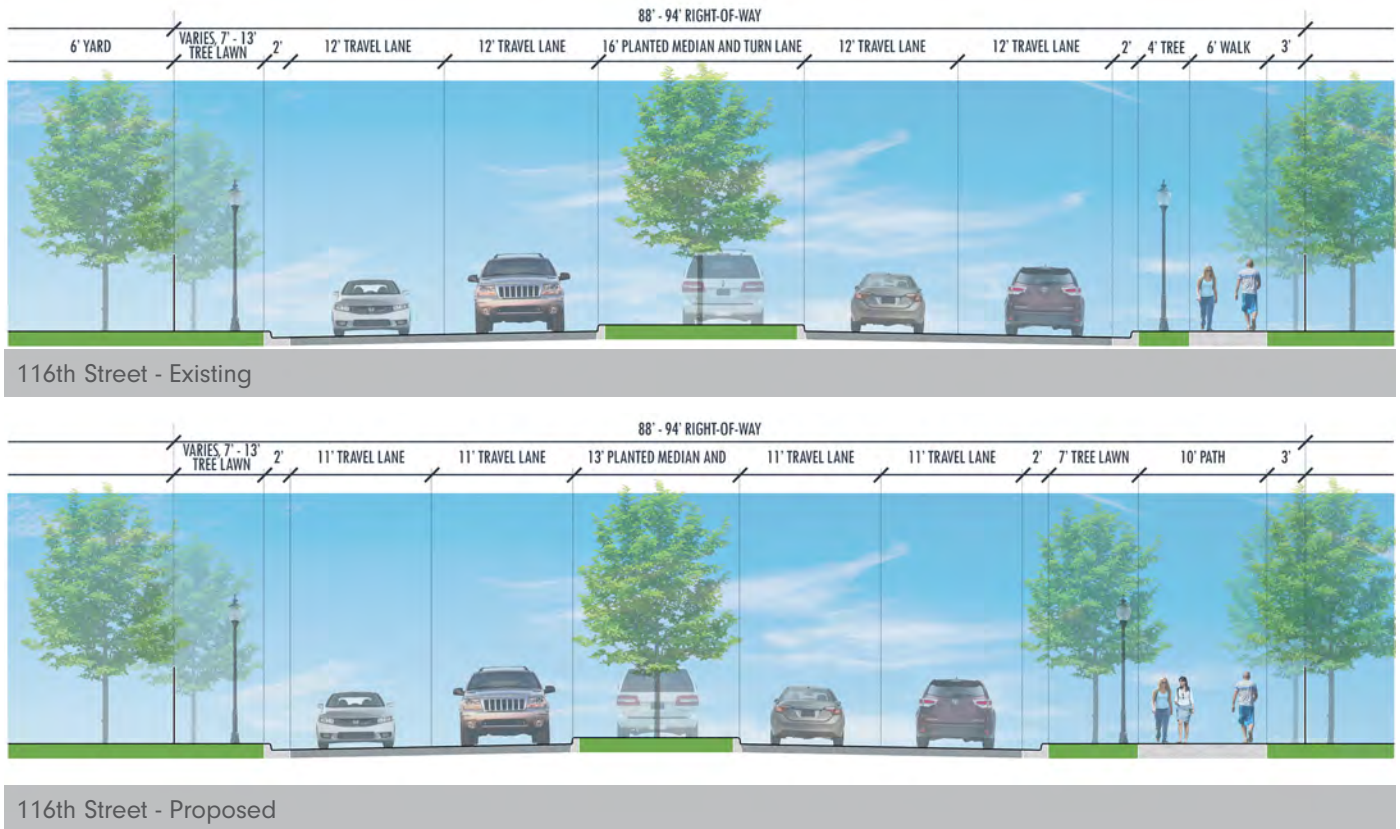
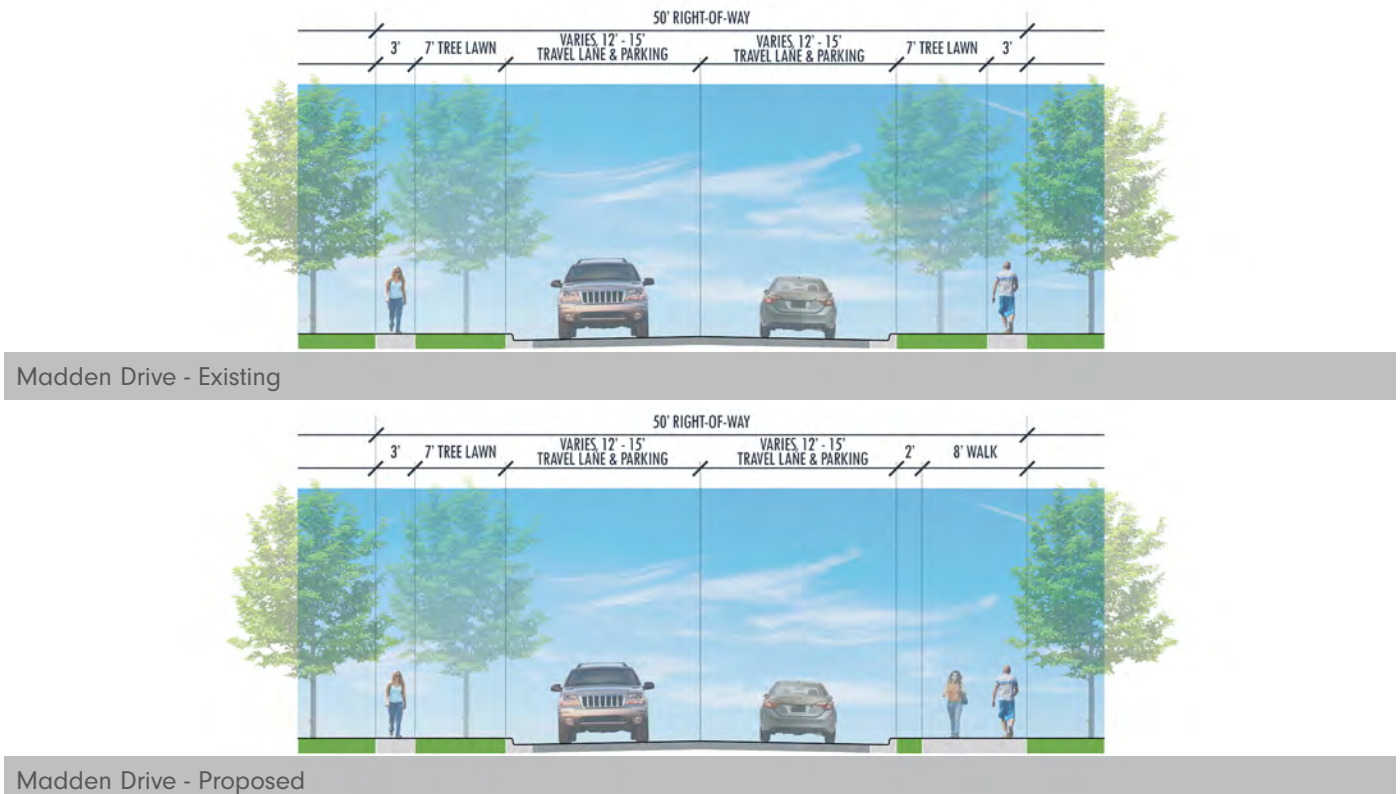


Figure 5.8: Madden Drive Existing and Proposed Cross Sections



RECOMMENDATIONS



A HAWK signal (High-Intensity Activated crossWalk) is an on-demand traffic signal that is used to stop vehicle traffic and allow safe crossing for pedestrians. They can be used where full signalization of an intersection is not warranted.

Emphasize 106th Street as a key east-west bicycle and pedestrian connection to Heritage Park and the planned White River Park further south, Ritchey Woods Nature Preserve, and the Nickel Plate Trail.

The Fishers 2040 Comprehensive Plan and Bicycle and Pedestrian Master Plan both recognize 106th Street as a key connection across the City, with a particular focus on connecting into Heritage Park. The City is also in the process of planning for a future White River Park between 106th and 96th streets that can connect to Heritage Park via a riverfront trail. These planned improvements, as well as Ritchey Woods Nature Preserve, the Nickel Plate Trail, and other planned investments to the east only increase the priority of installing bicycle and pedestrian facilities along 106th Street.

A multi-use trail currently exists along the south side of 106th Street between Heritage Park to the west and Hague Road to the east. East of Hague Road, the trail is located on the north side of the street for approximately 1,500 feet before terminating. The trail is present along the southside of 106th Street but cyclists and pedestrians must cross midblock in an undesirable condition. The City should continue to plan for a multi-use trail along the northside of 106th Street all the way to the Nickel Plate Trail, with a particular emphasis on the critical gap just west of the Nickel Plate Trail.

Consider opportunities to narrow travel lanes, add or improve crossing treatments, and incorporate other traffic calming measures as area roadways are repaired and improved.

The Allisonville Road Corridor Study is not a traffic study. In the absence of specific traffic analyses, major changes to the Allisonville Road or 116th Street roadways cannot be recommended and removing travel lanes is not an option. However, it is understood that both traffic volumes and speeds are a concern along the corridor. The City should use every project, both within the public right-of-way and those on adjacent properties, as an opportunity to calm traffic and improve safety for both drivers and pedestrians.

Traffic calming techniques may include narrowing travel lanes, constructing traffic circles or roundabouts, installing raised medians, reducing the radius of corner curbs to make a tighter turn, creating slight curves or jogs to the roadway, and implementing surface treatments that change the color, texture, or vibration caused by the road to better alert drivers to the potential presence to cyclists and pedestrians. Each of these tools has advantages and disadvantages and may not be appropriate in all locations. Additional traffic study and engineering design should be done before any traffic calming measures are implemented.

Work with commercial property owners to plat and dedicate private roads and drives so that they are public streets and add pedestrian paths where possible.

As mentioned in the Chapter 3: Existing Conditions, there are a number of private roads within the study area. The lack of proper maintenance and poor current condition of many of these private roads was identified as an issue by the steering committee, focus group participants, community workshop attendees, and in open responses as part of the online survey. At the time of the planning process, the City was in the planning stages of accepting dedication of private roads in the State Road 37 area that were in similarly poor condition. It is recommended that once that process is complete, the City should apply any lessons learned to quickly and efficiently plat and accept the private roads within the study area to make them public streets. As part of the platting and dedication process, the City should also explore acquiring additional right-of-way along these streets so that sidewalks can later be added to improve connectivity. It is likely that the City will have to rebuild significant portions of these streets and associated curbs and gutters to bring them to current standards, and as such cost sharing with the property owners who have deferred maintenance should be pursued if feasible.



Many of the internal access and circulation roads within commercial developments are private roads, not owned or maintained by the City.

Prohibit the creation of new private roads in commercial areas as redevelopment projects occur.

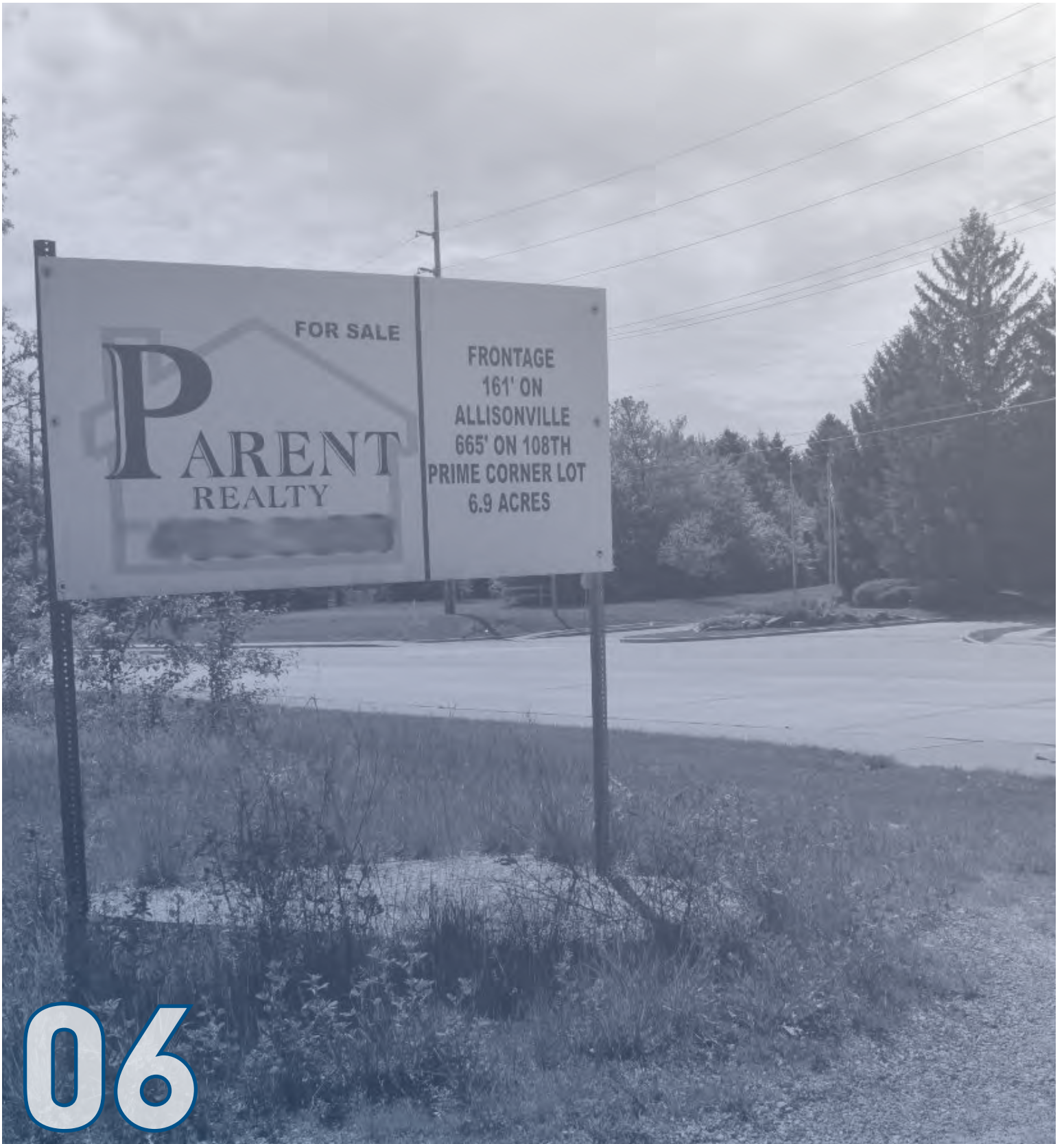
Given the problems associated with existing private roads, not only in the study area but across Fishers, the City should prohibit creation of new private roads when they are laid out to look and serve as public streets.

Evaluate signal timing changes and other bicycle and pedestrian safety improvements at the intersection of 126th Street and Allisonville Road, especially as shared use paths may be continued east along 126th Street.

The 126th Street and Allisonville Road intersection was described as particularly challenging for pedestrians and cyclists. This is due to vehicle speeds along this relatively undeveloped section of corridor, as well as long crossing distances in combination with what are perceived as short signal sequences. This is one of the few areas of the corridor where a multi-use trail is present on both sides of Allisonville, so the area does see high bicycle and pedestrian use. Additionally, improved bicycle and pedestrian facilities are needed east along 126th Street. The City should conduct an intersection study to better understand vehicle, bicycle, and pedestrian conflicts and how the area can be made more comfortable for non-motorized travel.



The Allisonville Road and 126th Street intersection was noted as particularly difficult for cyclists and pedestrians.



06

IMPLEMENTATION

Framing the Opportunity

The Allisonville Road Corridor Study addresses how the area should evolve into the future as market conditions and property ownership changes may present opportunities for investment and redevelopment. It also identifies targeted infrastructure improvements, ideas for changes in zoning and development review, and City investments that will result in visible and positive change for this important area of Fishers. This foundation will set the stage for broader future transformations that will attract private investment, further support the fiscal health of the City, and provide a vibrant district that supports existing residents and creates opportunities to attract new ones.

That is not to say there aren't challenges inherent to developing within and around an established area. Previously undeveloped (greenfield) property commonly has fewer constraints than redevelopment projects because a developer is starting with a clean slate and does not have historical development to be removed, modified, or worked around. While more challenging, the outcomes of redevelopment work oftentimes have a greater positive economic and community impact. Common challenges of redevelopment include:

- **Property Assembly:** One of the key challenges of redevelopment projects is securing control of the necessary property. Unlike greenfield development where many times only one property owner is engaged, redevelopment frequently requires the acquisition of several properties that are owned by multiple parties.
- **Existing Infrastructure:** Redevelopment areas are often served with existing and aging utility and transportation infrastructure. In many cases, this infrastructure may not be of an adequate design or capacity to serve the redevelopment project. This creates risk to the project, especially prior to a due diligence analysis, because of the unknown issues that may be discovered during the redevelopment process.
- **Blending of Existing Uses and Buffers:** With redevelopment projects, it is almost inevitable that they will be taking place in areas with existing development that will be impacted by the project. This means that the proposed project must not only take into consideration the needs of its end users, but it must do so in a way that is sensitive to the needs and desires of the surrounding properties. This often results in additional project



The remainder of the former Marsh supermarket site is the most visible redevelopment opportunity within the corridor. Construction on this property was a priority for many participants of the planning process.

IMPLEMENTATION

costs for things such as buffering, enhanced infrastructure, overall project aesthetics and construction operation within tight spaces that may not be required on a stand-alone greenfield development.

- **Political Risk:** Because of the proximity of multiple neighbors, as well as the public visibility of typical redevelopment projects, there is often a great deal more public interest and scrutiny of redevelopment projects. To overcome this, additional planning and public engagement is often required to make the case for, and the positive outcomes of, a proposed redevelopment project. Additionally, it is often the case that local leaders' desired outcomes for the project may not be in line with current market realities for the area. This may create a gap in the community's desired end product and the product that the developer can reasonably deliver without additional community support.
- **Project Timing:** Many redevelopment projects, especially depending on the size and scope of the project, take a longer time to complete than their greenfield counterparts. This extended development time horizon increases potential risk to the developer in several ways. Among these are:
 - Existing development near the project often must deal with the construction in the area for longer periods of time impacting public sentiment toward the project.
 - Project phasing may require additional investment cost up front to support future phases even though revenue from the future phases is not realized for some time.
 - Extending the financing of the project over multiple phases requires careful coordination, and in some cases patient investors, to fully realize the potential of the project.
 - The longer the project takes, the more susceptible it is to changing market conditions.



Development within an established area presents unique challenges as compared to new growth around the periphery of the City.

- **Financial Risk:** All of the previously discussed challenges lead to increased project costs for redevelopment projects. This increases the risk to the project as well as makes securing private funding for the project more challenging. Public resources can be used to offset a portion of the overall project costs increasing the market feasibility of the project. Additionally, the presence of guaranteed public support helps sell to outside private investors the viability of the project. This helps secure the equity partners and overall project financing required to deliver the project. It is important to note that public financial support for redevelopment projects can take many forms including, but not limited to: upfront financial support to the project, a promise of future proceeds to offset upfront costs, a waiver of fees, backstop support for project financing, and master leases for buildings.

The good news is that the City of Fishers has a proven track record of working with development and redevelopment partners to deliver high-quality projects that are consistent with the community's vision and goals. In order to maximize the success of redevelopment projects within the Allisonville Road Corridor Study area, it will be essential that the City develop the same types of public/private partnerships that have helped make destination areas such as the Nickel Plate District and Fishers District so successful. This support includes, but is not necessarily limited to:

- Promote the Allisonville Road Corridor Study to establish the public expectations for the future of the area.
- Creation of a neighborhood mixed use zoning district to support the type of redevelopment activity desired for key areas of the corridor.
- In addition to development standards, the city needs to continue to encourage the regulatory processes that have helped support ongoing redevelopment areas within the city.
- Engagement with property owners in the area to support any property acquisition required for redevelopment projects that address present issues and desired goals.
- Investment in targeted public infrastructure improvements to support the overall redevelopment plan. This can include utility upgrades, road improvements, and investments in bicycle and pedestrian infrastructure.

- Continue to utilize broad and diverse economic development incentives to support public/private partnerships to help deliver the public vision for the corridor. This can include both traditional tools such as tax abatement, Tax Increment Financing (TIF) and fee waivers as well as more unique tools such as developer backed public bonds, master leases and direct investment into certain elements of the development (such as public plazas, parking areas, or shell buildings).
- To justify public investment in projects, work with development partners to develop fiscal impact studies to ensure that clear project expectations are established and these expectations are based in market realities.

Almost all redevelopment strategies are marathons and not sprints. Endurance and long-term commitment to the corridor vision will be required to maximize the positive impacts of future investments. That said, it is important to find short-term successes, either as local enhancement projects or in collaboration with potential development partners, that can be achieved to help build early momentum within the study area.

The following pages describe the potential tools the City may use to implement study recommendations, key priorities identified during the planning process, and several short-term projects that can be used to kick start study implementation.

IMPLEMENTATION

Implementation Tools

Study recommendations are wide-ranging and directed at both City-owned right-of-way and adjacent private property. As such, a combination of City tools will be needed to implement the variety of recommendations. At the same time, given how many of the recommendations relate to private development, the City has limited ability to require improvement. In these cases, enhancements to private development will be property-owner driven, but the City may be able to speed up or incentivize these investments with grant programs that provide some matching funds or targeted investments in infrastructure that would support the private development. The following tools will be useful in realizing study recommendations:

Neighborhood Mixed Use Zoning District

Conventional zoning has traditionally focused on separating potentially incompatible land uses. While separating homes from factories and other potential noxious uses is still important, recent development trends have shown that commercial uses and workplaces can be integrated with residential dwellings without creating significant negative impacts. By focusing development regulations on building form and massing, how buildings relate to each other and the public right-of-way, and thoughtful use of open space to create buffers where needed, a variety of different land uses can successfully be incorporated into one building or on one site. Reducing the separation between different uses can also help to promote alternative modes of transportation and create more lively shopping and living places.

Fishers has promoted mixed use development in other areas of the City and already created a mixed use zoning district with the Nickel Plate District and detailed Nickel Plate District Code. However, there is not a mixed use zoning district that can be applied in other areas of the City. To help implement the vision of this study, the City should create a Neighborhood Mixed Use Zoning District that property owners can then apply to their property. Before this new district is developed, it may be beneficial to create an overlay district for some or all of the study area to address

specific development concerns, such as the expansion or location of new industrial and heavy commercial uses. A new neighborhood mixed use district should consider and include standards for:

- Permitted and Prohibited Uses
- Building Setbacks
 - Primary and Secondary Street Frontages – new buildings may front onto more than one street and different standards are likely needed for thoroughfares (Allisonville Road and 116th Street) as compared to internal streets.
 - Minimum Setback vs. Maximum Setback vs. Build-To Lines – in most single-use districts, a minimum setback standard is established. In a mixed use district, it can be helpful to establish both a minimum and maximum setback or build-to line that better dictates where the building can be located on the site.
- Building Height
 - Maximum building height may be based on both feet and number of stories.
 - Consider the appropriateness of a density bonus to allow additional height/another building floor for projects that meet goals related to high quality building materials, the provision of public space, incorporate enhanced bicycle and pedestrian facilities, or other district goals.
 - Minimum ground floor, commercial floor-to-ceiling height to promote attractive buildings with active first floors.
- Facade Differentiation
 - Divide long facades into sections to replicate traditional town center form and give the appearance of multiple buildings even when connected internally.
 - These sections should use different primary materials to the full height of building.
 - Consider standards for minimum section offsets (projecting or recessing) to further give the appearance of multiple buildings.

- Transparency/Windows
 - Commercial vs. residential uses.
 - Ground floor vs. upper stories.
- Entrances
 - Primary entrance to primary street front or corner.
 - May include additional entrances to rear parking.
- Materials
 - Primary and secondary façade materials.
 - Prohibited façade materials.
- Parking & Access
 - Parking must be to rear or side of primary building(s).
 - Exempt uses under a minimum size from off-street parking requirements.
 - On-street parking credit when adjacent public streets feature on-street parking.
 - Mixed use credit to accommodate different peak parking times between commercial and residential users.
- Landscape
 - Incentivize native plants and sustainable site design.
 - Incorporate stormwater infrastructure best management practices into landscape and open space design.
 - Recognize courtyards, plazas, open spaces as integral to the site with high quality landscapes.
- Lighting
 - Consistent fixtures and treatments through district.
 - Lighting should be pedestrian-scaled, ie light sidewalks and paths, not just streets.
- Signage
 - Limit district signage to certain sign types.



A precedent example of three-story mixed use development that utilizes high quality building materials and creates a welcoming pedestrian environment.

IMPLEMENTATION

City-Led Capital Projects

For study recommendations that take place within the public right-of-way, City investment will be the primary implementation tool. This includes road improvements, intersection enhancements, bicycle and pedestrian infrastructure, and public landscaping and signage. There may be instances where an adjacent development project bears some of this cost, but for the most part, City-led capital projects will be needed.

Public-Private Partnership for Catalyst Projects

For larger redevelopment projects on key properties along the corridor, the City will need to partner with private property owners and developers to fully realize the study vision and goals. These public-private partnerships (PPPs) are useful in delivering project components that have a benefit beyond the individual site and would otherwise not be provided in a purely private project. Examples include transportation and utility infrastructure improvements, public plazas, and building renovation or construction. Public participation in these partnerships may come in several forms, such as direct investment in project components, Tax Increment Financing (TIF) revenues to make bond payments, site acquisition and sale, and master lease holder for small business and entrepreneurial development efforts. The City should apply the expertise gained through numerous public-private partnerships used in development of the Nickel Plate District, Fishers District, and beyond to benefit the Allisonville Road corridor as it continues to change in the future.

Grant/Incentive Program for Non-Residential Site and Building Improvements

As discussed under the Streetscape Character Recommendations, the City should take a more proactive approach to incentivizing investment in existing commercial properties along the corridor by dedicating funding and creating a grant improvement program. Like a façade improvement program but with broader applicability, the grants would provide matching funds to commercial property owners for exterior improvements such as signage, lighting, façade enhancement, site landscaping, sustainable stormwater infrastructure, and outdoor seating, dining, or recreation amenities. The City will need to develop more specific parameters about what types

of improvements are eligible, what percentage of project cost will be funded, and what the maximum grant award would be. The existing Neighborhood Beautification Committee or a new committee could be established to review applications and award grant funds.

Expanded Neighborhood Beautification Grants

Fishers currently offers a Neighborhood Matching Grant Program to help fund beautification and enhancement projects in established neighborhoods. Eligible projects may include enhancement of a subdivision entrance, including landscape installation, retention pond rehabilitation, new or improved entrance signs, new or reconstructed sidewalks and shared-use paths, or other related improvements. The City should continue this program and allocate additional funds when possible, as a way to accomplish several of the bicycle and pedestrian connectivity and landscape enhancement recommendations of this study.

City Acceptance of Private Roads

Accepting roads that were not platted, dedicated, and maintained as public right-of-way will have a substantial cost for the City. There will be up-front costs associated with survey, platting and recording of the right-of-way, as well as future maintenance obligations. Deferred maintenance by existing owners also means the various private roads in the study area need different levels of repair and in the worst cases, reconstruction. Proper maintenance, function, and safety of these roads is critical to the on-going success of businesses in the area, and that is why the City needs to get involved. It will be critical to address potential cost sharing with the property owners who have deferred maintenance before the City accepts these roads.



The White River is already used as an identifying characteristic along the corridor in neighborhoods such as River Highlands and River Glen.

Implementation Matrix

The matrix on the following pages lists each of the project recommendations under the Land Use & Redevelopment, Connectivity, and Streetscape Character themes. For each recommendation, the related prompts or triggers for the project, potential implementation tools as identified in the previous section, and relative timeframe are identified. These timeframes are intended only to serve as a guide for plan implementation and should be considered flexible. Implementation will depend on funding availability, staff capacity, private investment, and other changing conditions.

Prompts:

The project prompts relate to the necessary conditions or external factors that will help facilitate or speed up implementation of each recommendation. For

example, utility or roadway repairs may serve as the prompt or trigger for bicycle or pedestrian connectivity improvements along a key street segment. If the right-of-way has to be torn up for infrastructure work, that is a great time to add or improve a bicycle and pedestrian facility. In other instances, funding availability will be the key barrier to implementing key recommendations.

Tools:

Primary implementation tools were detailed in the previous section. The table pairs these tools with the recommendations each tool can help to accomplish.

Timeframe:

Short-Term = 0-3 years

Mid-Term = 4-7 years

Long-Term = 7+ years

Land Use & Redevelopment

RECOMMENDATION

Allow for increased development intensity that includes a mixture of uses combining restaurant, entertainment, and recreation activities with active open spaces and varied housing types.

Promote building form and massing, density, setbacks, open space, landscape and lighting that result in more walkable and bike-friendly development.

Ensure redevelopment accounts for surrounding context, especially adjacent single-family neighborhoods.

Elevate the quality of architecture and aesthetics along the corridor through new development and redevelopment projects.

Create a signature community gathering space to host public events, act as a destination along the corridor, and support desired business attraction.

Design sites that create functional open spaces and incorporate stormwater infrastructure as an attractive amenity.

Consider reduced parking requirements and promote conversion of excess pavement to functional recreation or stormwater management use.

Facilitate incremental investment in non-residential properties along the corridor and ensure development regulations don't act as a disincentive to property investment and maintenance.

Explore a redevelopment concept for the northwest quadrant of the Allisonville Road and 116th Street intersection.

Long-term, support redevelopment of properties along Shadowlawn Drive and E 111th Street from industrial and heavy commercial use to mixed commercial and residential use.

Attract professional and medical office development to vacant commercial properties west of Allisonville Road and south of Easy Street.

Support mixed use development along the east side of Allisonville Road around 106th and 108th streets with mixed residential redevelopment further east along 106th and 108th streets, when properties can be assembled and designed with appropriate respect to existing residential development.

PROMPTS	TOOLS	TIMEFRAME
Private Development	Neighborhood Mixed Use Zoning District	Short-Term
Private Development	Neighborhood Mixed Use Zoning District	Short-Term
Private Development	Neighborhood Mixed Use Zoning District, Grant for Non-Residential Improvements	Short-Term
Private Development	Neighborhood Mixed Use Zoning District, Grant for Non-Residential Improvements	Short-Term
Private Development, Funding	Public-Private Partnership	Mid-Term
Private Development	Neighborhood Mixed Use Zoning District, Grant for Non-Residential Improvements	Short-Term
Private Development	Neighborhood Mixed Use Zoning District, Grant for Non-Residential Improvements	Short-Term
Private Development, Funding	Grant for Non-Residential Improvements	Short-Term
Private Development, Funding	Neighborhood Mixed Use Zoning District, Public-Private Partnership	Mid-Term
Private Development, Parcel Assembly	Neighborhood Mixed Use Zoning District, Public-Private Partnership	Long-Term
-	-	Mid-Term
Private Development, Parcel Assembly	Neighborhood Mixed Use Zoning District, Public-Private Partnership	Long-Term

Connectivity

RECOMMENDATION

Develop a dedicated and protected circulation system through area neighborhoods that connects key destinations.

Retrofit existing bicycle and pedestrian facilities with physical barriers and additional landscape where limited buffers exist.

Improve the River Glen Drive and 116th Street intersection to allow for safe pedestrian and cyclist crossings.

Ensure bicycle and pedestrian facilities and safe crossings are incorporated into the roundabout design for Allisonville Road and 116th Street.

Continue to explore wider shared use facilities and separation along both sides of 116th Street as roadway and infrastructure improvements are made.

Emphasize 106th Street as a key east-west bicycle and pedestrian connection to Heritage Park and the planned White River Park further south, Ritchey Woods Nature Preserve, and the Nickel Plate Trail.

Consider opportunities to narrow travel lanes, add or improve crossing treatments, and incorporate other traffic calming measures as area roadways are repaired and improved.

Work with commercial property owners to plat and dedicate private roads and drives so that they are public streets and add pedestrian paths where possible.

Prohibit the creation of new private roads in commercial areas as redevelopment projects occur.

Evaluate signal timing changes and other bicycle and pedestrian safety improvements at the intersection of 126th Street and Allisonville Road, especially as shared use paths may be continued east along 126th Street.

Streetscape Character

RECOMMENDATION

Promote the White River as the identifying characteristic for the area by incorporating landscape elements, signage, and art along the Allisonville Road and 116th Street corridors.

Use wayfinding signs to communicate and connect key destinations such as Conner Prairie, Ritchey Woods, and the Nickel Plate District.

Install street trees where they are missing from medians and elsewhere along Allisonville Road where adequate space exists within the right-of-way.

Develop a standard design and list of acceptable landscape plantings for utility easement areas to make it easier for property owners along the overhead transmission lines to beautify their properties.

Provide incentives for site and building improvements on private properties along the corridor, which may include landscape plantings, outdoor activity areas, sustainable stormwater infrastructure, signage, and façade enhancements.

Use the Allisonville Road and 116th Street roundabout as an opportunity to showcase a high-quality landscaped gateway into Fishers that reflects the proximity and importance of the White River.

Continue to implement access management best practices as properties are redeveloped.

Increase traffic enforcement operations to ticket speeding and other traffic violations along the corridor.

PROMPTS	TOOLS	TIMEFRAME
Roadway Reconstruction, Utility Replacement, Funding	City-led Capital Projects, Neighborhood Grants	Mid-Term
Roadway Reconstruction, Funding, Safety	City-led Capital Projects	Mid-Term
Safety, Nearby Bike/Pedestrian Enhancements	City-led Capital Projects	Long-Term
Intersection Improvement	City-led Capital Projects	Short-Term
Roadway Reconstruction, Utility Replacement, Funding	City-led Capital Projects	Long-Term
Roadway Reconstruction, Utility Replacement, Funding	City-led Capital Projects	Long-Term
Roadway Reconstruction, Safety	City-led Capital Projects	Mid-Term
Roadway Condition, Safety, Funding	City Acceptance of Private Roads	Short-Term
-	-	Short-Term
Intersection Improvement, Safety, Funding	City-led Capital Projects	Mid-Term

PROMPTS	TOOLS	TIMEFRAME
-	City-led Capital Projects	Short-Term
-	City-led Capital Projects	Short-Term
-	City-led Capital Projects	Short-Term
-	City-led Capital Projects	Mid-Term
Private Development, Funding	Grant for Non-Residential Improvements	Short-Term
Intersection Improvement	City-led Capital Projects, Neighborhood Grants	Short-Term
Private Development	-	Long-Term
Safety	-	Short-Term

IMPLEMENTATION

Priority Projects

After discussing area needs and priorities with the project steering committee, area homeowner association representatives, and City staff and leadership, a list of primary initiatives was identified to help create a working plan of next steps. These recommendations and associated action steps should be used to establish incremental actions that collectively, will lead to implementation of the recommendation. In addition to the four priority projects, three 'quick win' projects have also been identified. These projects are already in the planning and design stages or can be advanced in the very near-term.

Promote the White River as the identifying characteristic for the area.

1. Continue to emphasize the importance of the White River as a natural and recreation amenity in both local and regional long-range plans.
2. Leverage White River connectivity and character to pursue grant and other funding opportunities specific to, or that give preference for, river connections and water quality enhancements.
3. Incorporate river themes and natural elements in public works projects along the corridor, including roundabout designs, streetscape plantings, stormwater infrastructure, bicycle and pedestrian enhancements, and gateway and wayfinding signs.
4. Encourage private development to use native plants and natural landscape materials in site design and redevelopment.
5. Create incentives in the Unified Development Ordinance for green infrastructure and stormwater best management practices that reduce stormwater runoff volumes while creating a visible amenity that reflects river character.

Establish a grant program for non-residential site and building improvements.

1. Develop a formal purpose statement and goals of the grant program.
2. Define a targeted allocation area. This may be limited to the Allisonville Road and 116th Street corridors or available to non-residential properties across Fishers.

3. Determine eligible activities and funding limits. This may include façade improvements; signage; lighting; landscaping; stormwater infrastructure; outdoor seating, dining, and recreation amenities; and other exterior enhancements as deemed appropriate.
4. Create a Commercial Site Enhancement Grant Committee or use the existing Neighborhood Matching Grant Committee to confirm project goals and parameters.
5. Develop application requirements, application, and review criteria.
6. Present the grant program to the City Council for funding allocation.
7. Advertise the program to business and property owners in target areas.
8. Use City communications to share success stories.
9. Review and amend program parameters as necessary.

Create a Neighborhood Mixed Use Zoning District within the Unified Development Ordinance.

1. Either as part of broader Unified Development Ordinance changes, or as a specific project, create a committee to review and lead creation of a neighborhood mixed use district.
2. Determine if City staff will be used to draft the UDO amendments or consult with a zoning and land use professional to do so.
3. Draft amendments.
4. Conduct an outreach and education campaign in advance of a public hearing by the Plan Commission and adoption by the City Council.
5. Adopt the UDO amendments in accordance with state statute.
6. Conduct training with City staff, Plan Commission, Board of Zoning Appeals, and the City Council regarding administration and interpretation of the new ordinances.

Develop a dedicated and protected circulation system through area neighborhoods that connects the Allisonville Road corridor to Roy G. Holland Memorial Park, the Nickel Plate District, and Nickel Plate Trail.

1. Use the proposed neighborhood circulation route included with the Connectivity recommendations as a starting point for discussions with area homeowner associations and residents regarding potential improvements.
2. Conduct broader public outreach efforts to generate support for the proposed bicycle and pedestrian improvements.
3. Consult with a design professional to develop a final route, including which side of the street should have the upgraded facility, schematic design for improvements, and a construction cost opinion for each segment.
4. Prioritize project segments.
5. Allocate funds for project phases and include in capital improvement plans.
6. Consult with a design professional for completion of design and construction documentation.
7. Bid and construct the projects.

Utilize “Quick Win” projects to deliver short-term, visible enhancements along the corridor

1. Use wayfinding signs to communicate and connect key destinations such as Conner Prairie, Ritchey Woods, and the Nickel Plate District.
 - a. Use the design, information, and sign locations as developed as part of the recent Wayfinding Signage Phase 2 project for the Allisonville corridor.
 - b. Allocate funding for fabrication and installation.
 - c. Fabricate signs.
 - d. Install signs.

2. Use the Allisonville Road and 116th Street roundabout as an opportunity to showcase a high-quality landscaped gateway into Fishers that reflects the proximity and importance of the White River.
 - a. Continue working through the design process for the roundabout at Allisonville Road and 116th Street.
 - b. Once final intersection geometry is determined, consult with a design professional to develop a schematic design, design renderings, and construction cost opinion for a high-quality landscape installation to be included in the center of the roundabout.
 - c. Allocate funding for design development, construction documentation, and actual construction cost.
 - d. Consult with a design professional for completion of design and construction documentation.
 - e. Bid and construct the project.
3. Install street trees where they are missing from medians and elsewhere along Allisonville Road where adequate space exists within the right-of-way.
 - a. Inventory and evaluate the health of existing street trees within the Allisonville Road right-of-way.
 - b. Identify missing trees and existing trees that should be replaced.
 - c. Select new tree species to be installed and develop a planting plan.
 - d. Allocate funding for tree purchase and installation.
 - e. Bid the project and install new street trees.

WISH FOR ALISON ROAD

ENFORCE the rules of the streets and roads
NO running stop signs
NO speeding if you are not going to enforce, take the signs down!

Would like to see more walkability to stores, esp. groceries. We are older and eventually won't drive. We would like to walk to coffee shops etc.

How about a Town Center for music w/ Restaurants around music to walk to and enjoy dinner/drinks. Then walk home. (Villages in Florida)

More Trees!
New grocery

No CONDO'S OR TOWNHOMES
yes! yes!

NO MORE Industry

Dog Park (shaded)

Better landscape less litter. outside of sidewalks

NO GARAGE TRUCKS MAKING NOISE before 6 AM. Please! zzzz

New mixed-use development

Family Friendly development
Greenspace
Restaurants, etc.
Better Bikes & Pedestrian connectivity

RELOCATE LIGHT INDUSTRIAL

UP-SCALE RESTAURANT

Improve Road Conditions especially private access roads

NO MORE STORAGE BUILDINGS

Should follow LAWS.

NICE UPSCALE SIT DOWN RESTAURANT
Yes!

ENVIRONMENTAL BASED DECISIONS
Not \$\$\$ DRIVEN

Side walk on Orchard Blvd. to Allisonville from Brady Lane.

Bicycle trail on I-6 from Allisonville to Linton.

Bicycle between the house to Allisonville on I-6.

Development of Run Down Retail sector

RePAVE Roads in River Glen

Please NO Public Transportation

Create small Parks connect to trails

New/Nice grocery Yes!

Speed Limit

oger ole so way

Leave Green No b that crime litter. Carolyn

Create a Brand - ie Bave The What could de

Chasing Station

ARTIST SIGN

BIKE PAY

number one thing you would like to add to the plan is a sticky note to record your idea and then add it to the plan.

A

APPENDIX

Community participation in the planning process is critical to ensure study recommendations address the issues identified by residents, businesses, and property owners, and that those recommendations are realistic solutions given the local context. For this reason, the planning process included both targeted engagement with key stakeholders as well as opportunities open to the broader public. Community outreach and engagement opportunities and the information gathered at each is detailed on the following pages.

Steering Committee

The project steering committee was comprised of elected and appointed officials, nearby residents, business owners, and other community leaders. They met four times over the course of the 6-month process.

Steering Committee Meeting 1 – June 14, 2022

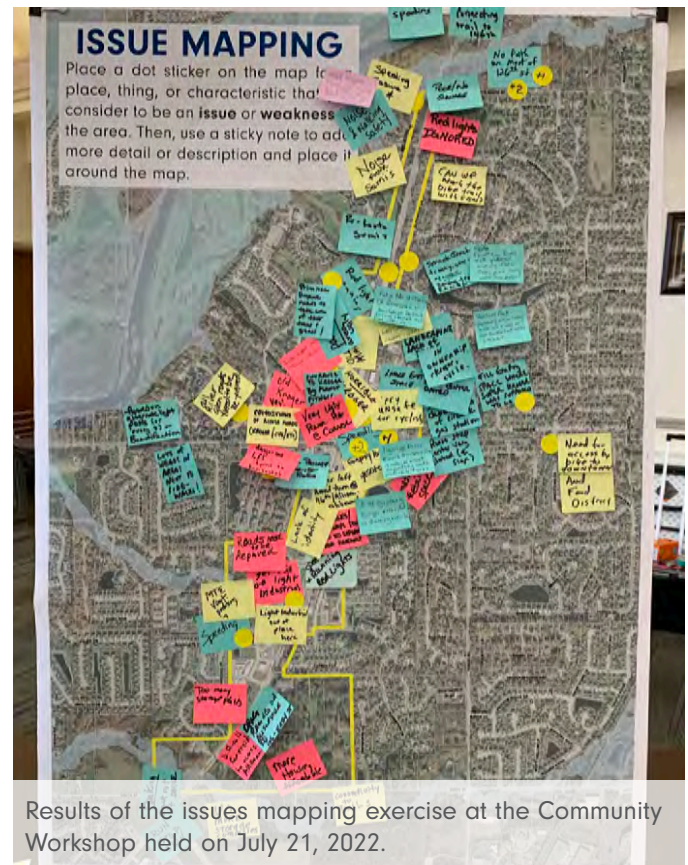
This meeting introduced the project purpose and process to the committee. The group then discussed existing assets in the study area, issues the study needs to address, and their vision for the future corridor.

- Vision
 - A variety of attractions/places for families
 - Walkable
 - Events and programming
 - Not ‘old’ Fishers
 - Continues to provide neighborhood services
 - Enhanced aesthetics
- Assets
 - Established businesses (Sahm’s; Allisonville Nursery, Garden and Home; Mashcraft)
 - Grocery
 - Cultural diversity of restaurants
 - Natural areas (White River, 126th Steet woods, Ritchey Woods)
 - Holland Park
 - Diverse housing stock
 - Well-maintained medians and attractive landscaping

- Issues
 - Lack of bicycle and pedestrian connectivity, especially to downtown and Holland Park
 - Crossing Allisonville Road and 116th Street
 - Traffic congestion at major intersections
 - Traffic speeds, especially just south of 126th Street
 - Condition of private roads
 - Need more variety of sit-down restaurants
 - Lots of similar personal service businesses (nails, salons, spas, banks)

Steering Committee Meeting 2 – August 17, 2022

Results of the focus group meetings, community workshop, and online survey were presented at the second steering committee meeting. These same results are summarized below. This meeting also included a discussion of recurring themes and preliminary direction related to the land use and redevelopment vision and connectivity options.



APPENDIX

Steering Committee Meeting 3 – September 14, 2022

The preliminary recommendations, organized by Land Use & Redevelopment, Corridor Character, and Connectivity were presented at the third steering committee meeting. The committee generally confirmed these recommendations and provided additional direction to describe key concepts for the draft plan. Key feedback included:

- An emphasis on the White River as a defining characteristic of the corridor.
- Using natural elements and landscape treatments for gateways as opposed to larger art or signage components.
- Positive feedback on redevelopment concepts presented for the northeast and northwest corners of the Allisonville Road and 116th Street intersection.
- Concerns with the maintenance of additional landscape plantings used as multi-use trail buffers within the public right-of-way.

- Desires to continue promoting broader connectivity along 116th Street and 106th Street, especially to White River, Heritage Park, and the future White River Park.
- An interest in identifying short-term implementation projects, such as wayfinding signage, gateway landscape opportunities with the roundabout construction, and connectivity enhancements.

Steering Committee Meeting 4 – October 11, 2022

The fourth steering committee meeting also included invitations to, and attendance by area homeowners association representatives. The presentation included an overview of the planning process and draft plan. A facilitated discussion took place to help organize implementation priorities to be detailed in the final study document.



The first steering committee meeting was held on June 14, 2022.

Focus Group Meetings

Three focus groups were held on July 19th with business and property owners, restaurant owners, and residents. Topics covered during conversations varied, but included development opportunities and bike/pedestrian safety along the corridor.

Business Owners

- Need minor aesthetic, façade, and landscape improvements, not major changes
- Condition of private streets a concern
- Roadway enhancements to reduce congestion (4 lanes to 146th, remove lights where possible)
- Bike/ped enhancements may benefit some users but aren't important to others
- First impression of Fishers from west, not ideal, opportunity for gateway
- Lots of big, visible utilities

Restaurants

- Traffic congestion at peak times a concern, turn lanes and signal timing can't handle all of it
- Not a large number of cyclists/pedestrians as customers
- Over 40% of customers are nearby residents
- Process to convert parking/driveway to outdoor and recreation space was smooth
- Would like to see more apartments, density to promote walkability

Residents

- Vacant sites need to be developed
- Bike/ped facilities don't feel safe for families/kids
- Need good route east to downtown and west to river
- Would like to see façade and other enhancements to commercial properties
- Road widening and landscaped medians were well done
- Poor condition of private roads a concern
- Need recreation and public gathering space... Downtown is the living room of the city, need a neighborhood scale space here
- Traffic calming and safe crossings are needed, especially with roundabout coming

APPENDIX

Online Survey

The online survey attempted to gauge the community’s satisfaction with current conditions along the Allisonville Road Corridor. Participants were also asked to help establish priorities and provide feedback on potential improvements along the corridor. Over 1,600 residents completed the survey between July 5th and August 1st. Individual response data for each question on the survey can be seen on the next few pages.

QUESTION 1

What best describes you? (Select all that apply)



70.9%

I live along or near the corridor



7.8%

I work along or near the corridor



2.0%

I own a business along or near the corridor

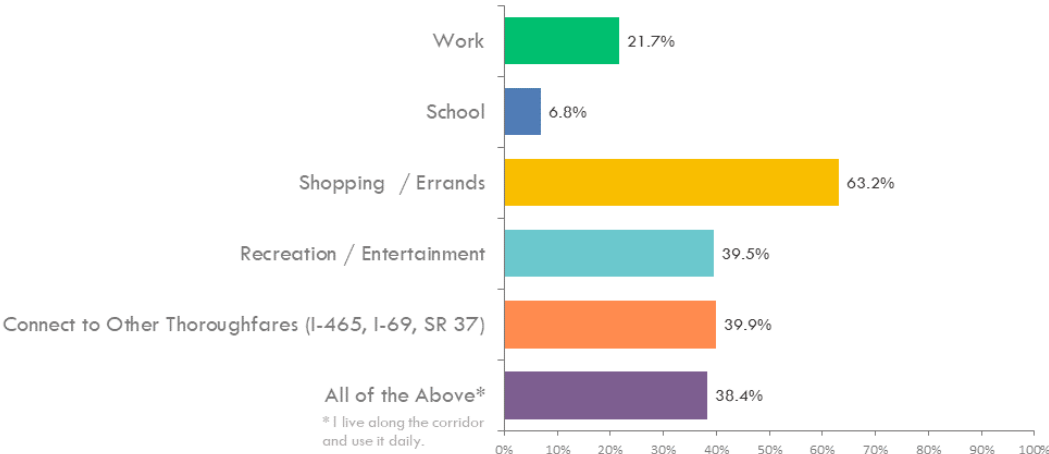


38.1%

I’m an interested community member

QUESTION 2

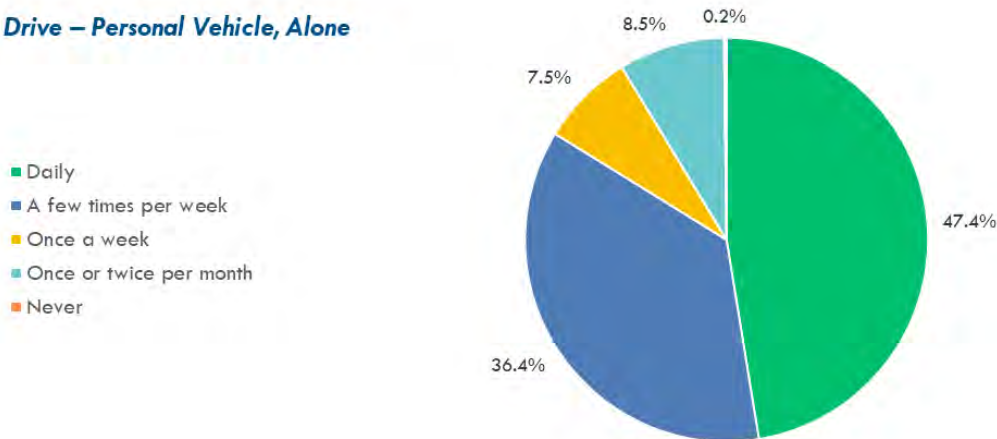
What are your primary reasons for traveling on Allisonville Road, between 106th and 126th streets? (Select up to 3)



QUESTION 3a

How often do you travel on the corridor via the following means?

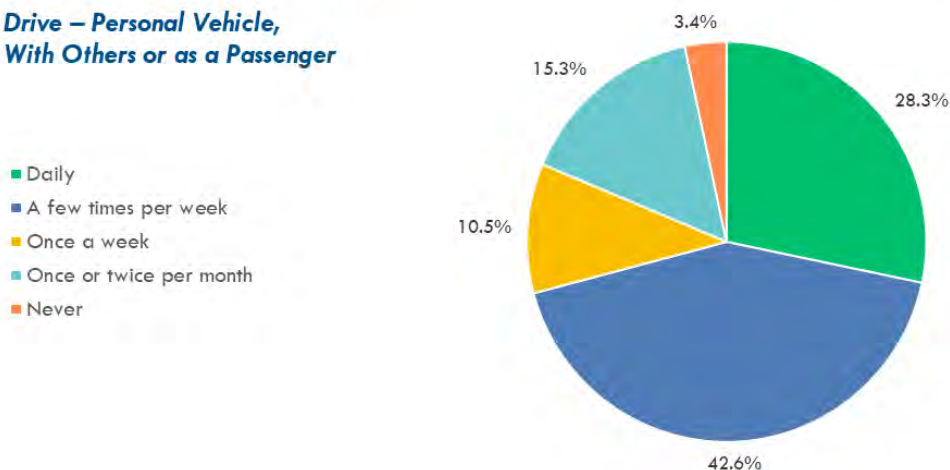
Drive – Personal Vehicle, Alone



QUESTION 3b

How often do you travel on the corridor via the following means?

Drive – Personal Vehicle, With Others or as a Passenger



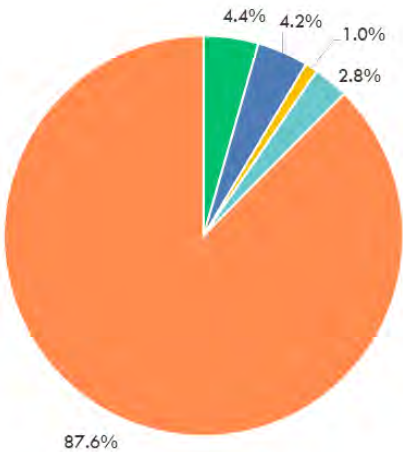
APPENDIX

QUESTION 3c

How often do you travel on the corridor via the following means?

Drive – Business/Commercial Vehicle

- Daily
- A few times per week
- Once a week
- Once or twice per month
- Never

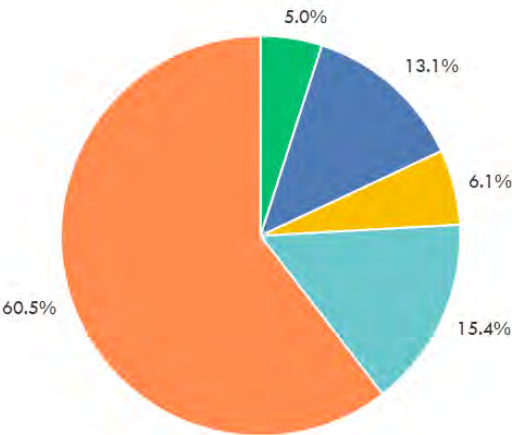


QUESTION 3d

How often do you travel on the corridor via the following means?

Walk/Run

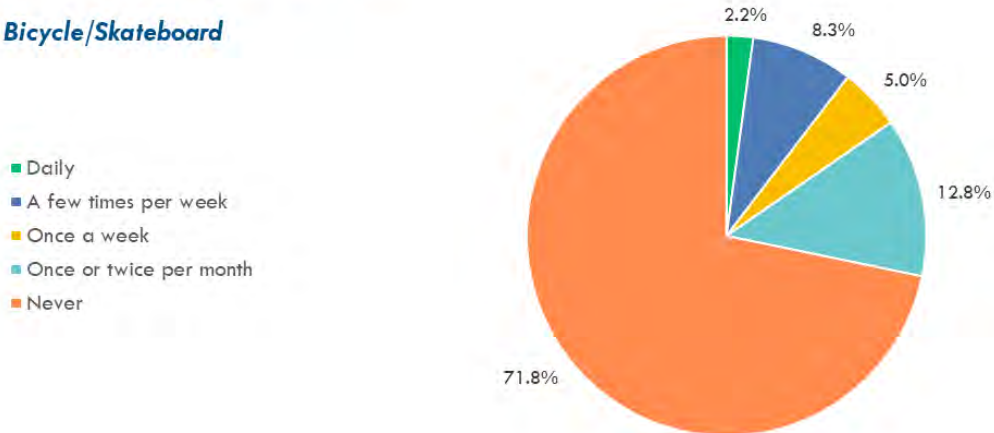
- Daily
- A few times per week
- Once a week
- Once or twice per month
- Never



QUESTION 3e

How often do you travel on the corridor via the following means?

Bicycle/Skateboard



QUESTION 4a

For each of the characteristics listed below, indicate whether you are satisfied or dissatisfied with their condition along Allisonville Road.



Satisfied



Somewhat Satisfied



Neutral



Somewhat Dissatisfied



Dissatisfied

	Satisfied	Somewhat Satisfied	Neutral	Somewhat Dissatisfied	Dissatisfied
Quality of housing/neighborhoods	45.1%	21.5%	22.9%	8.7%	1.8%
Quality of commercial buildings	19.1%	25.4%	19.1%	28.8%	7.6%
Quality of industrial buildings	18.6%	15.4%	39.3%	19.4%	7.4%

APPENDIX

QUESTION 4b

For each of the characteristics listed below, indicate whether you are satisfied or dissatisfied with their condition along Allisonville Road.



Satisfied



Somewhat Satisfied



Neutral



Somewhat Dissatisfied



Dissatisfied

Bicyclist safety	8.4%	10.9%	32.2%	26.5%	22.1%
Pedestrian safety	11.0%	17.0%	25.1%	27.8%	19.0%
Motorist safety	24.3%	28.7%	21.8%	18.8%	6.3%

QUESTION 4c

For each of the characteristics listed below, indicate whether you are satisfied or dissatisfied with their condition along Allisonville Road.



Satisfied



Somewhat Satisfied



Neutral



Somewhat Dissatisfied



Dissatisfied

Ease of access to businesses/ neighborhoods from Allisonville and 116 th	19.7%	30.7%	17.2%	26.8%	5.6%
Ease of access onto Allisonville and 116 th from adjacent businesses	15.6%	26.1%	18.8%	31.1%	8.4%
Traffic movement along Allisonville and 116 th	12.0%	26.7%	14.1%	33.5%	13.7%
Street condition	33.5%	32.9%	18.9%	12.3%	2.4%

QUESTION 4d

For each of the characteristics listed below, indicate whether you are satisfied or dissatisfied with their condition along Allisonville Road.



Satisfied



Somewhat
Satisfied



Neutral



Somewhat
Dissatisfied

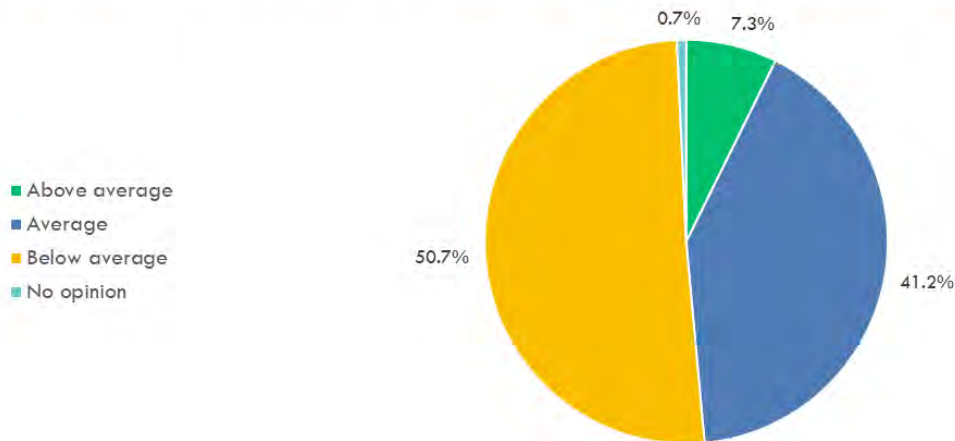


Dissatisfied

Overall character	14.6%	24.8%	22.5%	29.4%	8.8%
Potential for enhancement	23.0%	37.7%	30.9%	6.1%	2.4%

QUESTION 5

As compared to other commercial corridors in Fishers, how would you rate the overall **APPEARANCE** of the Allisonville Road corridor?

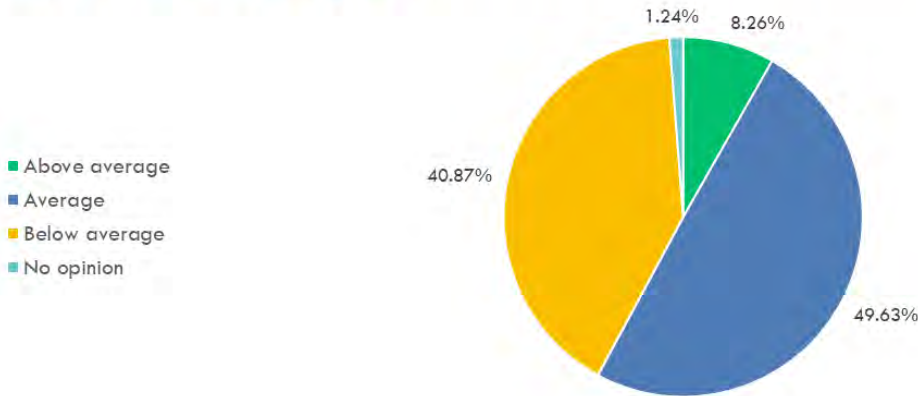


APPENDIX

QUESTION 6

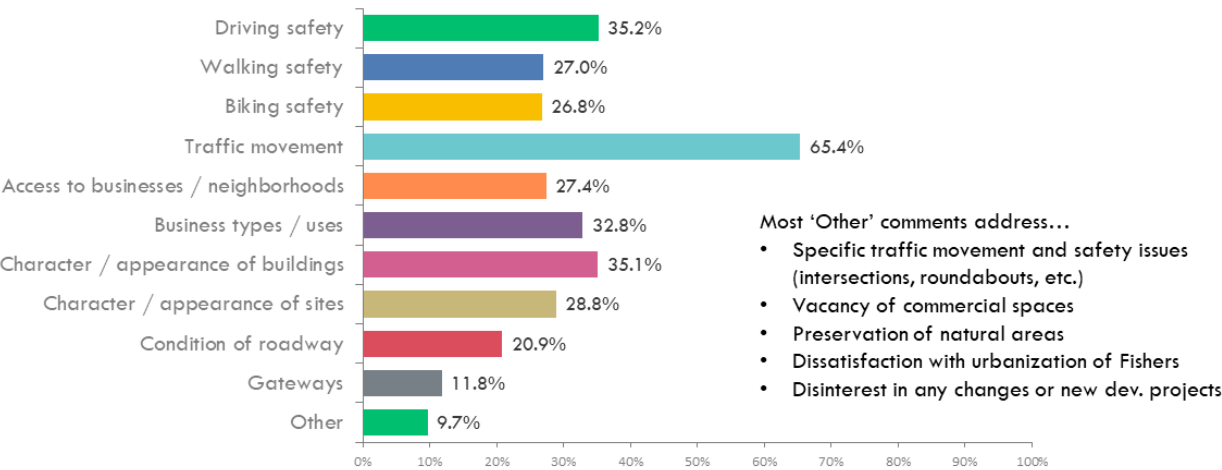
As compared to other commercial corridors in Fishers, how would you rate the overall **FUNCTIONALITY** of the Allisonville Road corridor?

This includes transportation function as well as how the goods and services offered support the surrounding neighborhoods and Fishers in general.



QUESTION 7

What are your biggest concerns for the Allisonville Road corridor? (Select up to 3)



QUESTION 8

What improvements will have the most beneficial impact to PEDESTRIAN AND BICYCLE TRAVEL along the corridor? Rank from 1 to 6.

Improvement	Weighted Average	
Fill in missing gaps to the sidewalk and trail network	2.16	
Replace sidewalks with wider trails along key routes	2.70	
Buffer or add physical barriers (planters, curbs, posts) between existing bicycle/pedestrian facilities and vehicle travel lanes	2.98	
Create protected bicycle/pedestrian facilities on local roads and through commercial developments as an alternative to travel on main thoroughfares	3.31	
Improve street crossings (add/improve crosswalks, dedicated bicycle/pedestrian crossing cycles at signalized intersections, high intensity activated crosswalk (HAWK) beacon signals)	3.39	
No improvements are needed to the bicycle and pedestrian system	5.15	Least Impact

QUESTION 9

What improvements will have the most beneficial impact to VEHICULAR TRAVEL along the corridor? Rank from 1 to 9.

Improvement	Weighted Avg.	
Additional traffic control signals or updates to signal timing and synchronization	2.79	
Roadway repair (repaving, curb repair/replacement, restriping)	3.10	
Access management (limit new driveways, remove/consolidate existing driveways)	3.85	
Modify existing intersections (added turn lanes, lengthen existing turn lanes)	4.36	
Additional access/driveways to businesses along the corridor	4.78	
Speed enforcement	4.808	
Convert signalized intersections to roundabouts	4.812	
Traffic calming (narrowed travel lanes, tighter corner radius/turns, landscaped medians, and other physical improvements that cause reduction in vehicle speeds)	5.20	
No improvements are needed to the vehicular travel network	7.33	Least Impact

APPENDIX

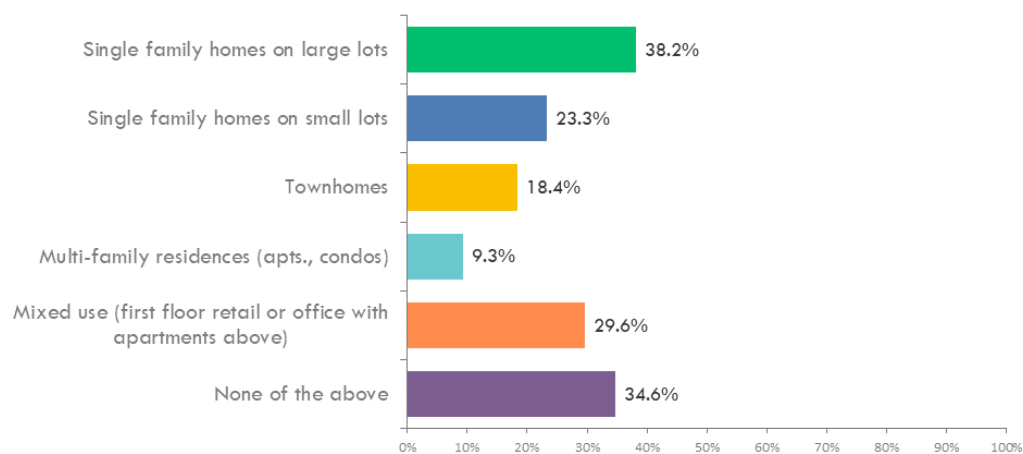
QUESTION 10

What improvements will have the most beneficial impact to the **APPEARANCE AND CHARACTER** of the corridor? Rank from 1 to 7.

Improvement	Weighted Avg.	
Beautification within the right-of-way	2.53	Most Impact ↑ ↓ Least Impact
Beautification on adjacent properties	2.89	
Minor redevelopment (façade enhancements, sign replacement, change of use without major building modifications)	3.28	
Added public recreation/gathering spaces	3.77	
Major redevelopment (significant change in use, building demolition and reconstruction)	4.26	
Gateway treatments (signs, landscape treatments, public art)	4.27	
Environmentally-friendly improvements (green roofs, energy efficiency incentives)	5.13	

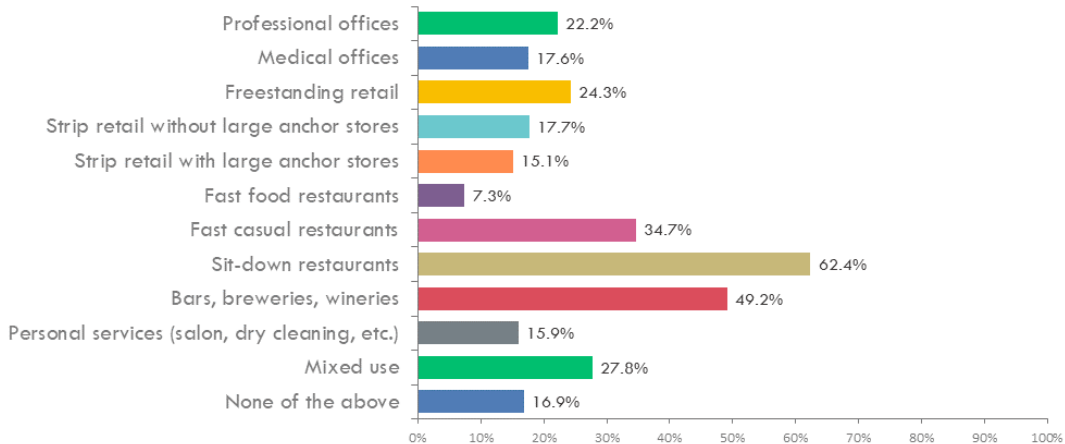
QUESTION 11

What type of **RESIDENTIAL** uses would you like to see more of along the corridor? (Select all that apply)



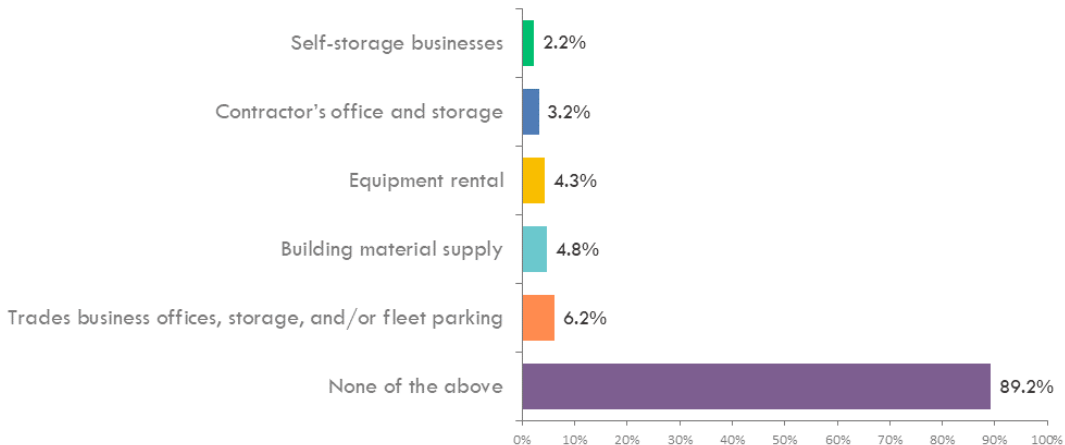
QUESTION 12

What type of COMMERCIAL uses would you like to see more of along the corridor? (Select all that apply)



QUESTION 13

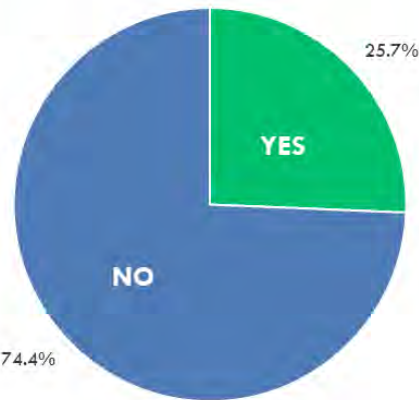
What type of INDUSTRIAL uses would you like to see more of along the corridor? (Select all that apply)



APPENDIX

QUESTION 14

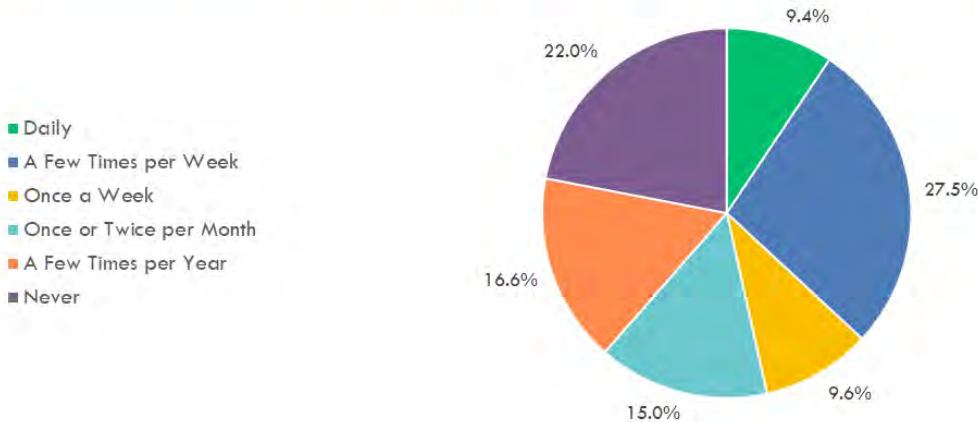
Are there current uses present along the corridor that are no longer appropriate?



- If yes, which uses:
- Car sales and services
 - Equipment rental
 - Self-storage facilities
 - Foot spas and massage parlors
 - Discount stores
 - Smoke/vape shops
 - Banks (too many)
 - Pizza restaurants (too many)

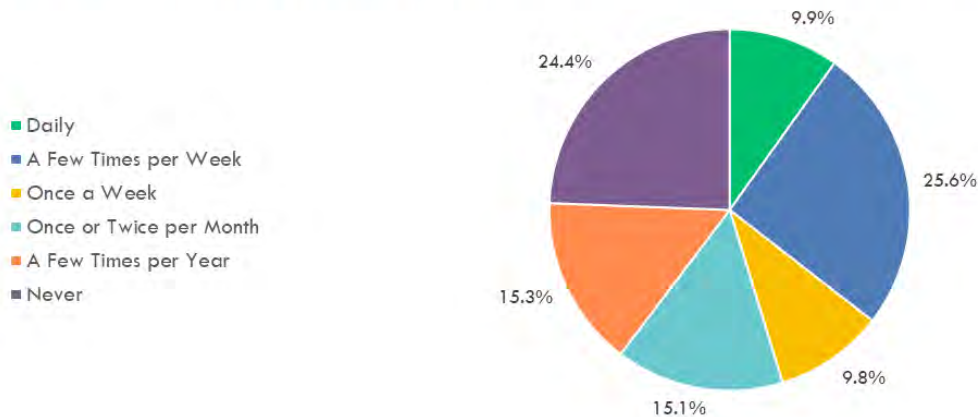
QUESTION 15

If given a dedicated and safe multi-use pathway, how often would you walk/bike along Allisonville Road and/or 116th Street on your way to work, school, shopping, or for recreation?



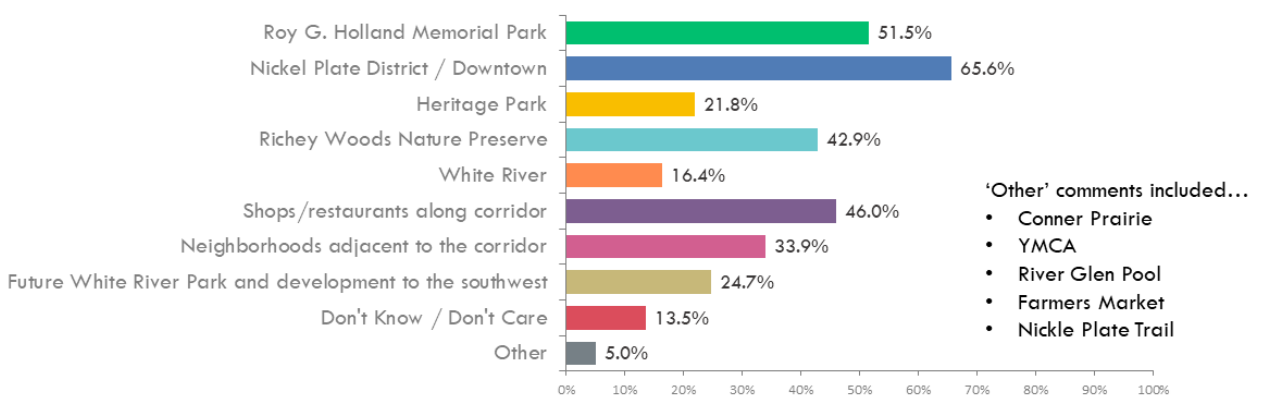
QUESTION 16

If given a dedicated and safe multi-use pathway, how often would you walk/bike along side streets and access roads (but not Allisonville Road or 116th Street) on your way to work, school, shopping, or for recreation?



QUESTION 17

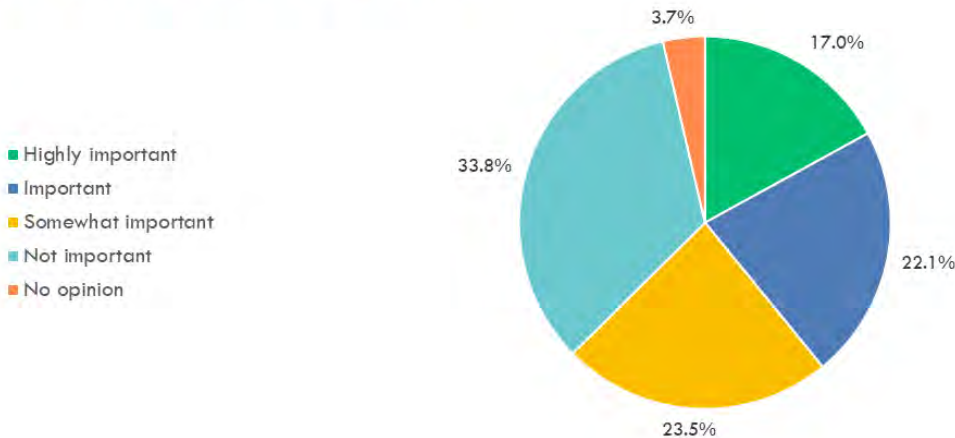
What are the primary bicycle or pedestrian destinations in and around the corridor? (Select all that apply)



APPENDIX

QUESTION 18

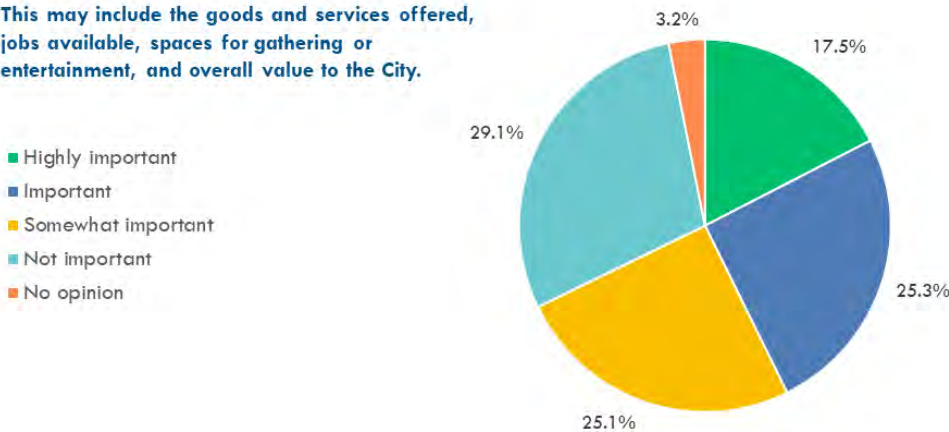
How important is it that the Allisonville Road corridor has a unique **APPEARANCE** that distinguishes it from other areas of the City?



QUESTION 19

How important is it that the Allisonville Road corridor has a unique **FUNCTION** that distinguishes it from other areas of the City?

This may include the goods and services offered, jobs available, spaces for gathering or entertainment, and overall value to the City.



QUESTION 20

Is there anything else you would like us to know as we continue this process?

Commercial Development

- Support locally-owned restaurants and businesses
- Fill vacant lots and buildings with new, family-friendly businesses (i.e., a healthy grocery store like Trader Joe's or Whole Foods)
- Avoid urbanization and tall, compact design seen in downtown Fishers - more interest in charming, classic architecture

Housing

- Protect single-family neighborhoods and housing options – no apartments or condos
- Lack of consensus regarding mixed-use development – some in favor and others strongly opposed

Transportation

- Improve bicyclist and pedestrian safety along the corridor
- Improve traffic flow at the intersection of Allisonville Rd and 116th
- Improve access to and from Allisonville from adjacent businesses and neighborhoods
- Address speeding throughout the corridor
- Private roads need to be repaved

Placemaking

- Preserve trees and greenspace as much as possible – development should complement the natural environment
- Corridor needs beautification and a sense of character
- Don't want to be like the rest of Fishers or Carmel – interested in a slow-paced, relaxed, small-town feel

APPENDIX

Open House Workshop

The community workshop, held on July 21st at the Fishers City Hall Auditorium, encouraged the public to share their thoughts about the corridor through a variety of mapping, visioning, and voting exercises. Dozens of residents attended on the meeting including members of the steering committee and City staff. The following maps and graphics show the assets and issues of the corridor identified by participants, as well as what types of enhancements are important for Allisonville Road's future.

Big Ideas

- Future Commercial/Industrial Development
 - No more industry / relocate light industrial
 - New mixed-use development
 - Development of run-down retail sector
 - New, nice grocery store
 - Family-friendly development
 - No businesses that attract crime or litter
 - Nice restaurant and less pizza/beer joints
 - No more storage buildings
 - No thrift stores
- Transportation
 - Repave private roads (Kroger hole)
 - Enforce speed limit and calm traffic
 - Left turn lane on Allisonville going south to 116th needs lengthened
 - Repave roads in River Glen
 - No public transportation
 - Preserve auto-oriented development
 - EV charging stations
- Housing
 - No condos or townhomes
 - No low-income housing
- Placemaking
 - Artistic signage
 - Create a brand for the corridor that unifies development
 - Better landscaping
- Parks and Recreation
 - Bike riders should abide by traffic laws
 - More trees
 - Create small parks connected to trails
 - Environmental based decisions not \$\$ driven
 - More community greenspace
 - Dog park (shaded)
 - Better bike and pedestrian connectivity
- Miscellaneous
 - No garbage trucks making noise before 6am
 - Leave us alone - can't get out now

ASSET MAPPING

Place a dot sticker on the map for a place, thing, or characteristic that you consider to be a **strength** or **opportunity** in the area. Then, use a sticky note to add more detail or description and place it around the map.

Legend

Asset

Opportunity

Sidewalks north of 126th are nice +1

Connect sidewalks to 146th

Public art

Roundabout at 126th

LOVE the new trail +2

Mature tree conservation +1

Nice daycare & good funeral home

Link the parks

Good to have a grocery on this side of Fishers +1

Appeal to the outdoor crowd (ex. sporting goods store)

Commercial redevelopment (Fill empty buildings)

Canoeing tie-in

Private road development

Space for new grocery

Landscaping opportunity

Recreation theme

Cycling tie-in

Replace industrial with restaurants

Good ethnic restaurants here

Public park or greenspace

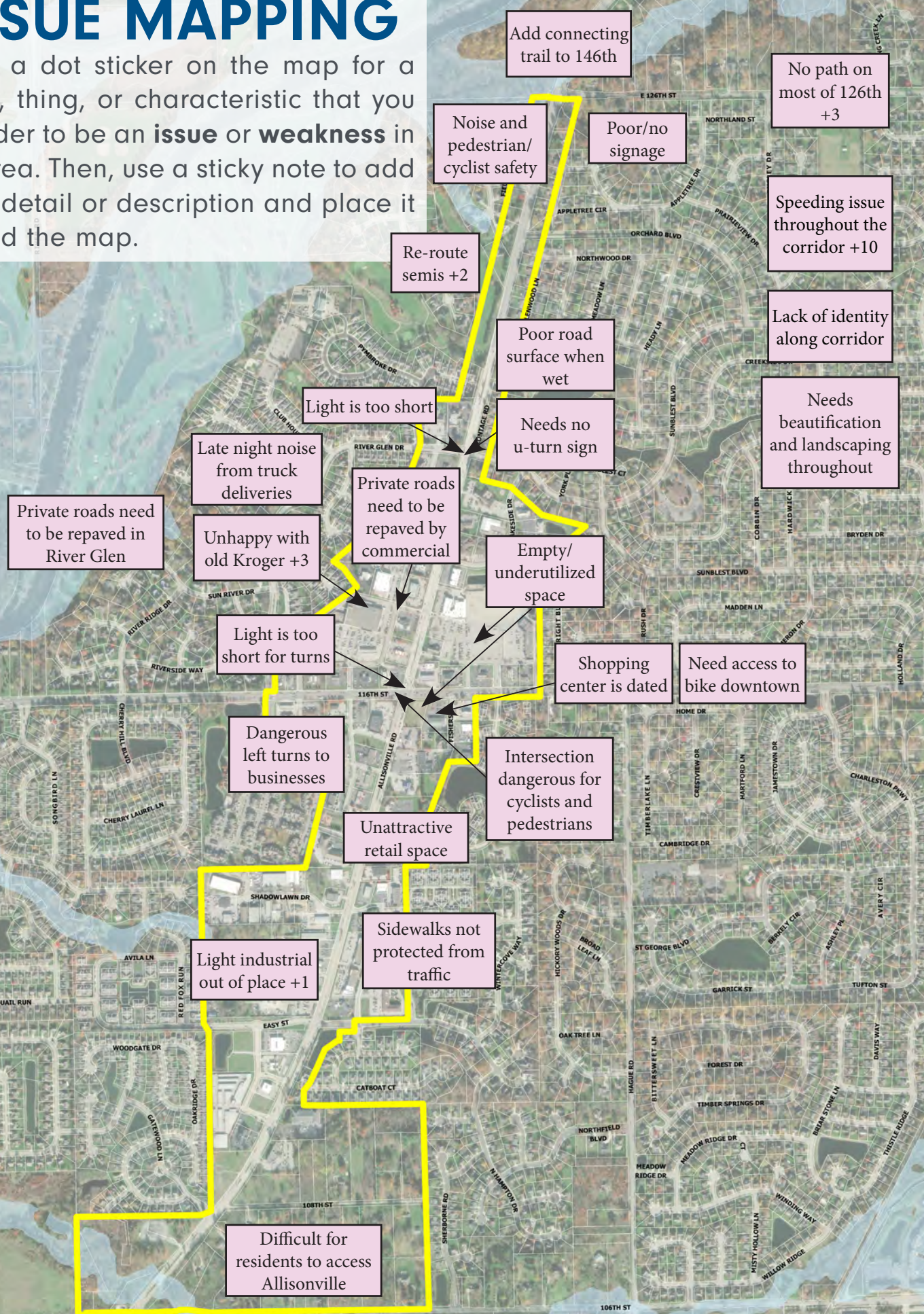
Access to river

Landscaping opportunity

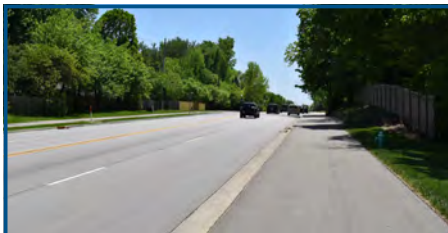
Keep woods

ISSUE MAPPING

Place a dot sticker on the map for a place, thing, or characteristic that you consider to be an **issue** or **weakness** in the area. Then, use a sticky note to add more detail or description and place it around the map.



Workshop Boards - Most Desired Pedestrian and Bicycle Facilities



Multi-Use Trail without Buffer

2.2% (2)



Multi-Use Trail with Narrow Buffer

11.1% (10)



Multi-Use Trail with Wide Buffer

34.4% (31)



Multi-Use Trail with Physical Barrier

8.9% (8)



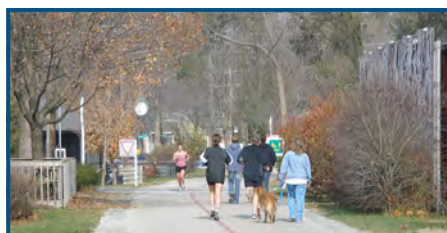
Marked Low-Volume Street

1.1% (1)



Protected Bicycle Lane

12.2% (11)



Trail Away from Road (greenway)

27.8% (25)



I'm Not Going to Walk or Bike

2.2% (2)

APPENDIX

Workshop Boards - Most Desired Pedestrian and Bicycle Facilities



Similar form but higher quality architecture and materials

10.5% (13)



Similar uses but different form (buildings closer to the street, pedestrian-oriented)

4.8% (6)



New residential uses (apartments, condos, townhomes)

0.8% (1)



Public gathering, recreation, entertainment space

25.8% (32)



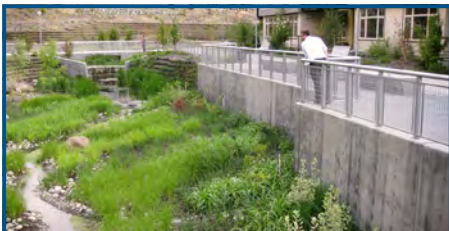
Gathering, recreation, entertainment space in private development

20.2% (25)



New mixed use development (residential above retail or office)

12.1% (15)



More landscape and ecologically sensitive site features

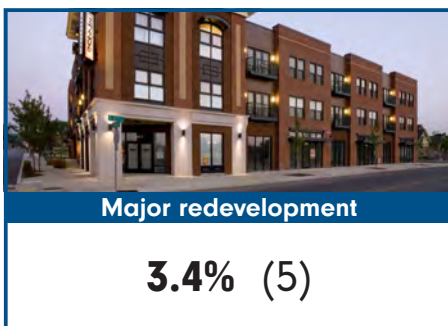
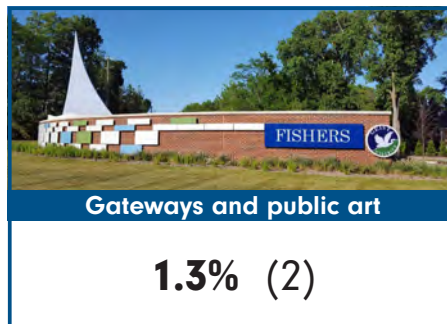
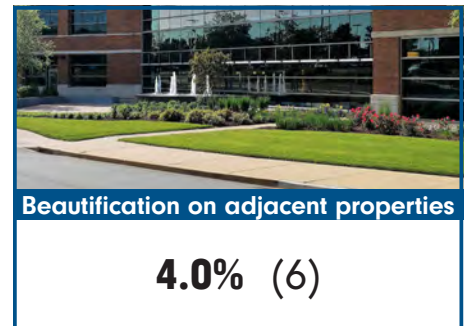
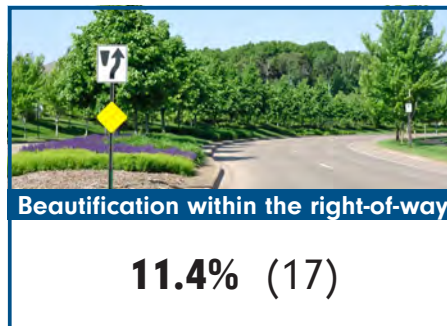
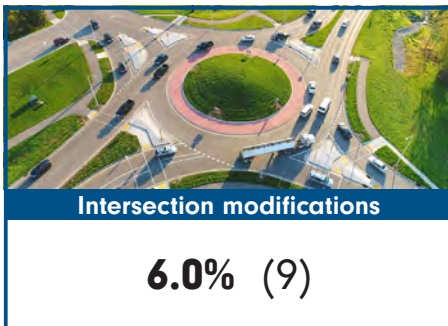
12.1% (15)



Existing building and site character along the corridor is good

13.7% (17)

Workshop Boards - Most Desired Pedestrian and Bicycle Facilities







To: Fishers City Council
From: Jason Taylor, P.E. –Director of Engineering
Date: March 18, 2023

RE: Barrett Law of Commercial Private Roadways – Britton Park/Trade Center and Publishers Business Parks

Purpose

The purpose of this memorandum is to provide the City Council with information concerning the current status of the Barrett Law of Commercial Private Roadways. Specifically, the private roadways within the Britton Park/Trade Center and Publishers Business Parks. (exhibits included)

Summary

In the summer of 2022, the City and the business owners within the above mentioned business parks met to discuss the Barrett Law process and to gauge interest in the business owners' willingness to engage in the process with the City. Over the course of approximately three months, City staff conducted additional meetings with many of the businesses to better explain the Barrett Law process.

Since those meetings, the City has been working towards the specific rules/laws regarding how each property owner is assessed their share of the road rehabilitation cost. The Department of Engineering and City Attorney are currently working through calculating each property owner's apportionment of the project and ensuring that we are abiding by all requirements under Indiana law. While some general information and estimates were provided over the summer, the City is in the process of revising those calculations to account for project cost increases due to inflation in the construction and paving industry.

The Engineering Department has awarded the first two resurface package for the 2023 construction season. As such, the prices from those recent resurface packages were utilized to update the construction cost estimate for the improvements of the commercial private roadways. Last month, two public meetings were held with the businesses/property owners. For those that could not attend, accommodations were made to meet virtually, or in-person as requested. The purpose of the meeting was to communicate with the property/business owners on the process and next steps.

On March 14th, the Board of Public Works & Safety approved the preliminary resolution to begin the Barrett Law process for both commercial private roadways. Those resolutions can be found here: [Barrett East](#) and [Barrett West](#). Per Indiana Code 36-9-36, the City mailed official notifications to the property owners/businesses that a Public Hearing will be held at the next Board of Public Works and Safety meeting on March 28, 2023. Although not required, the City provided additional information to the property owners/businesses concerning the construction costs that can be expected. An example letter is included as an attachment in this memo.

The Engineering Department is continuing to work with the Controller's Office and City Attorney to determine and provide the allocation apportionment and bond rates to the property owners/businesses. This work will be completed prior to the Board of Public Works & Safety meeting on March 28th. In coordination with the City Attorney, the formal process will be approximately 60 days or less which will allow for the City to proceed with the roadways being under construction and completed prior to the end of the 2023 construction season.



City of Fishers
Department of Engineering
11565 Brooks School Rd
Fishers, IN 46037

March 17, 2023

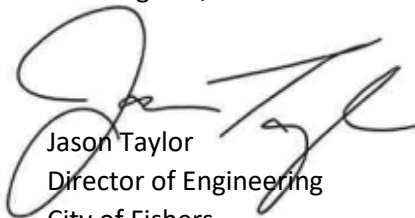
BUSINESS NAME
XXXX Drive
Fishers, IN 46038

Please find enclosed the Notice of Public Hearing at the Board of Public Works and Safety meeting to be held on March 28th, 2023. This meeting will in the City courtroom of the City Services Building located at 3 Municipal Drive Fishers, IN 46038 at 9:00am.

This Hearing pertains to the ongoing Barrett Law process as it relates to the rehabilitation of roadways currently owned by property owners which are part of the Parkside Owners Association, Inc. As an owner of property within the Parkside Owners Association, Inc. the City is informing you that the maximum estimated cost of improvement to include: construction, related engineering, design, inspection, and maintenance will be \$1,100,000. That \$1,100,000 cost will be divided among the 25 property owners based upon calculations using Institute of Transportation Engineers Trip Generation Manual, square footage of improvements (or estimated square footage of unimproved lots), and equitable benefit of improvement to property owners based on IC 36-9-36.

For Questions, please contact the City of Fishers Department of Engineering at: 317-595-3160

Best Regards,



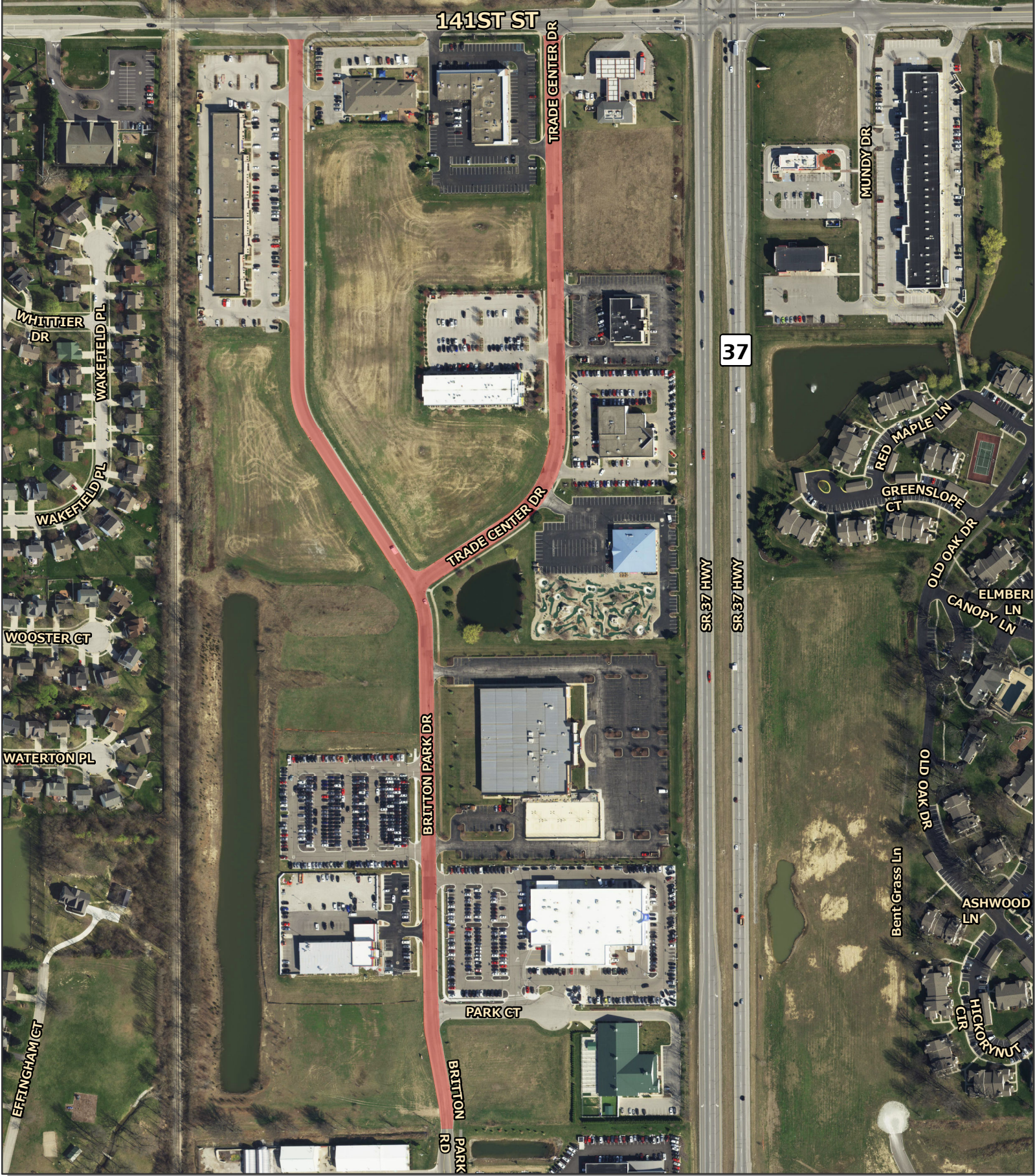
Jason Taylor
Director of Engineering
City of Fishers



Parkside Dr, Publishers Dr, and Enterprise Dr

Legend
Project Limits

1 inch = 300 feet



Britton Park Rd and Trade Center Dr

Legend
Project Limits

1 inch = 300 feet
Page 180

**BUDGET & FINANCE COMMITTEE REPORT
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

* This is a Report of the Budget & Finance Committee. Minutes of the committee meeting can be found online at www.fishers.in.us/agendacenter

John Weingardt, Chairperson
Todd Zimmerman, Committee Member
Cecilia Coble, Committee Member
Jocelyn Vare, Committee Member

Meeting Date: March 20, 2023

- I. Resolution R032023** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds.

Committee Recommendation:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

- II. Resolution R032023A** - A Resolution of the City Of Fishers, Hamilton County, Indiana Re-Establishing A Cumulative Capital Development Fund Pursuant To Indiana Code Section 36-9-15.5.

Committee Recommendation:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

- III. Resolution R032023B** – A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Economic Development Funds to the City of Fishers Municipal Budget.

Committee Recommendation:

- ☒ Passage
☐ Non-Passage
☐ Amendment



Fishers Health Department Update - 3/20/2022

Health Conditions Under Watch:

- Influenza-like illness ER/urgent care visits remain in plateau from December 2022 peak.
- COVID-19 cases remain 'Low' over the last 30 days (see included graphic).
- Monitoring new strains of drug-resistant Shigella and other diseases with potential for high impact to public.

Annual Report

- 2022 annual report due by April. Currently completing updates to draft.

Community Health Assessment:

- Targeting end of March completion for all secondary data analyses - ~100 indicators, hospital data and ER data.
- Remaining work for early spring includes community-based surveys, stakeholder focus groups and report writing.

Core Health Services

- 213 patients seen for non-COVID-19 immunizations and tuberculosis (TB) tests in February.
- 220 COVID-19 vaccines administered in February. Booster uptake 21.8%.
- COVID-19 PCR testing is now available through a contract with LabCorp. Tests are currently offered free of charge through the remaining COVID-19 grant funding.
- Working to streamline processes and add additional services over coming months.
- Reportable conditions continue to be managed at a steady pace; monitoring for outbreak potential.

Mental Health

- [Credible Mind](#) launch scheduled for May 2023. Free online platform covering over 200 topics and 16,000+ self-care resources and evidence-based interventions to assist individuals with mental health inquiries, needs, assessment and referral, etc.
- Hope for Happiness, led by Bring Change2Mind clubs at HSE, planned for Farmer's Market on May 13.

Environmental Health & Inspections

- 2023 inspections underway with new grading system in place. Graded 139 facilities to date with 127 receiving grade A, 8 grade B, and 4 grade C. There are 234 more facilities to be inspected and graded. Grades to be posted publicly on September 30, 2023. Inspectors also working on FDA voluntary standards with grant funding.
- Making final changes to public facing GIS dashboard for any member of the public to view and access all facilities and associated inspection reports, grades, etc.
- Health inspector has obtained Risk Assessor certification for lead.

Community Outreach and Health Promotion

- In conversation with Mudsock Youth Athletics to participate at baseball/softball recreational opening day April 15. Plan to use FFD/FHD mobile vaccination trailer to offer childhood vaccines on site.
- March messaging focuses on cancer-prevention with HPV vaccination and disability awareness month. April to spotlight lead testing changes, public health week, staff profiles.
- In planning to launch Teen Public Health Academy, planned for July. Anticipate opening to applications in April.

Emergency Preparedness:

- All staff to complete FEMA NIMS 100, 700, 200 and 800 courses by end of the year. Coordinator completing OSHA 30-hour training.
- Emergency preparedness nurse awarded NACCHO scholarship for Certification in Infection Prevention and Control.



Grants and Funding:

- Senate Bill 4 currently working through state legislature, in combination with HB 1001, with potential to substantially increase funding for public health at the local level. Senate Bill 1 has high potential to impact behavioral health crisis response system, if passed. We are actively monitoring.
- We have applied for VFC grant funding for 2023-2024. This funding supports clinical staff to provide vaccinations. We anticipate hearing about any possible award in March.
- We anticipate a third year of CoAg grant funding, which supports our school liaison position and efforts to improve relationships and services with our schools.
- We have collected \$2,896,541.21 to date from IDOH to date for COVID vaccines administered.

Open Positions

- Health educator starting full time on June 5.
- Social Worker starts in role on April 10. Grant funded position through June 30, 2025.
- Culture of Health Ambassador position to be posted soon- joint position with Parks Department.



CDC COVID-19 COMMUNITY LEVEL LOW



INDICATOR	DESCRIPTION
35.9	New COVID-19 cases per 100,000 people in the past 7 days
4.9	New COVID-19 admissions per 100,000 population (7-day total)
2.1%	Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average)

► = increasing

◄ = decreasing

■ = no change

Updated on 03/10/2023

Form Name:	Public Meeting Comment Form
Submission Time:	March 20, 2023 11:01 am
Browser:	Firefox 111.0 / Windows
IP Address:	152.117.79.73
Unique ID:	1081554479
Location:	39.9564, -85.9651

Name	Martha Marchino
Address	7397 Catboat Ct Fishers, IN 46038
Email	marchino@boreal.org
Subdivision or business name	Bluestone
Please select the meeting to which you would like to submit a public comment	City Council Plan Commission Meeting Redevelopment Commission
Meeting Date	Mar 20, 2023
Project Name/Resolution Number	Allisonville Road Corridor study
Comment	I am opposed to such a massive development along the Allisonville Road Corridor. The traffic problems will be massive and the small town feel of the area will be destroyed.

Form Name:	Public Meeting Comment Form
Submission Time:	March 20, 2023 11:15 am
Browser:	Firefox 110.0 / OS X
IP Address:	184.170.166.176
Unique ID:	1081562005
Location:	39.9714, -86.1295

Name	Ross Reinhardt
Address	7704 Creekside Ct. Fishers, IN 46038
Email	er0jcfbk@duck.com
Subdivision or business name	Sunblest
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Mar 20, 2023
Project Name/Resolution Number	R032023C

Comment

I would like to express excitement and delight at the results of the Allisonville study, and would be very supportive of adopting it.

One key thing I'd like to highlight is it's findings around the importance of making sure the Allisonville/ 116th roundabout is pedestrian and bike friendly (for all users, young and old). We have plenty of examples of 4 lane roundabouts already to pull from, and they are NOT ped friendly. It's especially important when on foot or bike to have as direct a route as possible, and that will often be right through this intersection to get to surrounding business from homes. The study's recommendations around changing geometry to slow cars in the roundabout could help, but they would need to be substantial to slow cars to at least 20MPH. Additionally, we could consider a "continuous" crosswalk (which makes the crosswalk into a speed table to help slow traffic). I'd urge use to think about what we communicate by the intersection we build here, do we want to communicate that Fishers is a good place to drive through quickly by optimizing for traffic volume and speed, or do we want to communicate that Fishers is a good place to live, walk, and spend money outside of the car? Let's build a gateway that makes you want to stop and get out, not pass through quickly.

In my opinion, the best thing would be for us NOT to build a roundabout, but rather have better protection at the corners for pedestrians/bikes and change the ped signal to have a leading interval (so it goes green for peds a little before it goes green for turning cars). But if the roundabout is too far along, the geometry changes could help mitigate risk.

The other thing I'd like to highlight is the recommendation to reduce parking minimums. This is a small thing that could be HUGELY impactful as it gives freedom to individual builders and the market to build what makes sense for that situation. In fact, I would go farther and suggest we completely remove parking minimums, and instead define some parking maximums (maximum number of spaces allowed per use) especially in areas we want to make people friendly. Parking minimums will end up ensuring that everywhere we build is surrounded by a sea of parking... when that isn't appropriate or desirable everywhere. Parking itself is not a valuable land use (does not generate much in tax revenue), so removing this regulation is also in the interest of the city budget.

One last thought regarding the shorter term possibility of Kroger moving to the East side of Allisonville; if we do adopt this study I wonder if we could work with them to create a mixed-use grocery... one that might have living above it as well. This seems like it would be inline with some of these new goals to consider. Hard to get more walkable to the grocery than living above it :-).

Thanks, I super excited about the future of this part of Fishers!



Council Action Form

MEETING DATE	April 17, 2023			
TITLE	A Resolution Authorizing the City Controller to Transfer Certain City of Fishers Budget Funds Into Certain Budget Categories			
SUBMITTED BY	Name & Title: Lisa Bradford, City Controller			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☒ Consent	☐ Ordinance	☒ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #:		Resolution #: R041723	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☒ Assistant/Deputy Department Head		☒ Controller's Office
	☒ Department Head		☒ Finance Committee
	☐ Deputy Mayor		☐ Technical Advisory Committee
	☐ Mayor		☒ Other: Corresponding Department Heads
	☐ Legal Counsel – <i>Name of Reviewer:</i>		
BACKGROUND (Includes description, background, and justification)	A transfer of funds from one appropriation to another means removing monies from one category such as “supplies” and moving it to another such as “contractual services”. Due to various circumstances and reasons sometimes throughout the year budget appropriations in their respective funds need to be transferred to avoid drawing a negative balance. When this occurs, the respective department provides a written and signed transfer request to the Controller's Office. All transfers require Department Head approval before submission to the Controller's Office, whether or not they are between categories (ex. 200's to 300's) in the same department or transfers between departments. Transfers between departments also require City Council approval in addition to Department Head approval. As such, all transfers requiring City Council approval are prepared by the Controller's Office and submitted to the City Council for approval. Upon approval they are processed by the Controller's Office. Money cannot be transferred between funds. Attached is a resolution and its accompanying Exhibit A ("Transfers") requesting authorization for the City Controller to transfer all funds as outlined in the exhibit.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:	See Exhibit A	
	Additional Appropriation #:	N/A	
	Narrative:	This action does not require an expenditure or receive a revenue, rather it is transferring funds within various City funds. See Exhibit A for all transfers and transfer detail.	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve this resolution and authorize the City Controller to make the transfers	
	2.	Deny this resolution and request	
	3.	Approve selected transfer requests	
	4.	Provide alternate direction	
PROJECT TIMELINE	All approved transfers will be transferred respectively immediately following approval.		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that the City Council approve this resolution authorizing the City Controller to transfer all funds as outlined in Exhibit A and fully oversee this process and request.		
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Resolution 2. Exhibit A		

BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	EFF DATE	PREV BUDGET	BUDGET CHANGE	AMENDED BUDGET	ERR
ACCOUNT										
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY	AMEND			
2023	04	171	04/18/2023		R041723	BUA FenceCMP	1	1		
1	10109012	42200			General Fund - PW Buildings	Operating Supplies	745,085.00	-24,550.00	720,535.00	
	1010.901.92.000.42200.					Cumberland Park Fencing	04/18/2023			
2	10109012	44920			General Fund - PW Buildings	Capital Expenses	.00	24,550.00	24,550.00	
	1010.901.92.000.44920.					Cumberland Park Fencing	04/18/2023			
								** JOURNAL TOTAL	0.00	

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: valois1

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC LINE DESC	T	OB	DEBIT	CREDIT
2023	4	171												
BUA	10109012-42200				04/18/2023	FenceCMP		R041723		Operating Supplies Cumberland Park Fencing	T	5		24,550.00
BUA	10109012-44920				04/18/2023	FenceCMP		R041723		Capital Expenses Cumberland Park Fencing	T	5	24,550.00	
JOURNAL 2023/04/171 TOTAL													.00	.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
FUND TOTAL						.00	.00

** END OF REPORT - Generated by Lorena valois **

RESOLUTION NO. R041723

**A RESOLUTION AUTHORIZING THE CITY CONTROLLER
TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS
INTO CERTAIN BUDGET CATEGORIES**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted certain amounts of funds that are used for general municipal operational purposes of the City;

WHEREAS, the certain funds as described in Exhibit A, which is attached hereto and incorporated herein (“Transfers”) are in need of various transfers in order to continue their intended purposes and operations; and

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

Section 1. The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

Section 2. This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 17th day of April, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett





Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Resolution Approving Project Agreement			
SUBMITTED BY	Name & Title: Megan Baumgartner, Economic Development Director Department: Economic Development			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☐ Ordinance	☒ Resolution	☒ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☒ 2 nd Reading	Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #:		Resolution #: R041723A	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☒ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☒ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office	
	☒ Department Head	☐ Finance Committee	
	☐ Deputy Mayor	☐ Technical Advisory Committee	
	☐ Mayor	☐ Other:	
	☐ Legal Counsel – Name of Reviewer: Jennifer C. Messer		
BACKGROUND (Includes description, background, and justification)	The Village Holding Group, LLC ("Developer") is an Indiana real estate development company that has successfully delivered complicated multi-family and other high-density residential communities internationally, including, most recently, in the Middle East. Developer submitted a proposal to the City for a multi-family, townhome and condominium development to be located on sixteen (16) parcels of property generally located south of 121st Street and west of Technology Lane in the City. The Project will include the following: development and construction of a (a) four-story, multifamily building comprised of eighty-seven (87) for-lease multifamily units; (b) six-story, residential building comprised of forty (40) for-sale condominiums; (c) six-story, residential building comprised of sixty-one (61) for-sale condominiums; and (d) forty-one (41), four-story townhomes. Developer anticipates investing approximately Seventy-Five Million and no/100 Dollars (\$75,000,000.00) developing the Project, and the City desire to approve the Project pursuant to the subject Project Agreement, which includes issuing a developer backed bond for the Project in the maximum amount that that Project will support. The Developer will voluntarily annex the site into the City's corporate boundaries.		
	BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	apx. \$16,109,000.00
		Expenditure \$:	
		Source of Funds:	Bond proceeds (developer backed)
		Additional Appropriation #:	
	Narrative:		
OPTIONS (Include Deny Approval Option)	1.	Approve the Resolution	
	2.	Reject the Resolution	
	3.		
	4.		
PROJECT TIMELINE	Closing: Fall 2023		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Approve the Project Agreement		

SUPPLEMENTAL INFORMATION (List all attached documents)	
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PROJECT AGREEMENT

This Project Agreement (the “Agreement”) is executed as of the 17th day of April, 2023, by and among The Village Holding Group, LLC, an Indiana limited liability company (“Developer”), the City of Fishers, Indiana, an Indiana municipal corporation (“City”), the City of Fishers Economic Development Commission, the Economic Development Authority for the City of Fishers (the “EDC”), and the City of Fishers Redevelopment Commission, a commission of the City authorized and existing pursuant to Ind. Code § 36-7-14 *et. seq.* (“RDC” and together with Developer, City and EDC, the “Parties”), on the following terms and conditions:

Recitals

WHEREAS, Developer is an Indiana real estate development company that has successfully delivered complicated multi-family and other high-density residential communities internationally. Developer has most recently completed multi-family, high density projects in the Middle East.

WHEREAS, since 2012, the City has been working to fulfill its master plan of creating a sustainable, pedestrian friendly city where residents live, work and play (the “Master Development Plan”);

WHEREAS, as part of the Master Development Plan, the City has (a) worked with companies to develop multiple mixed-use developments that include apartments, condominiums, townhomes, office space and retail; (b) incented multiple high-growth, high-technology businesses to locate to the City; and (c) developed a life sciences corridor;

WHEREAS, as part of its Master Development Plan, the City desires to incent the development of additional multi-family, townhome and higher density development near its downtown Nickel Plate District;

WHEREAS, Developer submitted a proposal to City Bodies for a multi-family, townhome and condominium development on the Project Site, and the City determined that Developer's proposal was submitted pursuant to and consistent with the Master Development Plan, and therefore, City Bodies have agreed to provide certain incentives to assist Developer in the construction of the Project (as specifically defined in Section 1) on the Project Site;

WHEREAS, Developer anticipates investing approximately Seventy-Five Million and no/100 Dollars (\$75,000,000.00) developing the Project; WHEREAS, City Bodies have determined that completion of the Project is in the best interests of the citizens of the City, and, therefore, City Bodies desire to induce Developer to complete the Project; and

WHEREAS, to stimulate and induce the development of the Project on the Project Site, City Bodies have agreed, subject to further proceedings required by law, to provide the economic development incentives described herein.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Defined Terms.

Allocation Area shall mean a separate and distinct tax allocation area established by City Bodies pursuant to Ind. Code § 36-7-14 *et seq.* for the Project Site, which Allocation Area shall be established prior to Closing.

Ancillary Agreements shall mean, individually or collectively, the instruments and agreements referenced or contemplated herein, including, without limitation, the Funding Agreement, Taxpayer Agreement (if required by Developer) and any other agreements or reservations set forth therein and other documents needed to effectuate the intent of this Agreement.

Approved Costs shall mean all Hard Costs and Soft Costs (including capitalized interest on the Bonds) related to the Project.

Assessments shall mean all general and special governmental and utility assessments.

Bond Documents shall mean the documents evidencing and/or securing the Bonds.

Bond Interest Rate shall have the meaning ascribed to such term in Subsection 11(d).

Bond Proceeds shall mean the proceeds of the Bond(s), which Bond Proceeds shall be used to pay (a) Approved Costs, (b) Closing Costs, and (c) reasonably incurred and documented administrative costs of the City associated with maintaining the Bond. The net Bond Proceeds for the Project shall not exceed Thirteen Million and no/100 Dollars (\$13,000,000.00) without approval of the City and Developer.

Bond or Bonds shall mean, for the Project, one or more series of taxable or tax exempt (as determined by the City Bodies, in their sole reasonable discretion) economic development revenue bonds to be issued under Ind. Code § 36-7-12 *et. seq.* in a maximum par amount that Developer and City Bodies jointly determine will ensure that one hundred percent (100%) of all tax increment revenue generated in the Allocation Area is utilized to pay debt service on the Bonds. The Bonds shall be payable solely from the Pledged Increment, and City Bodies shall not be obligated to provide any other source of payment or security for the Bonds. The Bonds are estimated to be issued in the par amount of Sixteen Million, One Hundred Nine Thousand and no/100 Dollars (\$16,109,000.00) and produce the net Bond Proceeds as set forth and described on Exhibit A attached hereto; provided, however, such amounts are subject to change based on the date on which the structures on the Site are demolished, the date on which the Bonds are issued and other relevant variables.

Bond Term shall mean twenty-five (25) years from the date of issuance of the Bonds.

Change Order shall mean a change order executed by the City (or its designee) and Developer finalizing the inclusion into the Final Documents of a change proposed in a Change Order Request

by Developer that is approved by the City (or its designee); provided that, in the case of a Permitted Change, such change order shall be effective if executed only by Developer.

Change Order Request shall mean a written request for a change to the Final Documents.

City Body or City Bodies shall mean the City, EDC and/or RDC, as applicable.

Claims shall mean claims, liabilities, damages, injuries, losses, liens, costs, and/or expenses (including, without limitation, reasonable attorneys' fees); provided that in no event shall Claims include consequential or punitive damages.

Closing shall mean the completion of the following: (a) recordation of the Plat (if such recordation has not previously occurred); (ii) execution (if such execution has not previously occurred) of all Ancillary Agreements; (iii) the City's issuance of the Bonds and the purchase of the Bonds by the Developer; and (iv) Project Lender issuing the Project Loan to Developer (and Developer authorized to draw upon such Project Loan subject to the satisfaction of customary draw conditions).

Closing Costs shall mean all recording fees, escrow closing costs, and such other closing fees, costs, and charges customarily associated with closing of the Bonds.

Closing Date shall mean, for the Project, the date on which the Closing occurs.

Concept Plan shall mean the plan for the Project. The Concept Plan is attached as **Exhibit B** and may be updated from time to time upon mutual agreement of Developer and the City.

Construction Schedule shall mean, for the Project, the portion of the Final Documents comprised of the scheduled date for Substantial Completion of such Project.

Construction Drawings shall mean construction drawings with respect to the construction of the exterior components of the Project that are approved pursuant to the Plan Refinement Process.

Cure Period shall mean a period of: (a) ten (10) days after receipt of written notice of such default given in the case of any monetary default; and (b) thirty (30) days after a party failing to perform or observe any other term or condition of this Agreement to be performed or observed by it receives written notice specifying the nature of the default; provided that, if such default is of such a nature that it cannot be remedied within thirty (30) days, despite commercially reasonable diligent efforts, then the thirty (30) day cure period shall be extended as may be reasonably necessary for the defaulting party to remedy the default, so long as the defaulting party: (i) commences to cure the default within the thirty (30) day period; and (ii) diligently pursues such cure to completion; provided that in no event shall a Cure Period extent more than ninety (90) days after the date of default.

Design Development Drawings shall mean the design development drawings for the exterior components of the Project that are approved pursuant to the Plan Refinement Process.

Diligence Period shall mean sixty (60) days commencing on the Execution Date and terminating sixty (60) days thereafter.

Event of Default shall have the meaning set forth in Section 14.

Execution Date shall mean the date set forth in the opening paragraph of this Agreement.

Final Document(s) shall mean the Project, the final Construction Schedule and the final Construction Drawings, as each is finalized and approved or reviewed by the City in accordance with the Plan Refinement Process described in Section 12.

Final Inspection shall mean an inspection of the Project after Substantial Completion thereof.

Force Majeure shall mean, with respect to Developer or City Bodies, any cause that is not within the reasonable control of Developer or City Bodies, respectively, including, without limitation: (a) an act or omission of one of the other parties hereto; (b) unusually inclement weather but not cold, ice, sleet, snow or hail in amounts typical in Indiana; (c) the unusual unavailability of materials, equipment, services, or labor; and (d) utility or energy shortages or acts or omissions of public utility providers; provided that a party's failure to anticipate normal and customary delays due to weather or normal and customary time periods to obtain Required Permits shall not be deemed Force Majeure.

Funding Agreement shall mean an agreement for the Project pursuant to which the Bond Proceeds shall be disbursed to Developer in a commercially reasonable manner for Approved Costs. Developer shall be responsible for all costs to design and construct the Project in excess of the Bond Proceeds.

Hard Costs shall mean the costs incurred in connection with construction of the Project, which costs are customarily known in the industry as "hard costs".

Incurred Costs shall mean, if this Agreement is terminated (a) after expiration of the Diligence Period; and (b) prior to the Closing, all actual, out-of-pocket, third-party costs and expenses incurred by a party through the date of such termination, to the extent not previously paid or reimbursed by the other party (not to exceed \$100,000.00).

Inspector shall mean such party designated by the City as its inspector.

Latent Defect shall mean a Material Defect with respect to the Project that: (a) is not discovered, and reasonably is not discoverable, by the City or Inspector during a Permitted Inspection and/or the Final Inspection; and (b) has a material and adverse effect on the use, operation, structure, or longevity of the Project.

Laws shall mean all applicable laws, statutes, and/or ordinances, building codes, and any applicable governmental or judicial rules, regulations, guidelines, judgments, orders, and/or decrees, including without limitation the City's Unified Development Ordinance and all applicable environmental laws.

Material Defect(s) shall mean any item or component of the exterior of the Project that: (a) contains a material defect in workmanship or materials; (b) deviates materially from the Final Documents, other than any Permitted Change or Change Order; or (c) has not been performed materially in accordance with the terms and conditions of this Agreement.

Nickel Plate Rezone shall mean a rezoning of City's Nickel Plate District that, among other effects, will result in the Site being zoned for certain commercial and residential development like the Project.

Non-Compliance Notice shall mean a written notice identifying any Material Defect discovered during a Permitted Inspection or a Final Inspection.

Outside Closing Date shall mean **October 31, 2023**.

Permitted Change shall mean a change to a Final Document for the Project that: (a) is not material in the overall scope and design of the Project; (b) is in conformity with the Laws; (c) does not result in the Final Document containing a Material Defect; and (d) does not make it unlikely, impracticable, or impossible for Developer to complete and open the Project, or any component thereof, by the applicable date set forth in a Construction Schedule. In addition to the foregoing, any change required by the Laws shall constitute a Permitted Change.

Permitted Inspection shall mean, as applicable, an inspection by the Inspector of any exterior item or component of the Project when reasonably deemed to be necessary or appropriate by any City Bodies and/or the Inspector.

Plan Refinement Process shall mean the process described in Section 12 hereof.

Plan Review Panel shall mean a plan review panel comprised of the City's Economic Development Director and such other parties as may hereafter be designated by the City in a written notice to Developer.

Plat shall mean the plat prepared by Developer that has received all final approvals on or before Closing and is recorded in the Office of the Recorder of Hamilton County, Indiana prior to or contemporaneous with other documents needed for Closing, which Plat, at a minimum creates three (3) lots.

Pledged Increment shall mean one hundred (100%) of the tax increment revenue generated within the Allocation Area.

Project shall mean the development and construction of a (a) four-story, multifamily building comprised of eighty-seven (87) for-lease multifamily units; (b) six-story, residential building comprised of forty (40) for-sale condominiums; (c) six-story, residential building comprised of sixty-one (61) for-sale condominiums; and (d) forty-one (41), four-story townhomes, which Project is expected to represent an aggregate investment of approximately Seventy-Five Million and no/100 Dollars (\$75,000,000.00) in the City.

Project Lender shall mean a financial institution that is not affiliated with Developer making the Project Loan, and any successor or assignee thereof.

Project Loan(s) shall mean one (1) or more construction loans to Developer, the proceeds of which, along with the Bond Proceeds shall be used to fund development and construction of the Project. The Project Loan shall be disbursed pursuant to the Project Loan Documents (and not

pursuant to the Funding Agreement), and the proceeds available at Closing (subject to the satisfaction of customary draw conditions).

Project Loan Documents shall mean, individually or collectively and for the Project, the documents evidencing or securing the Project Loan(s).

Property Inspections shall mean surveys, borings, tests, inspections, examinations, studies, and investigations, including, without limitation, environmental assessments.

Project Site shall mean the sixteen (16) parcels of real property identified on **Exhibit B**.

Real Estate Taxes shall mean all real estate taxes levied on, against, or with respect to all or any specified portion of the Project and Project Site.

Required Permits shall mean all permits, licenses, approvals, and consents required by the Laws for construction, occupancy and use of the Project.

Schematic Design Drawings shall mean for the Project the schematic design drawings for the exterior components of the Project that are approved as a result of the Plan Refinement Process.

Site Plan shall mean the site plan for the Project that is approved pursuant to the Plan Refinement Process.

Soft Costs shall mean costs incurred in connection with the Project, which costs are customarily known in the industry as “soft costs”.

Substantial Completion shall mean, with respect to the Project, the later of the date that: (a) Developer receives a final or temporary certificate of occupancy for such Project; and (b) the date that Developer’s architect certifies, per AIA Form G704, that the construction of the Project is substantially complete in material compliance with all Laws, this Agreement, the Final Documents (subject to Permitted Changes and Change Orders), and the Required Permits subject only to tenant improvements, certificates of occupancy for individual tenant spaces, landscaping and minor punch list items that do not materially interfere with the use or operation thereof.

Survey shall mean an ALTA survey of the Project Site, certified as of a current date by a reputable licensed surveyor; which Survey does not show any matters that would: (a) materially and adversely interfere with the construction and/or use of the Project; or (b) render construction of the Project unusually difficult or costly.

Taxpayer Agreement shall mean an agreement pursuant to which Developer agrees to pay an amount that, together with the Real Estate Taxes, is not less than the amount required to pay semi-annual debt service on the Bonds, which Taxpayer Agreement shall be required in the sole discretion of Developer, and if Developer elects to require a Taxpayer Agreement, such Taxpayer Agreement shall be executed on or before Closing.

Title Insurer shall mean First American Title Insurance Developer, Gina Longere.

2. Interpretation; Term and Other General Matters.

(a) The terms "include", "including" and "such as" shall each be construed as if followed by the phrase "without being limited to".

(b) Whenever a Party's consent, approval, agreement or election is required or permitted by this Agreement, such consent, approval, agreement or election shall not be unreasonably withheld, conditioned or delayed.

(c) The term of this Agreement shall be for the period commencing on the Execution Date and continuing through the first to occur of (i) Substantial Completion of the Project, or (ii) termination of this Agreement. Except as expressly set forth otherwise herein, this Agreement shall terminate upon the expiration of this term of this Agreement; provided, however, the obligation of the Parties (i) to pay any money owed pursuant to this Agreement, or (ii) pursuant to Section 12(l) (for a period of ten (10) years from Substantial Completion), shall survive termination of this Agreement.

3. City's Obligations. Subject to the terms and conditions of this Agreement, the applicable City Body shall: (a) in connection with Developer, jointly submit the Plat for final approval and recordation at or prior to Closing; (b) execute and perform (or cause the applicable City Bodies to execute and perform) the Ancillary Agreements; (c) issue the Bonds and, consistent with the Funding Agreement, make available the Bond Proceeds for Approved Costs incurred in connection with the Project, together with Closing Costs and fees associated with closing the Bonds at Closing; and, thereafter, within thirty (30) days after a completed draw request is submitted pursuant to the Funding Agreement (which requests shall not be submitted more frequently than monthly); (d) prior to Closing, create the Allocation Area and pledge the Pledged Increment to repayment of the Bonds; (e) provide reasonable assistance to Developer in connection with any zoning changes or variances determined to be necessary or appropriate by Developer for the construction and use of the Project in accordance with the Final Documents (subject to Permitted Changes and Change Orders); provided, however, City Bodies shall not be obligated to incur any expenses in connection with such assistance; (f) endeavor to complete the Nickel Plate Rezone; provided, however, the Parties understand and agree that the City cannot guarantee the result of such planned Nickel Plate Rezone; and (g) exercise commercially reasonable efforts to cause the review and timely issuance of the City's development and permit applications necessary to develop and construct the Project on the Project Site, including, whenever reasonably possible, coordinating with Developer to lower the Project's costs by supporting the issuance of interim, partial, and/or conditional approvals to allow project critical activities to occur while reserving final approval of less critical activities, to the extent allowed by the Laws; provided, however, City Bodies shall not be obligated to incur expenses related to such assistance.

4. Developer's Obligations. Subject to the terms and conditions of this Agreement, Developer shall: (a) voluntarily annex those portions of the Site that are not within the City's corporate boundaries into the City's corporate boundaries, including without limitation, complying with the City's voluntary annexation procedure and providing such documents, materials and other information requested by the City and reasonably necessary to complete the annexation process; (b) in connection with the City, jointly submit the Plat for final approval and recordation; (c) complete the Project substantially in accordance with the Final Documents (subject to Change

Orders and Permitted Changes); (d) pay, when due, all Real Estate Taxes and Assessments on the Project and the Project Site; (e) make or cause to be made the payments required by the Taxpayer Agreement (if required by Developer); (f) at Closing, cause the purchase of the Bonds; (g) obtain the Project Loans and ensure that proceeds of the Project Loans are available on the Closing Date (subject to the satisfaction of customary draw conditions); and (h) execute and perform the Ancillary Agreements.

5. Closing. Subject to the terms and conditions of this Agreement,

(a) Closing. Subject to the terms and conditions of this Agreement, Closing shall occur (i) on a date designated by Developer that is by or before the Outside Closing Date, and (ii) at the office of the Title Insurer or at such other place as the City and Developer mutually may agree.

(b) Deliveries - Closing. At Closing, unless another time is specifically stated or the act has previously occurred:

(i) Developer shall execute and deliver to the City evidence reasonably satisfactory to the City that it has closed the Project Loan and is entitled to draw on the Project Loan beginning on such Closing Date (subject to the satisfaction of customary draw conditions);

(ii) The applicable City Bodies and the Developer shall execute and deliver the Ancillary Agreements;

(iii) The applicable City Bodies and the Developer shall execute and deliver the Bond Documents;

(iv) The applicable City Bodies and the Developer shall execute and deliver copies of such resolutions, consents of members, partners, officers and/or shareholders and other evidence as the RDC, EDC, City, Developer, or the Title Insurer reasonably may request;

(v) The applicable City Bodies and the Developer shall execute and deliver such other customary documents or instruments as the City, EDC, RDC, Developer or the Title Insurer may request in connection with the Closing;

(vi) The Developer shall deliver certificates of policies of insurance required pursuant to **Exhibit D**;

(vii) Developer shall be exclusively responsible for all Closing Costs; provided, however, Bond Proceeds may be used to pay such Closing Costs; and

(viii) Each Party shall be responsible for its own legal fees incurred in connection with negotiation of this Agreement and the Closing contemplated by this Agreement.

6. Taxes. At all times during Developer's ownership of the Project and the Project Site, Developer assumes and agrees to pay or cause to be paid all Real Estate Taxes and Assessments becoming a lien against the Project Site whenever due and payable.

7. Conditions to Developer Obligations. Notwithstanding anything to the contrary set forth herein, the obligations of Developer with respect to the Project Closing are subject to the satisfaction or waiver in writing, of the following prior to the applicable period specified in this Section 7:

(a) Environmental Condition. Prior to expiration of the Diligence Period, Developer shall have conducted all Property Inspections that it deems to be necessary or appropriate and has determined that there: (i) is no contamination or pollution of the Project Site, or any groundwater thereunder, by any hazardous waste, material, or substance in violation of any Laws; (ii) are no underground storage tanks located on the Project Site; and (iii) are no wetlands on the Project Site.

(b) Physical Condition. Prior to expiration of the Diligence Period, Developer shall have determined that no test, inspection, examination, study, or investigation of the Project Site establishes that there are conditions that would interfere materially with the construction and use of the Project or require unusually costly development techniques, in accordance with the terms and conditions of this Agreement.

(c) Zoning. Prior to the Closing, Developer shall determine that the Project Site is appropriately zoned for the Project.

(d) Utility Availability. Prior to the expiration of the Diligence Period, Developer shall have determined that gas, electricity, telephone, cable, water, storm and sanitary sewer, and other utility services are or will be: (i) in adjoining public rights-of-way or properly granted utility easements; and (ii) serving, or will serve, the Project Site at adequate pressures, and in sufficient quantities and volumes, for the construction and use of the Project in accordance with the terms and conditions of this Agreement.

(e) Required Permits. Prior to the Closing, Developer shall have (i) obtained; or (ii) determined that it shall be able to obtain, all Required Permits then available for the current stage of construction.

(f) Financial Ability. Prior to the Closing, Developer shall have determined that it has adequate funds (Project Loan proceeds, Bond Proceeds, and/or cash on hand) to construct the Project.

(g) Ancillary Agreements. On or before the Closing Date, the City (or the applicable City Bodies) and Developer, each exercising commercially reasonable discretion, shall have approved and executed (or execute at the Closing) the Ancillary Agreements.

(h) Bond Proceeds. On or before the Closing Date, City Bodies, using commercially reasonable efforts, shall have: (i) taken all action necessary to authorize the Bonds; and (ii) demonstrated that the Bond Proceeds shall be made available to Developer in accordance with the Funding Agreement.

(i) Financing Documents. On or before the Closing Date, the Project Loan shall be closed, and in connection therewith, the Project Loan Documents, and any additional documents relating thereto, shall be fully executed by all parties thereto and the proceeds of the Project Loan

shall be immediately available to Developer without Developer's satisfaction of any additional conditions (except for the satisfaction of customary draw conditions).

(j) Plat. On or before the Closing Date, the Plat shall have received final approval from the Transfer and Mapping Department of the office of the Auditor of Hamilton County, Indiana, and be recorded.

(k) City Body Approvals. As of the Closing Date, City Bodies have obtained all consents and approvals, and adopted all resolutions, required to be obtained and/or adopted in connection with the execution of, and the performance of its obligations under, this Agreement, the Ancillary Agreements, and any Bond Documents to which it is a party.

(l) Compliance. As of the Closing Date, this Agreement, and compliance with the terms hereof, are not in violation of any applicable Laws and no claims or causes of action asserting any violation of Laws shall have been asserted or threatened by any third party.

(m) No Breach. As of the Closing Date: (i) there shall be no breach of this Agreement by City Bodies that the applicable City Body has failed to cure within the Cure Period; and (ii) all the representations in Section 10(a) shall be true and accurate in all material respects.

If any of the conditions set forth in this Section are not, or cannot be, timely and completely satisfied, then, as its sole and exclusive remedy, Developer either may elect to: (A) waive in writing satisfaction of the conditions and proceed to the Closing; or (B) terminate this Agreement and any executed Ancillary Agreements by delivery of written notice to City Bodies; provided, that, with respect to any unsatisfied conditions resulting from a breach of this Agreement by a City Body, Developer shall have all of the rights and remedies set forth in Section 14. Notwithstanding anything to the contrary set forth herein, Developer shall (1) work diligently and in good faith to satisfy the conditions set forth in this Section, and (2) if Developer fails to terminate this Agreement for any unsatisfied condition on or before the expiration of the time period specified for satisfaction of such condition, Developer shall be deemed to have waived such condition and shall proceed to Closing.

8. Conditions to City Bodies' Obligations. Notwithstanding anything to the contrary set forth herein, the obligations of City Bodies with respect to proceeding to the Closing are subject to the satisfaction or waiver in writing, of the following prior to the applicable period specified in this Section:

(a) Required Permits. Prior to Closing, Developer shall have obtained, or City Bodies shall have determined that Developer shall be able to obtain, all Required Permits then available for the current stage of construction.

(b) Financial Ability. Prior to Closing, Developer shall have demonstrated to City Bodies that it has adequate funds (Project Loan proceeds, Bond Proceeds, and/or cash on hand) to construct the Project.

(c) Environmental Condition. Prior to the expiration of the Diligence Period, Developer shall have demonstrated to City Bodies that there: (i) is no contamination or pollution

of the Project Site or any groundwater thereunder by any hazardous waste, material, or substance in violation of any Laws; (ii) are no underground storage tanks located on the Project Site; and (iii) are no wetlands on the Project Site. As of the expiration of the Diligence Period, there shall not have been any material adverse change in the environmental condition of the Project Site.

(d) Physical Condition. Prior to the expiration of the Diligence Period, City Bodies shall have determined that no test, inspection, examination, study, or investigation of the Project Site establishes that there are conditions that would interfere materially with the construction and use of the Project in accordance with the terms and conditions of this Agreement.

(e) Ancillary Agreements. Prior to Closing, the City (or the applicable City Bodies) and Developer, each exercising commercially reasonable discretion, shall have approved and executed (or at Closing will execute) the Ancillary Agreements.

(f) Financing Documents. On or before the Closing Date, the Project Loan shall be closed, and in connection therewith, the Project Loan Documents, and any additional documents relating thereto shall be fully executed by all parties thereto and the proceeds of the Project Loan shall be immediately available to Developer without Developer's satisfaction of any additional conditions (except for the satisfaction of customary draw conditions).

(g) Procedure. Prior to the expiration of the Diligence Period, the Parties have agreed on the terms on which the Bonds will be issued, and each of the City Bodies has completed all procedures required by the Laws in connection with consummating the transaction contemplated herein, including that all recommendations, approvals, authorizations, resolutions, and/or ordinances required to be completed, obtained, and/or adopted in connection with: (i) the issuance and sale of the Bonds on the terms to which the Parties have agreed; (ii) the use of the Bond Proceeds to pay Approved Costs incurred in connection with the Project; (iii) the pledging of the Pledged Increment to the payment of debt service on the Bonds; and (iv) the Allocation Area has been established.

(h) Plat. On or before the Closing Date, the Plat shall have received final approval from the Transfer and Mapping Department of the office of the Auditor of Hamilton County, Indiana, and be recorded.

(i) Developer Approvals. On or before the Closing Date, Developer has obtained all consents and approvals, and adopted all resolutions, required to be obtained and/or adopted in connection with the execution of, and the performance of its obligations under, this Agreement, the Ancillary Agreements, and any Bond Documents to which it is a party.

(j) Compliance. As of the Closing Date, this Agreement, and compliance with the terms hereof, are not in violation of any applicable Laws and no claims or causes of action asserting any violation of Laws shall have been asserted or threatened by any third party.

(k) No Breach. As of the Closing Date: (i) there shall be no breach of this Agreement by Developer that Developer has failed to cure within the Cure Period; and (ii) the representations and warranties set forth in Subsections 10(b) and (c) shall be true and accurate in all material respects.

If one or more of the conditions set forth in this Section is not, or cannot be, timely and completely satisfied, then, as their sole and exclusive remedy, City Bodies either may elect to: (i) waive in writing satisfaction of the conditions and proceed to the Closing; or (ii) terminate this Agreement and the Ancillary Agreements by a written notice to Developer; provided, that, with respect to any unsatisfied conditions resulting from a breach of this Agreement by Developer, City Bodies shall have all of the rights and remedies set forth in Section 14. Notwithstanding anything to the contrary set forth herein, (1) City Bodies shall work diligently and in good faith to satisfy the conditions set forth in this Section; and (2) if the applicable City Body fails to terminate this Agreement for any unsatisfied condition on or before the expiration of the time period specified for satisfaction of such condition, such City Body shall be deemed to have waived such condition and shall proceed to Closing.

9. Incurred Costs and Failure to Close. Each of the City Bodies and Developer is entering into this Agreement, and incurring significant expense, under the good-faith assumption that the other party will proceed to Closing on or before the Outside Closing Date, unless otherwise mutually agreed in writing by the Developer and City. Accordingly, if, after expiration of the Diligence Period, Closing does not occur on or before the Outside Closing Date:

(a) due to (i) a continuing Event of Default by one of the City Bodies, (ii) failure of the applicable City Body to satisfy the condition included in Sections 8(e), (g) or (j) (provided that, in any instance, the parties have agreed on the terms) or (iii) failure of any City Body to comply with the representations and warranties included in Section 10(a), then City Bodies shall reimburse Developer for its Incurred Costs.

(b) due to (i) a continuing Event of Default by Developer, (ii) failure of Developer to satisfy the conditions included in Section 7(a), (b), (c), (d), (e), (f), (i), (j) or (l), or (iii) failure of Developer to comply with the representations and warranties included in Sections 10(b) or (c), then Developer shall reimburse the City for its Incurred Costs.

(c) If this Agreement is terminated for any reason other than those set forth above, then each party shall be responsible for paying its own costs and expenses.

(d) Any reimbursement or action required under this Section 9 shall be paid or performed, as applicable, by such party within thirty (30) days after receipt of written invoice or notice therefor, together with reasonable evidence supporting the amount set forth in such invoice.

10. Representations and Warranties

(a) City Bodies. Each City Body represents and warrants to Developer that: (i) it shall not enter into any contracts or undertakings that would limit, conflict with, or constitute a breach of this Agreement; (ii) the City is a municipal corporation organized and existing under the laws of the State of Indiana; (iii) RDC is the governing body of the City of Fishers Redevelopment Department organized and existing under the laws of the State of Indiana; (iv) EDC is the governing body of the City of Fishers Economic Development Department organized and existing under the laws of the State of Indiana; (v) subject to completion of the applicable proceedings required by Laws, it has the power: (A) to enter into this Agreement; and (B) to perform its obligations hereunder; (vi) it has been duly authorized by proper action: (A) to execute and deliver

this Agreement; and (B) to perform its obligations hereunder, (vii) this Agreement is the legal, valid, and binding obligation of it; and (viii) it has not engaged or dealt with any real estate broker or agent in connection with the Project, Project Site, or this transaction and no person or entity is entitled to claim a commission or fee in connection with this transaction or otherwise by, through, or as a result of, the acts or omissions of a City Body.

(b) Developer. Developer represents and warrants to each City Body that: (i) Developer is an Indiana limited liability company, duly existing and validly formed under the laws of the State of Indiana; (ii) it shall not enter into any contracts or undertakings that would limit, conflict with, or constitute a breach of this Agreement; (iii) it has the authority: (A) to enter into this Agreement; and (B) to perform its obligations hereunder, (iv) it duly has been authorized by proper action: (A) to execute and deliver this Agreement; and (B) to perform its obligations hereunder; (v) this Agreement is the legal, valid, and binding obligation of Developer; (vi) (except for brokers or agents engaged to lease space in the Project) neither it nor any party affiliated with it has engaged or dealt with any real estate broker or agent in connection with the Project, the Project Site, or this transaction and no person or entity is entitled to claim a commission or fee in connection with this transaction by, through, or as a result of, the acts or omissions of Developer or any party affiliated with Developer; and (vii) it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual identification, sexual orientation, or national origin. If Developer has employees, Developer agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause; and, if Developer has employees, Developer will state, in all solicitations or advertisements for employees placed by or on behalf of Developer, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual identification, sexual orientation, or national origin. Developer states that it does not currently have employees.

(c) E-Verify. All terms defined in IND. CODE § 22-5-1.7 *et seq.* are adopted and incorporated into this Section. Pursuant to IND. CODE § 22-5-1.7 *et seq.*, if Developer has employees, Developer covenants to enroll in and verify the work eligibility status of all of its employees using the E-Verify program, if it has not already done so as of the Execution Date. If Developer has employees, within ten (10) days after the Execution Date, Developer shall execute an affidavit affirming that: (i) it is enrolled and is participating in the E-Verify program; and (ii) it does not knowingly employ any unauthorized aliens. In support of the affidavit, Developer shall provide the City with documentation that it has enrolled and is participating in the E-Verify program if it has employees. This Agreement shall not take effect until said affidavit is signed by Developer and delivered to the City's authorized representative if Developer has employees. Developer states that it does not currently have employees.

11. Allocation Area and Pledged Increment.

(a) Allocation Area. Subject to (i) all procedures required by the Laws, (ii) Developer satisfying its obligation to voluntarily annex into the City's corporate boundaries, and (iii) the terms and conditions of this Agreement, prior to Closing, City Bodies shall establish the Allocation Area, and RDC shall pledge the Pledged Increment to the repayment of the Bonds for the Bond Term. Pledged Increment will be utilized first to make current payments of interest and principal on the Bonds, second, to remedy any prior shortfalls with respect to payments of interest and

principal on the Bonds, and third, to redeem Bonds prior to their maturity. City Bodies shall not pledge to the repayment of the Bonds any tax revenues or other funds of the City, except the Pledged Increment. City Bodies shall not be liable for any shortfall in the Pledged Increment. Any amounts due and owing on the Bonds at the expiration of the Bond Term shall be forgiven. For the avoidance of doubt, the Allocation Area shall be established prior to Closing.

(b) TIF Revenue Shortfalls. In the event Pledged Increment is, in any given period, insufficient to make payment on the Bonds, such shortfall shall accrue and be payable from future Pledged Increment during the Bond Term and no other source of City Bodies. In the event and to the extent Developer or any affiliate makes any payment on the Bonds, Developer or such affiliate will be subrogated to the rights of City Bodies to receive Pledged Increment in excess of current amounts payable on the Bonds in any subsequent time period. Such amounts payable to Developer or such affiliate will bear interest at the same rate or rates as the applicable Bond.

(c) Excess Pledged TIF Revenue. To the extent Pledged Increment is available in amounts in excess of the amount to make the then due or past due payments on the Bonds (pursuant to Subsection 11(b) above), such excess Pledged Increment shall be used to redeem the Bonds prior to their maturity.

(d) Interest During Construction. At the option and discretion of Developer, the Bonds may bear interest (i) at zero percent from their date of issuance until Substantial Completion (and, thereafter, at the Bond Interest Rate (as hereinafter defined)); or (ii) at the Bond Interest Rate from their date of issuance throughout the Bond Term. After the Project has been assessed and is generating increment, the Bonds will (i) bear interest at the Bond Interest Rate and (ii) be in accordance with the City authorizations relating to the Bonds. For purposes of this Agreement, the “Bond Interest Rate” shall mean a rate intended to be equal to or less than seven percent (7.0%) (except for the potential of a zero percent (0%) rate until Substantial Completion), as determined jointly by the Parties, each in the exercise of its reasonable discretion.

(e) Costs of Issuance and Administrative Fees. Developer shall be solely liable for all bond issuance costs and administrative fees, including bond and other counsel fees for both City Bodies and Developer, which amounts shall be paid from Bond Proceeds.

(f) Bond Structuring. The Bonds may be structured in one or more series to support the multi-component and phased nature of the Project.

12. Plan Refinement Process.

This Plan Refinement Process shall govern development and construction of the Project. At its sole cost and expense, Developer shall submit for review and approval the following documents, which documents shall be submitted to the City in the order listed below, with respect to the Project:

(a) Site Plan.

(b) Schematic Design Drawings.

(c) Design Development Drawings.

(d) Construction Drawings and Construction Schedule.

(e) Approval of Submitted Document. Within fourteen (14) days after the City receives each of the Site Plan, the Schematic Design Drawings, the Design Development Drawings, the Construction Drawings and the Construction Schedule (each, a “Submitted Document”), the City shall deliver to Developer written notice that it approves or rejects the Submitted Document; provided that, if the City rejects all or any part of a Submitted Document, then such notice shall: (i) specify the part or parts that City is rejecting; and (ii) include the specific basis for such rejection. Upon the City’s approval of a Submitted Document, or if the City fails to respond within the time period provided above, any such Submitted Document shall be deemed approved. Provided that a Submitted Document complies with the Laws, the City shall approve each Submitted Document if it is materially consistent with the immediately preceding Submitted Document approved by the City. For example, and without limitation, if the Design Development Drawings comply with the Laws and are materially consistent with the Schematic Design Drawings, the City shall approve the Design Development Drawings.

(f) Resubmitted Documents. If, at any stage of the Plan Refinement Process, the City, rather than approving any Submitted Document, instead notifies Developer that it rejects a Submitted Document (each, a “Rejected Document”), then Developer shall promptly: (i) revise the Rejected Document; and (ii) resubmit the foregoing to the City. The City shall follow the review procedure described in foregoing Subsection (e), and Developer shall revise and resubmit any Rejected Document in accordance with the preceding sentence until such Rejected Document is approved (each, a “Resubmitted Document”). Upon approval of any Resubmitted Document or if the City fails to respond within the time period provided above, the Resubmitted Document shall become final and part of the Project, subject to modifications by Change Order approved by the City and Permitted Changes. Notwithstanding the involvement of the City in the Plan Refinement Process, Developer shall be responsible for ensuring that Resubmitted Documents and Change Orders approved by the City in writing are implemented in design for the Project.

(g) Change Orders and Permitted Changes.

(i) If Developer desires to make changes to the Final Documents (that are not a Permitted Change), then Developer shall submit a Change Order Request to the City for review and approval. Within fourteen (14) days after the City receives the Change Order Request, the City shall deliver to Developer written notice that it approves or rejects the Change Order Request; provided that, if the City rejects all or any part of a Change Order Request, then such notice shall: (A) specify the part or parts that City is rejecting; and (B) include the specific basis for such rejection. Upon the City’s approval of a Change Order Request, or if the City fails to respond within the time period provided above, any such Change Order Request (and the Change Order) shall be deemed approved. Change Order Requests shall be deemed to be Submitted Documents.

(ii) Developer shall not be required to obtain the approval of the City with respect to a Permitted Change.

(h) Permits. Developer acknowledges that the Plan Refinement Process is in addition to, and not in lieu of, any plan review or Required Permits required under applicable Laws, and it

shall not be deemed a warranty or representation of any kind by City Bodies that Submitted Documents or Resubmitted Documents comply with, or are approved under, applicable Laws. Prior to commencing construction, Developer shall obtain Required Permits for the Project that are available prior to commencement and shall obtain the remainder of the Required Permits upon availability. The City shall use reasonable efforts to assist Developer in its efforts to obtain the Required Permits. Developer acknowledges that City Bodies cannot (and do not) guarantee that it will be able to obtain the Required Permits.

(i) Review Panel. Consistent with the Laws and notwithstanding anything to the contrary set forth herein, the City, at its option, may delegate all or any part of its review, approval, or rejection obligations pursuant to this Section 12 to the Plan Review Panel; provided, that no such delegation shall extend any of the timing deadlines set forth in this Section 12. Any determination by the Plan Review Panel shall be binding on City Bodies.

(j) Permitted Inspection. Upon reasonable written notice delivered to Developer, which notice shall specify the portion of the construction to be inspected, the City may perform a Permitted Inspection; provided, however, Permitted Inspections shall not typically occur more than one (1) time per calendar month. Within seven (7) business days after a Permitted Inspection, the City may deliver to Developer, a Non-Compliance Notice. If the City timely delivers a Non-Compliance Notice, then Developer shall correct, or cause to be corrected, as soon as is commercially practicable, all Material Defects identified in the Non-Compliance Notice, except and to the extent that any such Material Defect previously have been accepted, or deemed to have been accepted, by the City. Notwithstanding anything to the contrary set forth herein, all items or components of the Project with respect to which no Material Defect is identified in a timely Non-Compliance Notice shall be deemed to be accepted by the City.

(k) Final Inspection. If Developer delivers to the City a written request for a Final Inspection, then, on or before the later of the date that is ten (10) business days after: (i) receipt of such request; or (ii) the date specified in such request as the Substantial Completion date; the City shall: (A) conduct the Final Inspection; and (B) deliver a Non-Compliance Notice (if applicable) to Developer; provided that: (1) upon receipt of a Non-Compliance Notice, Developer shall correct, or cause to be corrected, as soon as is commercially practicable, all Material Defects identified in the Non-Compliance Notice; and (2) all then-completed items or components of the Project with respect to which no Material Defects are identified in a timely Non-Compliance Notice shall be deemed to be accepted by the City. If the City fails to conduct a Final Inspection within the time period provided above, the Project shall be deemed to be accepted by the City. All Material Defects shall be completed as soon as commercially practicable; and, upon correction of all Material Defect identified in the Non-Compliance Notice, the applicable work shall be deemed completed. Upon: (y) correction of all Material Defects identified in the Non-Compliance Notice; or (z) deemed acceptance pursuant to this Subsection; the City shall have no further inspection rights except to ensure compliance by Developer with the Required Permits and as permitted by the Laws.

(l) Failure to Cure. If Developer fails to cure any item in a Non-Compliance Notice or any Latent Defect identified in writing by the City, within forty-five (45) days of the receipt of such notice, then the City, in addition to any other right or remedy provided herein (and regardless

of any Cure Period provided herein), shall be entitled to Two Hundred Fifty and no/100 Dollars (\$250.00) per day from Developer for each day after the expiration of such 45-day period that any items in any (i) Non-Compliance Notice remain incomplete; or (ii) other notice of any Latent Defect remain incomplete; provided that, if such Material Defect or Latent Defect is of such a nature that it cannot be remedied within forty-five (45) days, despite reasonably diligent efforts, then the forty-five (45) day period shall be extended as may be reasonably necessary for Developer to remedy such Material Defect or Latent Defect (not to exceed ninety (90) days) so long as Developer commences to remedy such Material Defect or Latent Defect within the forty-five (45) day period and thereafter continuously and diligently pursues such remedy to completion.

(m) General. In the case of a Permitted Inspection or the Final Inspection, the Parties shall: (i) comply with all health and safety rules of which such party has been informed that have been established for personnel present on the construction site; and (ii) coordinate the inspections so that the inspections do not interfere with the performance of construction. The City and Developer each shall have the right to accompany, and/or have its construction manager accompany, the inspecting party during any Permitted Inspection and/or the Final Inspection.

(n) No Waiver of Police Power. The foregoing rights in favor of the City shall be addition to, and not in lieu of, any rights and remedies the City may have under this Agreement or applicable Laws; and nothing set forth herein shall be deemed to waive any authority, right, remedy, or power vested in any City Bodies under applicable Laws.

(o) Information Review. Upon City's request, Developer agrees to permit the the City to review and inspect copies of the following: (i) any third-party inspections and reports related to the construction of the Project; or (ii) receipts, invoices or other financial documents related to construction of the Project.

13. Taxpayer Agreement If required by Developer, Developer agrees to enter into a Taxpayer Agreement for the Bonds mutually acceptable to the City Bodies that (a) states that beginning the calendar year following the first January 1 after Substantial Completion of the applicable Project and continuing through each calendar year of the Bond Term, Developer agrees to (i) annually (in semi-annual payments on the dates that are five days prior to the next-due payment of debt service on the Bonds) pay RDC the positive difference, if any, between: (A) the amount of the required debt service payment on the Bonds; and (B) the Pledged Increment distributable to RDC for the applicable year; (b) provides that the payments due by Developer thereunder are secured by an annually renewable lien against the Project Site that is the same in nature and priority to (but different from and in addition to) the lien of Real Estate Taxes and, accordingly, shall: (i) be prior to any mortgage or other lien or encumbrance on such Project Site other than the lien of Real Estate Taxes; and (ii) renew automatically every January 1 during the Bond Term in its same priority; and (c) shall be recorded and run with the Project Site. City Bodies and Developer shall execute and record the Taxpayer Agreement at the Closing (if required by Developer). Nothing in this Agreement or the Taxpayer Agreement (if required by Developer) shall be deemed to release

Developer from any obligation to pay Real Estate Taxes on the Project Site regardless of when payable or assessed.

14. Default.

(a) Events of Default. It shall be an “Event of Default” if either Party fails to perform or observe any term or condition of this Agreement to be performed or observed by it if such default or failure is not cured within the applicable Cure Period.

(b) General Remedies. During the continuance of an Event of Default, the non-defaulting party may take whatever actions at law or in equity are necessary or appropriate to: (i) collect any payments due under this Agreement; (ii) protect the rights granted to the non-defaulting party under this Agreement; (iii) enforce the performance or observance by the defaulting Party of any term or condition of this Agreement (including, without limitation, the right to specifically enforce any such term or condition); or (iv) cure, for the account of the defaulting party, any failure of the defaulting party to perform or observe a material term or condition of this Agreement to be performed or observed by it.

(c) No Remedy Exclusive; Limitation. No right or remedy herein conferred upon, or reserved to, a non-defaulting party is intended to be exclusive of any other available right or remedy, unless otherwise expressly stated; instead, every such right or remedy shall be cumulative and in addition to every other right or remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission by a non-defaulting party to exercise any right or remedy upon any Event of Default shall impair any such right or remedy, or be construed to be a waiver thereof, and any such right or remedy may be exercised from time to time, and as often as may be deemed to be expedient. To entitle a non-defaulting party to exercise any of its rights or remedies, it shall not be necessary for the non-defaulting party to give notice to the defaulting party, other than such notice as may be required by this Agreement or by the Laws. In no event shall any party hereunder be liable to the other for punitive or consequential damages as a result of an Event of Default by such party. In the event either party hereto employs an attorney in connection with Claims by one party against the other arising from the operation of this Agreement, the non-prevailing party shall pay the prevailing party all reasonable fees and expenses, including attorneys’ fees, incurred in connection with such Claims. The term “prevailing party” as used in this Agreement shall include, but not be limited to, a party who obtains legal counsel or brings an action against the other by reason of the other’s breach or default and obtains substantially the relief sought whether by compromise, mediation, settlement, judgment or otherwise.

15. Mutual Indemnification.

(a) City Bodies. To the extent permitted by applicable Laws, City Bodies shall indemnify and hold harmless Developer from and against all Claims arising from the breach by City Bodies of any term or condition of this Agreement.

(b) Developer. Developer shall indemnify and hold harmless City Bodies from and against any and all Claims arising from: (i) breaches by Developer under contracts to which Developer is a party, to the extent that such contracts relate to the performance of any work on the

Project Site by Developer or any party acting by, under, through, or on behalf of Developer; (ii) injury to, or death of, persons or loss of, or damage to, property, suffered in connection with performance of any work on the Project Site by Developer or any party acting by, under, through, or on behalf of Developer; (iii) the negligence or willful misconduct of Developer or any party acting by, under, through, or on behalf of Developer; or (iv) the breach by Developer of any term or condition of this Agreement.

Notwithstanding anything to the contrary set forth herein, City Bodies' and Developer's obligations under this Section shall survive the termination of this Agreement.

16. Assignment.

(a) Upon Closing, this Agreement shall run with the Project Site and shall be binding on successors in title to the Project Site. Prior to Substantial Completion of the Project, Developer shall not assign this Agreement without the approval of the City, and the City Bodies shall not assign this Agreement without the prior written approval of the Developer; provided that: (i) without the prior written approval of Developer, City Bodies may assign this Agreement to another agency or instrumentality of the City that legally is able to perform the respective obligations hereunder; and (ii) without the prior written approval of City, Developer may assign, partially or in its entirety, this Agreement to (A) a third party controlling, controlled by or under common control with Developer, or (B) collaterally assign this Agreement (or portion hereof) to a Project Lender.

(b) Notwithstanding any assignment permitted under this Section, the applicable City Bodies or Developer, as the case may be, shall remain liable to perform all of the terms and conditions to be performed by it under this Agreement, and the approval by the other party of any assignment shall not release any City Bodies or Developer, as the case may be, from such performance; provided that, if any City Body assigns this Agreement to another agency or instrumentality of the City that: (i) has full power and authority to accept an assignment of this Agreement and carry out the respective obligations hereunder; and (ii) expressly assumes all such obligations in writing; then the applicable City Bodies shall be released from liability under this Agreement for all obligations to be performed after the date of such assignment and assumption.

17. Notice. Any notice required or permitted to be given by any party to this Agreement shall be in writing, and shall be given (and deemed to have been given) when: (a) delivered in person to the other party; (b) three (3) days after being sent by U.S. Certified Mail, Return Receipt Requested; or (c) the following business day after being sent by national overnight delivery service, with confirmation of receipt. Notice shall be provided as follows: if to (x) the City Bodies: City of Fishers, Attn: Lindsey Bennett, City Attorney, 3 Municipal Drive, Fishers, Indiana 46038, with copies (via email, only) to: Jennifer Messer, jennifermesserlaw@gmail.com, and (z) Developer at The Wanas Group, 11205 Governors Ln, Fishers, IN 46037, Attn: Hossam Wanas, CEO, with copies (via email, only) to: J. Murray Clark, murray.clark@faegredrinker.com. Each of the Parties may change its address for notice from time to time by delivering notice to the other party as provided above.

18. Authority. Each undersigned person executing this Agreement on behalf of the City, EDC, RDC and Developer represents and certifies that: (a) he or she has been empowered and authorized by all necessary action of the City, EDC RDC, or Developer, respectively, to execute and deliver this Agreement; (b) he or she has full capacity, power, and authority to enter into and carry out this Agreement; and (c) the execution, delivery, and performance of this Agreement duly have been authorized by the City, RDC, EDC and Developer, respectively; provided, however, each of the City's, EDC and RDC's ability to perform under this Agreement is subject to completion of certain procedures required by Laws which the City, EDC and RDC agree to undertake with diligence and in good faith.

19. Force Majeure. Notwithstanding anything to the contrary set forth herein, if any Party is delayed in, or prevented from, observing or performing any of its obligations (other than the obligation to pay money, including any payment required pursuant to the Taxpayer Agreement (if required by Developer) under, or satisfying any term or condition of, this Agreement as a result of Force Majeure, then: (a) the party asserting Force Majeure shall deliver written notice to the other party; (b) such observation, performance, or satisfaction shall be excused for the period of days that such observation, performance, or satisfaction is delayed or prevented; and (c) the deadlines for observation, performance, and satisfaction, as applicable, shall be extended for the same period. The Parties acknowledge the ongoing COVID-19 pandemic, and agree: (y) to exercise commercially reasonable, good-faith efforts to: (i) consider all then-current information with respect to; and (ii) adjust for shortages that reasonably can be anticipated with respect to materials, equipment, services, and/or labor that reasonably are likely to occur as a result of; the COVID-19 pandemic; and (z) that, notwithstanding that the COVID-19 pandemic falls within the definition of "Force Majeure", the protections of this Section shall not apply to a claim of Force Majeure based on COVID-19 if the applicable party fails to comply with the foregoing requirement.

20. Merger. All prior agreements, understandings, and commitments with respect to the transaction contemplated herein are hereby superseded, terminated, and merged herein, and shall be of no further force or effect. Absent an amendment to, or modification of, this Agreement in accordance with this section, in no event shall City Bodies be obligated to perform any work, incur any expenses, or provide any incentives (whether with respect to the Project Site, the Project, or any site or improvements adjacent to, or in the vicinity of, the Project Site) other than as specifically set forth in this Agreement. This Agreement may be amended or modify only by written instrument executed by City Bodies and Developer.

21. Miscellaneous. Subject to Section 16, this Agreement shall inure to the benefit of, and be binding upon, City Bodies and Developer, and their respective successors and assigns. This Agreement may be signed in one or more counterparts, each of which shall constitute one and the same instrument. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Indiana. All proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts in Hamilton County, Indiana, or the federal courts with venue that includes Hamilton County, Indiana. Developer waives, to the extent permitted under applicable law: (a) the right to a trial by jury; and (b) any right Developer may have to: (i) assert the doctrine of "forum non conveniens"; or (ii) object to venue. This Agreement may be modified

only by a written agreement signed by the City, EDC, RDC, and Developer. All Exhibits to this Agreement are attached hereto and incorporated herein by reference. Time is of the essence in this Agreement. If any provision of this Agreement or application to any party or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Agreement or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law; provided that, in lieu of such invalid or unenforceable provision, there will be added to this Agreement a provision as similar to the invalid or unenforceable provision as is possible to reflect the intent of the Parties and still be valid and enforceable. The captions in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope of this Agreement or the scope or content of any of its provisions. Nothing contained in this Agreement shall be construed to create a partnership, employment relationship or joint venture between Developer, the City, EDC, and RDC or their successors in interest. Unless otherwise specified, in computing any period of time described herein, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is a Saturday, Sunday or legal holiday for national banks in Fishers, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. Any amounts due or to be paid hereunder shall bear interest at the prime rate as published in *The Wall Street Journal* plus five percent (5%) per annum from the date due until paid.

22. Execution of Agreement. Upon City Bodies' approval and execution of this Agreement, the City shall provide to Developer the executed Agreement (the "City-Executed Agreement"). Within ten (10) days of Developer's receipt of the City-Executed Agreement, Developer shall execute this Agreement and provide the City a copy of such fully executed Agreement. Failure to strictly comply with this Section 22 shall terminate and automatically revoke any offer made by City Bodies herein, and shall, without further action of any of City Bodies, nullify and render of no force or effect City Bodies' approval of this Agreement.

Index of Exhibits:

Exhibit A:	Project Proceeds
Exhibit B:	Concept Plan
Exhibit C:	Project Site
Exhibit D:	Insurance

[signatures on following pages]

IN WITNESS WHEREOF, the City, EDC, RDC and Developer have executed this Project Agreement as of the day and year first written above.

“CITY”

CITY OF FISHERS, INDIANA

By: _____
Scott Fadness, Mayor

R041723A

“EDC”

**CITY OF FISHERS ECONOMIC
DEVELOPMENT COMMISSION**

By: _____

“RDC”

FISHERS REDEVELOPMENT
COMMISSION

By: _____
Damon Grothe, President

ATTEST:

By: _____
Brad Johnson, Secretary

“DEVELOPER”

The Villages Holding Group, LLC

By: _____

Its: _____

Exhibit A Project Proceeds

CITY OF FISHERS, INDIANA

Proposed Village Project

ILLUSTRATIVE PROJECT COSTS AND FUNDING

Assumes the Bonds are purchased by the Developer with a 7% interest rate

Illustrative Project Costs:

Net proceeds available for project	\$12,020,000
Capitalized interest through and including August 1, 2026 (1)	3,231,480
Allowance for costs of issuance and contingencies	<u>136,520</u>
Total Illustrative Project Costs	<u><u>\$15,388,000</u></u>

Illustrative Project Funding:

Illustrative Taxable Economic Development Revenue Bonds, Series 2023 (2)	<u><u>\$15,388,000</u></u>
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- (1) Assumes the Developer will capitalize interest until project completion. The final financing structure will determine the amount of interest that will be capitalized or possibly eliminated.
(2) Assumes the Developer purchases the Bonds.

(Subject to the attached letter dated March 2, 2023)
(Preliminary - Subject to Change)
(For Internal Use Only)

Exhibit B
Concept Plan
[included on following pages]



Exhibit C Project Site

Table 1

Formatted Parcel No	Last Transfer Date	Deeded Owner	Address	House No	Street Dir	Street Name	Street Suffix	City	Zip	Legal Description
14-11-31-03-01-01 0.000	3/15/2022, 12:00 AM	The Village Holding Group LLC	12002 Lantern Rd	12002		Lantern Rd		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 7
14-11-31-03-01-00 1.000	4/1/2022, 12:00 AM	The Village Holding Group LLC	12162 Lantern Rd	12162		Lantern Rd		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 17
14-11-31-03-01-00 9.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8803 E 121st St	8803	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 8
14-11-31-03-01-01 6.000	10/19/202 1, 12:00 AM	The Village Holding Group LLC	11968 Lantern Rd	11968		Lantern Rd		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 1
14-11-31-03-01-01 5.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8821 Circle Dr	8821		Circle Dr		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 2
15-11-31-03-01-00 5.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8850 E 121st St	8850	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 13
14-11-31-03-01-01 3.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8830 Circle Dr	8830		Circle Dr		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 4 Irregular Shape
14-11-31-03-01-01 2.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8830 Circle Dr	8830		Circle Dr		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 5 Irregular Shape
14-11-31-03-01-00 2.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8820 E 121st St	8820	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 16

Formatted Parcel No	Last Transfer Date	Deeded Owner	Address	House No	Street Dir	Street Name	Street Suffix	City	Zip	Legal Description
14-11-31-03-01-00 6.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	8843 E 121st St	8843	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 12 & 11
14-11-31-03-01-00 7.000	12/29/2021, 12:00 AM	The Village Holding Group LLC	8833 E 121st St	8833	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 10 Irregular Shape
14-11-31-03-01-00 3.000	12/29/2021, 12:00 AM	The Village Holding Group LLC	8830 E 121st St	8830	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 15
14-11-31-03-01-00 4.000	10/26/2021, 12:00 AM	The Village Holding Group LLC	8844 E 121st St	8844	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 14 Irregular Shape
14-11-31-03-01-01 4.000	7/15/2022, 12:00 AM	The Village Holding Group LLC	0 Circle Dr	0		Circle Dr		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 3
14-11-31-03-01-00 8.000	1/20/2022, 12:00 AM	The Village Holding Group LLC	8813 E 121st St	8813	E	121st	St	Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 9
14-11-31-03-01-01 1.000	10/20/2021, 12:00 AM	Village Holding Group LLC	8850 Circle Dr	8850		Circle Dr		Fishers	46038	Acreage .00 Section 31, Township 18, Range 5 CIRCLE HEIGHTS Section 1 Lot 6

Exhibit D
Developer Insurance Requirements

Developer shall obtain and maintain and require any general contractor or subcontractor(s) to obtain and maintain the below listed policies of insurance written by a Developer reasonably acceptable to the City and for which certificates of insurance shall be provided to the City prior to commencement of any work on the Project. The City and the Redevelopment Commission shall be named as additional insureds on Developer's Commercial General Liability policies of insurance.

1.	Workers Compensation insurance coverage in accordance with statutory requirements.
2.	Employers Liability Insurance with limits of not less than \$1,000,000.00 each accident; \$1,000,000.00 Disease- each employee; and \$1,000,000.00 Disease Policy Limit.
3.	Commercial General Liability Insurance on ISO form GC0001 10 01 (or a substitute form providing equivalent coverage) and General Contractor and Subcontractors shall provide the Developer with Certificate of Insurance and Additional Insured Endorsement on ISO form GC2010 11 85 (or a substitute form providing equivalent coverage) and CG2037 10 01 (or substitute forms providing equivalent coverage) naming the City and the Redevelopment Commission as additional insureds thereunder. Additional insured coverage shall apply as primary insurance with respect to any other insurance afforded the City and the Redevelopment Commission per the follows: \$1,000,000.00 Each Occurrence (BI & PD Combined Single Limit); \$2,000,000.00 General Occurrence (subject to per project general aggregate provision); and
4.	Business Automobile Liability Insurance: Written in the amount of not less than \$1,000,000.00 each accident to include the City and the Redevelopment Commission as additional insureds.
5.	Umbrella Liability: \$2,000,000.00.

RESOLUTION NO. R041723A

RESOLUTION APPROVING PROJECT AGREEMENT

WHEREAS, The Village Holding Group, LLC ("Developer") is an Indiana real estate development company that has successfully delivered complicated multi-family and other high-density residential communities internationally, including, most recently, in the Middle East;

WHEREAS, Developer submitted a proposal to the City for a multi-family, townhome and condominium development to be located on sixteen (16) parcels of property generally located south of 121st Street and west of Technology Lane in the City;

WHEREAS, the Project will include the following: development and construction of a (a) four-story, multifamily building comprised of eighty-seven (87) for-lease multifamily units; (b) six-story, residential building comprised of forty (40) for-sale condominiums; (c) six-story, residential building comprised of sixty-one (61) for-sale condominiums; and (d) forty-one (41), four-story townhomes;

WHEREAS, Developer anticipates investing approximately Seventy-Five Million and no/100 Dollars (\$75,000,000.00) developing the Project, and the City desire to approve the Project pursuant to a project agreement substantially similar to the Project Agreement attached hereto as **Exhibit A** (the "Agreement"); and

WHEREAS, capitalized words used but not defined herein are used with the meaning ascribed to such terms in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. A project agreement substantially similar to the Agreement is hereby approved.

Section 2. The Mayor is hereby authorized to execute a project agreement in substantially similar form to the Agreement.

Section 3. This Resolution shall be in full force and effect upon passage.

ALL OF WHICH IS RESOLVED by the Common Council of the City of Fishers, Hamilton County, Indiana this 17th day of April, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Todd Zimmerman President		
	John Weingardt Vice President		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	David Giffel, Member		
	Crystal Neumann, Member		
	Pete Peterson, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2023, at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett



Council Action Form

MEETING DATE	April 17, 2023			
TITLE	AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING CHAPTERS 36 AND 118 OF THE CODE OF ORDINANCES			
SUBMITTED BY	Name & Title: Lindsey Bennett, City Attorney			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading
	Ordinance #: 032023		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	

HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office
APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office	
	☒ Department Head	☐ Finance Committee	
	☐ Deputy Mayor	☐ Technical Advisory Committee	
	☐ Mayor	☐ Other:	
	☒ Legal Counsel – <i>Name of Reviewer: Lindsey Bennett</i>		
BACKGROUND (Includes description, background, and justification)	We are requesting an amendment to the towing ordinance (Chapter 118) to bring the ordinance up to date with current law and current practice. The fine has been updated and will be placed in the Ordinance Violations Bureau (Section 36.08).		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$: none		
	Source of Funds: none		
	Additional Appropriation #:		
	Narrative:		
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Have 1 st Reading	
	2.	Do not have 1 st Reading	
	3.	Provide alternative direction	
	4.		
PROJECT TIMELINE			
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff has reviewed and recommends approving the ordinance.		
SUPPLEMENTAL INFORMATION (List all attached documents)			

ORDINANCE NO. 032023

**AN ORDINANCE OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA,
AMENDING CHAPTERS 36 AND 118 OF THE CITY OF FISHERS CODE OF
ORDINANCES**

WHEREAS, pursuant to Indiana Code §36-8-3-10, the City of Fishers' Police Department has authority to develop a list of businesses to provide towing services in the event there is a vehicle on the streets of the city that impedes the orderly flow of traffic, that needs to be towed for an investigation or that is in violation of state or local laws;

WHEREAS, the City has established, pursuant to Indiana Code §33-36-3-1 et seq. an Ordinance Violations Bureau (OVB) and a schedule of ordinance provisions that may be paid into the OVB;

WHEREAS, the City desires to amend its Chapter 118, Towing for Disabled Vehicles to reflect law and policy updates; and

WHEREAS, the City desires to amend Section 36.08 to allow payment of violations of Chapter 118 to be paid into the OVB.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. Chapter 36 is amended to add the following:

§ 36.08 SCHEDULE OF FINES.

- (A) Fines or fees imposed by reason of a violation of any of the following ordinances shall be eligible for disposition at the Ordinance Violations Bureau established within the city.

Violation – Towing for Disabled Vehicles	Code Section	First Violation	Second Violation
All Sections	118.99	\$150	\$250

Section 2. Chapter 118 is amended as follows:

§ 118.01 DEFINITIONS AND GENERAL PROVISIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLEANUP. The act of removing debris, fluids, and related items resulting from an accident or disabled vehicle.

DISABLED VEHICLE. A motor vehicle, as defined by IC 9-13-2-105, that has been damaged or rendered permanently or temporarily inoperative as a result of a collision or accident, wear and tear, mechanical failure or any other cause, for which a law enforcement agency has requested removal. **DISABLED VEHICLE** shall also include all motor vehicles, as defined above, that necessitate towing services, due to violation of state statute(s), local ordinance(s), or other applicable laws.

EQUIPMENT FEES. The fees charged for use of equipment and other tangible goods necessary to effect the removal of a disabled vehicle and debris from the roadway.

LABOR. The work required to effectuate the towing service.

LARGE SCALE ACCIDENTS. Any incident that involve four or more disabled vehicles or any incident that involves a vehicle that weighs 14,500 pounds or more.

LIEN FEE. All fees associated with lien services the tow business is required to perform pursuant to IC 9-22 et seq.

RECOVERY FEE. All fees associated with winching, rolling, dragging, and moving a vehicle onto the roadway.

STORAGE FEE. A fee charged to store a disabled vehicle in a storage location.

STORAGE LOCATION. A secure facility or location that acts as a repository for towed vehicles.

TOWING LIST. A list of towing businesses that have timely responded to the Fishers Police request for proposal requesting towing services and have met Fishers Police's request for proposal requirements.

TOWING SERVICES. The act of removing a disabled vehicle from a public or private road area by attaching, lifting, pulling or dragging and storing such vehicles in a secure facility or location, and shall also include, but not be limited to, all labor, , equipment, and cleanup required to effectuate the tow.

TOW VEHICLE. Any motor vehicle used for the purpose of towing or moving vehicles.

TOWING BUSINESS. A person or commercial entity that is engaged in, or offers the service of moving vehicles from one place to another by the use of a tow truck and has been selected for placement on the Towing List.

WINDOW WRAP FEE. Any fee associated with covering windows on a vehicle.

§ 118.02 AUTHORITY TO REMOVE AND STORE VEHICLES.

When a disabled vehicle is found upon the highways or streets in the city and impedes the orderly flow of traffic, needs to be towed for law enforcement investigation(s), or needs to be towed due to violation of state statute(s), local ordinance(s), or other applicable laws, Fishers Police Department ("Fishers Police") may have the disabled vehicle towed to a storage location. Tows initiated under this chapter shall be considered involuntary.

§ 118.03 REQUEST FOR PROPOSALS.

Fishers Police may issue Request for Proposals (RFPs) pursuant to IC 5-22-9 et seq. to solicit towing businesses to provide towing services. The Board of Public Works & Safety may place on a list any towing businesses that meet the requirements of this Chapter. The number of companies selected through a RFP process shall be based upon the need of the Fishers Police. Fishers Police may select as many or as few companies as it needs to fulfill its requirements as long as the companies chosen are selected through the evaluation factors set forth in this chapter and a RFP. Selection of a business for inclusion on the towing list does not create a license within the meaning of IC §36-5-4-11. The Fishers Police Chief, or his designee, have the discretion to remove towing businesses from the list if at any time they violate this Chapter, if the towing business no longer fulfills the Fishers Police requirements or if Fishers Police no longer needs the towing business.

§ 118.04 USE OF TOWING BUSINESSES.

Towing businesses may be used by Fishers Police on a rotational basis until a towing business is removed from the Fishers Police towing list, either voluntarily or involuntarily.

§ 118.05 REMOVAL AND STORAGE OF TOWED DISABLED VEHICLE.

(A) *Consultation with officer.* Towing businesses shall consult the investigating officer prior to removing a disabled vehicle.

(B) *Accident cleanup.* The towing business shall cleanup the accident site. Local, state and federal regulations shall govern the use and disposal of absorbent use to remove oil, antifreeze or other chemicals.

(C) *Disabled vehicle removal.* Upon approval of the investigating officer, towing businesses shall immediately move disabled vehicles to the towing businesses' storage location, or to the Police Department as directed by the officer on the scene, unless the towing business has written approval from the owner or operator of the disabled vehicle and the officer to move it to another location.

(D) *Storage location.* Towed disabled vehicles shall be secured inside the storage location until the owner or owner's authorized agent secures possession of the disabled vehicle. It shall be a violation of this section to leave a disabled vehicle unattended outside a storage location.

(E) *Stolen vehicles.*

(1) If any disabled vehicle is damaged or stolen while located at or about a storage location, the towing business shall notify the appropriate law enforcement agency immediately upon discovery and shall file a report.

(2) For security purposes motorcycles, mopeds, all-terrain vehicles and disabled vehicles of a similar nature may be secured within a building owned or leased by the police initiated licensed towing company at the registered business address.

§ 118.06 OFFICE REQUIREMENTS.

(A) Each towing business shall maintain an office area where business can be conducted and records maintained.

(B) The office address shall be the same as the towing business' storage location.

(C) The office shall be readily identifiable and name of the business and hours of operation shall be conspicuously posted.

§ 118.07 STORAGE FACILITY REQUIREMENTS.

All towing businesses shall:

(A) maintain a storage location in Hamilton County.

(B) maintain an onsite attendant at the storage location 24 hours per day, seven days per week excluding holidays, to return any vehicle claimed by the vehicle's owner, upon the payment of towing and storage charges; or

(C) Post a conspicuous and well-lit sign at the storage location that lists the telephone number where the owner, manager, or attendant of the storage location may be reached at any time 24 hours per day, seven days per week, excluding holidays, so that a towed vehicle may be claimed in a minimum amount of time, not to exceed 60 minutes.

§ 118.08 HOLIDAYS.

For disabled vehicles towed not more than 24 hours before Christmas, Easter, Memorial Day, Fourth of July, Labor Day or Thanksgiving, storage fees shall not accrue while the storage facility is not open for vehicle redemption.

§ 118.09 CONTINUOUS SERVICE.

Towing services shall be provided by the towing business 24 hours per day unless a tow vehicle is unavailable. If a tow vehicle is unavailable, the tow business shall immediately notify the law enforcement agency making the tow request.

§ 118.10 STORAGE CAPACITY.

If a towing businesses' storage Hamilton County location is at maximum capacity, the towing business shall immediately advise the law enforcement agency and shall not accept a request for towing services from a law enforcement agency; at which time the law enforcement agency shall make other arrangements with a separate contract tower.

§ 118.11 TOWING CAPACITY.

Towing businesses shall respond with one towing vehicle for each disabled vehicle reported by the law enforcement agency, unless the responding towing vehicle is designed to move more than one disabled vehicle at a time. If the towing business does not have enough available towing vehicles for the call, the towing business may seek assistance from another towing company that is also selected through a RFP. All towing companies contacted for assistance shall have the equipment needed to effectuate the tow. If the towing company contacted to assist with the tow does not have the required equipment for the situation and responds, it shall be a violation of this chapter and the towing company may be removed from the rotation list. The towing company shall notify the calling officer of this situation at the time the officer calls.

§ 118.12 SUBCONTRACTORS.

A towing business shall not subcontract any portion of towing services described by this chapter, unless expressly authorized by the Police Department.

§ 118.13 FEES.

(A) It shall be a violation of this chapter for a towing business to charge more than the following rates for a tow initiated pursuant this chapter:

- | | |
|---|--|
| (1) Towing a disabled vehicle/hook up fee | \$195 |
| (2) Recovery fee | \$75 |
| (3) Storage fee | \$35 for each 24-hour period of storage; provided, however that a storage fee may not begin to accrue until the next business day after the vehicle arrives at the storage facility. Provided however, that if a vehicle arrives to the storage facility on or after 9:00 p.m., the storage fee shall not begin to accrue until the day after the next business day the vehicle arrives. |
| (4) Removing a vehicle from storage | \$25 |
| (5) Lien fee | \$75 |
| (6) Window wrap fee | \$50 total |

(B) The maximum allowable rates apply to towing services requested by a law enforcement agency and provided within the city's' municipal boundaries regardless

of the disabled vehicle's location and/or physical condition. The towing business shall only charge for the specific services provided. The towing business shall not charge any additional fees for clean up, mileage, equipment fees, labor, or any other fee, for towing services initiated under this chapter.

- (C) The owner of the vehicle shall be responsible for all charges incurred pursuant to this Section.

§ 118.14 LARGE SCALE ACCIDENT FEES.

The rates and fees charged for large scale accidents shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person. The owner of the vehicle shall be responsible for all charges incurred pursuant to this Section.

§ 118.15 TOW RATE SHEET.

Towing businesses shall provide a tow rate sheet, that includes all of the tow business's prices for the towing services, to the owner or owner's agent responsible for the disabled vehicle. If a person is not present at the time the towing services are provided, the towing business shall leave the tow rate sheet with the disabled vehicle.

§ 118.16 PAYMENT.

Additional charges shall not be imposed on the owner of the vehicle for the use of a debit or credit card.

§ 118.17 RECEIPTS.

Upon payment of towing and storage fees, a towing business that provides tow services under this chapter shall provide a receipt to the vehicle's owner that contains the following information:

- (A) The name and address of the towing business;
- (B) The date and time that the vehicle entered the storage facility; and
- (C) An itemized list of the fees being charged.

§ 118.18 SUBSEQUENT TOWING SERVICES.

Charges for subsequent towing services after completion of the initial towing service requested by a law enforcement agency are not limited to the maximum allowable rates set forth in § 118.13 unless the request:

- (A) Is made by a law enforcement agency; and
- (B) Is to have the vehicle moved from a facility owned by and operated by the city to the towing businesses' storage location.

§ 118.19 EMPLOYEE BACKGROUND CHECKS.

Companies selected to provide towing services through a RFP process shall perform national background checks on all newly hired employees.

§ 118.20 IDENTIFICATION OF WRECKERS.

Companies selected to provide towing services through a RFP process shall have the company name, address and business phone number on the outside of the wrecker, in letters not less than four inches in height. The information shall be reasonably visible.

§ 118.21 CONTRACTOR'S EMPLOYEES.

Contractors selected through a RFP shall require employees to wear a uniform that identifies the tow business when responding to a call for towing services under this chapter.

§ 118.22 ADDITIONAL SERVICES.

Services different than or in addition to those set forth in § 118.13 or 118.14 and requested by the vehicle's owner are not limited to the maximum allowable rates.

§ 118.23 PROOF OF INSURANCE.

A towing business may require proof of insurance if the owner desires to drive the vehicle from the storage facility; however, a towing business may not withhold a vehicle for failure to provide proof of insurance.

§ 118.24 ACCIDENT RECONSTRUCTION SCENE.

This chapter shall not be applicable to accident reconstruction(s) conducted by the city.

§ 118.99 PENALTY.

Citations for violation of this chapter may be issued by the Fishers Police Department. Each violator of the restrictions and provisions of this chapter shall pay a fine to the city's Ordinance Violations Bureau in the sum and amount set forth in § 36.08. If the violation is not paid, an enforcement action may be filed by the City Attorney's office in the Fishers City Court.

Section 3. All other provisions of the City's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 4. This Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this 17th day of April , 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

032023

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the ___ 17th ___ day of ___ April ___, 2023 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, 1 Municipal Drive, Fishers, IN 46038.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/ Lindsey Bennett



ORDINANCE NO. 032023

**AN ORDINANCE OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA,
AMENDING CHAPTERS 36 AND 118 OF THE CITY OF FISHERS CODE OF
ORDINANCES**

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WHEREAS, the City desires to amend its Chapter 118, Towing for Disabled Vehicles to reflect law and policy updates; and

WHEREAS, the City desires to amend Section 36.08 to allow payment of violations of Chapter 118 to be paid into the OVB.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

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§ 36.08 SCHEDULE OF FINES.

- (A) Fines or fees imposed by reason of a violation of any of the following ordinances shall be eligible for disposition at the Ordinance Violations Bureau established within the city.

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LABOR. The work required to effectuate the towing service.

LARGE SCALE ACCIDENTS. Any incident that involve four or more disabled vehicles or any incident that involves a vehicle that weighs 14,500 pounds or more.

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Fishers Police may issue Request for Proposals (RFPs) pursuant to IC 5-22-9 et seq. to solicit towing businesses to provide towing services. The Board of Public Works & Safety may place on a list any towing businesses that meet the requirements of this Chapter. The number of companies selected through a RFP process shall be based upon the need of the Fishers Police. Fishers Police may select as many or as few companies as it needs to fulfill its requirements as long as the companies chosen are selected through the evaluation factors set forth in this chapter and a RFP. Selection of a business for inclusion on the towing list does not create a license within the meaning of IC §36-5-4-11. The Fishers Police Chief, or his designee, have the discretion to remove towing businesses from the list if at any time they violate this Chapter, if the towing business no longer fulfills the Fishers Police requirements or if Fishers Police no longer needs the towing business.

§ 118.04 USE OF TOWING BUSINESSES.

Towing businesses may be used by Fishers Police on a rotational basis until a towing business is removed from the Fishers Police towing list, either voluntarily or involuntarily.

§ 118.05 REMOVAL AND STORAGE OF TOWED DISABLED VEHICLE.

(A) *Consultation with officer.* Towing businesses shall consult the investigating officer prior to removing a disabled vehicle.

(B) *Accident cleanup.* The towing business shall cleanup the accident site. Local, state and federal regulations shall govern the use and disposal of absorbent use to remove oil, antifreeze or other chemicals.

(C) *Disabled vehicle removal.* Upon approval of the investigating officer, towing businesses shall immediately move disabled vehicles to the towing businesses' storage location, or to the Police Department as directed by the officer on the scene, unless the towing business has written approval from the owner or operator of the disabled vehicle and the officer to move it to another location.

(D) *Storage location.* Towed disabled vehicles shall be secured inside the storage location until the owner or owner's authorized agent secures possession of the disabled vehicle. It shall be a violation of this section to leave a disabled vehicle unattended outside a storage location.

(E) *Stolen vehicles.*

(1) If any disabled vehicle is damaged or stolen while located at or about a storage location, the towing business shall notify the appropriate law enforcement agency immediately upon discovery and shall file a report.

(2) For security purposes motorcycles, mopeds, all-terrain vehicles and disabled vehicles of a similar nature may be secured within a building owned or leased by the police initiated licensed towing company at the registered business address.

§ 118.06 OFFICE REQUIREMENTS.

(A) Each towing business shall maintain an office area where business can be conducted and records maintained.

(B) The office address shall be the same as the towing business' storage location.

(C) The office shall be readily identifiable and name of the business and hours of operation shall be conspicuously posted.

§ 118.07 STORAGE FACILITY REQUIREMENTS.

All towing businesses shall:

(A) maintain a storage location in Hamilton County.

(B) maintain an onsite attendant at the storage location 24 hours per day, seven days per week excluding holidays, to return any vehicle claimed by the vehicle's owner, upon the payment of towing and storage charges; or

(C) Post a conspicuous and well-lit sign at the storage location that lists the telephone number where the owner, manager, or attendant of the storage location may be reached at any time 24 hours per day, seven days per week, excluding holidays, so that a towed vehicle may be claimed in a minimum amount of time, not to exceed 60 minutes.

§ 118.08 HOLIDAYS.

For disabled vehicles towed not more than 24 hours before Christmas, Easter, Memorial Day, Fourth of July, Labor Day or Thanksgiving, storage fees shall not accrue while the storage facility is not open for vehicle redemption.

§ 118.09 CONTINUOUS SERVICE.

Towing services shall be provided by the towing business 24 hours per day unless a tow vehicle is unavailable. If a tow vehicle is unavailable, the tow business shall immediately notify the law enforcement agency making the tow request.

§ 118.10 STORAGE CAPACITY.

If a towing businesses' storage Hamilton County location is at maximum capacity, the towing business shall immediately advise the law enforcement agency and shall not accept a request for towing services from a law enforcement agency; at which time the law enforcement agency shall make other arrangements with a separate contract tower.

§ 118.11 TOWING CAPACITY.

Towing businesses shall respond with one towing vehicle for each disabled vehicle reported by the law enforcement agency, unless the responding towing vehicle is designed to move more than one disabled vehicle at a time. If the towing business does not have enough available towing vehicles for the call, the towing business may seek assistance from another towing company that is also selected through a RFP. All towing companies contacted for assistance shall have the equipment needed to effectuate the tow. If the towing company contacted to assist with the tow does not have the required equipment for the situation and responds, it shall be a violation of this chapter and the towing company may be removed from the rotation list. The towing company shall notify the calling officer of this situation at the time the officer calls.

§ 118.12 SUBCONTRACTORS.

A towing business shall not subcontract any portion of towing services described by this chapter, unless expressly authorized by the Police Department.

§ 118.13 FEES.

(A) It shall be a violation of this chapter for a towing business to charge more than the following rates for a tow initiated pursuant this chapter:

- | | |
|---|--|
| (1) Towing a disabled vehicle/hook up fee | \$195 |
| (2) Recovery fee | \$75 |
| (3) Storage fee | \$35 for each 24-hour period of storage; provided, however that a storage fee may not begin to accrue until the next business day after the vehicle arrives at the storage facility. Provided however, that if a vehicle arrives to the storage facility on or after 9:00 p.m., the storage fee shall not begin to accrue until the day after the next business day the vehicle arrives. |
| (4) Removing a vehicle from storage | \$25 |
| (5) Lien fee | \$75 |
| (6) Window wrap fee | \$50 total |

(B) The maximum allowable rates apply to towing services requested by a law enforcement agency and provided within the city's' municipal boundaries regardless

of the disabled vehicle's location and/or physical condition. The towing business shall only charge for the specific services provided. The towing business shall not charge any additional fees for clean up, mileage, equipment fees, labor, or any other fee, for towing services initiated under this chapter.

- (C) The owner of the vehicle shall be responsible for all charges incurred pursuant to this Section.

§ 118.14 LARGE SCALE ACCIDENT FEES.

The rates and fees charged for large scale accidents shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person. The owner of the vehicle shall be responsible for all charges incurred pursuant to this Section.

§ 118.15 TOW RATE SHEET.

Towing businesses shall provide a tow rate sheet, that includes all of the tow business's prices for the towing services, to the owner or owner's agent responsible for the disabled vehicle. If a person is not present at the time the towing services are provided, the towing business shall leave the tow rate sheet with the disabled vehicle.

§ 118.16 PAYMENT.

Additional charges shall not be imposed on the owner of the vehicle for the use of a debit or credit card.

§ 118.17 RECEIPTS.

Upon payment of towing and storage fees, a towing business that provides tow services under this chapter shall provide a receipt to the vehicle's owner that contains the following information:

- (A) The name and address of the towing business;
- (B) The date and time that the vehicle entered the storage facility; and
- (C) An itemized list of the fees being charged.

§ 118.18 SUBSEQUENT TOWING SERVICES.

Charges for subsequent towing services after completion of the initial towing service requested by a law enforcement agency are not limited to the maximum allowable rates set forth in § 118.13 unless the request:

- (A) Is made by a law enforcement agency; and
- (B) Is to have the vehicle moved from a facility owned by and operated by the city to the towing businesses' storage location.

§ 118.19 EMPLOYEE BACKGROUND CHECKS.

Companies selected to provide towing services through a RFP process shall perform national background checks on all newly hired employees.

§ 118.20 IDENTIFICATION OF WRECKERS.

Companies selected to provide towing services through a RFP process shall have the company name, address and business phone number on the outside of the wrecker, in letters not less than four inches in height. The information shall be reasonably visible.

§ 118.21 CONTRACTOR'S EMPLOYEES.

Contractors selected through a RFP shall require employees to wear a uniform that identifies the tow business when responding to a call for towing services under this chapter.

§ 118.22 ADDITIONAL SERVICES.

Services different than or in addition to those set forth in § 118.13 or 118.14 and requested by the vehicle's owner are not limited to the maximum allowable rates.

§ 118.23 PROOF OF INSURANCE.

A towing business may require proof of insurance if the owner desires to drive the vehicle from the storage facility; however, a towing business may not withhold a vehicle for failure to provide proof of insurance.

§ 118.24 ACCIDENT RECONSTRUCTION SCENE.

This chapter shall not be applicable to accident reconstruction(s) conducted by the city.

§ 118.99 PENALTY.

Citations for violation of this chapter may be issued by the Fishers Police Department. Each violator of the restrictions and provisions of this chapter shall pay a fine to the city's Ordinance Violations Bureau in the sum and amount set forth in § 36.08. If the violation is not paid, an enforcement action may be filed by the City Attorney's office in the Fishers City Court.

Section 3. All other provisions of the City's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 4. This Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this 17th day of April, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

032023

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the ___ 17th ___ day of ___ April ___, 2023 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, 1 Municipal Drive, Fishers, IN 46038.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/ Lindsey Bennett





Council Action Form

MEETING DATE	April 17, 2023			
TITLE	RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA, APPROVING AGREEMENT BY AND BETWEEN HAMILTON SOUTHEASTERN SCHOOLS AND CITY OF FISHERS REGARDING SCHOOL RESOURCE OFFICERS			
SUBMITTED BY	Name & Title: Lindsey Bennett, City Attorney			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☐ Ordinance	☒ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading
	Ordinance #:		Resolution #: R041723B	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☒ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	

HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office
APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head		☐ Controller's Office
	☒ Department Head		☐ Finance Committee
	☐ Deputy Mayor		☐ Technical Advisory Committee
	☐ Mayor		☐ Other:
	☒ Legal Counsel – <i>Name of Reviewer: Lindsey Bennett</i>		
BACKGROUND (Includes description, background, and justification)	In the best interest of families served by Hamilton Southeastern Schools ("HSE") and the broader community, HSE and the City of Fishers Police Department ("Police Department") desire to work together to help provide for the safety of HSE students, HSE employees and the greater community. Pursuant to Ind. Code §36-1-7 et. seq., the Police Department and HSE desire to enter into an Interlocal Agreement ("Agreement") that establishes the relationship of the parties and how they will collaboratively work to best serve HSE and the broader community. The Police Department and HSE believe it is in the best interest of HSE students, employees and the community that Fishers police officers serve as School Resource Officers ("SROs") as further specified within the Agreement.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:		
	Expenditure \$:		none
	Source of Funds:		none
	Additional Appropriation #:		
	Narrative:		
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve the Resolution	
	2.	Provide alternative direction	
	3.		
	4.		
PROJECT TIMELINE			
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff has reviewed and recommends approving the ordinance.		
SUPPLEMENTAL INFORMATION (List all attached documents)	Interlocal Agreement		

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BY AND
BETWEEN HAMILTON SOUTHEASTERN SCHOOLS
AND THE CITY OF FISHERS REGARDING
SCHOOL RESOURCE OFFICERS**

WHEREAS, in the best interest of families served by Hamilton Southeastern Schools ("HSE") and the broader community, HSE and the City of Fishers Police Department ("Police Department") desire to collaborate to help provide for the safety of HSE students, employees and the greater community.

WHEREAS, pursuant to Ind. Code §36-1-7 *et. seq.*, the Police Department and HSE desire to enter into an Interlocal Agreement ("Agreement") that establishes the relationship of the parties and how they will collaboratively work to best serve HSE and the broader community;

WHEREAS, Indiana statutes provide for the presence of law enforcement personnel in schools and HSE and the Police Department desire that Fishers police officers serve as School Resource Officers ("SROs");

WHEREAS, the Police Department and HSE desire to set forth the services that the Police Department will provide to HSE; and

WHEREAS, the Police Department and HSE believe it is imperative to share information and records as permitted by law;

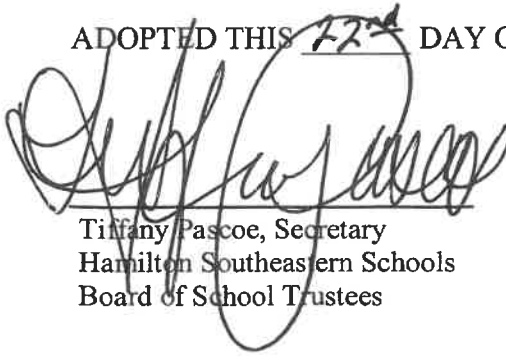
NOW THEREFORE BE IT RESOLVED by the by the Board of School Trustees of HSE (Board) as follows:

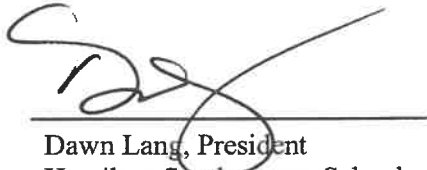
Section 1. An Agreement in substantially similar form to Exhibit A, is hereby approved.

Section 2. The Superintendent and her designee is hereby authorized to execute the Agreement and any documents necessary to effectuate the Agreement.

Section 3. This Resolution is of full force and effect from and upon its adoption.

ADOPTED THIS 22nd DAY OF March, 2023


Tiffany Pascoe, Secretary
Hamilton Southeastern Schools
Board of School Trustees


Dawn Lang, President
Hamilton Southeastern Schools
Board of School Trustees

**INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF FISHERS POLICE
DEPARTMENT AND HAMILTON SOUTHEASTERN SCHOOLS REGARDING
STUDENTS, EMPLOYEES, SCHOOL RESOURCE OFFICERS AND THE EXCHANGE
OF INFORMATION AND RECORDS**

This Interlocal Agreement ("Agreement") by and between the City of Fishers, Hamilton County, Indiana, an Indiana municipal corporation ("Fishers"), acting by and through its Police Department ("Police Department"), and the Hamilton Southeastern Schools ("HSE") is entered into on this _____ day of _____, 2023 ("Execution Date") upon the following terms and conditions:

WHEREAS, the Police Department is the duly authorized law enforcement agency for Fishers;

WHEREAS, HSE is a duly authorized school corporation located in Fall Creek, Wayne and Delaware Townships, Hamilton County, Indiana, inclusive of Fishers;

WHEREAS, in the best interest of families served by HSE and the broader community, HSE and the Police Department desire to work together to help provide for the safety of HSE students, HSE employees and the greater community;

WHEREAS, pursuant to Ind. Code §36-1-7 *et. seq.*, the Police Department and HSE desire to enter into an Agreement that establishes the relationship of the parties and how they will collaboratively work to best serve HSE and the broader community;

WHEREAS, the Police Department and HSE believe it is in the best interest of HSE students, employees and the community that HSE and the Police Department, to the fullest extent allowed by state and federal law, exchange and share certain information concerning HSE employees and students;

WHEREAS, Indiana statutes provide for, and in some instances, require the exchange of information between schools and law enforcement personnel;

WHEREAS, HSE and the Police Department desire to maintain the confidentiality of any information or records which may be made available or exchanged pursuant to this Agreement;

WHEREAS, Indiana statutes also provide for the presence of law enforcement personnel in schools;

WHEREAS, HSE and the Police Department desire that Fishers police officers serve as School Resource Officers ("SROs") as specified herein; and

WHEREAS, the Police Department and HSE desire to set forth the law enforcement services that the Police Department will provide to HSE.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the mutual covenants set forth below, and other consideration, the receipt and sufficiency of which are hereby acknowledged, HSE and the Police Department agree as follows:

ARTICLE I. RECITALS

The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as if fully set forth in this Article I.

ARTICLE II. MUTUAL ASSISTANCE

The parties agree, subject to further proceedings required by law, to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications, as may be necessary or appropriate, from time to time, to carry out the terms, provisions and intent of this Agreement and to aid and assist each other in carrying out said terms, provisions and intent.

ARTICLE III. TERM

The term of this Agreement shall be for four (4) year(s), commencing on the Execution Date and ending July 31, 2027, The Agreement, however, may be terminated without cause by either party upon thirty (30) days prior written notice. Additionally, this Agreement will automatically renew from year to year unless HSE or the Police Department provides written notice of the intention to decline renewal to the other party at least ten (10) days prior to any renewal.

ARTICLE IV. SCHOOL RESOURCE OFFICERS

A. SRO Responsibilities. SROs shall perform regular law enforcement duties as determined by Fishers Chief of Police or the Chief's designee and as set forth herein. Specific duties of SROs shall be determined by the Police Department with input from HSE. School may slightly adjust SRO duties based on the school's specific needs. Any records created concerning the performance of the services provided by the Police Department pursuant to this Agreement will be maintained by the school's principal and shared with the Chief of Police or the Chief's designee.

As more specifically described in Appendix A which is attached hereto and incorporated herein, duties of SROs may generally include, but not be limited to the following:

1. Providing follow-up home visits when needed as a result of school-related student issues;
2. Attending school sponsored or related activities when SRO participation is requested by the school and approved by the Police Department;
3. Responding to emergency law enforcement activities which may include:
 - i. making arrests;
 - ii. conducting search and seizure of person or property;
 - iii. carrying a firearm on or about school property; and

- iv. exercising other police powers with respect to enforcement of Indiana law; and
4. Attending Police Departmental training or other administrative duties.

B. School Safety Plan. SROs shall consult with other local law enforcement officials and first responders to assist HSE's Chief Operations Officer or designee with the development, implementation and effective operation of a school safety plan that protects against inside and outside threats to the physical safety of students; prevents unauthorized access to school property; and secures schools against violence and natural disasters. Although SROs are not generally involved in school disciplinary measures, SROs shall help maintain a safe and effective learning environment.

C. Consideration. In consideration for placing SROs in HSE schools, HSE will pay Fishers compensation equal to one half of the salary and benefits for each full-time officer assigned to the SRO unit to include the rank of Sergeant or below. SROs will be on duty during normal school hours in HSE schools while school is in session. Upon terms mutually agreeable to both parties, SROs may also provide services outside of normal school hours.

D. SRO Uniforms. SROs will be full-time and will wear their department assigned uniform during their school schedule as mutually agreed upon in consultation with school officials. While on duty, SROs shall maintain regular routine patrol and supervision duties within the building and school grounds. Further, consistent with state law, SROs shall wear their on-duty, weapon issued by the Police Department while serving as a SRO.

E. Enforcement of School Disciplinary Procedures. SROs are to be considered "School Officials" for their role in school safety and assisting the school in furthering the educational goals of the district. SROs shall not be responsible for instituting or enforcing school disciplinary measures. SROs will not generally act as a school disciplinarian nor make recommendations regarding school discipline. Notwithstanding the foregoing, SROs may, from time-to-time, remind students of school rules; however, SROs shall not be required to perform or take such disciplinary action.

Further, this Agreement does not alter the relationship or duties of the assigned officer or the Police Department beyond the general duties that exist for law enforcement officers within the State of Indiana. Therefore, SROs will not be assigned regular lunchroom duties, bus monitor responsibility, or supervision typically associated with school administration. However, within the scope of their roles, SROs may act on their own initiative to further educationally related goals.

F. Transporting Students. SROs shall not transport students in Police Department vehicles except:

1. When students are victims of a crime, under arrest, or some other child welfare, safety or emergency circumstances exist; or
2. When students are suspended or sent home from school following school disciplinary action, if the student's parent or guardian has refused or is

unable to pick up the student within a reasonable time period and the

- student is disruptive or disorderly and his or her continued presence on campus is a threat to the safety and welfare of other students and school personnel.
3. When the student being transported is a family member or friend of the SRO and is otherwise eligible for transportation in a Police Department vehicle pursuant to Fishers' policies and procedures, as amended.

Notwithstanding the foregoing, SROs shall not transport a student to any location unless it is determined that the student's parent, guardian, or custodian is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles. SROs shall notify school personnel upon removing a student from campus.

G. Resources. HSE will provide SROs secure office space and other reasonable resources as necessary to carry out their duties at their assigned schools.

H. Communication. SROs shall coordinate and communicate with the principal or the principal's designee of the school to which they are assigned.

I. Relationship of the Parties. This Agreement provides for contractual law enforcement services and the exchange of information. SROs are employees of the Police Department and are subject to Police Department control and supervision. SROs will follow the current operating procedures, rules, and regulations of the Police Department, including attendance at all mandated training and testing to maintain law enforcement certification. The Police Department and HSE are not a partnership or joint venture and shall not make representations to third parties indicating a partnership or joint venture relationship. When there are updates in law related to SROs and schools, HSE and the Police Department will confer to determine whether it is appropriate to update the relationship between the parties.

ARTICLE V. STUDENT INFORMATION AND RECORDS

The Chief of the Fishers Police Department and the Superintendent of HSE believe that it is in the best interest of HSE's students and also in the best interests of the safety and welfare of the community to provide each other with information. Hamilton Southeastern Schools designates the Fishers Police Department SRO Unit as the Law Enforcement Unit for HSE Schools. When students are displaying behavior that causes police intervention, providing that student with appropriate services is essential. Student assistance teams, guidance counselors and other school administrators can help identify when patterns begin to develop.

The Department may provide information to the School regarding HSE students that are taken into custody or when they have reasonable suspicion to believe the student has committed any crime or delinquent offense or have been victimized.

To the extent permitted by Indiana and Federal law, the School grants designated officers from FPD direct access to its student and employee records. If a health or safety emergency and knowledge of potential information contained in records is necessary to protect the health and safety of anyone, FPD will immediately access and obtain copies of any records that may contain

information necessary to protect the health and safety of anyone. If access to records is made in a health or safety emergency, the access is tracked electronically and written description will be available for review.

A. Juvenile Arrest, Detention or Immediate Detentions. Pursuant to Ind. Code § 31-37-4-3, as amended, in the arrest or detention of juveniles involving allegations of delinquency that would be a crime if committed by an adult or in an event of immediate detention pursuant to Ind. Code § 12-26-4-1, the investigating officer shall determine which school the juvenile attends. The Police Department shall contact HSE and determine whether the juvenile attends an HSE school. If the juvenile is an HSE student, the Police Department shall provide the principal of the school the juvenile attends or the HSE school superintendent or designee with written notice (1) that the child was taken into custody; and (2) of the reason why the child was taken into custody.

In addition to immediate detentions pursuant to Ind. Code § 12-26-4-1, the alleged crimes that require notification to HSE, as specified above, include the following:

1. Murder (IC 35-42-1-1).
2. Attempted murder (IC 35-41-5-1).
3. Voluntary manslaughter (IC 35-42-1-3).
4. Involuntary manslaughter (IC 35-42-1-4).
5. Reckless homicide (IC 35-42-1-5).
6. Aggravated battery (IC 35-42-2-1.5).
7. Battery (IC 35-42-2-1).
8. Kidnapping (IC 35-42-3-2).
9. A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
10. Sexual misconduct with a minor (IC 35-42-4-9).
11. Incest (IC 35-46-1-3).
12. Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
13. Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
14. Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
15. Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
16. Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
17. Causing death when operating a vehicle (IC 9-30-5-5).
18. Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
19. Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
20. Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
21. Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
22. Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
23. A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
24. A controlled substances offense under IC 35-48.
25. A criminal organization offense under IC 35-45-9.
26. Domestic battery (IC 35-42-2-1.3).
27. A felony terrorist offense (as defined in IC 35-50-2-18).

B. Suspension Or Expulsion Related to Criminal Activity, Firearms or Destructive Devices. If a juvenile is suspended or expelled because of involvement in an activity or allegation of delinquency that would be a crime if committed by an adult, or, pursuant to Ind. Code § 20-33-8-16, suspended or expelled for bringing a firearm or destructive device to school or onto school property or for being in possession of a firearm or destructive device while on school property, HSE shall advise the juvenile and his or her parents that HSE will immediately advise the Police Department regarding the suspension or expulsion. HSE will then submit the following information to the SRO assigned to the school the student attends with the following information;

1. The name, age, address and sex of the juvenile;
2. The nature of the offense, or activity allegedly committed and the circumstances immediately surrounding it, including the time, location and property involved;
3. A description of the method of apprehension; and
4. Any instruments of physical force used.

Upon receiving notification under this subsection, the Police Department shall begin an investigation and take appropriate action. A student with disabilities (as defined in I.C. 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

C. Drug And Alcohol Offenses. Pursuant to Ind. Code § 20-33-9-6, if HSE has reason to believe that a student has committed an offense related to controlled substances or alcoholic beverages while in, on, or within one thousand (1,000) feet of school property, then HSE shall immediately advise an SRO assigned to the school the student attends with the following information:

1. a general description of the violation;
2. the name or a general description of each violator known to the member;
3. the date, time, and place of the violation;
4. the name or a general description of each person who the member knows witnessed any part of the violation; and
5. a general description and the location of any property that the member knows was involved in the violation.

D. Drug Testing. Notwithstanding any other provision of this Agreement, results of HSE's random drug tests shall not be provided to the Police Department. HSE has adopted a policy of random drug testing for its student athletes and student drivers. The purpose of this policy is not punitive in nature but is aimed at furthering the safety of the student population. The policy requires that the results of drug testing are to be held with the very strictest confidentiality and that the consequences of a failed drug test are not to be punitive.

Providing the Police Department with the confidential results of random drug tests would contravene the policy, would result in punitive consequences, and would violate Fourth Amendment jurisprudence.

E. Children In Need Of Services And Delinquent Children. If a student is found to be a child in need of services or has been determined to be a delinquent pursuant to Ind. Code § 31-37-1-2, the Police Department and HSE shall exchange the records of such student, provided sharing the information is permitted under state or federal law. Within 48 hours of receipt of such records, the receiving agency (either the Police Department or HSE) shall forward a copy to the other agency.

F. Students with Disabilities. Pursuant to 511 IAC 7-44-10, when HSE makes a report to the Police department under this Article about a student with a disability, HSE will ensure that copies of the education and disciplinary record of the student are also transmitted to the Police Department to the extent the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

ARTICLE VI. HSE EMPLOYEE INFORMATION AND RECORDS

A. Drug and Alcohol-Related Offenses. Pursuant to Ind. Code § 20-33-9-6, if HSE has reason to believe that an HSE employee has committed a crime involving alcoholic beverages or controlled substances in, on, or within 1,000 yards of school property, HSE shall immediately notify an SRO assigned to the school/ building with the following information:

1. a general description of the violation;
2. the name or a general description of each violator known to the reporter; (c) the date, time, and place of the violation;
3. the name or a general description of each person who the member knows witnessed any part of the violation; and
4. a general description and the location of any property that the member knows was involved in the violation.

B. Threats, Battery, Intimidation, and Harassment. Pursuant to Ind. Code § 20-33-9-13, if HSE has reason to believe that an HSE employee has received a threat or is the victim or intimidation, battery, or harassment, HSE shall notify an SRO assigned to the school/ building with the following information:

1. The name, age, address and sex of the employee;
2. The nature of the offense, or activity allegedly committed and the circumstances immediately surrounding it, including the time, location and property involved; and
3. Any instruments of physical force used or threatened.

C. Arrest Information. If the Police Department receives information concerning an HSE employee and that information is subject to public access laws and the limitations thereof, the Police Department has the authority to advise HSE of such information.

D. Non-Disclosure of Random Drug Testing. Results of random drug tests of employees shall not be provided to the Police Department. HSE has adopted a policy of random drug testing for its potential employees. The purpose of this policy is not punitive in nature but is aimed at furthering the safety of the student population. The policy requires that the results of drug testing are to be held with the very strictest confidentiality and that the consequences of a failed drug test are not to be punitive. Providing the Police Department with the confidential results of random drug tests would contravene the policy, would result in punitive consequences, and would violate Fourth Amendment jurisprudence.

E. Information related to school employees. The Fishers Police Department may share information with HSE Schools related to investigations involving HSE Employees when the actions being investigated jeopardizes in any way the shared mission to create a safe school by maintaining a safe and effective learning environment. The information shared will be based on the appropriate timeline relative to the investigation as determined by the investigator overseeing the specific case. Information that can be shared may include, but not be limited to initial reports, detective supplements and/or PC affidavits. HSE shall not, disclose this information to a member of the public unless required in order to defend itself in litigation, or pursuant to a lawfully issued subpoena or court order. HSE will treat this material as if it were disciplinary or confidential HR file materials and will maintain it in accordance with school policies.

ARTICLE VII. HSE CONTACT

HSE shall designate a contact person to receive information from the Police Department. The default contact shall be the Chief Operations Officer or designee. HSE will then treat the material as if it were disciplinary file material and will maintain it in accordance with school policies.

ARTICLE VIII. CONFIDENTIALITY

It is the desire and intent of HSE and the Police Department to maintain the confidentiality of juveniles and employees as required by law. Nothing in this Agreement shall be construed to violate the requirement of confidentiality with respect to juvenile or employee records and information exchanged or shared by HSE and the Police Department. As permitted by law, HSE will share records and information protected by FERPA with the Police Department including where the disclosure is intended to effectively serve, prior to adjudication, the student whose records are released pursuant to 34 CFR 99.38 and IC 20-33-8-3. Student records received from the district, to include video files, will strictly adhere to the federal Family Educational Rights and Privacy Act (FERPA) and Indiana Code 20-33-7-3. FPD shall not disclose any educational records, to include video files, to a third party other than another juvenile justice agency to effectively serve, prior to adjudication, the student whose records are released, without the consent of Hamilton Southeastern Schools. A juvenile justice agency is defined under IC 5-2-6-1 as an agency or department of any level of government, the functions of which include the following juvenile justice activities:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and

(5) the discovery, protection, and disposition of children in need of services.

ARTICLE IX. COURT ORDERS

HSE and the Police Department acknowledge that a Court may require the destruction, surrender, or expungement of information exchanged pursuant to this Agreement. HSE and the Police Department agree that they shall comply with any such order for the destruction, surrender, or expungement of such information or records as soon as practicable.

ARTICLE X. GENERAL PROVISIONS

A. Agreement Not Restrictive. HSE and the Police Department agree that this Agreement does not eliminate or limit the independence of HSE or the Police Department's ability to proceed in either the school system or in the criminal justice system, or both, as circumstances may require. Subject to applicable state and federal laws, this Agreement shall not be interpreted to limit or restrict the exchange and sharing of information and documents between the parties.

B. Assignment. Except as otherwise provided within this Agreement, neither party hereto may transfer or assign this Agreement without prior written consent of the other party.

C. Insurance Coverage. Unless a party certifies that it is self-insured and provides reasonable assurance as to its ability to provide such self-insurance, each party shall maintain comprehensive general liability insurance during the term of this Agreement. Each party will provide a copy of the insurance policy upon request of the other party.

D. Indemnification. Each party agrees to indemnify and hold the other party, its deputies, agents, employees, assignees, and other vendors harmless from any liability, loss or damage each may suffer as a result of claims, demands, costs or judgments, including legal fees, against each of them arising out of the duties and obligations pursuant to this Agreement.

E. Amendment. This Agreement may be amended only by the mutual consent of the parties, by the adoption of an ordinance or resolution of Fishers approving said amendment, as provided by law, and by the execution of said amendment by the parties or their successors in interest.

F. No Other Agreement. Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations and discussions relative to the subject matter hereof and is a full integration of the agreement of the parties.

G. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, any provisions, covenants, agreements or portions of this Agreement are declared to be severable.

H. Legal Fees. In the event any party brings an arbitration, suit or action under this Agreement to enforce any of its terms, or in any appeal there from, it is agreed that each party shall bear their own expenses, including legal fees. Notwithstanding the foregoing, legal fees shall be available for claims made pursuant to Section D above concerning Indemnification.

I. No Third Party Beneficiaries. By entering into this Agreement, the parties do

not intend to confer a benefit on a third party. Rather, it is the exclusive intention of the parties for the Agreement to benefit only the parties to this Agreement. Therefore, the parties shall not communicate to any person or entity that this Agreement benefits any person or entity other than the parties.

J. Applicable Law and Venue. This Agreement shall be interpreted, construed, and enforced pursuant to, and in accordance with Indiana law. Further, the parties consent to venue in Hamilton County, Indiana.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first set forth.

CITY OF FISHERS on behalf of
Its POLICE DEPARTMENT

HAMILTON SOUTHEASTERN SCHOOLS

By: _____



By: DAWN LINN
PRESIDENT, BOARD OF SCHOOL TRUSTEES

RESOLUTION NO. R041723B

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA,
APPROVING AGREEMENT BY AND BETWEEN HAMILTON SOUTHEASTERN SCHOOLS
AND CITY OF FISHERS REGARDING SCHOOL RESOURCE OFFICERS**

WHEREAS, in the best interest of families served by the Hamilton Southeastern Schools (“HSE”) and the broader community, HSE and the City of Fishers Police Department (“FPD”) desire to collaborate to help provide for the safety of HSE students, employees, and the greater community;

WHEREAS, pursuant to Ind. Code §36-1-7-1 *et seq.*, FPD and HSE desire to enter into an Interlocal Agreement (“Agreement”) that establishes the relationship of the parties and how they will work best to serve HSE and the broader community;

WHEREAS, Ind. Code §20-26-18.2-1 *et seq.* provides for the presence of law enforcement personnel in schools and HSE and FPD desire that FPD officers serve as School Resource Officers (“SROs”);

WHEREAS, FPD and HSE desire to set forth the services that FPD will provide to HSE; and

WHEREAS, FPD and HSE believe it is imperative to share information and records as permitted by law.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

- Section 1. The Board hereby approves the Agreement, attached hereto and incorporated herein as Exhibit A.
- Section 2. The Board hereby authorizes the Fishers Police Chief to execute the Agreement and any ancillary documents in furtherance of the Agreement.
- Section 3. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED BY the Common Council of the City of Fishers, Hamilton County, Indiana this 20th day of April 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

R041723B

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the ___17th___ day of ___April___,2023 at _____p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE April 17, 2023

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana,
One Municipal Drive, Fishers, Indiana, 46038

““I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.” /s/ Lindsey M. Bennett





Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Request to approve a vacation of existing sanitary sewer easement. Sanitary sewer main is being relocated as a part of the Silver Collection at Saxony multifamily project located at 13450 Dockside Dr. Case #VAC-23-2			
SUBMITTED BY	Name & Title: Megan Vukusich Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☒ Public Hearing	☐ 3 rd Reading ☒ Final Reading
	Ordinance #: 041723A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☒ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	Mike Timko is requesting Council approval to vacate a portion of an existing sanitary sewer easement. Sanitary sewer main is being relocated as a part of the Silver Collection at Saxony multifamily project located at 13450 Dockside Dr.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold First Reading
	2.	Continue
	3.	Take no action
	4.	Suspend the rules and hold First Reading, Public Hearing and Final Reading
PROJECT TIMELINE	April 17, 2023 - Proposed First Reading at Council May 15, 2023 - Proposed Final Reading at Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council suspend the rules and and hold First Reading, Public Hearing and Final Reading on April 17, 2023.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Ordinance	

Cross Reference: Saxony Commercial District Phase 3 Secondary Plat
Plat Cabinet 4, Slide 687
Instrument No. 2011027567

ORDINANCE NO. 041723A
AN ORDINANCE VACATING A PORTION OF AN
EASEMENT IN THE CITY OF FISHERS. HAMILTON
COUNTY. INDIANA

WHEREAS, Striving Legacy Fishers, LLC, is the owner of the property affected by the vacation, and more specifically described in Exhibit A, attached hereto and incorporated herein (the "Real Estate");

WHEREAS, to complete construction of the proposed project, a portion of a Sanitary Sewer Easement (S.S.E.) within the Saxony Commercial District Phase 3 Secondary Plat (Plat Cabinet 4, Slide 687, Instrument No. 2011027567) must be vacated;

WHEREAS, the Council now desires to vacate the areas of the easement depicted in Exhibit A attached hereto and incorporated herein (the "Vacation Area");

WHEREAS, a public hearing on this matter has been held consistent with and pursuant to Ind. Code § 36-7-3-16; and

WHEREAS, no remonstrance or objection to this matter has been filed by any party.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana acting pursuant to the authority granted to it by Ind. Code § 36-7-3-16 as follows:

1. The Council hereby determines the following:

(a) vacation of the proposed Vacation Area will not hinder the growth or orderly development of the unit or neighborhood in which the Vacation Area is located or to which the Vacation Area is contiguous; and

(b) vacating the proposed Vacation Area does not make access to the lands of any person by means of public way difficult or inconvenient; and vacating the proposed Vacation Area does not hinder the public's access to a church, school, or other public building or place.

2. The Vacation Area is hereby vacated.

3. This Ordinance shall be in full force and effect upon adoption.

4. This Ordinance shall be recorded in the Office of the Hamilton County, Indiana Recorder.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

“I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.” Lindsey Bennett



Council Action Form

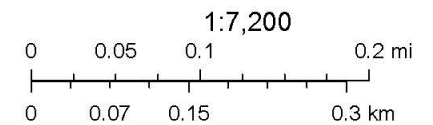
MEETING DATE	April 17, 2023			
TITLE	Consideration of a rezone of 109 acres from R2 Residential to PUD-M known as the Flat Fork PUD. Case #RZ-23-3			
SUBMITTED BY	Name & Title: Megan Vukusich			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 041723C		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	Consideration of a rezone of 109 acres from R2 Residential to PUD-M. The Flat Fork PUD would include a maximum of 220 single-family homes on the north side of 96th Street, between Georgia and Cyntheanne Road, and a C2 Commercial area at the northeast corner of 96th & Georgia. See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold First Reading
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	April 17, 2023 - 1st Reading -- City Council June 7, 2023- Proposed Plan Commission Recommendation and Public Hearing June 19, 2023- Proposed Final Reading -- City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold First Reading for the rezone.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Draft Ordinance 2. Petitioner's Packet Georgia 3. Petitioner's Packet Cyntheanne	

Aerial Location Map



- County Boundary
- Real Estate





0'150'300'

SCALE: 1"=150'

SITE DATA TABLE

SITE ZONING:	R-2
GROSS AREA:	±59.00 AC.
PUBLIC RIGHT-OF-WAY (R/W):	±13.67 AC. (23.2%)
COMMON AREA:	±10.33 AC. (17.5%)
WET POND AREA:	±3.64 AC. (6.2%)
TOTAL BLOCK AREA:	±0.73 AC. (1.2%)
TOTAL LOT AREA:	±34.27 AC. (58.1%)
TOTAL LOTS:	124
GROSS DENSITY (LOTS/GROSS AREA):	2.1
MIN. LOT AREA:	7,800 SF
MIN. (TYP.) LOT WIDTH:	60' (78')
TYP. LOT DEPTH:	130'
MIN. FRONT YARD SETBACK:	20'
MIN. SIDE YARD SETBACK:	5'
MIN. REAR YARD SETBACK:	20'
LOCAL ROAD LENGTH:	8,467 LF
ASPHALT TRAIL:	5,166 LF
TYP. R/W WIDTH:	50' (LOCAL ROAD) 100' (CYNTHEANNE ROAD) 150' (96TH STREET) 100' (101ST STREET)

LANDSCAPE LEGEND

EVERGREEN TREE

CANOPY TREE

STREET TREE

DECIDUOUS SHRUB

EVERGREEN SHRUB

AMERICAN
STRUCTUREPOINT
INC.

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www.structurepoint.com

RYAN HOMES EAST

96TH STREET AND CYNTHEANNE ROAD

Fishers, IN

CERTIFIED BY

ISSUANCE INDEX

DATE:
4/3/2023

PROJECT PHASE:
CONCEPTUAL

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number2022.02090

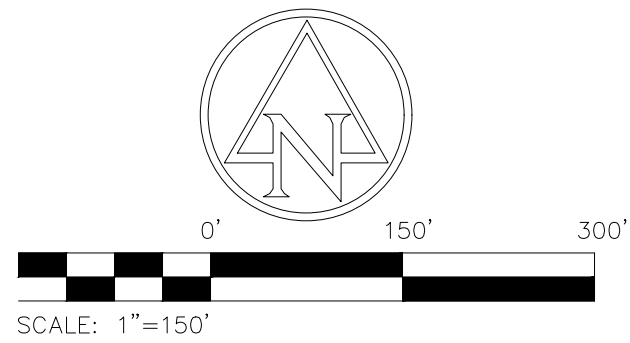
LANDSCAPE PLAN

EX 5

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EDITED BY: JCRBELAR
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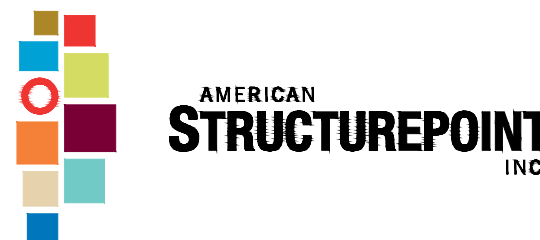


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EDITED BY: JCRBELAR
DRAWING FILE: P:\2021\02090\0 Drawings\Civil\Exhibits\2023-03-29 - Yield Plan\2022 02090 CE EX 2023-04-03 YP.dwg



SITE LEGEND

● LIGHT POLE



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ISSUANCE INDEX

DATE:

4/3/2023

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CONCEPTUAL

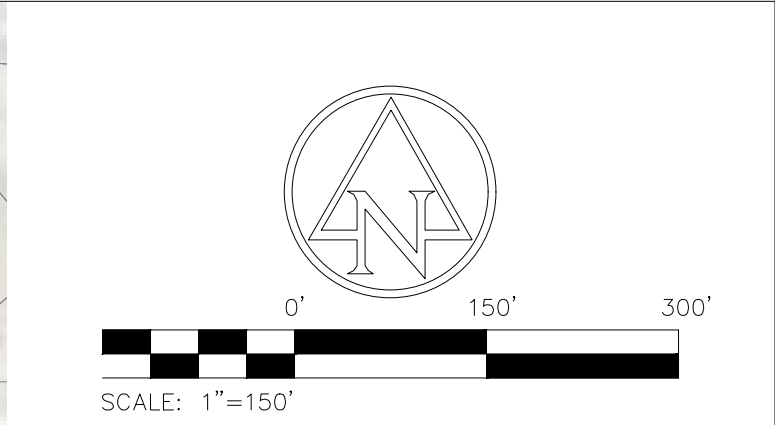
REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2022.02090

LIGHTING
PLAN

EX 2



SITE DATA TABLE	
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GROSS AREA:	±59.00 AC.
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WET POND AREA:	±3.64 AC. (6.2%)
TOTAL BLOCK AREA:	±0.73 AC. (1.2%)
TOTAL LOT AREA:	±34.27 AC. (58.1%)



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CYNTHIANNE ROAD

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CERTIFIED BY

ISSUANCE INDEX

DATE:
4/3/2023
PROJECT PHASE:
CONCEPTUAL

REVISION SCHEDULE

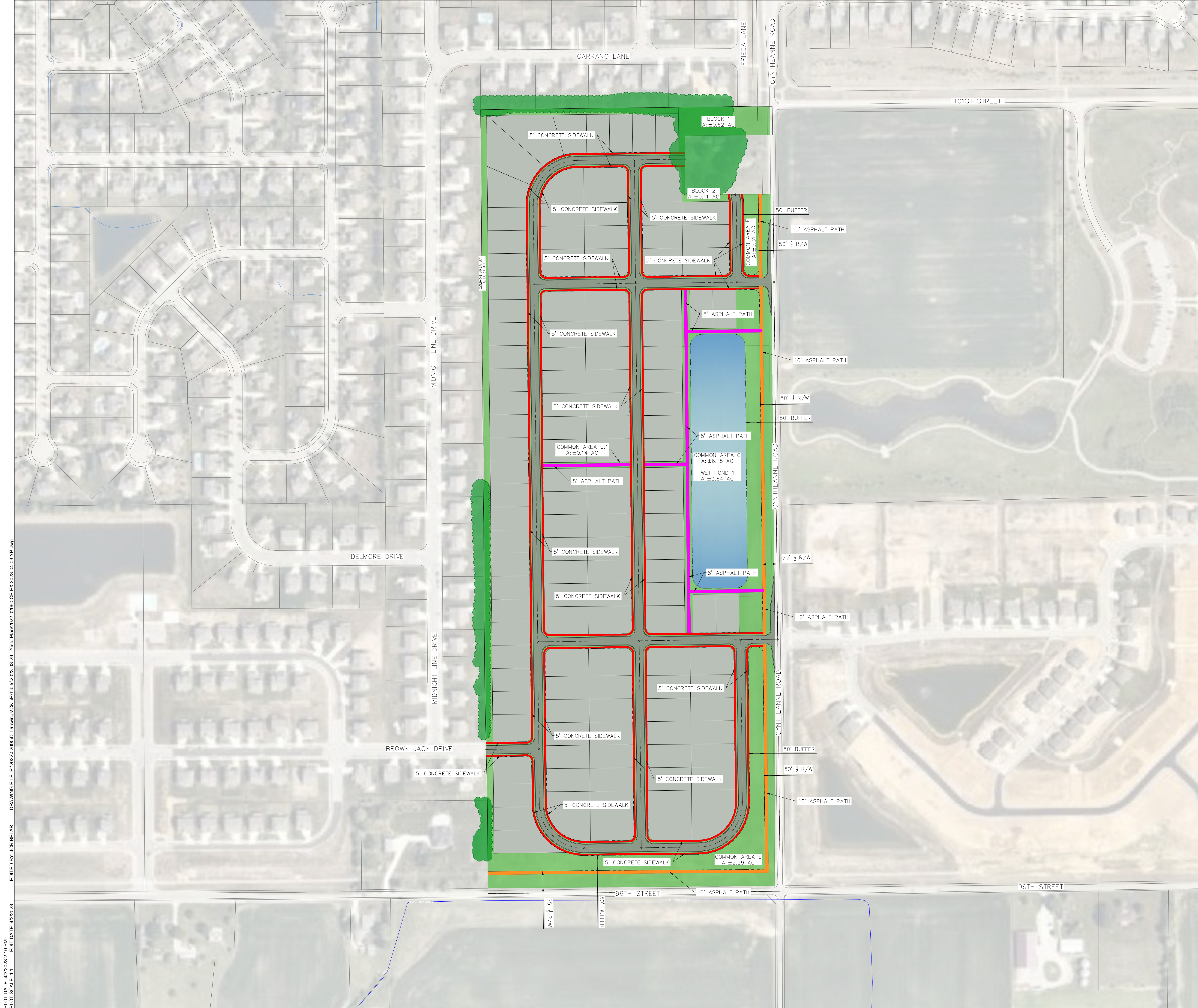
NO.	DESCRIPTION	DATE

Project Number 2022.02090

OPEN SPACE PLAN

EX 4

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PLOT SCALE: 1:1
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EDITED BY: JCRBELAR
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PLOT SCALE: 1:1
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EDITED BY: JCRBELAR
DRAWING FILE: P:\2021\02090\0 Drawings\Civil\Exhibits\2023-03-29 - Yield Plan\2022\02090 CE EX 2023-04-03 YP.dwg



0' 150' 300'
SCALE: 1"=150'

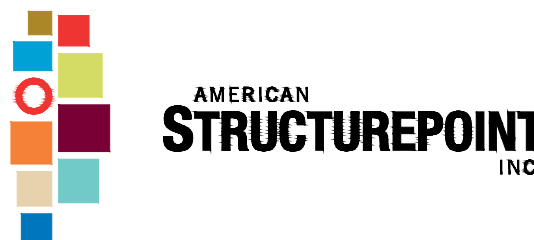
SITE DATA TABLE

5' CONCRETE SIDEWALK:	15,617 LF
8' ASPHALT TRAIL:	2,107 LF
10' ASPHALT TRAIL:	3,176 LF

SITE LEGEND

—	5' CONCRETE SIDEWALK
—	8' ASPHALT PATH
—	10' ASPHALT PATH

Ryan Homes



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RYAN HOMES EAST

96TH STREET AND
CYNTHEANNE ROAD

Fishers, IN

CERTIFIED BY

ISSUANCE INDEX

DATE:
4/3/2023
PROJECT PHASE:
CONCEPTUAL

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2022.02090

PEDESTRIAN
PLAN

EX 3





Sonoma panel, Almond finish, Decorative hardware

DOOR FEATURES

Pinch-Resistant Panels

designed to push fingers out of harm's way.

3-layer construction

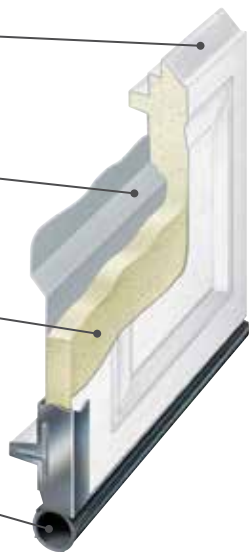
Model 5120 utilizes a ToughGard® backer.

Foamed-In-Place Polyurethane Insulation

provides thermal efficiency with an R-value* of 9.

Integral Struts

add rigidity and strength for long life and smooth operation.



High Cycle Spring Option

Choose a 25,000 cycle spring for more than twice the life of a standard torsion spring.

TorqueMaster® Plus Counter Balance System

Contains springs safely inside a steel tube to prevent accidental release of tension that could cause injury and features anti-drop safety technology.

Wind Load Options



Available with structural reinforcements for use in coastal or high wind region.

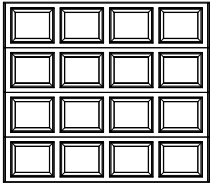
Limited Lifetime Warranty



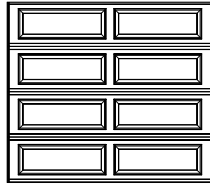
*Wayne Dalton uses a calculated door section R-value for our insulated doors.

1 Choose Your Style

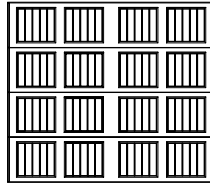
Doors shown are 8'x7'. Other sizes may have different panel configurations.



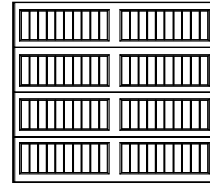
Colonial



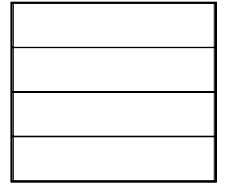
Ranch



Sonoma



Sonoma Ranch



Contemporary

2 Choose Your Color

Paint finishes



White



Almond



Desert Tan



Taupe



Gray



Green



Brown

3 Choose Your Windows

For Colonial and Contemporary Panels



Cascade I



Cascade II*



Cascade III*



Cathedral I



Cathedral II*



Clear I



Clear II*



Clear III*



Prairie I



Prairie II*



Sherwood I



Sherwood II*



Stockbridge*



Stockton I



Stockton II*



Stockton III*



Arched Stockton*



Waterton I



Waterton II*



Waterton III*



Williamsburg I



Williamsburg II*

*Contemporary panel only

For Sonoma Panels



Cascade I



Cascade III



Cathedral I



Clear I



Clear III



Stockbridge



Stockton I



Stockton III



Arched Stockton



Waterton I



Waterton III

For Ranch Panels



Cascade II



Cathedral II



Clear II



Prairie II



Sherwood II



Stockbridge



Stockton II



Arched Stockton



Waterton II



Williamsburg II

For Sonoma Ranch



Ashton IV



Cathedral IV



Cascade IV



Clear IV



Ruston IV



Sherwood IV



Stockbridge IV (3-Lite)



Stockbridge IV (4-Lite)



Stockford IV



Stockton IV (4-Lite)



Stockton IV (6-Lite)



Stockton IV (8-Lite)



Stockton IV (8-Lite Arched)



Stockton IV (12-Lite)



Arched Stockton IV



Waterton IV



Williamsburg IV



Williamsburg IV Single Arch, Double Car



Wyndbridge IV

Not all windows available in all areas. Windows shown are typical of an 8' wide door and placement may vary by panel design.

The following windows are available for double car doors



Arched Stockton Double



Arched Stockton Single

Glass Options



Clear



Gray Tinted



Satin Etched Privacy



Obscure

4 Choose Your Decorative Hardware



Arrow



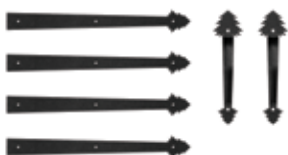
Aspen



Barcelona



Bean



Conifer



Fleur De Lis



Spear



Colonial panel, White finish, Clear I windows

Builder Solutions from Wayne Dalton

We have developed the entire Wayne Dalton Builder Solutions System to make it easier for you to add value and enhance the market appeal of your homes. By offering beautiful garage doors, smart garage door openers, and storm protection, Wayne Dalton supplies a system of products that differentiate homes.

Our innovative products are designed to be the safest, most durable, beautiful, and best engineered in the industry.

Wayne Dalton
GARAGE DOORS

DISTRIBUTED BY:

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wayne-dalton.com

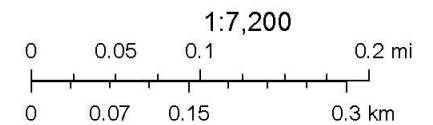


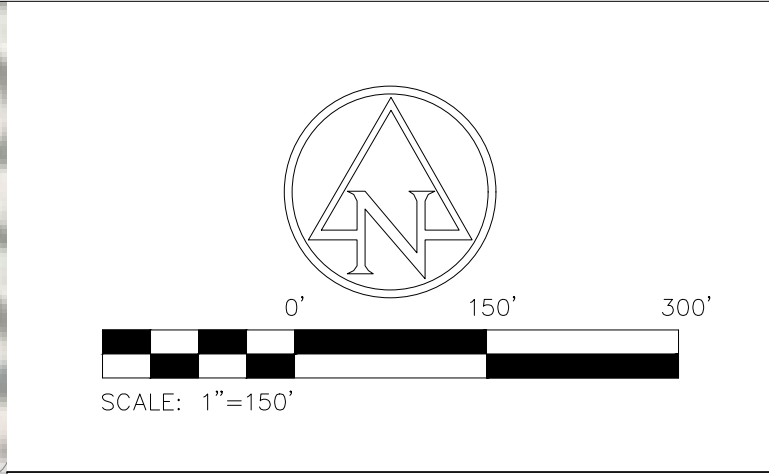
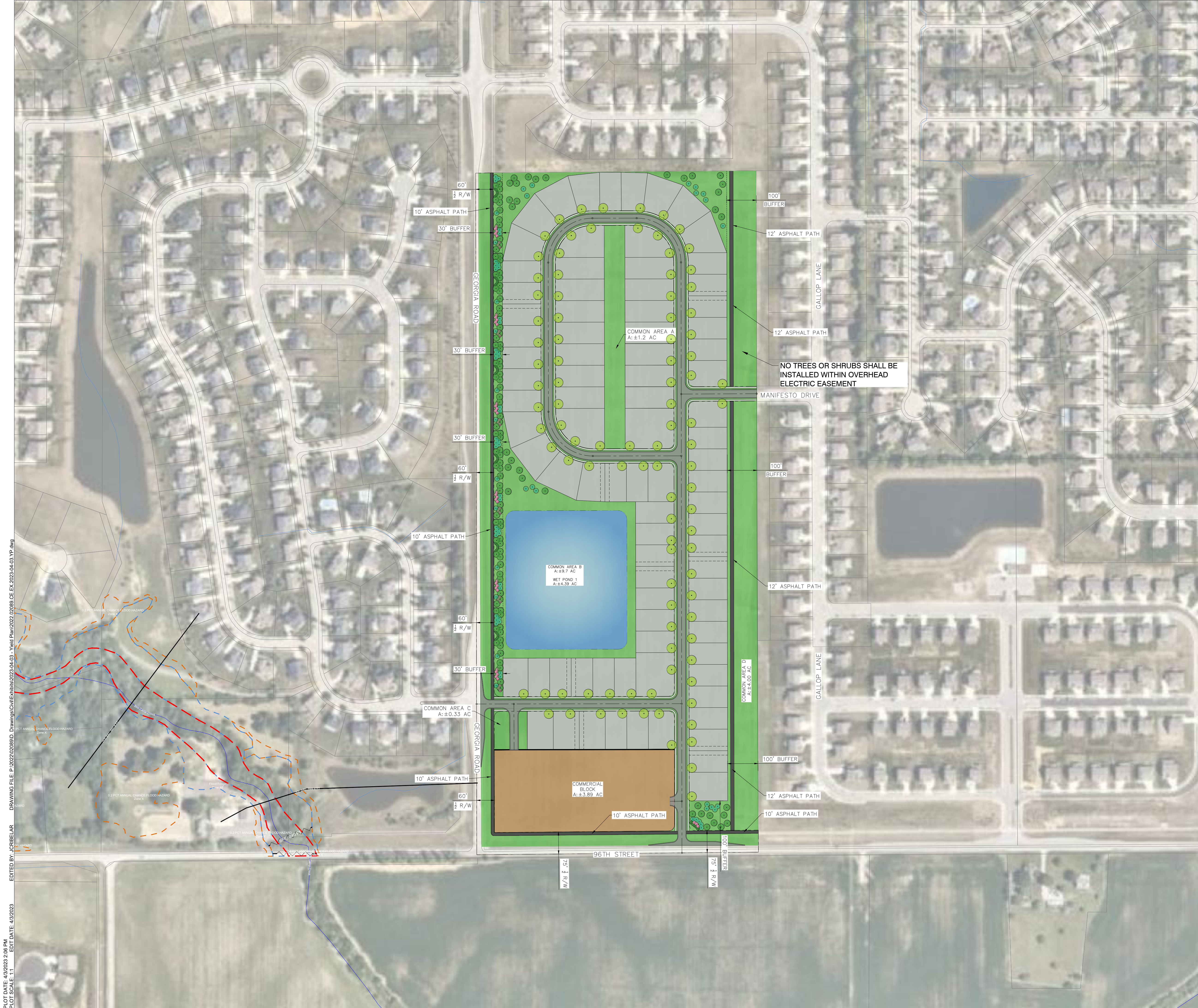
© 2022 Wayne Dalton, a Division of Overhead Door Corporation. Consistent with our policy of continuing product improvement, we reserve the right to change product specifications without notice or obligation. Item 321798 08/22

Aerial Location Map



-  County Boundary
-  Real Estate





SITE DATA TABLE	
SITE ZONING:	PUD
GROSS AREA:	±50.39 AC.
PUBLIC RIGHT-OF-WAY (R/W):	±9.79 AC. (19.5%)
COMMON AREA:	±13.35 AC. (26.4%)
WET POND AREA:	±4.39 AC. (8.7%)
BLOCK AREA:	±3.89 AC. (7.7%)
TOTAL LOT AREA:	±23.34 AC. (46.4%)
TOTAL LOTS:	85
GROSS DENSITY (LOTS/GROSS AREA):	1.7
MIN. LOT AREA:	7,800 SF
MIN. (TYP.) LOT WIDTH:	60' (73')
TYP. LOT DEPTH:	130'
MIN. FRONT YARD SETBACK:	20'
MIN. SIDE YARD SETBACK:	5'
MIN. REAR YARD SETBACK:	20'
LOCAL ROAD LENGTH:	4,766 LF
12' ASPHALT PATH LENGTH:	2,184 LF
10' ASPHALT PATH LENGTH (ALONG FRONTAGES):	3,076 LF
TYP. R/W WIDTH:	50' (LOCAL ROAD) 100' (GEORGIA ROAD) 150' (96TH STREET)

LANDSCAPE LEGEND	
	STREET TREE
	SHADE TREE
	EVERGREEN TREE
	EVERGREEN SHRUB
	DECIDUOUS SHRUB

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RYAN HOMES WEST

96TH STREET AND
GEORGIA ROAD

Fishers, IN

CERTIFIED BY	
ISSUANCE INDEX	
DATE:	4/3/2023
PROJECT PHASE:	CONCEPTUAL

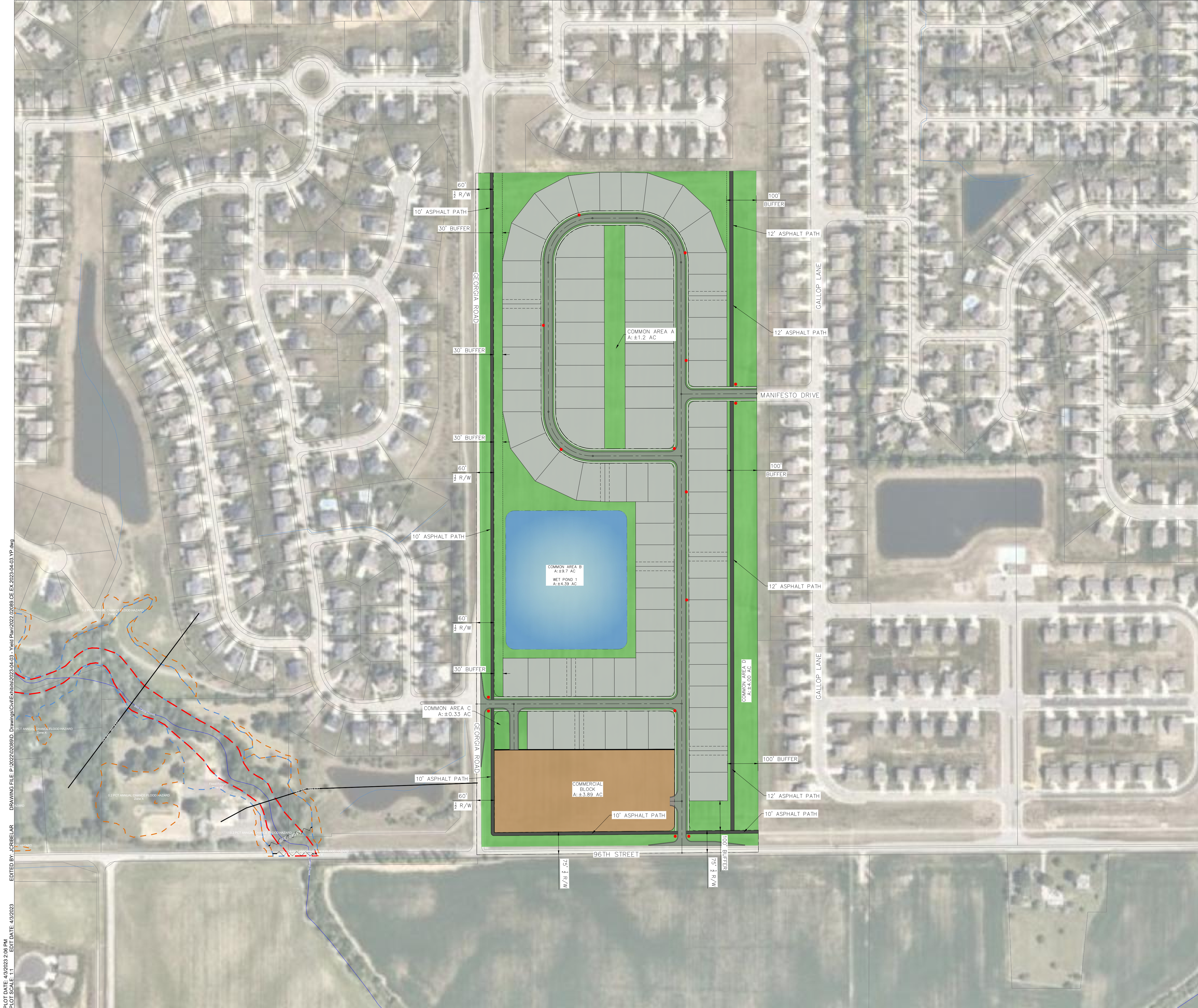
REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

Project Number 2022.02089

LANDSCAPE PLAN

EX 5

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PLOT SCALE: 1:1
DRAWING FILE: P:\2022\02089\0 Drawings\Ch\Ex\Hills\2023-04-03 - Yield Plan\2022-02089 CE EX 2023-04-03 YP.dwg
EDITED BY: JCRBELAR
EDIT DATE: 4/3/2023



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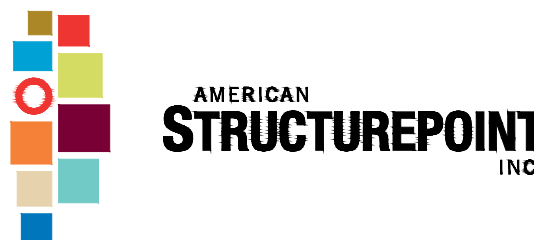


0' 150' 300'
SCALE: 1"=150'

SITE LEGEND

● LIGHT POLE

Ryan Homes



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96TH STREET AND
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Fishers, IN

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ISSUANCE INDEX

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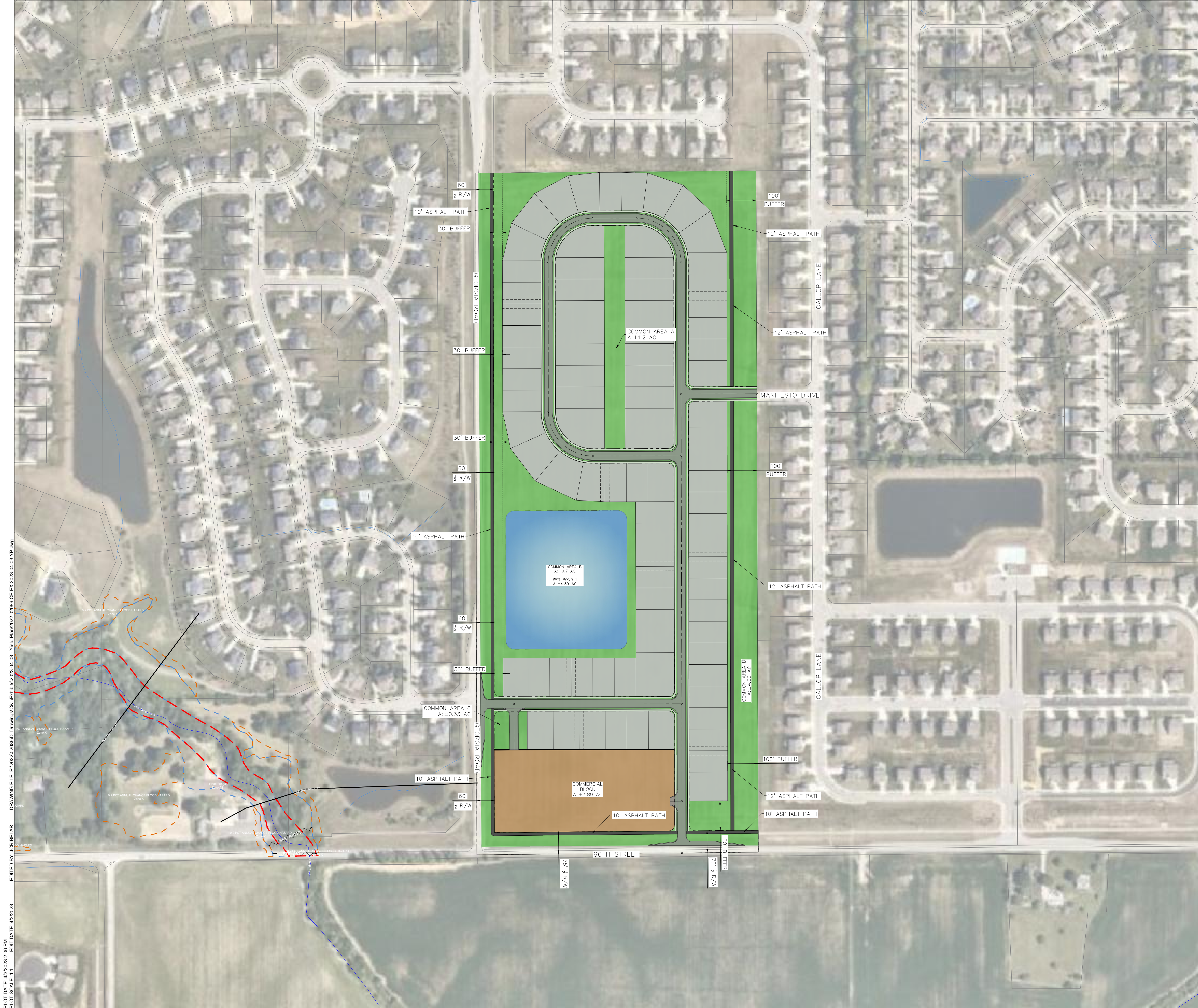
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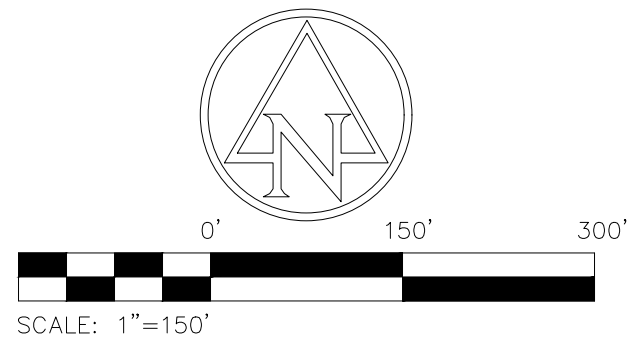
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LIGHTING PLAN

EX 2

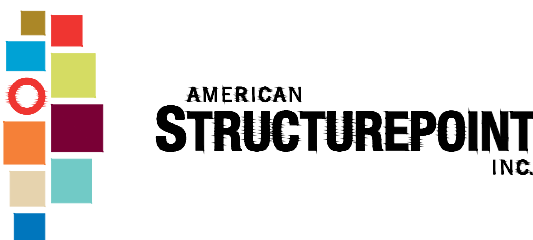


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EDITED BY: JCRBELAR



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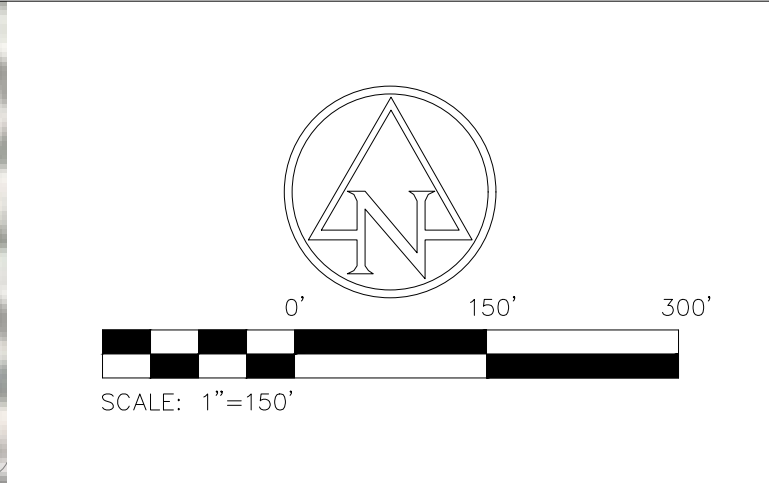
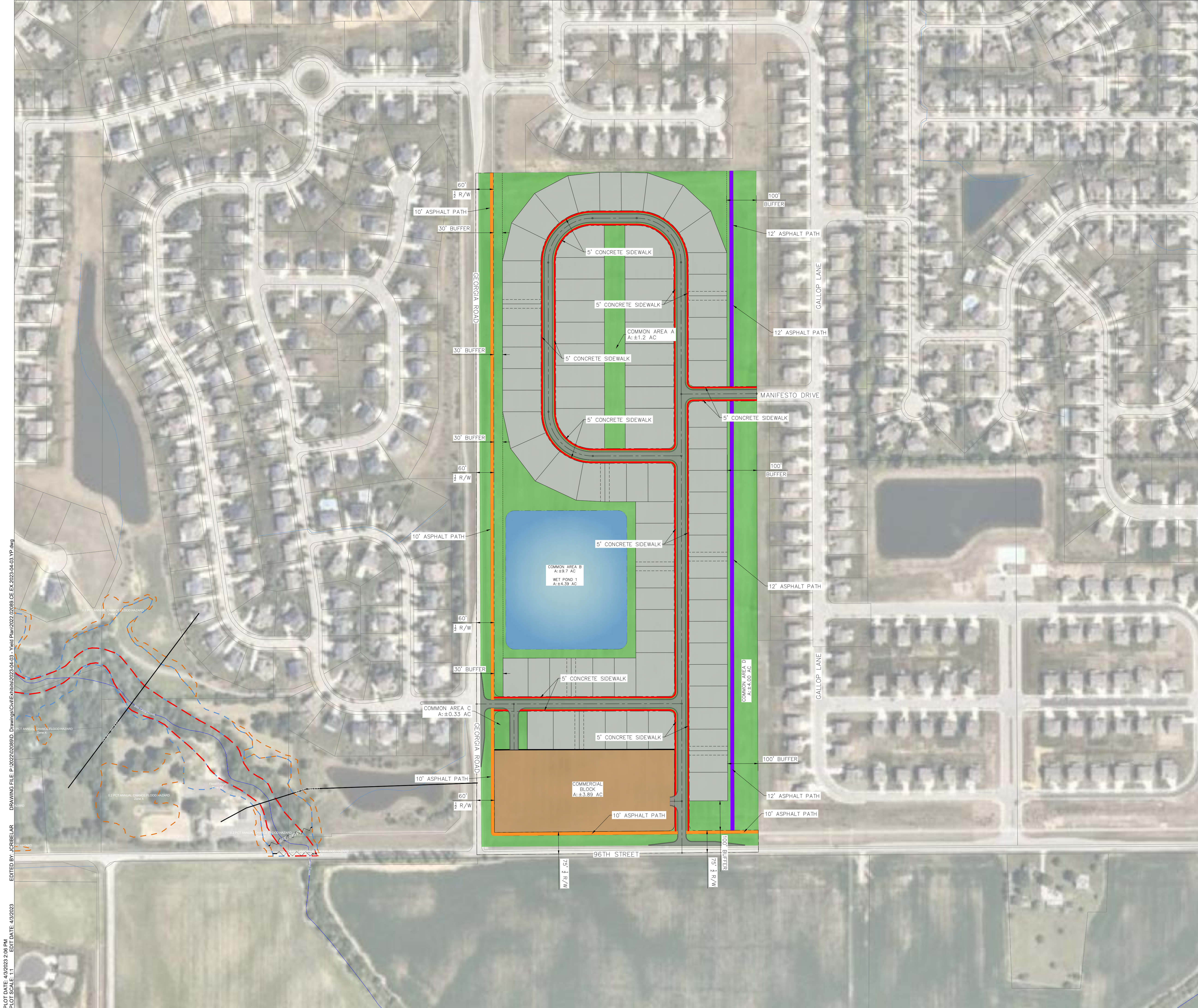
REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2022.02089

**OPEN SPACE
PLAN**

EX 4



SITE DATA TABLE	
5' CONCRETE SIDEWALK:	8,650 LF
10' ASPHALT TRAIL:	3,076 LF
12' ASPHALT TRAIL:	2,184 LF

SITE LEGEND	
—	5' CONCRETE SIDEWALK
—	10' ASPHALT PATH
—	12' ASPHALT PATH



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RYAN HOMES WEST

96TH STREET AND
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Fishers, IN

CERTIFIED BY

ISSUANCE INDEX	
DATE:	4/3/2023
PROJECT PHASE:	CONCEPTUAL

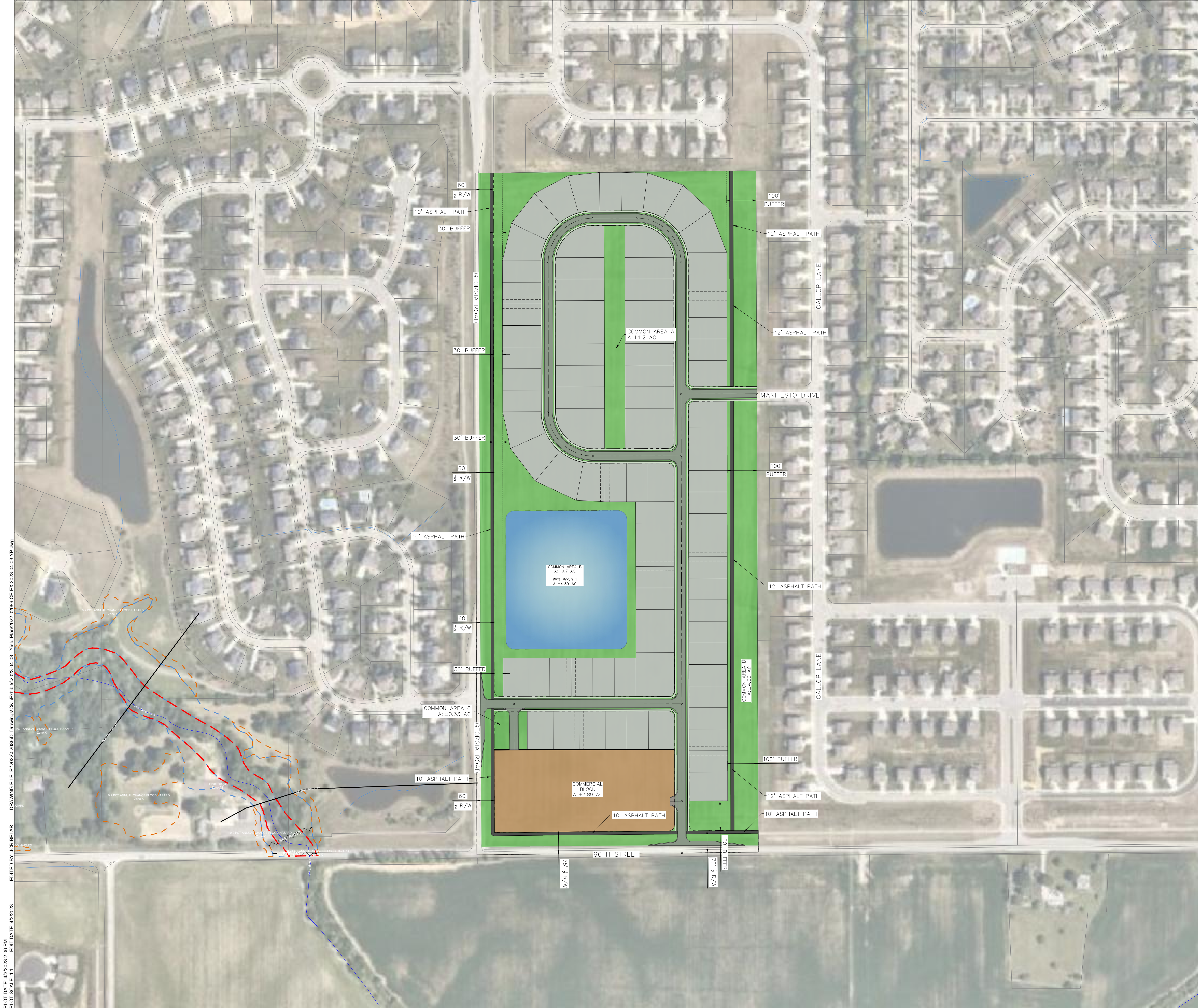
REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

Project Number 2022.02089

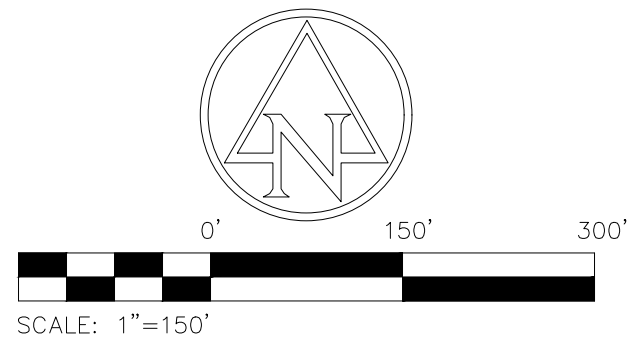
PEDESTRIAN PLAN

EX 3

PLOT DATE: 4/3/2023 2:06 PM
PLOT SCALE: 1:1
DRAWING FILE: P:\2022\02089\0 Drawings\Civil\Exhibits\2023-04-03 - Yield Plan\2022-02089 CE EX 2023-04-03 YP.dwg
EDITED BY: JCRBELAR
EDIT DATE: 4/3/2023

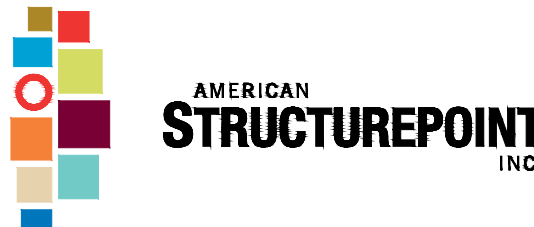


PLOT DATE: 4/3/2023 2:06 PM
PLOT SCALE: 1:1
DRAWING FILE: D:\2023\020889\Drawings\Civil\Exhibit\2023-04-03 - Yield Plan\2022-02089 CE EX 2023-04-03 YP.dwg
EDITED BY: JCRBELAR



SITE DATA TABLE

SITE ZONING:	PUD
GROSS AREA:	±50.39 AC.
PUBLIC RIGHT-OF-WAY (R/W):	±9.79 AC. (19.5%)
COMMON AREA:	±13.35 AC. (26.4%)
WET POND AREA:	±4.39 AC. (8.7%)
BLOCK AREA:	±3.89 AC. (7.7%)
TOTAL LOT AREA:	±23.34 AC. (46.4%)
TOTAL LOTS:	85
GROSS DENSITY (LOTS/GROSS AREA):	1.7
MIN. LOT AREA:	7,800 SF
MIN. (TYP.) LOT WIDTH:	60' (73')
TYP. LOT DEPTH:	130'
MIN. FRONT YARD SETBACK:	20'
MIN. SIDE YARD SETBACK:	5'
MIN. REAR YARD SETBACK:	20'
LOCAL ROAD LENGTH:	4,766 LF
12' ASPHALT PATH LENGTH:	2,184 LF
10' ASPHALT PATH LENGTH (ALONG FRONTAGES):	3,076 LF
TYP. R/W WIDTH:	50' (LOCAL ROAD) 100' (GEORGIA ROAD) 150' (96TH STREET)



9025 River Road, Suite 200 | Indianapolis, Indiana 46240
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www.structurepoint.com

RYAN HOMES WEST

**96TH STREET AND
GEORGIA ROAD**

Fishers, IN

CERTIFIED BY

ISSUANCE INDEX

DATE:
4/3/2023
PROJECT PHASE:
CONCEPTUAL

REVISION SCHEDULE

NO.	DESCRIPTION	DATE

Project Number 2022.02089

YIELD PLAN

EX 1





Sonoma panel, Almond finish, Decorative hardware

DOOR FEATURES

Pinch-Resistant Panels

designed to push fingers out of harm's way.

3-layer construction

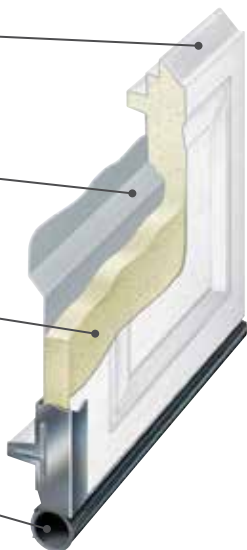
Model 5120 utilizes a ToughGard® backer.

Foamed-In-Place Polyurethane Insulation

provides thermal efficiency with an R-value* of 9.

Integral Struts

add rigidity and strength for long life and smooth operation.



High Cycle Spring Option

Choose a 25,000 cycle spring for more than twice the life of a standard torsion spring.

TorqueMaster® Plus Counter Balance System

Contains springs safely inside a steel tube to prevent accidental release of tension that could cause injury and features anti-drop safety technology.

Wind Load Options



Available with structural reinforcements for use in coastal or high wind region.

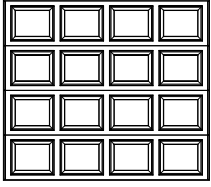
Limited Lifetime Warranty



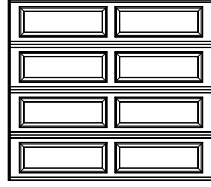
*Wayne Dalton uses a calculated door section R-value for our insulated doors.

1 Choose Your Style

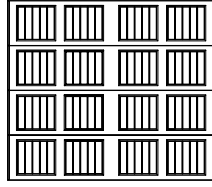
Doors shown are 8'x7'. Other sizes may have different panel configurations.



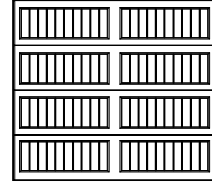
Colonial



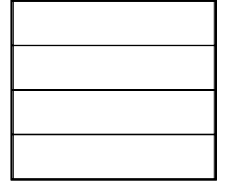
Ranch



Sonoma



Sonoma Ranch



Contemporary

2 Choose Your Color

Paint finishes



White



Almond



Desert Tan



Taupe



Gray



Green



Brown

3 Choose Your Windows

For Colonial and Contemporary Panels



Cascade I



Cascade II*



Cascade III*



Cathedral I



Cathedral II*



Clear I



Clear II*



Clear III*



Prairie I



Prairie II*



Sherwood I



Sherwood II*



Stockbridge*



Stockton I



Stockton II*



Stockton III*



Arched Stockton*



Waterton I



Waterton II*



Waterton III*



Williamsburg I



Williamsburg II*

*Contemporary panel only

For Sonoma Panels



Cascade I



Cascade III



Cathedral I



Clear I



Clear III



Stockbridge



Stockton I



Stockton III



Arched Stockton



Waterton I



Waterton III

For Ranch Panels



Cascade II



Cathedral II



Clear II



Prairie II



Sherwood II



Stockbridge



Stockton II



Arched Stockton



Waterton II



Williamsburg II

For Sonoma Ranch



Ashton IV



Cathedral IV



Cascade IV



Clear IV



Ruston IV



Sherwood IV



Stockbridge IV (3-Lite)



Stockbridge IV (4-Lite)



Stockford IV



Stockton IV (4-Lite)



Stockton IV (6-Lite)



Stockton IV (8-Lite)



Stockton IV (8-Lite Arched)



Stockton IV (12-Lite)



Arched Stockton IV



Waterton IV



Williamsburg IV



Williamsburg IV Single Arch, Double Car



Wyndbridge IV

Not all windows available in all areas. Windows shown are typical of an 8' wide door and placement may vary by panel design.

The following windows are available for double car doors



Arched Stockton Double



Arched Stockton Single

Glass Options



Clear



Gray Tinted



Satin Etched Privacy



Obscure

4 Choose Your Decorative Hardware



Arrow



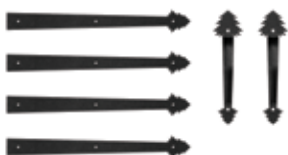
Aspen



Barcelona



Bean



Conifer



Fleur De Lis



Spear



Colonial panel, White finish, Clear I windows

Builder Solutions from Wayne Dalton

We have developed the entire Wayne Dalton Builder Solutions System to make it easier for you to add value and enhance the market appeal of your homes. By offering beautiful garage doors, smart garage door openers, and storm protection, Wayne Dalton supplies a system of products that differentiate homes.

Our innovative products are designed to be the safest, most durable, beautiful, and best engineered in the industry.

Wayne Dalton
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Lewisville, TX 75067

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ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE 109.34 +/- ACRES FROM R2 TO PUD-M FOR A PROJECT KNOWN AS FLAT FORK PUD DISTRICT.

WHEREAS, this is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance, ("UDO"), for the City of Fishers (the "City"), previously enacted pursuant to Ind. Code § 36-7-4 *et seq.* as amended.

WHEREAS, the Advisory Plan Commission for the City of Fishers ("Plan Commission") has conducted a public hearing on Docket No. ____-____-____ as required by law in regard to the Rezone; and

WHEREAS, the Plan Commission at its June 7, 2023 meeting sent a _____ recommendation to the Common Council by a vote of _____ () in favor and _____ () opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, MEETING IN REGULAR SESSION AS FOLLOWS:

SECTION 1. The City's Official Zoning Map is hereby amended to designate the Real Estate, as described and shown in **Exhibit A**, to PUD-M.

SECTION 2. This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SECTION 3. The specific zoning standards, concept plan, and illustrative architectural exhibit shall be approved as shown in **Exhibit B** ("Petitioner's Packet"), attached.

SO BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA this ____ day of _____, 2023.

ORDINANCE NO. _____

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY		NAY	ABSTAIN
	John Weingardt, President		
	Cecilia Coble, Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023, at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl

Exhibit A – Real Estate Description and Depiction

A part of the Southwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point South 89 degrees 31 minutes 27 seconds West 375.80 feet of the Southeast corner of said Southwest Quarter Section to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46, in the Office of the Recorder of Hamilton County, Indiana, being the point of beginning of this description; thence along the centerline of said Electric Line Easement by the next three (3) courses: 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence South 00 degrees 16 minutes 36 seconds East to the South line of said Quarter Section a distance of 2,307.09 feet; thence North 89 degrees 31 minutes 27 seconds East along the South line of said Quarter Section a distance of 944.06 feet to the point of beginning, containing 50.105 acres, more or less.

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of the Southeast Quarter of said Section 7; thence North 89 degrees 53 minutes 13 seconds West (the East line of the Southeast Quarter is assumed to be North 00 degrees 00 minutes 00 seconds East) along the South line of said Southeast Quarter Section 990.00 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the East line of said Quarter Section 1005.70 feet; thence South 89 degrees 53 minutes 13 seconds East parallel to the South line of said Quarter Section 990.00 feet to the East line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 1006.70 feet to the Point of Beginning, containing 22.857 acres, subject to highways, rights of ways and easements.

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 7; thence North 00 degrees 00 minutes 00 seconds East (assumed) along the East line of said southeast Quarter 1005.70 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 13 seconds West parallel to the South line of said Southeast Quarter Section 990.00 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the East line of said Quarter Section 322.08 feet to the North line of the South Half of said Southeast Quarter; thence North 89 degrees 55 minutes 53 seconds West along said Half-Quarter line 336.72 feet to the West line of the East Half of said Southeast Quarter; thence North 00 degrees 00 minutes 30 seconds West along said West line 520.61 feet; thence South 89 degrees 58 minutes 32 seconds East parallel to the North line of said Southeast Quarter 1326.79 feet to the East line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 844.79 feet to the POINT OF BEGINNING, containing 23.201 acres, more or less.

ORDINANCE NO. _____

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 7; thence North 00 degrees 00 minutes 00 seconds East (assumed) along the East line of said Southeast Quarter 1850.19 feet to the POINT OF BEGINNING; thence North 89 degrees 58 minutes 32 seconds West parallel to the North line of said Southeast Quarter Section 1326.79 feet to the West line of the East Half of said Southeast Quarter Section; thence North 00 degrees 00 minutes 30 seconds West along said West line 806.91 feet to the North line of said Southeast Quarter; thence South 89 degrees 58 minutes 32 seconds East along said North line 1326.91 feet to the Northeast corner of said Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds West along said East line 100.00 feet; thence North 89 degrees 58 minutes 32 seconds West parallel to the North line of said Southeast Quarter 300.00 feet; thence South 00 degrees 00 minutes 00 seconds West parallel to the East line of said Quarter Section 200.00 feet; thence South 89 degrees 58 minutes 32 seconds East parallel to the North line of said Southeast Quarter 300 feet to the East line of said Southeast Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 506.91 feet to the POINT OF BEGINNING, containing 23.201 acres, more or less.



2023

Exhibit B – FLAT FORK PUD



Planning & Zoning Department

City of Fishers

Ordinance: _____



A. Declaration, Purpose and Intent, Applicability, and Allowed Uses

1. Declaration

- a. Ordinance No. _____ (this "Ordinance")
- b. Adopted: June 19, 2023

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1, attached hereto and incorporated herein (the "Real Estate"), is hereby designated as Planned Unit Development – Mixed Use District (PUD-M) and shall hereafter be known as the "Flat Fork PUD".

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.

3. Applicability

The standards of the UDO applicable to the *R5 Residential District* shall apply to the development, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The standards of the UDO applicable to the *C2 Neighborhood Business District* shall apply to the 3.89 +/- acre commercial block, as shown on the Concept Plans, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Sec. 1.3.6. Transition Ordinance* also shall apply to amendments.

4. Allowed Uses

All uses permitted in the *R5 Residential District* shall be permitted in the residential areas. All uses permitted in the *C2 Neighborhood Business District* shall be permitted in the commercial block.

B. Concept Plans

The Concept Plans, attached hereto as Exhibit B.2, are hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plans and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plans (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Flat Fork PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development

Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

C. Standards for the District

1. Introductory Provisions

The regulations of *CHAPTER 1. INTRODUCTORY PROVISIONS* shall apply.

2. Administration

The regulations of *CHAPTER 2. ADMINISTRATION* shall apply.

3. Zoning Districts

The regulations of *CHAPTER 3. ZONING DISTRICTS* shall apply, except as modified by this Ordinance. The total maximum number of lots within the Flat Fork PUD shall not exceed 220 lots.

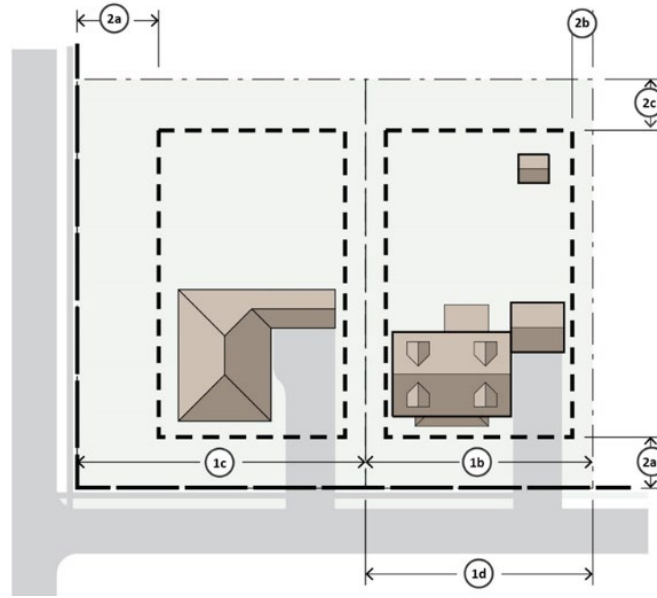
a. Article 3.1. Establishment of Zoning Districts: Shall apply.

b. Article 3.2. Residential Districts: Shall apply, except as modified below:

(1) *Sec. 3.2.6. R5 Residential District:* Shall not apply; instead, the following shall apply:

Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	7,500 sf
1b. Lot width at building line – standard	60'
1c. Lot width at building line – corner	72'
1d. Lot frontage	35'
2. Minimum Building Setbacks	
2a. Front – local street / other street type	20' / 40'
2b. Side	5'
2c. Rear	20'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,000 sf
4b. Living unit area, 2-story (min)	1,200 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	60%
5c. Alternative Standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1G. Structures Per Lot
6. Maximum Lots Permitted	
6a. Maximum number of lots	220



c. **Article 3.3. Nonresidential Districts:** Shall apply to the commercial block.

d. **Article 3.4. Other Districts:** Shall apply.

4. Overlay Zoning Districts

The regulations of *CHAPTER 4. OVERLAY ZONING DISTRICTS* shall apply.

5. Use Regulations

The regulations of *CHAPTER 5. USE REGULATIONS* shall apply.

6. Development Standards

The regulations of *CHAPTER 6. DEVELOPMENT STANDARDS* shall apply, except as modified by this Ordinance.

a. **Article 6.1. General Provisions:** Shall apply.

b. **Article 6.2. Accessory Structure Standards:** Shall apply.

c. **Article 6.3. Architectural Design Standards:** Shall apply to the commercial block. Shall apply to the residential areas, except as modified below:

- (1) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B.3**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit; however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit.
- (2) Residential dwellings shall incorporate at least two (2) types of modulation in the front façade plane, including, but not limited to: projections, recesses, and step backs that articulate wall planes and break up building mass.
- (3) Front façades equal to or longer than 20' shall provide a minimum total modulation area of 20% of the horizontal wall span, with a minimum vertical height of at least 3' tall. Porches and balconies, at least 4' in depth may count toward this requirement.
- (4) On front façades, residential dwellings shall use any combination of allowed material type, color variation, banding, stringcourse, or modulation to clearly distinguish between the ground level and upper stories.

- (5) Roof Standards
 - (i) *Subsections 6.3.4.B.3.a. and 6.3.4.B.3.b. Residential Design; Residential Building Form; Roof Standards:* Shall not apply.
 - (ii) All residential dwellings shall have eaves or overhangs a minimum of eleven (11) inches deep on the main roof. Depth shall be determined prior to the installation of the masonry. This shall not apply to front porches or dormers.
- (6) Garage Design
 - (i) *Subsection 6.3.4.B.4.a. Residential Design; Residential Building Form; Automobile Storage Standards:* Shall apply. However, there shall be no setback requirement for garages from the front façade plane.
 - (ii) *Subsection 6.3.4.B.4.c. Residential Design; Residential Building Form; Automobile Storage Standards:* Shall not apply.
 - (iii) Every two (2) bays (not more than 25' wide) shall have a separate door, and shall have a 2' plane separation from adjacent door(s).
 - (iv) Each garage door shall include a decorative design substantially similar in quality and character to the garage doors shown in the Garage Door Exhibit, attached hereto as **Exhibit B.4.**
- (7) Residential Materials
 - (i) *Subsection 6.3.4.D.2.a. Residential Design; Residential Materials; Standards:* Shall not apply.
 - (ii) Residential Dwellings shall distinguish field materials from accent materials through pattern, texture, or additional detail visible from front facade. Alternate masonry or material courses may count toward this.
 - (iii) *Subsection 6.3.4.D.2.e. Residential Design; Residential Materials; Standards:* Shall not apply.
- d. **Article 6.4. Entrance & Driveway Standards:** Shall apply.
- e. **Article 6.5. Exterior Lighting Standards:** Shall apply.
- f. **Article 6.6. Height Standards:** Shall apply.
- g. **Article 6.7. Landscaping Standards:** Shall apply, except as modified below:
 - (1) The required landscaping in all common areas/open spaces shall be native species selected from the City of Fishers Planting Guide list of Approved Species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. This shall not apply to foundation plantings nor other on-lot landscaping. However, the initial installation of street trees planted in a front yard of an individual homeowner's property shall be required to be native species. Non-native species may be installed with prior approval by City staff.
 - (2) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plant material may be of one species.
 - (3) *Subsection 6.7.5.B. Lot & Foundation Plantings; Foundation Planting:* Shall apply, except B.2 shall not apply.
- h. **Article 6.8. Lot Standards:** Shall apply, except as modified by this Ordinance.
- i. **Article 6.9. Non-Residential Open Space:** Shall apply.
- j. **Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. **Article 6.11. Parking & Loading Standards:** Shall apply.
- l. **Article 6.12. Pedestrian Accessibility Standards:** Shall apply.
- m. **Article 6.13. Permitted Non-residential Structure Standards:** Shall apply.
- n. **Article 6.14. Property Identification Standards:** Shall apply.
- o. **Article 6.15. Public Art Standards:** Shall apply.
- p. **Article 6.16. Setback Standards:** Shall apply, except as modified by this Ordinance.

- q. **Article 6.17. Signage Standards:** Shall apply.
- r. **Article 6.18. Wall & Fence Standards:** Shall apply.
- s. **Article 6.19. Water & Sewer Standards:** Shall apply.
- t. **Article 6.20. Vision Clearance Standards:** Shall apply.

7. Subdivision Regulations

The regulations of *CHAPTER 7. SUBDIVISION DISTRICTS* shall apply.

8. Subdivision & Planned Unit Development Design Standards

The regulations of *CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS* shall apply, except as modified by this Ordinance.

- a. **Article 8.1. General Provisions:** Shall apply.
- b. **Article 8.2. Block, Lot & Access Standards:** Shall apply, except as modified below:
 - (1) *Subsection 8.2.2.C.1. Anti-Monotony; Anti-monotony Code; Front Façade:* Shall not apply. Instead, the following shall apply: Front façades on the same building model shall not be duplicated for two (2) lots on each side of the subject lot on the same side of the street. Also, front façades for the same building model may not be duplicated for three (3) lots across the street from the subject lot.
 - (2) *Subsection 8.2.2.C.3. Anti-Monotony; Anti-monotony Code; Masonry Package:* Shall not apply. Instead, the following shall apply: Masonry packages may not be duplicated for one (1) lots on each side of the subject lot on the same side of the street. Also, masonry packages may not be duplicated for one (1) house across the street from the subject lot.
 - (3) *Subsection 8.2.5.B. Subdivision Access; Entrance Design:* Shall not apply.
 - (4) *Subsection 8.2.6. Pedestrian Network:* Shall apply, except that the location and width of sidewalks and paths shall be provided as generally shown on the Pedestrian Connectivity Exhibits, attached hereto as **Exhibit B.5**, or as otherwise approved by the City's Engineering Department at a narrower width than what is shown on **Exhibit B.5**.
- c. **Article 8.3. Street & Alley Standards:** Shall apply.
- d. **Article 8.4. Open Space, Common Area & Amenity Standards:** Shall not apply. Instead, the following shall apply:
 - (1) Open Space shall be provided as generally shown on the Concept Plans.
 - (2) A declaration shall reserve and dedicate to the City either a thirty (30) foot wide fee simple title or a thirty (30) foot wide trailway easement, in the area generally identified on the Pedestrian Connectivity Exhibits (**Exhibit B.5**) as "Geist Greenway Path".
 - (3) Shrubs shall not be required within any of the perimeter landscaping areas.
- e. **Article 8.5. Other Design Standards:** Shall apply, except as modified below:
 - (1) The detention pond shall have natural pond edges.

9. Floodplain Standards

The regulations of *CHAPTER 9. FLOODPLAIN STANDARDS* shall apply.

10. Procedures & Permits

The regulations of *CHAPTER 10. PROCEDURES & PERMITS* shall apply.

11. Enforcement & Penalties

The regulations of *CHAPTER 11. ENFORCEMENT & PENALTIES* shall apply.

12. Definitions

The regulations of *CHAPTER 12. DEFINITIONS* shall apply.

13. Sustainability Standards

The following sustainability standard shall apply:

- a.** Rain barrels shall be permitted to be connected to the roof downspouts.

14. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

(Remainder of page intentionally left blank.)

Exhibit B.1 – Real Estate Description and Depiction

A part of the Southwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point South 89 degrees 31 minutes 27 seconds West 375.80 feet of the Southeast corner of said Southwest Quarter Section to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46, in the Office of the Recorder of Hamilton County, Indiana, being the point of beginning of this description; thence along the centerline of said Electric Line Easement by the next three (3) courses: 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence South 00 degrees 16 minutes 36 seconds East to the South line of said Quarter Section a distance of 2,307.09 feet; thence North 89 degrees 31 minutes 27 seconds East along the South line of said Quarter Section a distance of 944.06 feet to the point of beginning, containing 50.105 acres, more or less.

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of the Southeast Quarter of said Section 7; thence North 89 degrees 53 minutes 13 seconds West (the East line of the Southeast Quarter is assumed to be North 00 degrees 00 minutes 00 seconds East) along the South line of said Southeast Quarter Section 990.00 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the East line of said Quarter Section 1005.70 feet; thence South 89 degrees 53 minutes 13 seconds East parallel to the South line of said Quarter Section 990.00 feet to the East line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 1006.70 feet to the Point of Beginning, containing 22.857 acres, subject to highways, rights of ways and easements.

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 7; thence North 00 degrees 00 minutes 00 seconds East (assumed) along the East line of said southeast Quarter 1005.70 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 13 seconds West parallel to the South line of said Southeast Quarter Section 990.00 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the East line of said Quarter Section 322.08 feet to the North line of the South Half of said Southeast Quarter; thence North 89 degrees 55 minutes 53 seconds West along said Half-Quarter line 336.72 feet to the West line of the East Half of said Southeast Quarter; thence North 00 degrees 00 minutes 30 seconds West along said West line 520.61 feet; thence South 89 degrees 58 minutes 32 seconds East parallel to the North line of said Southeast Quarter 1326.79 feet to the East line of said Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 844.79 feet to the POINT OF BEGINNING, containing 23.201 acres, more or less.

ORDINANCE NO. _____

AND

A part of the East Half of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 7; thence North 00 degrees 00 minutes 00 seconds East (assumed) along the East line of said Southeast Quarter 1850.19 feet to the POINT OF BEGINNING; thence North 89 degrees 58 minutes 32 seconds West parallel to the North line of said Southeast Quarter Section 1326.79 feet to the West line of the East Half of said Southeast Quarter Section; thence North 00 degrees 00 minutes 30 seconds West along said West line 806.91 feet to the North line of said Southeast Quarter; thence South 89 degrees 58 minutes 32 seconds East along said North line 1326.91 feet to the Northeast corner of said Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds West along said East line 100.00 feet; thence North 89 degrees 58 minutes 32 seconds West parallel to the North line of said Southeast Quarter 300.00 feet; thence South 00 degrees 00 minutes 00 seconds West parallel to the East line of said Quarter Section 200.00 feet; thence South 89 degrees 58 minutes 32 seconds East parallel to the North line of said Southeast Quarter 300 feet to the East line of said Southeast Quarter Section; thence South 00 degrees 00 minutes 00 seconds West along said East line 506.91 feet to the POINT OF BEGINNING, containing 23.201 acres, more or less.



— County Boundary
□ Real Estate

1:7,200
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

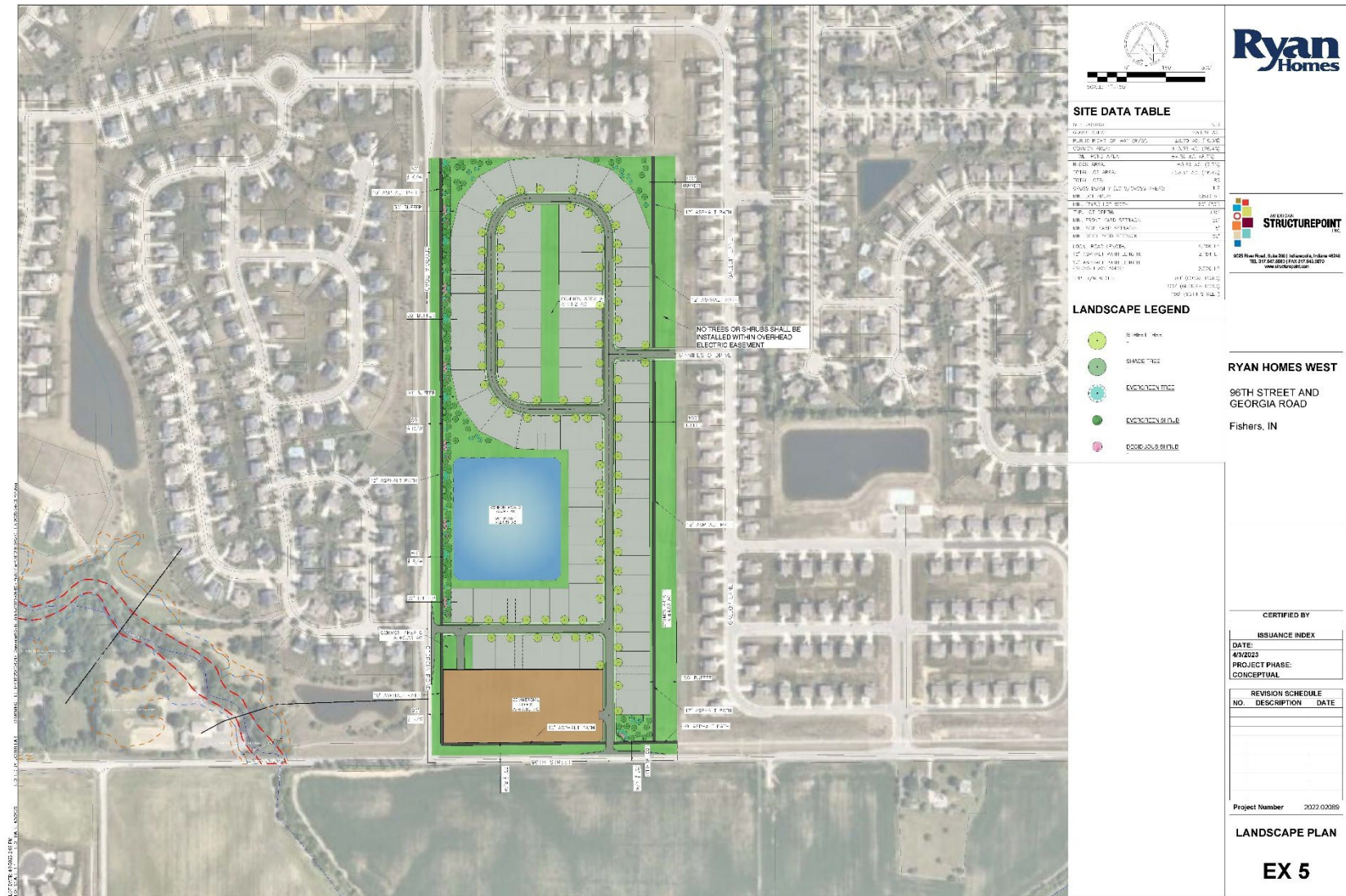


Exhibit B.2, continued – Concept Plans



Exhibit B.3 – Illustrative Architectural Exhibit



Exhibit B.4 – Garage Door Exhibit



MODEL

5120

BUILDER

CLASSIC STEEL



Sonoma panel, Almond finish, Decorative hardware

DOOR FEATURES

Pinch-Resistant Panels

designed to push fingers out of harm's way.

3-layer construction

Model 5120 utilizes a ToughGard® backer.

Foamed-In-Place Polyurethane Insulation

provides thermal efficiency with an R-value* of 9.

Integral Struts

add rigidity and strength for long life and smooth operation.



High Cycle Spring Option

Choose a 25,000 cycle spring for more than twice the life of a standard torsion spring.

TorqueMaster® Plus Counter Balance System

Contains springs safely inside a steel tube to prevent accidental release of tension that could cause injury and features anti-drop safety technology.

Wind Load Options



Available with structural reinforcements for use in coastal or high wind region.

Limited Lifetime Warranty



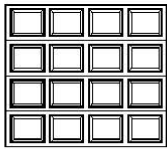
*Wayne Dalton uses a calculated door section R-value for our insulated doors.

The Builder Select Series

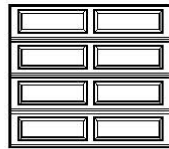
Exhibit B.4, continued – Garage Door Exhibit

1 Choose Your Style

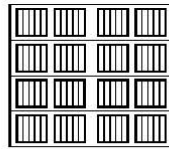
Doors shown are 8'x7'. Other sizes may have different panel configurations.



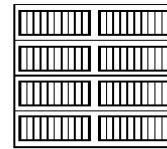
Colonial



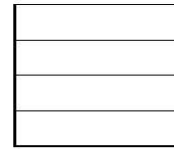
Ranch



Sonoma



Sonoma Ranch



Contemporary

2 Choose Your Color

Paint finishes



White



Almond



Desert Tan



Taupe



Gray



Green



Brown

3 Choose Your Windows

For Colonial and Contemporary Panels



Cascade I



Cascade II*



Cascade III*



Cathedral I



Cathedral II*



Clear I



Clear II*



Clear III*



Prairie I



Prairie II*



Sherwood I



Sherwood II*



Stockbridge*



Stockton I



Stockton II*



Stockton III*



Arched Stockton*



Waterton I



Waterton II*



Waterton III*



Williamsburg I



Williamsburg II*

*Contemporary panel only

For Sonoma Panels



Cascade I



Cascade III



Cathedral I



Clear I



Clear III



Stockbridge



Stockton I



Stockton III



Arched Stockton



Waterton I



Waterton III

Exhibit B.4, continued – Garage Door Exhibit

For Ranch Panels



Cascade II



Cathedral II



Clear II



Prairie II



Sherwood II



Stockbridge



Stockton II



Arched Stockton



Waterton II



Williamsburg II

For Sonoma Ranch



Ashton IV



Cathedral IV



Cascade IV



Clear IV



Ruston IV



Sherwood IV



Stockbridge IV (3-Lite)



Stockbridge IV (4-Lite)



Stockford IV



Stockton IV (4-Lite)



Stockton IV (6-Lite)



Stockton IV (8-Lite)



Stockton IV (8-Lite Arched)



Stockton IV (12-Lite)



Arched Stockton IV



Waterton IV



Williamsburg IV



Williamsburg IV Single Arch, Double Car



Wyndbridge IV

Not all windows available in all areas. Windows shown are typical of an 8' wide door and placement may vary by panel design.

The following windows are available for double car doors



Arched Stockton Double



Arched Stockton Single

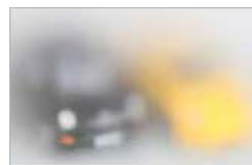
Glass Options



Clear



Gray Tinted



Satin Etched Privacy



Obscure

4 Choose Your Decorative Hardware



Arrow



Aspen



Barcelona



Bean



Conifer



Fleur De Lis



Spear

Exhibit B.5 – Pedestrian Connectivity Exhibits

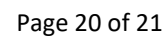
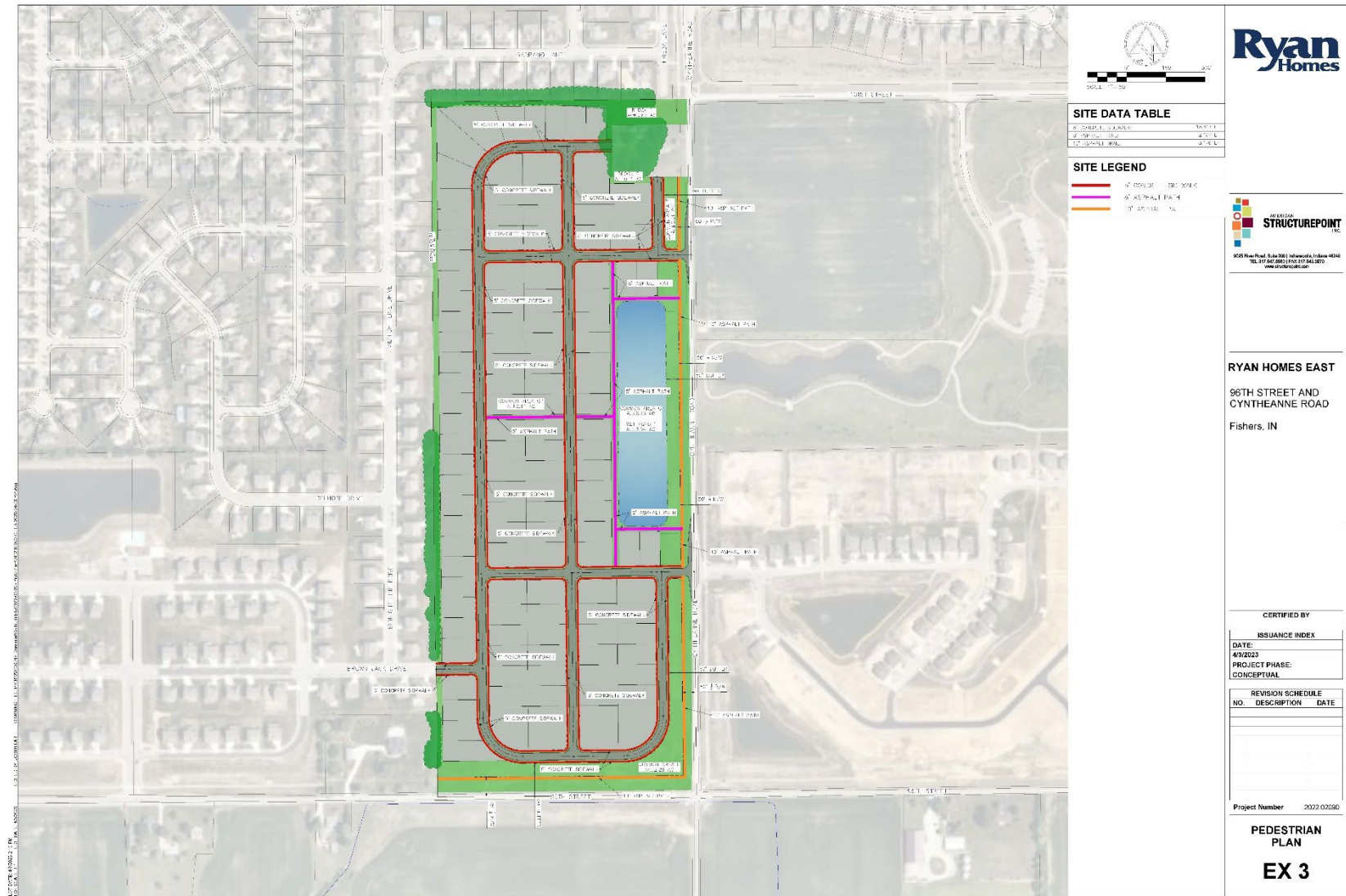


Exhibit B.5 – Pedestrian Connectivity Exhibits





Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Consideration of a text amendment to various sections of the Nickel Plate District Code (NPDC), including the Zone Map to add the Technology Center (TC) Zoning District, Figure 1.3. Development Standards, Figure 1.4. Building Types, and streetscape options. (TA-22-36)			
SUBMITTED BY	Name & Title: Ross Hilleary, Assistant Director of Planning & Zoning Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 041723D		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	This Text Amendment amends certain sections of the Nickel Plate District Code, including the additional of a new zoning district, entitled Technology Center (TC) Zoning District. The purpose of this ordinance is to refine certain regulator language in the Nickel Plate District Code, furtherance of the overall development to create the downtown envisioned by the Downtown 2030 Master Plan through a form-based code found within the regulator parts of Sections 1 to 8 and the conceptual master plan of Section 9. Updates are included for: Section 1. Zone Regulations, Section 2. Architectural Regulations, Section 3. Landscaping Regulations, Section 4. Parking Regulations, Section 5. Lighting Regulations, Section 6. Signage Regulations, Section 7. Streetscape, Section 8. Administration and Section 9. Master Plan	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 1 st Reading
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	April 17, 2023 - Proposed 1st - City Council June 7, 2023 - Proposed Public Hearing / Recommendation - Plan Commission June 19, 2023 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold 1 st Reading	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Draft Ordinance 2. Update Attachment	



SECTION 1 - ZONE REGULATIONS

1.1: Intent

The Nickel Plate District Code provides strict design requirements but the Code intends to provide flexibility to allow for flexible design and to accommodate adequate parking as the district redevelops.

- A traditional “main-street” walkable and vibrant downtown feel with pedestrian-scaled storefront building designs. (Ord. 110514C)
- Retail on ground floor with living, retail, or office on upper floors.
- Two to four story buildings adjacent to the street.
- No large surface parking lots are allowed in the DC or VC Neighborhoods. Temporary surface lots are allowed as a mechanism to provide parking before a parking structure is available.
- Limited parking in rear of structures for deliveries and trash enclosures to be serviced off of existing alleys.
- Promote designs that show durability and permanence through the use of brick and masonry.
- Allow flexibility in design for buildings that will be adjacent or nearly adjacent.
- When a façade is longer than 150 feet, it should look like two or more buildings to maintain small downtown atmosphere.

1.2: Zone Map

The Master Plan, Figure 9.4, depicts the desired conceptual layout for the Nickel Plate District. Based on this concept, the overall Nickel Plate District has been divided into four sub districts, which will be referred to as Zones in this Code. As with a traditional zoning ordinance, these Zones each have specific development standards, which are outlined in this Code. (Ord. 071816C)

Figure 1.1: Nickel Plate District Zones

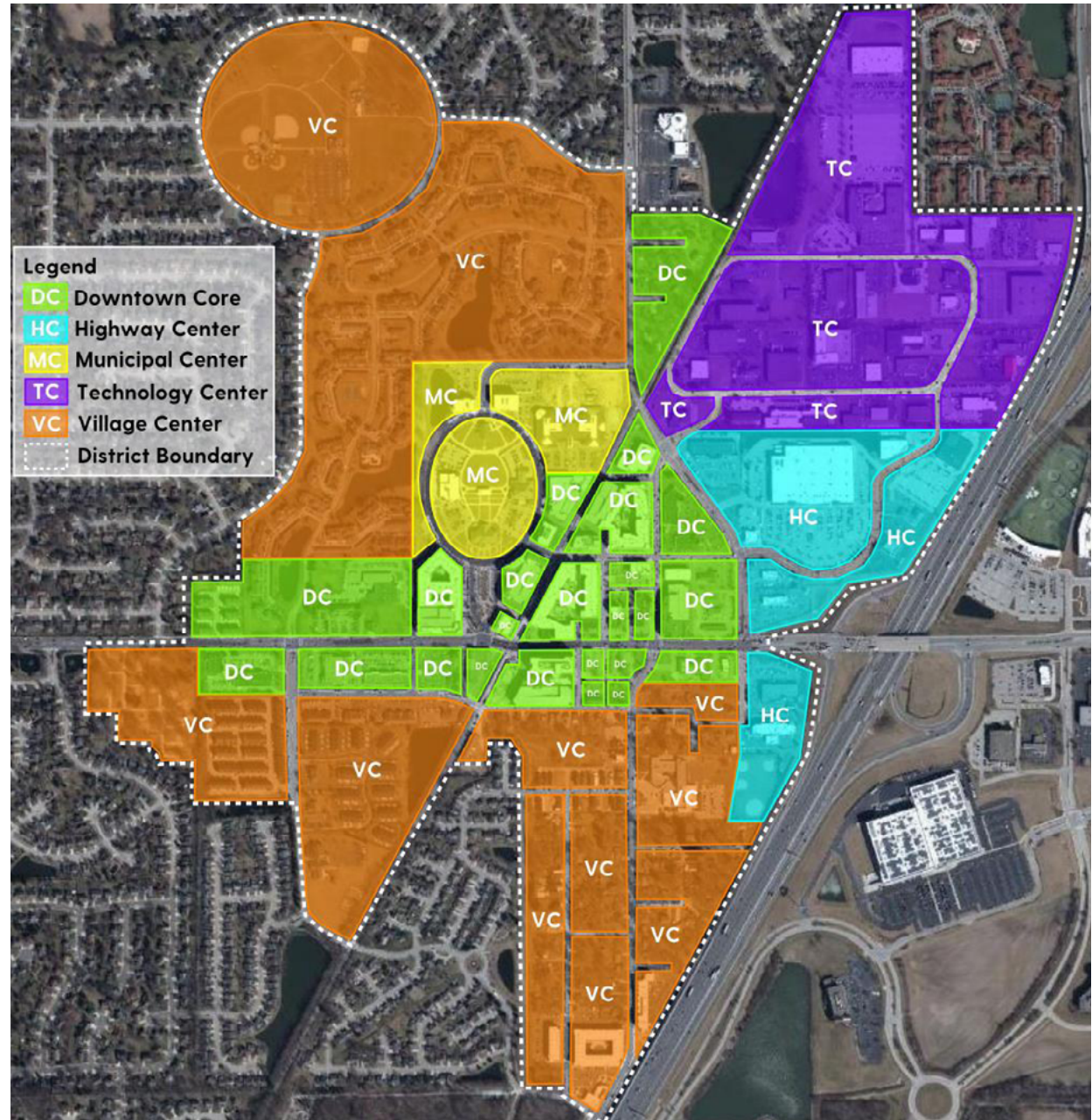


Figure 1.2: Zone Descriptions

DC	Downtown Core	
	The Downtown Core is where people can live, work, shop, dine and play. It is a destination for residents and visitors alike due to its mixture of uses that provide a vibrant, unique atmosphere. The Downtown Core is the most 'urban' of the Zones and provides the majority of 'main street' retail shops and restaurants. In addition, multifamily residential offers the downtown living experience within vertically mixed buildings. The Downtown Core will contain several building types supporting a diversity of scale and use throughout the core. This diversity sets the framework for a character of small shops, restaurants and tree-shaded sidewalks.	
MC	Municipal Center	
	The Municipal Center brings vibrancy into the District through activities, events and services. Primary civic functions are located within this Zone including municipal government, police, fire, library, court, and similar uses. Large open spaces create a stately setting for the overall complex and provide locations for large community events such as; movies on the lawn, outdoor concert series, farmers' market and festivals/fairs. A higher percentage of open space is to be maintained with the Zone to allow for these activities to continue and differentiate the Municipal Center from all other Zones.	
HC	Highway Center	
	With primary frontage along Interstate 69, the Highway Center serves the residents and community at-large with essential goods and services through large retailers and restaurants. Serving as the gateway to Fishers for many residents and visitors, enhancements on traditional site planning techniques are encouraged to have buildings front the streets and continue the character of the Downtown Core. Building types and uses are limited in the Highway Center so this Zone can remain a commercial destination for the community. This Zone prohibits residential uses as they are incompatible with the large footprint, single user buildings prevalent in this Zone. Infill commercial is encouraged along existing streets to provide a greater streetscape experience for both pedestrians and drivers.	
VC	Village Center	
	The Village Center is the population center to support downtown. Connectivity to the Downtown Core is critical for pedestrians, cyclists and vehicles. This connectivity is to be achieved through pedestrian activity on a network of trails and sidewalks. Civic functions such as schools, community centers, and churches are possible uses to help enrich the overall character and experience. To maximize the resident population surrounding downtown, the Village Center will consist of residential building types including multifamily developments, townhouses, and single family dwellings. These building types provide a character of a tightly knit community that is 'in town', with buildings pulled close to primary streets while creating frontages that promote interaction of neighbors.	
TC	Technology Center	
	The Technology Center is the innovation and collaboration center of the district. This area provides a mix of employment uses that includes office, research, and development (R&D) and components of light or flex-industrial uses. R&D includes basic and applied research, application of such knowledge to the production process, research facilities, clean manufacturing, and support services in a coordinated and high quality, aesthetic environment and incubator facilities for start-ups and growing tech/research companies. Campus settings with coordinated buildings and pedestrian environments are strongly encouraged. Employment intensive uses which allow existing buildings to be converted to high tech office and makers space are also encouraged.	

Zone Regulations

Figure 1.3: Development Standards (Ord. 011717D)

	DC: Downtown Core	MC: Municipal Center	HC: Highway Center	VC: Village Center	TC: Technology Center
Setbacks: See Figure 1.5 and Section 7 of this Code for right-of-way information.					
Front (Min./Max.):	0 feet/5 feet	0 feet/none	10 feet/130 feet	2 feet/10 feet	10 feet/None
Side (Min./Max.):	0 feet/10 feet	0 feet/none	10 feet/30 feet	0 feet/15 feet	5 feet/None
Rear (Min./Max.):	0 feet/30 feet	0 feet/none	10 feet/none	5 feet/none	10 feet/None
Building Separation (Min.):	0 feet or 10 feet	0 feet	15 feet	0 feet or 10 feet	10 feet
Structure Height:					
Primary Minimum:	2 stories/26 feet	2 stories/26 feet	1 story/14 feet	1 story/16 feet	None
Primary Maximum:	4 stories/60 feet	4 stories/60 feet	4 stories/60 feet	3 stories/42 feet	4 stories/60 feet
Accessory Minimum:	Not Permitted	Not Permitted	Not Permitted	N/A	None
Accessory Maximum:	Not Permitted	Not Permitted	Not Permitted	15 feet / 600 SF	35 feet
Lot Coverage: All impervious surface is included in this calculation.					
Maximum:	100%	90%	90%	90%	90%
Structure Size:					
Min. Residential Unit Area:	700 SF	700 SF	Not Permitted	700 SF	N/A
Max. Residential Unit Area:	3,000 SF	3,000 SF	Not Permitted	None	N/A
Min. Commercial Ground Floor Area:	100% of frontage (sites 0-2 ac.) 50% of frontage (sites 2+ ac.)	0% of building footprint	80% of building footprint	0% of building footprint	N/A
Max. Commercial Ground Floor Area:	100% of building footprint	100% of building footprint	100% of building footprint	75% of lot	N/A
Supplemental Regulations:					
Primary Uses per Lot (Max.):	Multiple	Multiple	Multiple, under single ownership	Two, under single ownership	Multiple
Drive Up Window/Drive Thru:	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Communications Facilities:	Not Permitted	Permitted	Not Permitted	Not Permitted	Permitted
Outdoor Dining:	Permitted	Permitted	Permitted	Not Permitted	Permitted
Satellite Dishes (24 in. Max.):	Permitted; not visible from street.	Permitted; not visible from street	Permitted; not visible from street	Permitted; not on front facade	Permitted, not visible from street
Kiosk or Vending Machine:	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Parking as Primary Use	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted (unless provides shared parking for multiple users)

*Staff may require buildings with corner frontages to notch the corner to ensure a clear vision triangle for vehicles, pedestrians, and bikes

*Accessory uses shall be located behind the primary structure

*Setbacks are measured from the structure face, not necessarily from the foundation edge

*Single-family and Live/Work structures may utilize up to a maximum 20 foot front yard setback in the Village Center

See Administration for waivers
(Ord. 071816C)

Figure 1.4: Building Types (Ord. 011717D)

	DC Downtown Core	MC Municipal Center	HC Highway Center	VC Village Center	TC Tech. Center
MU Mixed Use ¹ : A structure that combines commercial, office, and/or retail space with residential units. Typically, the ground floor would be occupied by a non-residential use while the upper floors would be occupied by a residential use. Parking is provided in rear of buildings, in common parking garages or surface lots.	●	●	●	●	●
IC Infill Commercial: A primarily commercial type in the form of individual buildings and with a street level designated as a storefront available for flex use as a retail store or office. All floors are available for flex use as office or retail. Parking is provided in rear or in a parking garage.	●	●	●		●
HW Highway Commercial: A commercial type in the form of individual buildings designated as a storefront available for flex use as a retail store or office. Parking is generally provided in rear or side of buildings in surface lots.			●		
LC Large Commercial: A commercial type in the form of large individual buildings designated as available for a retail store. Parking is generally provided in front of buildings in surface lots.			●		
LD Lodging: A hospitality use in the form of one or more multi-story buildings designated as available for lodging with limited ground floor flex use as retail. Parking is generally provided in surface lot or common parking garage.	●		●		
LW Live/Work ² : A single-family housing type combining a dwelling with a ground floor storefront available for flex use as a retail store or office. Access is provided to all units directly from the street. Parking is provided on street, in a garage, or in a small rear yard lot.				●	
OF Small Office ² : A small business that draws limited customer traffic designed to resemble residential development. This includes but is not limited to, insurance offices, real estate agents, attorneys, etc. Parking is to be provided on-street or by rear-loaded alley.				●	
MF Multifamily ¹ : A multifamily housing type with stacked residential units in a single structure. Multifamily units are generally accessible by a common lobby, elevator and interior corridor. Parking is generally provided in mid-block parking garage or surface lot.	●			●	●
TH Townhome: A single-family attached housing type typically located with a porch or stoop. Parking is typically provided in a garage off of an alley.	●			●	
SF Single Family Detached: A single family detached is a dwelling for one family on a single lot. Parking is typically provided in a private drive or garage and is accessible by the primary street or an alley.				●	
CV Civic/Institutional: A municipal type in the form of large individual buildings and generally accessible directly from the street with all floors serving as flex use as office and service. Parking is generally provided in surface lots or common parking garage.	●	●	●	●	●
RC Residential Conversion ³ : Properties that were built as residential dwellings but have been converted for commercial, retail, or office use with no residents in the property. For a residential conversion to take place, the structure must comply with all current zoning standards.				●	
TB Technology Building. Office and industrial flex-type structures used for high-tech manufacturing and production, research and development, innovation, entrepreneurship, office, and co-working. Parking is generally provided on the side and rear of buildings.					●

1: Prohibited south of Morgan Drive, except east of Lantern Road.

2: Prohibited south of Morgan Drive, except properties adjacent to the west side of Lantern Road.

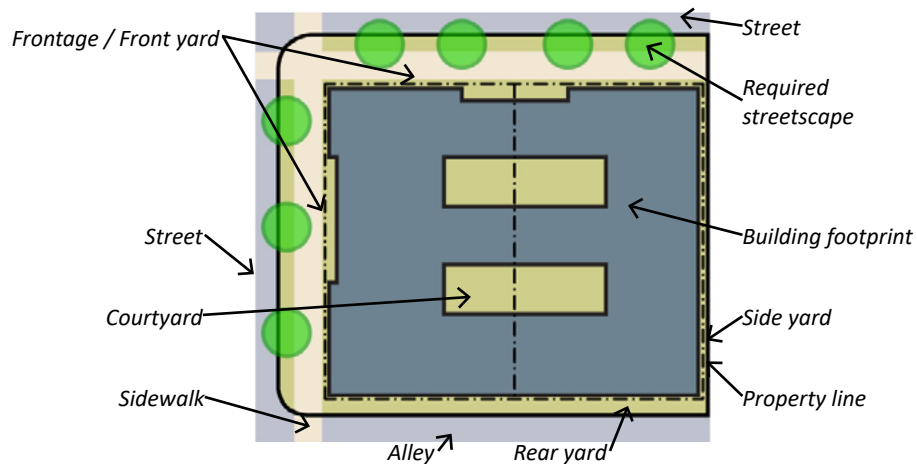
3: Prohibited south of Morgan Drive.

All non-residential structures must be a minimum of two stories in height.

● =Permitted

Zone Regulations

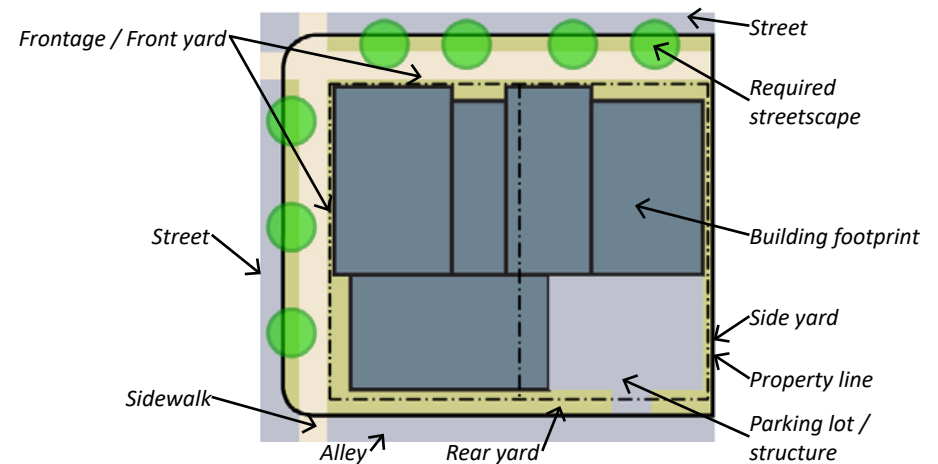
MU: Mixed Use



Type-Specific Standards

Required Features	Desired Features
Transparent first floor per Section 2	Outdoor dining
Shared garage parking	Projecting and pedestrian signage
	Common entry for residents
	Multiple facade styles
	Upper floor balconies and awnings

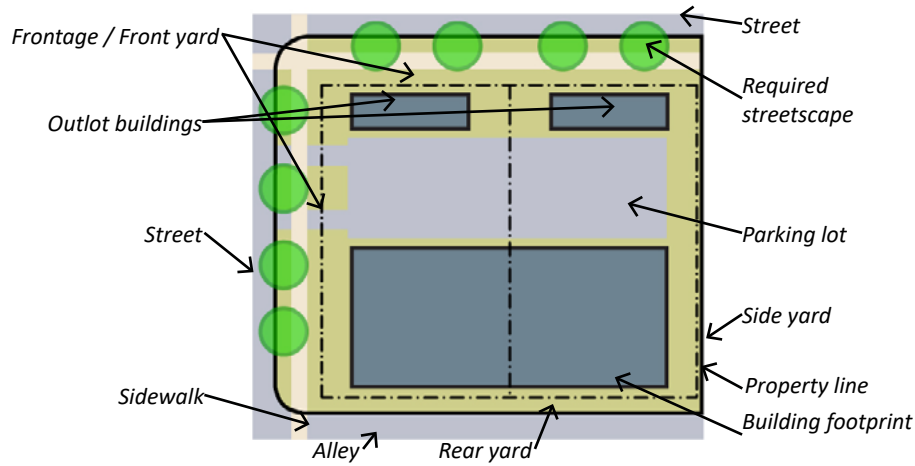
IC: Infill Commercial



Type-Specific Standards

Required Features	Desired Features
Transparent first floor per Section 2	Outdoor dining
Shared garage parking	Projecting and pedestrian signage
	Multiple facade styles

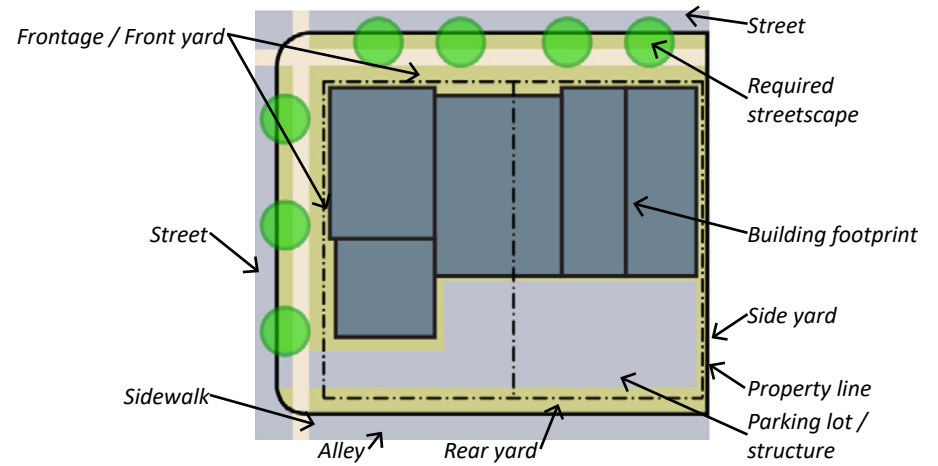
HW: Highway Commercial



Type-Specific Standards

Required Features	Desired Features
Shared signage	Monument signage
Transparent front facade per Section 2	Shared parking

LC: Large Commercial

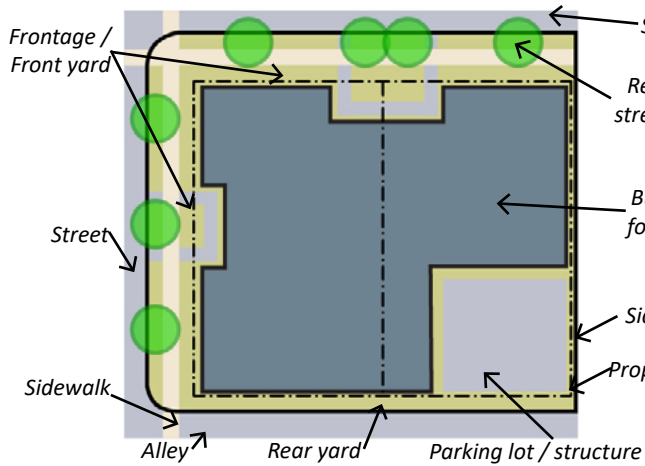


Type-Specific Standards

Required Features	Desired Features
Transparent first floor per Section 2	Outdoor dining
Shared parking	Pedestrian and wall signage
	Multiple facade styles

Zone Regulations

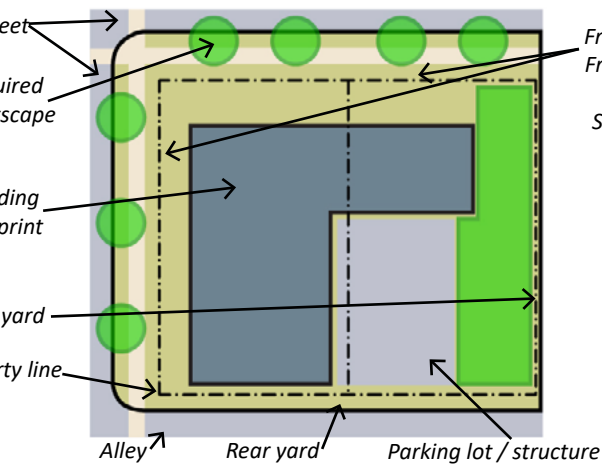
LD: Lodging



Type-Specific Standards

Required Features	Desired Features
Monument, wall and projecting signage	Shared garage parking
Shared parking	Blade signage
	Conference areas
	Outdoor dining

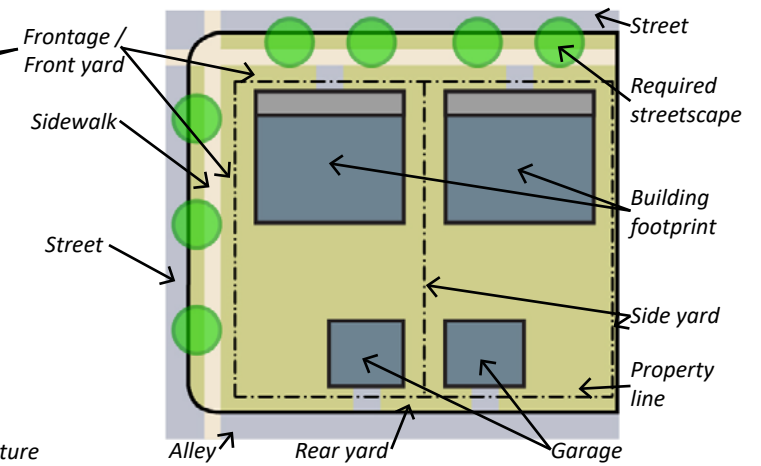
CV: Civic



Type-Specific Standards

Required Features	Desired Features
Shared parking	Shared garage parking
	Wayfinding signage
	Institutional design

LW: Live/Work + RC: Residential Conversion

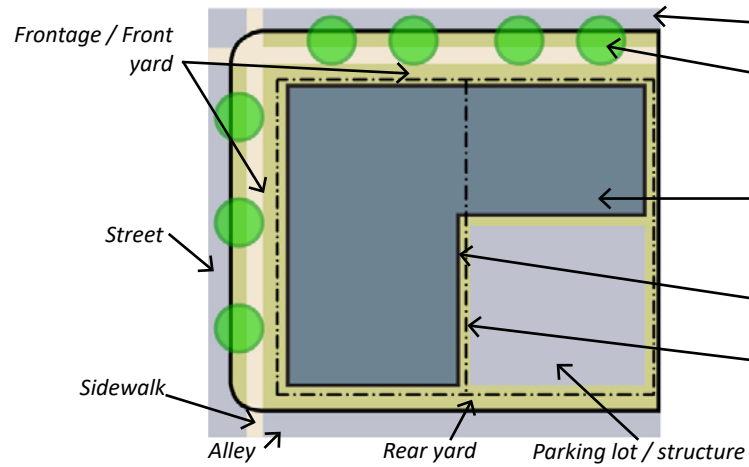


Type-Specific Standards

Required Features	Desired Features
Small signage	Storefront windows
Street parking	Shared and on-street parking
Residential appearance	
Two stories in height (min.)	

Ord. 011717D

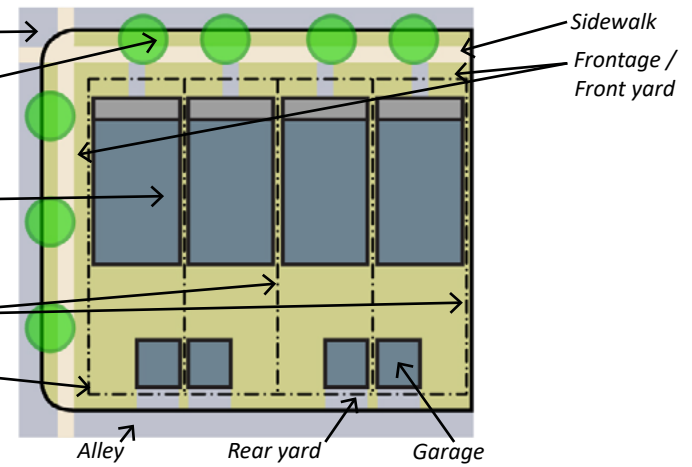
MF: Multi Family



Type-Specific Standards

Required Features	Desired Features
Monument signage	Shared garage parking
Shared parking	Balconies

TH: Townhome

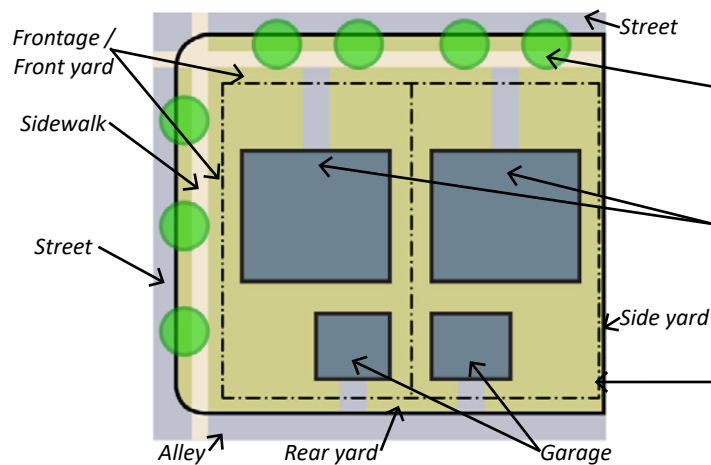


Type-Specific Standards

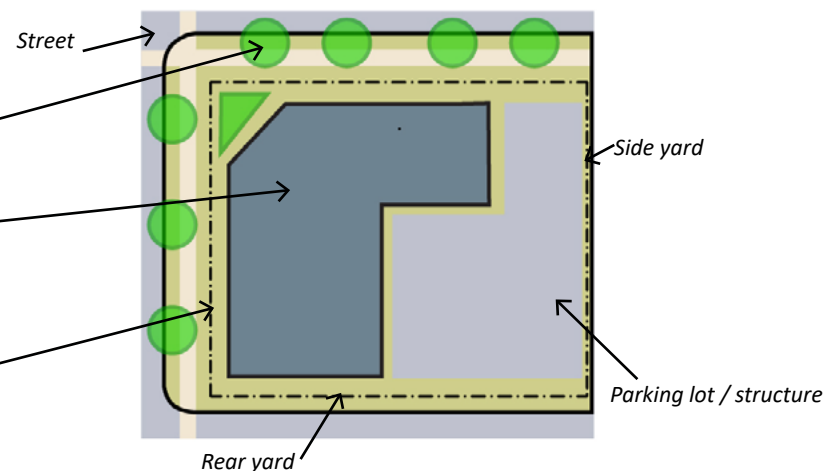
Required Features	Desired Features
Varying facades	Stoops
On-street parking	Rear garage
	Rear patios

Zone Regulations

SF: Single Family



TB: Technology Building



Type-Specific Standards

Required Features	Desired Features
Street parking	Front porches
	Rear garage

Type-Specific Standards

Required Features	Desired Features
Enhanced entry architectural features	Shared parking lots
Transparent elements for office and visitor areas	Parking areas oriented to the side and rear
Pedestrian connection to Nickel Plate Trail (if directly adjacent)	Primary facade oriented towards Nickel Plate Trail and enhanced bicycle and pedestrian features
	Complementary massing of structures

1.3: First Floor Commercial

The highlighted area in Figure 1.6 illustrates where structures are required to have first floor commercial space. This requirement pertains to the entire face of the building. The first floor shall be designed to resemble a retail storefront in these designated areas. Should it not be feasible to justify the entire building frontage be commercial at the time of construction, the Nickel Plate Review Committee may approve flex space on the first floor for non-commercial use so long as it is designed to be converted into commercial space and occupies no more than 40 percent of the required commercial space. See Administration for waivers.

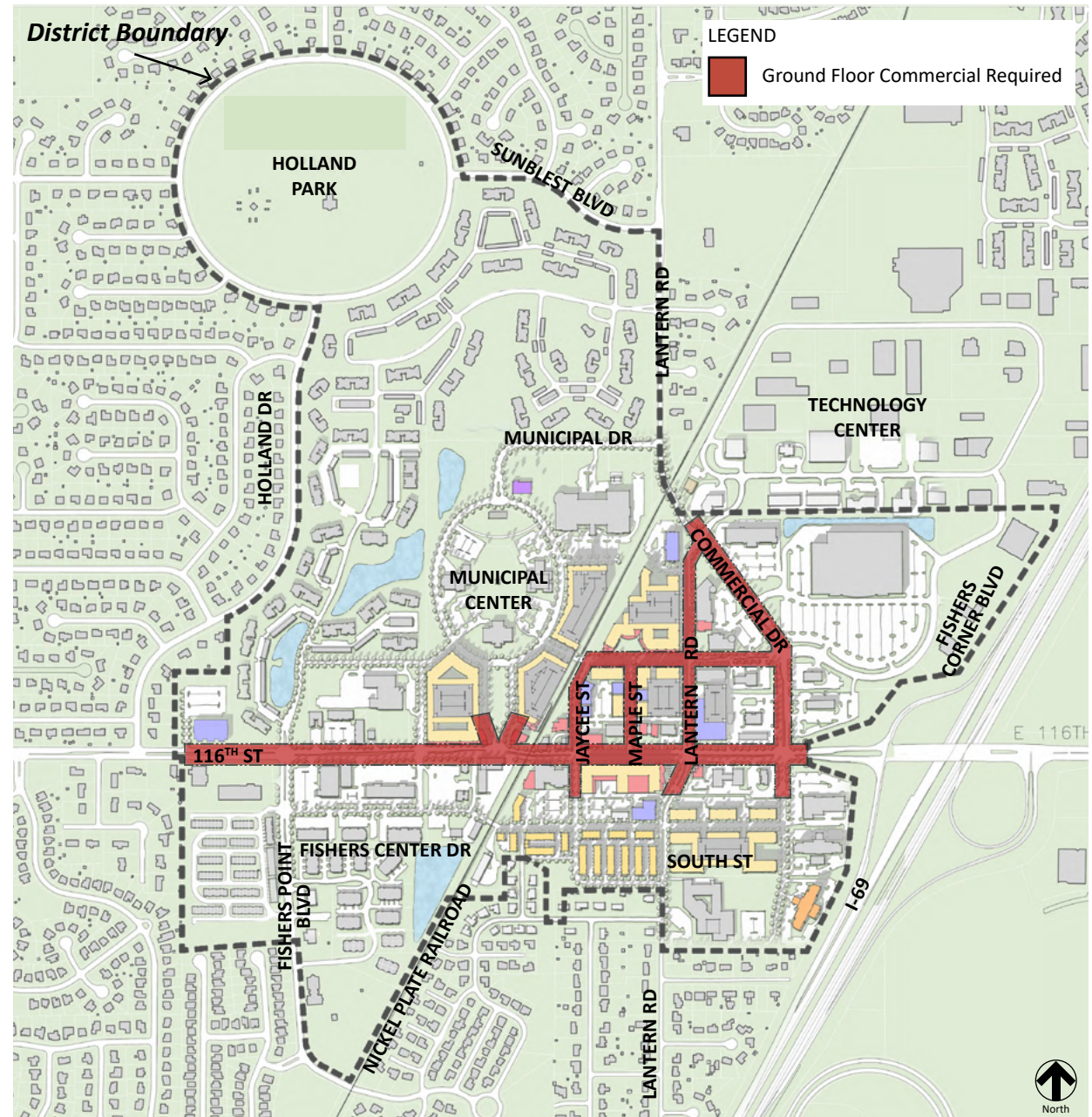
The individual street segments that require first floor commercial space are outlined in red in Figure 1.6. The affected streets are:

1. 116th Street
2. Commercial Drive
3. Lantern Road
4. Maple Street
5. Fishers Corner Boulevard
6. Municipal Drive
7. Jaycee Street

Permitted ground floor commercial uses include:

1. Retail
2. Restaurant
3. Personal Service
4. Office (Office, Business/Financial Services, Office, General Services, Professional) (Ord. 0091817)
5. Grocery/Deli/Specialty Food Store

Figure 1.5: Required First Floor Commercial Space



1.4: Building Frontages

The Frontage Plan, Figure 1.7, denotes what the required building frontages are for each street. This plan matches with Figure 1.8, Frontage Types, on the following page. On streets with no defined frontage, the frontage shall be appropriate to the building style as well as the other frontages on existing buildings. The Nickel Plate Review Committee shall have the authority to allow a petitioner to utilize one frontage type when their structure spans two or more frontage types. (Ord. 071816C)

Figure 1.6: Frontage Plan

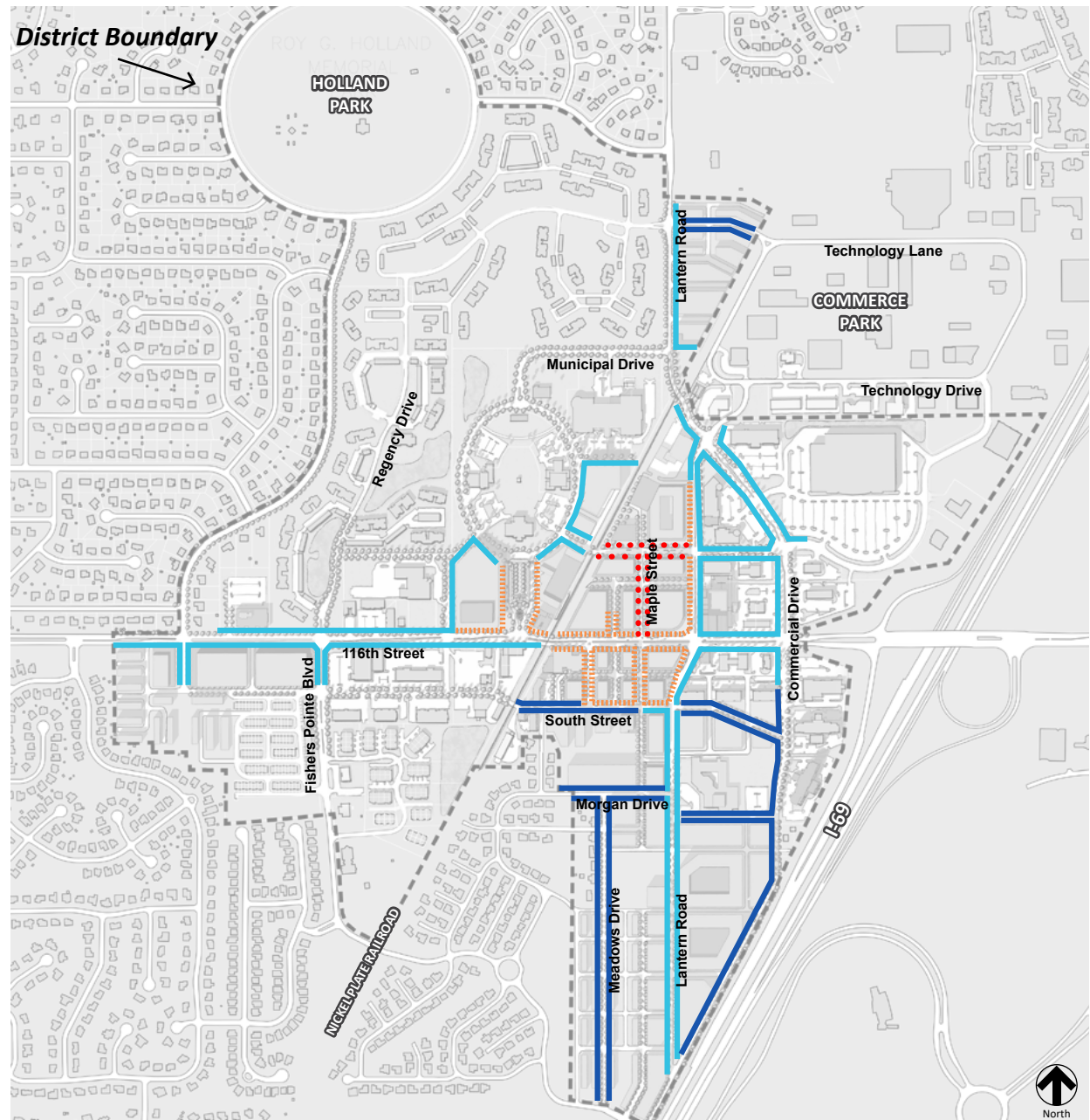
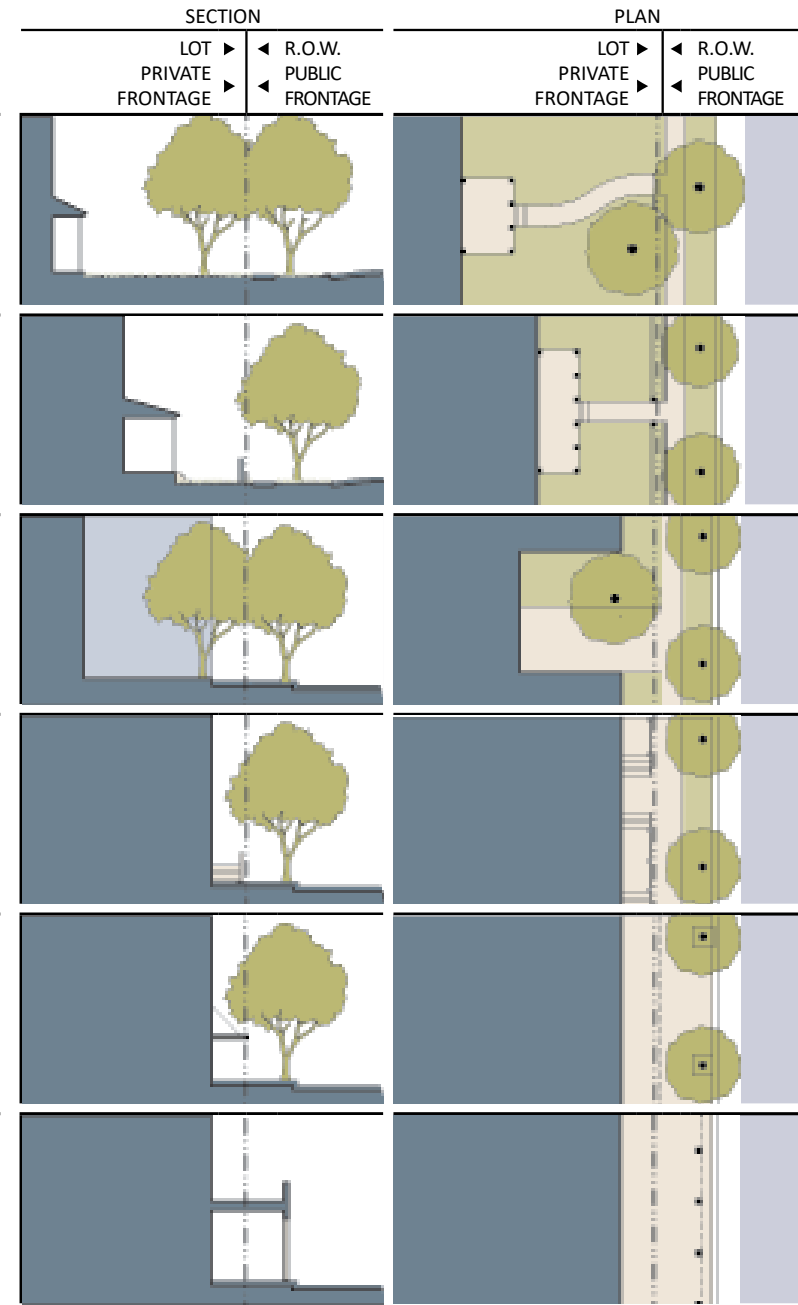


Figure 1.7: Frontage Types

a. Common Yard: a planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.
b. Porch & Fence: a planted frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains street spatial definition. Porches shall be no less than eight feet deep.
d. Forecourt: a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.
e. Stoop: a frontage wherein the facade is aligned close to the frontage line. The first story may be elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for first-floor residential use.
f. Shopfront: a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for commercial use. It utilizes a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to within two feet of the curb.
g. Gallery: a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and should overlap the sidewalk to within two feet of the curb.





SECTION 2 - ARCHITECTURE REGULATIONS

2.1: Intent

The architecture regulations of the Nickel Plate District Code are designed to create a compact, walkable streetscape with a main street, storefront appearance. Structures shall be designed using durable materials with clearly defined entrances. Services shall be located out of view from the street (excluding alleys) and structures should be serviced from the rear yard whenever possible. Parking is to be located in the rear, except in the Highway Center Zone.

2.2: General Requirements

Every structure shall be reviewed according to the process identified in Section 8 of this Code.

- 2.2.1: All structures shall be oriented to meet the intent of the conceptual Master Plan, Figure 9.4.
- 2.2.2: Submittal requirements:
 - 1. Architectural elevations of all facades shall be submitted with the Improvement Location Permit application. These elevations shall depict accessory structures, trash enclosures, mechanical areas, and all structures to be constructed under the Improvement Location Permit.
 - 2. Three-dimensional renderings / models of the proposed structure(s) shall be submitted for projects requiring review by the Nickel Plate Review Committee. Renderings / models shall include adjacent structure massing and street orientation.
- 2.2.3: Vertical projecting elements that are not occupied may be utilized, but shall not project more than 20 percent of the overall structure height (e.g. 40 foot cornice height on highest occupied portion of structure will allow for an eight foot projection, which may go above the maximum structure height). Such elements shall be of similar architecture to the primary structure.
- 2.2.4: Single family residential structures and live/work structures shall conform to the Single Family Residential architecture provisions of the Unified Development Ordinance, Section 5.012.
- 2.2.5: Ground floor commercial space is required for structures on designated streets, as depicted in Figure 1.6. Should it not be feasible to develop all of the commercial space at the time of initial construction, up to 40 percent of



the ground floor commercial area may be configured as residential flex space where the space is designed for commercial use but is temporarily used for residential units.

- 2.2.6: The following shall not be permitted: Panelized wall materials, window air conditioning units on a front facade, and exterior fluorescent lights with visible bulbs.
- 2.2.7: Structures, including two or more structures sharing a common wall thus creating a single facade, wider than 225 feet shall require a pedestrian passage through the longest side of the structure. See Administration for waivers.
- 2.2.8: Parking structures shall not be more than eight feet taller than the adjacent primary structure
- 2.2.9: Parking as a primary use shall include ground floor commercial along 80 percent of its frontage when in an area with required ground floor commercial space.
- 2.2.10: All structures in the TCR zone shall have architectural standards equivalent to the R4 zone. (Ord. 110514C)

2.3: Materials

- 2.3.1: Masonry products permitted are brick and stone. This includes the synthetic versions of these products. See Administration for waivers.

- 2.3.2: Other permitted exterior materials shall be fiber cement (or other simulated wood synthetic excluding vinyl siding) and stucco.
- 2.3.3: EFIS is permitted for the top floor of multi-story structures and accent areas only. EFIS shall not cover more than 15 percent of the exterior of the structure, excluding window and door openings.
- 2.3.4: Roofing materials permitted for residential development shall be architectural shingles or a flat roof. Commercial developments shall use standing seam metal or a flat roof.
- 2.3.5: Awnings shall be consistent with the structure's architectural style and be constructed of canvas.
- 2.3.6: Pre-cast concrete panels and architectural CMU products may be used as primary building materials only in the Technology Center Zone.
- 2.3.7: Architectural metal panels are permitted as an accent material in the Technology Center Zone.

2.4: Facade

- 2.4.1: Any structure façade facing a public right-of-way (except for alleys) shall be treated as a front facade.
- 2.4.2: A finished elevation (four-sided architecture) is required on every side of the structure. There shall be no blank facades and each side of a structure shall be architecturally similar to the other sides.
 - 1. Zero lot line structures: When using zero lot line construction, the adjoining wall shall be constructed of maintenance-free masonry and the adjoining facade is exempt from the four-sided architecture requirement provided:
 - a. A public art installation is permitted in lieu of the four-sided architecture requirement on one of the facades. This can include, but is not limited to, murals and sculptures. Nickel Plate Review Committee approval is needed to approve the use and location of the art.
 - b. Public art shall be approved by the Fishers Community Art Selection Committee.
 - c. If intended to be located on the zero lot line wall, art installations shall be designed to be removed and/or relocated at such time as the adjacent property is developed.
 - 2. Facades facing alleys: Rear facades that face alleys shall be constructed of masonry but are exempt from the requirement for four-sided architecture provided:
 - a. Public art installation is provided. (Art used to meet the requirements for Section 2.4.2.1.a. may not also be used to meet the masonry exemption.)
 - b. Public art shall be approved by the Fishers Community Art Selection Committee.
 - c. Installations may be on or off site in a location approved by the Nickel Plate Review Committee and the Fishers Community Art Selection Committee.
- 2.4.3: Structures shall have a defined base, middle, and top section that is broken along horizontal lines. The heavier (i.e. masonry) materials shall be used at the base. See Administration Section for waivers.
- 2.4.4: Parking garages shall be architecturally similar to the primary structure. The garage does not have to resemble a storefront, but shall retain the architectural elements and style of the primary structure. A green screen (see Landscape Section) may be used as an alternative solution.
- 2.4.5: All structures shall be at least 75 percent masonry on frontages facing public rights-of-way, excluding window and door openings. Other sides shall be at least 50 percent masonry. Single family homes may substitute fiber cement or wood siding in lieu of the masonry requirement.
- 2.4.6: Permitted projections from the structure's façade shall be balconies, awnings, signs, flags, and cornice elements.
- 2.4.7: Projections from the front of the structure shall be self-supporting and require no street level poles or supports. Gallery frontages are exempt provided the structure is self supporting in case right-of-way maintenance is required.
- 2.4.8: Balconies shall be a minimum of three feet deep.
- 2.4.9: Windows shall have decorative headers of stone or other masonry.

- 2.4.10: The structure itself may not project over a sidewalk or other public right-of-way.
- 2.4.11: The ground floor of structures requiring first floor commercial shall be transparent storefronts consisting of a minimum of 60 percent glass on front facades and 20 percent on other facades.
- 2.4.12: Structures shall articulate horizontally and vertically a minimum of two feet for every 50 feet of width.
- 2.4.13: Structure facades wider than 90 feet shall change architectural styles along the offset created in Section 2.4.12 to create the appearance of multiple structures rather than one large structure of the same style.
- 2.4.14: All structures utilizing a flat roof shall have a cornice or other finished treatment to complete the top of all structure walls.
- 2.4.15: Colors shall be muted tones which are compatible with surrounding structures. No fluorescent, neon, or other high intensity colors shall be used as a primary structure color. Accent colors of brighter hues are permitted.
- 2.4.16: See Administration Section for waivers from the provisions of Section 2.4.

2.5: Entrances

- 2.5.1: Each street frontage greater than 30 feet shall have an entry from that street. This entry shall be clearly defined from the façade using an awning of different material or scale than any other awnings present, structure articulation, or similar architectural features that accentuate the entrance.
- 2.5.2: All structures (excluding single-family) with frontages on two public streets shall be required to create a corner feature that addresses the corner as a focal point. This corner shall feature at least two of the following options:
 - 1. Glass canopy extending at least eight feet from the facade.
 - 2. Angled structure entry that addresses both streets.
 - 3. Blade sign on a 45 degree angle at the corner of the structure.
 - 4. Decorative masonry on structure facade that highlights the corner uniquely.

- 2.5.3: All structures in the Downtown Core shall incorporate a cornerstone which identifies both the Nickel Plate District and the year of construction. Specifications for the cornerstone are available from the Department of Community Development.



- 2.5.4: Loading bays, including garage and service doors, are allowed in the Technology Center and must be approved by the Nickel Plate Review Committee. Examples of desired loading areas are shown here.



2.6: Windows, Doors, & Massing

- 2.6.1: Windows and doors may be recessed into a structure to create definition or a usable patio/balcony.
- 2.6.2: Any facades facing a public right-of-way shall have a minimum of 25 percent transparent glass.
- 2.6.3: All facades, except on adjoining walls, shall have a minimum of 10 percent transparent glass.

2.7: Roofing

- 2.7.1: Pitched roofs shall be at least a 5/12 slope.
- 2.7.2: Flat roofs are allowed in all Zones.
- 2.7.3: Green roofs are allowed in all Zones.
- 2.7.4: Standing seam metal roofing is allowed as an accent material only and shall not comprise more than 25 percent of the overall roof area.
- 2.7.5: For every 90 feet of facade width, the structure shall incorporate a change in roof height of five feet or 10 percent of the overall building height, whichever is greater. (Ord. 011717D)

2.8: Mechanical Equipment

- 2.8.1: All mechanical equipment, including but not limited to HVAC, communications equipment, exhaust systems, and other systems, shall be screened from view from the street centerline with architecture matching the primary structure and landscaping, where applicable. Visibility is gauged from the opposite side of the right-of-way at an elevation of 20 feet. On sides with no right-of-way frontage, visibility shall be measured 40 feet from the building face, at an elevation of 20 feet. (Ord. 071816C, Ord. 091817)
- 2.8.2: Mechanical equipment shall not be located in any front yard or side yard. Mechanical equipment shall be located on the roof of the structure or in an integral location within the structure.
- 2.8.3: Mechanical equipment may be located in the front, side, or rear yard in the technology park district when surrounded by a masonry wall or material of similar architecture to the primary structure.



2.9: Accessory Structures, Outdoor Seating and Display

- 2.9.1: When possible, trash enclosures should be integral to the structure or the structure's parking garage.
- 2.9.2: Trash enclosures shall not be placed in any front yard.
- 2.9.3: Free standing trash enclosures shall be masonry to match the primary structure.
- 2.9.4: Outdoor storage is prohibited.
- 2.9.5: Sidewalk displays are permitted during business hours and shall not cover more than eight square feet. The display shall leave at least six feet of clear space on the sidewalk for pedestrians.
- 2.9.6: Outdoor seating areas shall maintain at least six feet of clear space on the sidewalk for pedestrians in all directions.

2.10: Anti-Monotony

- 2.10.1: All non-residential structures in the Nickel Plate District are to have unique architectural facades.
- 2.10.2: Residential structures should have unique architectural facades. Where unique facades are not used, UDO standards shall apply, as amended.
- 2.10.3: Residential and live-work structures should use differing roof designs, differing roof heights, and should be oriented to create push/pull in the street scape (buildings set to slightly different front yard setbacks). (Ord. 071816C)
- 2.10.4: All structures over 80 feet wide should use multiple roof heights as a component of their design. (Ord. 071816C)

2.11: Appropriate Transitions

- 2.11.1: Where the Nickel Plate District abuts other zoning Districts of the Fishers UDO (such as TCR, R-1, C-1, etc.), structure height shall be restricted to a maximum of 16 feet taller than the adjacent, non-Nickel Plate District property. This height may be increased at a rate of one foot in height for every four feet in distance from the closest property line of the non-Nickel Plate District property.

2.12: Gateway Features (Ord. 091817)

- 2.12.1: The gateways shall be defined as the intersection of Fishers Pointe Blvd and Lantern Road, 116th Street and Maple Drive, Lantern Road and 121st Street, and 116th Street and Commercial Drive. Gateway features are not required on single-family attached and single-family detached structures.
- 2.12.2: Structures at gateway locations shall address the thoroughfare (Lantern Road or 116th Street) in a prominent way and shall include at least two (2) of the following elements:
1. Public Courtyard: A public space constructed of landscape with seating, gathering space, and activity space (e.g. fire pit, sports/activity areas, or other activities as approved by staff) that is at least 600 square feet in size and is visible from the gateway location.
 2. Public Plaza: A public space constructed of hardscape with seating, lighting, and gathering space that is at least 400 square feet in size and is visible from the gateway location.
 3. Corner Architectural Feature: 45 degree corner, rounded corner, taller corner feature, or other features approved by staff.
 4. Public Art: An art installation provided by the developer at a location on the site adjacent to the gateway location. Art installations must be of a significant scale to be seen from around the gateway location and must be approved by the Nickel Plate Review Committee.
 5. Other architectural feature as approved by the Nickel Plate Review Committee.





SECTION 3 - LANDSCAPE REGULATIONS

3.1: Intent

The Landscaping Standards are intended to improve the aesthetic character of the Nickel Plate District through an improved vegetated environment and to foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster aesthetically pleasing development that encourages native species and ecosystems. Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

3.2: General Requirements

3.2.1: Process: The following standards shall apply to any development proposal within the boundary of the Nickel Plate District, as shown in Section 1.

3.2.2: Placement: With the exception of street trees, landscape material shall not be planted or placed in rights-of-way or easements without permission from the City or the easement holder unless otherwise required by these standards.

1. Vision Clearance: Materials shall be located to avoid interference with visibility per Article 05: VC: Vision Clearance Standards of the City of Fishers Unified Development Ordinance.
2. Utility Infrastructure: Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. Trees shall be planted at least ten (10) feet from sanitary sewer and water service lines. A tree canopy may project over a right-of-way or easement.
3. Vehicular and Pedestrian Movement: Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight (8) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fifteen (15) feet.

4. Energy Conservation: Plantings are encouraged to be arranged to promote energy conservation.

- a. Deciduous Trees: Tall deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun, and provide warmth from the winter sun.
- b. Evergreens: Evergreens should be planted on the north side of buildings to dissipate the effect of winter winds.
- c. Distribution: Required landscaping shall be reasonably distributed throughout all open space areas. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and other native species be used for ornamentation in addition to the required plantings.

5. Landscape quantities are aggregate. Double counting landscape material is not permitted (e.g. street trees counting for lot plantings).

3.2.3: Plant Material Standards: When wooded areas, tree rows or specimen trees are designated to be conserved or have been included in the commitments, the petitioner shall take the following measures:

1. Live Plantings: All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized as contributing to required landscaping.
2. Species Diversity: On sites that require an aggregate total of twenty (20) or more new trees, any given species of tree shall be limited to a maximum of thirty-three percent (33%) of the total number of newly planted trees on site.
3. Permitted Plant Material: All plant material shall be selected from the *Fishers' Approved List of Recommended Species*, as amended. Proposals for additions and substitutions to the list may be submitted to the Department of Community Development for approval as the list is intended as a guide and is not inclusive of all appropriate selections available.
4. Prohibited Plant Material: Species identified in *Fishers' Approved List of Recommended Species: Invasive & Poor Characteristic Species* shall be avoided and shall not be counted toward landscaping requirements.

3.2.4: Landscape Plan: Landscape Plans shall be submitted to Fishers for approval and shall include the following features:

1. Property lines;
2. North arrow;
3. Scale;
4. Existing and proposed structures;
5. Existing and proposed pavement;
6. Rights-of-way;
7. Easements;
8. Topography;
9. Mounds/berms shown by one-foot contour lines;
10. Utilities;
11. Fences and walls;
12. Existing wooded areas and individual trees greater than eight (8) inches in caliper; and
13. Proposed plant material with:
 - a. Identification of botanical and common name;
 - b. Caliper/size;
 - c. Quantity; and
 - d. Planting details.

3.2.5: Substitution for Public Art: The Department of Community Development may reduce the landscaping requirement by up to twenty-five percent (25%) if it is replaced with public art. Public art shall not replace required buffer yard landscaping as required.

3.3: Foundation & Lot Plantings

- 3.3.1: Foundation plantings shall be required for all structures except those in the Downtown Core Zone.
- 3.3.2: Lot Plantings shall be required for all lots inclusive of both disturbed and undisturbed area.
- 3.3.3: Single Family Detached, Townhome and Multifamily building types in all zones except Downtown Core shall follow Landscaping Standards per UDO Article 5 for residential or multifamily use.
- 3.3.4: Municipal Center, Highway Center, Village Center, Technology Center zones:
1. Lots over 15,000 square feet but less than 30,000 square feet shall be required to plant at least one (1) canopy tree.
 2. Lots over 30,000 square feet but less than 45,000 square feet shall be required to plant at least two (2) trees, at least one (1) of which shall be a canopy tree.
 3. Lots over 45,000 square feet shall be required to plant three (3) trees plus one (1) more per every 15,000 square feet over 45,000 square feet. At least one-third (1/3) of all trees planted shall be canopy trees.
 4. Foundation Plantings:
 - a. Foundation plantings shall be located within ten (10) feet of the foundation wall.
 - b. Foundation plantings shall be sixty percent (60%) evergreen.
 - c. Foundation shrubs shall be continuous along all street frontages, excluding building access points.
 - d. For every twenty (20) feet of building frontage, fifteen (15) one-gallon shrubs or eighteen (18) inches tall from the adjacent ground level shall be provided.
 - e. At least two (2) shrubs or one (1) ornamental tree shall be planted for every twelve (12) lineal feet of building circumference exclusive of building street frontage, doors and loading dock openings.

5. Trash enclosures and ground mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.

3.3.5: Downtown Core Zone and building types other than single family, townhome or multifamily in all other zones, the following standards apply:

1. Trees:

- a. Number: Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with a minimum of one (1) tree per five hundred (500) square feet.
- b. Type: All of the required trees shall be canopy trees.
- c. Substitution: Open areas less than ten (10) feet wide may substitute ornamental trees for required canopy trees.

2. Shrubs:

- a. Number: Any areas of a site not covered by a building, parking lot, or required buffer yard shall be planted with a minimum of six (6) shrubs per five hundred (500) square feet.
- b. Type: A minimum of fifty percent (50%) of the required shrubs shall be evergreen.
- c. Substitution: One (1) ornamental tree may be substituted for every three (3) shrubs and ornamental grasses may be substituted; however, substitution shall not exceed fifty percent (50%) of the required shrubs.
- d. Foundation Plantings: Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2) feet and eight (8) feet respectively from the foundation wall.

3.3.6: Downtown Core Parking Lot Perimeter Plantings: Parking lots shall be screened from streets and adjacent uses using a combination of plant materials and decorative walls or decorative fences. Parking lots with six (6) or more spaces shall have the following perimeter planting and decorative wall or fence requirements:

1. Trees:

- a. Number: One (1) tree shall be planted per six (6) parking spaces.

- b. Type: Required trees shall be canopy or ornamental trees.

- c. Location: Trees shall be planted within ten (10) feet of the parking lot edge.

2. Shrubs:

- a. Number: Three (3) shrubs shall be planted per one (1) parking space.
- b. Type: A minimum of fifty percent (50%) of the shrubs shall be evergreen.
- c. Location: Shrubs shall be planted within five (5) feet of the parking lot edge.
- d. Height: Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four (4) feet.

3.3.7: Downtown Core Parking Lot Landscape Bumpouts and Islands:

1. Number: Parking lot areas with sixteen (16) or more spaces shall provide one (1) landscape bumpout or island per every sixteen (16) consecutive parking spaces.
2. Minimum Area: Each landscape bumpout or island shall be at least three hundred twenty-four (324) square feet in size. Graphic showing what counts as bumpout or island
3. Minimum Planting: Each landscape bumpout or island shall contain at least one (1) large canopy tree.
4. Placement: Landscape islands shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than sixteen (16) consecutive spaces.
5. Lots over 30,000 square feet but less than 45,000 square feet shall be required to plant two (2) trees, one (1) of which shall be a canopy tree.
6. Foundation Plantings:
 - a. Foundation plantings shall be located within ten (10) feet of the foundation wall.
 - b. Foundation plantings shall be sixty percent (60%) evergreen at maturity.

- c. Foundation plantings shall not be required when building is located within five (5) feet of public rights-of-way and where the public sidewalk extends to the entire building foundation.
 - d. Foundation shrubs shall be required when building is setback greater than five (5) feet and/or the public sidewalk does not extend to the entire building foundation.
 - e. When required, at least fifteen (15) one-gallon shrubs or eighteen (18) inches tall from the adjacent ground level shall be planted for every twenty (20) lineal feet of building frontage exclusive of door openings.
7. Trash enclosures and ground mounted mechanical equipment shall be completely screened with a fence or wall constructed of similar materials as the primary structure, and be supplemented with landscaping.
- 2. When plant material is utilized, shrubs shall be planted at a maximum ratio of one (1) shrub per four (4) lineal feet around the perimeter and be maintained at a height of at least thirty-six (36) inches tall at maturity in order to minimize headlights projecting into adjacent properties. Minimum size at planting shall be twenty-four (24) inches in height. A minimum of sixty percent (60%) of shrubs shall be evergreen.
 - 3. When a fence or wall is used they shall be a minimum of thirty (30) inches and a maximum of thirty-six (36) inches in height when adjacent to a street or public sidewalk. Walls and fences shall be a minimum of thirty-six (36) inches in height between adjacent properties when no sidewalk or street is present.
 - 4. The visual screen may be broken into segments to allow for pedestrian movement.

3.4: Parking Lot Plantings

3.4.1: Parking Lot Plantings

- 1. Parking lot plantings are required for all surface lots.
- 2. Surface lots shall provide all perimeter landscape regardless of lot location.
- 3. Surface lots may elect to provide half of the required perimeter parking through incorporation into interior landscape islands.
- 4. Parking lot plantings shall include landscape islands.

3.4.2: Perimeter Landscaping: Surface parking lots with six (6) or more spaces shall have the following perimeter planting:

- 1. Parking lots shall be screened from adjacent uses and the street. In the Technology Center, Parking lots shall be screened from the street and the Nickel Plate Trail. Screening shall consist of a fence, masonry wall, evergreen or deciduous plant material or a combination of such elements.

3.4.3: Interior Parking Lot Landscaping: Surface parking lots with twenty (20) or more parking spaces are required to have the following interior planting:

- 1. One (1) landscape island or peninsula shall be provided per twenty (20) spaces and the islands shall be distributed equally throughout the parking lot.
- 2. Each island or peninsula shall be at least one hundred eighty (180) square feet in size and a minimum of nine (9) feet in width.
- 3. Each island or peninsula shall contain at least one (1) canopy tree per one hundred eighty (180) square feet.
- 4. Each landscape island or peninsula shall be designed such that any tree is not within three and one-half (3 ½') of a curbed or paved edge.
- 5. Parking lot landscape areas shall not be filled with gravel or impervious surface. They shall be free of litter and be maintained with plant materials and mulch.

3.4.4: Graphic Depiction: The Department of Community Development may require a graphic depiction (perspective sketch or elevation) of the parking lot landscaping as seen from the street.

3.5: Parking Structure Plantings

3.5.1: Parking Structure Plantings

1. Parking structures shall be required to provide street plantings equal to an occupied building in that Zone.
2. Parking structures do not have to provide interior landscape islands.
3. Parking structures shall incorporate perimeter landscape or a green screen where the garage is visible from another property or public right-of-way.

3.5.2: Parking Deck Landscaping: All parking decks on a street frontage or adjacent property are required to have the following planting:

1. Foundation plantings shall be located within ten (10) feet of the foundation wall.
2. Foundation plantings shall be sixty percent (60%) evergreen at maturity.
3. At least five (5) three-gallon shrubs or twenty-four (24) inches tall from the adjacent ground level shall be planted for every twenty (20) lineal feet of building frontage exclusive of door openings.
4. At least fifteen (15) one-gallon shrubs or eighteen (18) inches tall from the adjacent ground level shall be planted for every twenty (20) lineal feet of building frontage exclusive of door openings.
5. When a parking deck is located along an adjacent property line, a small-sized buffer yard shall be provided in addition to the required foundation planting. The following quantities are minimums:
 - a. Minimum fifteen (15) feet buffer yard.
 - b. Two (2) canopy trees and two (2) evergreen trees per one Hundred (100) lineal feet. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet of contiguous boundary with the adjacent property.
 - c. A reasonable attempt to screen the most obnoxious, noise producing, tallest, most intrusive or most visible parts of the parking deck shall be made.

3.5.3: Green Screen: Parking structures may elect to use a green screen to offset architectural and buffer yard requirements. Such a screen shall be approved by the Nickel Plate Review Committee and shall completely cover the garage face in plant material. The plantings shall be a minimum of 50 percent evergreen.

3.5.4: Graphic Depiction: The Department of Community Development may require a graphic depiction (perspective sketch or elevation) of the parking lot landscaping as seen from the street.

3.6: Buffering

3.6.1: Buffer Yard Requirements: A Buffer Yard shall be provided along the side and rear property lines of any property as specified in the Buffer Yard Requirements Table below. New landscaping that is required to meet these Buffer Yard requirements shall not count toward other site or parking landscaping requirements. The Buffer Yard Requirements Table below shall be used to determine the type of buffer yard to be installed on the subject property. The following requirements shall apply to all buffer yards:

1. Responsibility: The developer or owner of the property being developed is responsible for installing the buffer yard at the time of that development. The adjacent property owner shall not be required to participate in the installation of the buffer yard.
2. Location: All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance. The required buffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.
3. Plant Material: All plant material used to meet the buffer yard requirements shall be selected from the Fishers Approved List of Recommended Species. Proposals for additions and substitutions to the list may be submitted to the Department of Community Development for approval as the list is intended as a guide and is not inclusive of all appropriate selections available.

4. Groundcover: All portions of a buffer yard not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation. Landscaping stone or other non-vegetative materials may not be substituted for ground-covering vegetation. Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are no greater than six (6) feet in diameter.

3.6.2: Buffer Yard Types: Required buffer yards shall be installed according to the following standards:

1. Buffer Yard Type 1:

- a. A minimum setback of ten (10) feet shall be provided in addition to the setback otherwise required by this Ordinance.
- b. One (1) deciduous canopy tree shall be planted in the buffer yard for every thirty (30) feet of boundary between the subject and adjoining properties.

2. Buffer Yard Type 2:

- a. A minimum setback of fifteen (15) feet shall be provided in addition to the setback otherwise required by this Ordinance.
- b. One (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of boundary between the subject and adjoining properties.

3. Buffer Yard Type 3:

- a. A minimum setback of twenty (20) feet shall be provided in addition to the setback otherwise required by this Ordinance. (Ord. 091817)
- b. A row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet along the boundary between the subject and adjoining properties.

Figure 3.1: Required Buffers (Ord. 071816C)

A landscaped buffer type required is listed in the chart below. A buffer is required when...

the subject property is...	and the adjoining property is...										
	DC	MC	VC	HC	TC	TCR	R2	R3	R4	R5	
DC							3	3	3	3	
MC											
VC						1	2	2	2	2	
HC			3			3					
TC							2	2	2	2	2

Where the property line is adjacent to a public right-of-way, no buffer is required.

3.7: Fencing

3.7.1: General:

1. No fence shall exceed six feet in height. (Ord. 071816C)
2. No fence shall be located within three feet of a property line, excluding fences for outdoor seating areas. (Ord. 071816C)
3. All fences must be constructed of durable materials, including, but not limited to, wood, brick, stone, or coated metal. (Ord. 071816C)
4. Slats shall not be used on any chain link fencing. (Ord. 071816C)

3.7.2: Permitted Fencing:

1. Front yard fencing shall not exceed three feet in height. (Ord. 071816C)
2. Privacy fencing shall only be permitted in the Village Center.
 - a. Privacy fences may only be located in the rear and side yards of a structure. Where a corner lot is present, the fence shall step back at least four feet from an adjacent sidewalk. Privacy fences shall not extend beyond the front facade of the structure. (Ord. 071816C)

3.7.3: Outdoor seating areas:

1. Outdoor seating areas may use fencing to designate seating area.
2. Fencing shall be wood, brick, stone, or black coated metal (excluding chain link) with a maximum height of three feet. (Ord. 071816C)
3. An encroachment permit is required.
4. A minimum of six feet of clear space on the adjacent sidewalk must be maintained at all times. (Ord. 071816C)
5. See administration for waivers. (Ord. 071816C)

3.8: Installation & Maintenance

3.8.1: Minimum Size at Installation: Minimum sizes shall apply to plant materials throughout these Landscape Standards.

3.8.2: Street Tree: Two and one-half inch (2 ½") caliper measured using standard nursery practices.

3.8.3: Deciduous Tree: One and one-half inch (1 ½") caliper measured using standard nursery practices.

3.8.4: Evergreen Tree: Six (6) feet tall.

3.8.5: Shrub: One-gallon or greater container size or a minimum eighteen (18) inches from the adjacent ground level.

3.8.6: Landscape Plan Installation Extension:

1. Time Limit: Upon request, the Mayor or Mayor's Designee may grant an extension of up to one hundred eighty (180) days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials. (Ord. 081715F)
2. Performance Guarantee: As a condition of the extension, the Mayor or Mayor's Designee may require a performance bond, letter of credit or other satisfactory assurance from the person requesting the extension. (Ord. 081715F)

3.8.7: Irrigation Systems: The installation of irrigation systems is strongly encouraged to ensure establishment and long term survivability of plant material. The

use of low volume systems (drip, micro spray, sub-surface, etc.) is highly recommended to minimize water runoff.

3.8.8: Live Plantings: All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized by Fishers as contributing to the required landscaping.

3.8.9: Maintenance: Trees, vegetation, irrigation systems, fences, walls and other landscape material are essential elements of the Nickel Plate District. The petitioner and/or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Specifically:

1. All plant material shall be maintained alive, healthy and free from disease and pests.
2. All landscaped areas shall be free of weeds, litter, graffiti and similar signs of deferred maintenance.
3. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound condition.
4. The maintenance and routine care of plant material located within the rights-of-way shall be the responsibility of the adjacent property owners. For purposes of these Landscape Standards, maintenance and care shall include but not be limited to pruning, watering, fertilizing and mulching, or any item that would constitute a safety hazard to pedestrian or vehicular traffic.
5. Maintenance of all trees and landscape shall conform to accepted industry standards as set forth by a minimum of one of following entities: the Landscape Contractors Association, American Society of Landscape Architects, The International Society of Arboriculture, or the American Natural Standards Institute.

3.8.10: Landscape installed within the public right-of-way shall be the responsibility of the petitioner for a period of one year from installation.

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SECTION 4 - PARKING REGULATIONS

4.1: Intent

The intent of these Parking Standards is to assure that each developed or utilized lot has adequate parking spaces within either dedicated, shared, public or on-street locations. Private lots are discouraged in the Downtown Core and Municipal Center. Lots should be located within the rear setback whenever possible. The use of on-street and shared parking is preferred within the Downtown Core, Municipal Center and Village Center.

4.2: General Requirements

- 4.2.1: Surface: All permanent parking areas shall utilize a paved surface of concrete, asphalt, brick pavers, or the like.
- 4.2.2: Parking of motor vehicles is not permitted on lawns or other pervious-surfaced areas on a lot, unless approved by the Mayor or Mayor's Designee. See Administration for waivers. (Ord. 081715F)
- 4.2.3: Parking Space Dimensions:
1. Minimum Width: Each parking space shall be a minimum of nine feet wide.
 2. Minimum Length:
 - a. Standard: Each parking space shall be a minimum of 18 feet long.
 - b. Adjacent to Landscape Areas: The minimum length of a parking space may be reduced to 16 feet if the parking space extends into a landscape area such that a car's front end may project into the landscape area. Landscape areas shall be two feet wider to accommodate.
 - c. Adjacent to Sidewalks: The minimum length of a parking space may be reduced to 16 feet if the parking space extends into a sidewalk such that a car's front end may project over the sidewalk. In the event that a car projects over a sidewalk, the sidewalk shall be two feet wider than the required width. Under no circumstance shall a sidewalk have less than six feet of clear area for pedestrians to pass when a vehicle's front end is projecting over part of the sidewalk; however, under no circumstance shall an off-street parking space overhang into a public or private street right-of-way.

4.2.4: Compact Parking Spaces may be used to address unique site constraints, which shall be approved by the Mayor or Mayor's Designee. See Administration for waivers. (Ord. 081715F)

1. Compact spaces may be provided at a maximum of 10 percent of the total number of required parking spaces.
2. Compact parking spaces shall be a minimum of eight feet in width and 16 feet in length.
3. All compact parking spaces shall be clearly identified through signage and pavement markings.

4.2.5: Access: Off-street parking spaces shall not be fully or partially in a public or private right-of-way or access easement.

4.2.6: Driving Lanes: Driving lanes in parking lots that provide access to parking aisles shall be clearly striped and shall be curbed.

4.2.7: Parking Layout: The Nickel Plate Review Committee shall review the parking layout to ensure that vehicular circulation to and within the parking lot is managed in a logical manner thereby confirming: (Ord. 011717D)

1. That the design and location of proposed street access points minimize safety hazards and congestion;
2. That the access points, streets, and internal traffic circulation facilities are compatible with existing and planned streets and adjacent developments.
3. Wheel stops are required for spaces facing a designated walkway without a curb.
4. Where a surface parking lot is within 15 feet of a property line, a vehicular connection shall be provided to any adjacent property. This requirement may be waived by the Mayor or Mayor's Designee should the adjacent property already be developed. (Ord. 081715F)
5. Parking garages shall be located within the building envelope, and surface parking lots may encroach into the setback, but shall be at least five feet away from a property line.
6. Parking lots must be located in the rear yard, except for temporary lots and within the Technology Center. (Ord. 011717D)

- 4.2.8: Parking Lot Striping: Parking spaces in parking lots shall be striped so as to clearly show each parking space. These stripes shall be maintained in clearly visible condition.
- 4.2.9: Display and Storage: Parking spaces shall not be used for display or storage of merchandise or similar.
- 4.2.10: Surface lots shall not be permitted in the Village Center Zone. See Administration for waivers. (Ord. 011717D, Ord. 091817)
- 4.2.11: All developments over 35,000 square feet and/or 50 residential units shall provide a minimum of two drop-off/delivery/pick-up parking spaces. (Ord. 091817)

4.3: Number of Spaces Required

- 4.3.1: The number of spaces required shall be determined by Figure 4.1.
- 4.3.2: Administrative Adjustments: The minimum or maximum number of parking spaces may be adjusted by the Mayor or Mayor's Designee or the Nickel Plate Review Committee. See Administration for waivers. (Ord. 081715F)
- 4.3.3: Use Determination: If a use is not clearly noted in Figure 4.1, the Director of Community Development shall determine into which use(s) the proposed development best fits, therefore determining the minimum parking spaces required.
- 4.3.4: Storage: Any parking space that is used for a cart corral or similar use shall not be counted toward the minimum number of required parking spaces.
- 4.3.5: Parking funded with municipal assistance is exempt from the maximum parking standards.
- 4.3.6: Single family homes may count attached or detached garage spaces as off-street parking spaces.
- 4.3.7: All parking is not required to be off-street. Use of Shared Parking and Public Parking is encouraged. Spaces in a municipal garage may be available with the approval of the Mayor or Mayor's Designee. (Ord. 081715F)
- 4.3.8: An entire development may satisfy its parking requirement through the use of shared and/or public parking with no individual off-street parking.
 - 1. If at least two (2) on-street spaces which are dedicated and striped are not available within 50 feet of a structure's entrance, then at least four

(4) spaces shall be provided on the subject property. See administration for waivers. (Ord. 011717D)

4.4: Accessible Parking Spaces

- 4.4.1: The requirements for accessible parking shall be regulated according to Americans with Disabilities Act guidelines.

4.5: Bicycle Parking

- 4.5.1: Minimum number of bicycle parking spaces: A minimum of three bicycle parking spaces are required for each development.
- 4.5.2: One additional space shall be provided per 30 vehicle parking spaces. No more than 20 bicycle parking spaces shall be required for any development.
- 4.5.3: The bicycle parking spaces shall be located in close proximity to the main entryway into the primary structure or within the primary structure.
- 4.5.4: Bike Rack Requirement: A bike rack shall be installed to hold and secure the bicycles or other means for security shall be provided.
- 4.5.5: Pedestrian Ways: Bicycle parking areas shall be designed such that when fully occupied, the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.

4.6: Shared Parking

- 4.6.1: Two or more adjacent properties may establish a shared parking area when the following criteria are met:
 - 1. Administrative Approval: The Mayor or Mayor's Designee shall approve the use of shared parking. (Ord. 081715F)
 - 2. Reciprocal Parking Agreement: A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items: maintenance, snow removal, ownership, and liability and shall be recorded in the Hamilton County Recorder's office. The agreement may be reviewed and approved by the Fishers Attorney. A copy of the recorded agreement shall also be

submitted to and kept in the Department of Community Development office.

3. Shared parking facilities shall be fully located within 600 feet of the structures the parking intends to serve.

4.6.2: Shared parking is calculated in Figure 4.2. The required parking is divided by the parking factor for each use in the area to be shared.

4.6.3: Petitioners wishing to construct parking above their required ratio with the intent to accommodate future businesses may build the increased parking with the approval of the Mayor or Mayor's Designee. See Administration for waivers. (Ord. 081715F)

4.7: Public Parking

4.7.1: On-street parking may be used to satisfy the parking demand for a property given the following requirements.

1. Parking spaces shall be within 600 feet of the subject property.
2. Parking spaces immediately adjacent to the property count one-to-one toward the required parking.
3. All other parking spaces within 600 feet apply at a ratio of two public, on-street spaces per one required space.

4.7.2: Municipal Parking Structure(s) may be used to satisfy a portion or all of the parking requirements for a property given the following requirements:

1. Use of spaces in a Municipal structure requires approval of the Mayor or Mayor's Designee. (Ord. 081715F)
2. Shared parking shall be calculated according to Section 4.6.

4.8: Driveway Standards

4.8.1: Private driveways shall be no wider than 34 feet.

4.8.2: Driveways for the may be no closer than 70 feet apart.

4.9: Loading Areas

4.9.1: Loading areas, if necessary, shall be located integral to parking areas.

4.9.2: If not feasible to locate loading within the site, loading may be along the adjacent roadway with the lowest functional classification.

4.9.3: Loading utilizing on-street spaces is discouraged. However, loading may use on-street parking areas with the approval of the Mayor or Mayor's Designee. (Ord. 081715F)

4.10: Surface Parking

4.10.1: Intent: Surface parking lots are to be a temporary use in DC and MC when no municipal parking structure or sufficient street parking is not available. No permanent surface parking lots are to be allowed in DC and MC. However, small lots behind primary structures are encouraged within the rear building setback. This situation will allow buildings to be built before all of the necessary infrastructure is built. This will also allow for future redevelopment of any surface lot in MC or DC. (Ord. 071816C)

4.10.2: All surface parking lots, including temporary parking lots, shall be buffered and landscaped according to the Fishers UDO, as amended.

4.10.3: Temporary parking lots shall provide streetscape elements (i.e. tree grates, sidewalk, etc.) in accordance with the Street Standards.

4.10.4: Surface lots shall be approved by the Mayor or Mayor's Designee. (Ord. 081715F)

4.10.5: Temporary surface lots shall be sold to Fishers at the current market value at such time as garage, street, or other temporary parking is available within 550 feet of the existing, temporary surface lot. At the time of the sale, a perpetual easement for an equal number of spaces shall be granted to the property owner.

1. Parking for businesses north of 116th Street shall not be moved to an area south of 116th Street or vice versa.
2. The distance of 550 feet is measured as the walking distance along public rights-of-way or easements from the nearest corner of the existing lot (or adjacent business that it serves, whichever is closer) to the nearest corner of the new parking area.

Figure 4.1: Required Parking Ratios (Ord. 011717D)

USE	DOWNTOWN CORE	MUNICIPAL CENTER	HIGHWAY CENTER	VILLAGE CENTER	TECHNOLOGY CENTER
RESIDENTIAL					
Minimum	1.25 / dwelling	N/A	N/A	2.0 / dwelling	1.25 / dwelling
Maximum	1.75 / dwelling	N/A	N/A	6.0 / dwelling	2.0 / dwelling
LODGING					
Minimum	0.5 / room	N/A	1.0 / room	1.0 / room	N/A
Maximum	1.0 / room	N/A	1.25/ room	1.25/ room	N/A
OFFICE					
Minimum	2.0 / 1000 sq. ft.	2.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	3.0 / 1000 sq. ft.	2/1000 sq. ft.
Maximum	3.2 / 1000 sq. ft.	3.2 / 1000 sq. ft.	3.5 / 1000 sq. ft.	3.5 / 1000 sq. ft.	3.2/1000 sq. ft.
RETAIL / SERVICE					
Minimum	2.5 / 1000 sq. ft.	2.5 / 1000 sq. ft.	3.75 / 1000 sq. ft.	3.75 / 1000 sq. ft.	3.75/1000 sq. ft.
Maximum	4.0 / 1,000 sq. ft.	4.0 / 1000 sq. ft.	5.0 / 1000 sq. ft.	5.0 / 1000 sq. ft.	5.0/1000 sq. ft.
RESTAURANT					
Minimum	1 / 4 seats	1 / 4 seats	1 / 4 seats	1 / 3 seats	1/4 seats
Maximum	1 / 2 seats	1 / 2 seats	1 / 2 seats	1 / 2 seats	1/2 seats
TECH/RESEARCH					
Minimum	N/A	N/A	N/A	N/A	N/A
Maximum	N/A	N/A	N/A	N/A	5/1000 sq. ft.
CIVIC	To be determined by Mayor or Mayor's Designee (Ord. 081715F)				
OTHER	To be determined by Mayor or Mayor's Designee (Ord. 081715F)				

- The Mayor or Mayor's Designee may require the use of the highest or lowest ratio. (Ord. 081715F)
- The Mayor or Mayor's Designee may allow petitions to exceed the maximum parking ratio. See Administration for waivers. (Ord. 081715F)
- Square footage measurements are based on gross floor area.

Figure 4.2: Shared Parking Factor

USE	Residential	Lodging	Office	Retail / Service	Restaurant	Tech/Research
Residential	1.0	1.1	1.4	1.2	1.1	1.4
Lodging	1.1	1.0	1.7	1.3	1.3	1.7
Office	1.4	1.7	1.0	1.2	1.2	1.2
Retail / Service	1.2	1.3	1.2	1.0	1.1	1.2
Restaurant	1.1	1.3	1.2	1.1	1.0	1.2
Tech/Research	1.4	1.7	1.2	1.2	1.2	1.0

*Example Calculation of two uses with shared parking: Retail (10,000 sf.) and Residential (20 dwellings) in the Downtown Core.

Retail parking required: $3.0 \times 10 = 30$ spaces / 1.2 (parking factor) = 25 Effective parking required

Residential parking required: $1.25 \times 20 = 25$ spaces / 1.2 (parking factor) = 21 Effective parking required

Effective residential parking + effective retail parking = 46 Total required spaces



SECTION 5 - LIGHTING REGULATIONS

5.1: Intent

The intent of the lighting standards is to establish outdoor lighting standards that balance safety and aesthetics while minimizing potentially adverse impacts on surrounding developments and the night sky. Lighting should be complimentary to pedestrian-scale downtown development and designed to maximize energy efficiency. Lighting requirements are intended to promote nighttime security while minimizing negative impacts.

5.2: Submission of Plans & Compliance

5.2.1: A description of all exterior lighting features shall be provided by the petitioner with the development application in the form of manufacturer catalog cut sheets and photos that demonstrate compliance with the standards of this section. The description shall also include exterior security lighting. For multifamily, mixed use, and commercial development, a lighting plan, including photometric calculations, shall be reviewed as part of the Improvement Location Permit (ILP) application.

5.3: General Requirements

- 5.3.1: All street adjacent lighting provided by Fishers shall be shown and included on lighting plans.
- 5.3.2: Lighting to be provided by the petitioner in the public right-of-way shall be in accordance with the requirements of the Fishers Department of Public Works and Section 7 of this Code. Street lighting is required at all intersections and along all roads unless otherwise specified by the Departments of Public Works or Community Development. (Ord. 011717D)
- 5.3.3: Uniformity: All lighting fixtures and poles within a single development shall be complementary in style and color, and shall be compatible with the architecture of the building.
- 5.3.4: Cutoff: All light fixtures shall include full cutoffs, including those attached to the exterior of a building or pole mounted lighting. This standard shall also apply to structural canopies.
- 5.3.5: Natural Light: Lighting elements shall provide a natural spectrum of light such as LED, metal halide and halogen.



- 5.3.6: Glare: All exterior building lighting shall be fully shielded with opaque material to minimize glare. No outdoor lighting shall be so intense or brilliant as to impair the vision of drivers, pedestrians or employees or disturb the daily activities of adjoining or neighboring residents.
- 5.3.7: Architectural Accent Lighting: All ground lighting used to cast light onto building facades, building features, or signs shall have shields to ensure that light does not project beyond the building or sign, and shall utilize the minimum amount of light necessary to light the façade, building feature or sign. The light fixture and bulb shall be shielded from any street, sidewalk or parking lot.
- 5.3.8: Object Lighting: Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light focused on the object with minimal light extending beyond the illuminated object.
- 5.3.9: Pole mounted lighting shall not exceed 12 feet in height in the Village Center and 20 feet in all other Zones.
- 5.3.10: Building mounted lighting shall not emit light directly onto any single family residential property.
- 5.3.11: Street Lights shall be placed according to the Fishers Department of Public Works.
- 5.3.12: Gas stations shall have recessed fixtures and shall not have any lighting protruding down from the canopy.
- 5.3.13: Any lighting device encroaching in the public right-of-way requires an encroachment permit.

5.4: Light Design Requirements

- 5.4.1: The maximum light level of any light fixture cannot exceed 0.5 footcandles measured at the property line of any residential district, 2.0 footcandles measured at the property line of any non-residential district, and 2.5 footcandles at the property line of a parking lot.
- 5.4.2: All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design and compatible with the architectural character of the development. Service connections for all freestanding lighting fixtures must be installed underground.

5.5: Exemptions

- 5.5.1: Residential Homes – Soffit or wall-mounted lights that are permanently attached to single-family residential dwellings, shall include full cutoff fixtures.
- 5.5.2: Temporary Lighting
 - 1. Decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
 - 2. Lighting for emergency work or construction work.
 - 3. Lighting for special events authorized through a permit.
 - 4. Lighting required and regulated by the Federal Aviation Administration.

5.6: Prohibitions

- 5.6.1: Mercury vapor and metal halide light sources, searchlights, and strobe lights.
- 5.6.2: Low pressure sodium lights.
- 5.6.3: Fluorescent lights (except compact fluorescent bulbs that screw into standard sockets) on building exteriors.
- 5.6.4: Blinking, flashing or flickering lights, or any lighting used to depict action or create a special effect or scene, except for decorative seasonal lighting.

- 5.6.5: Visible bands of lighting at the cornice and or around building elements. However, the glow from a light ribbon is permitted.

- 5.6.6: Sport field lighting

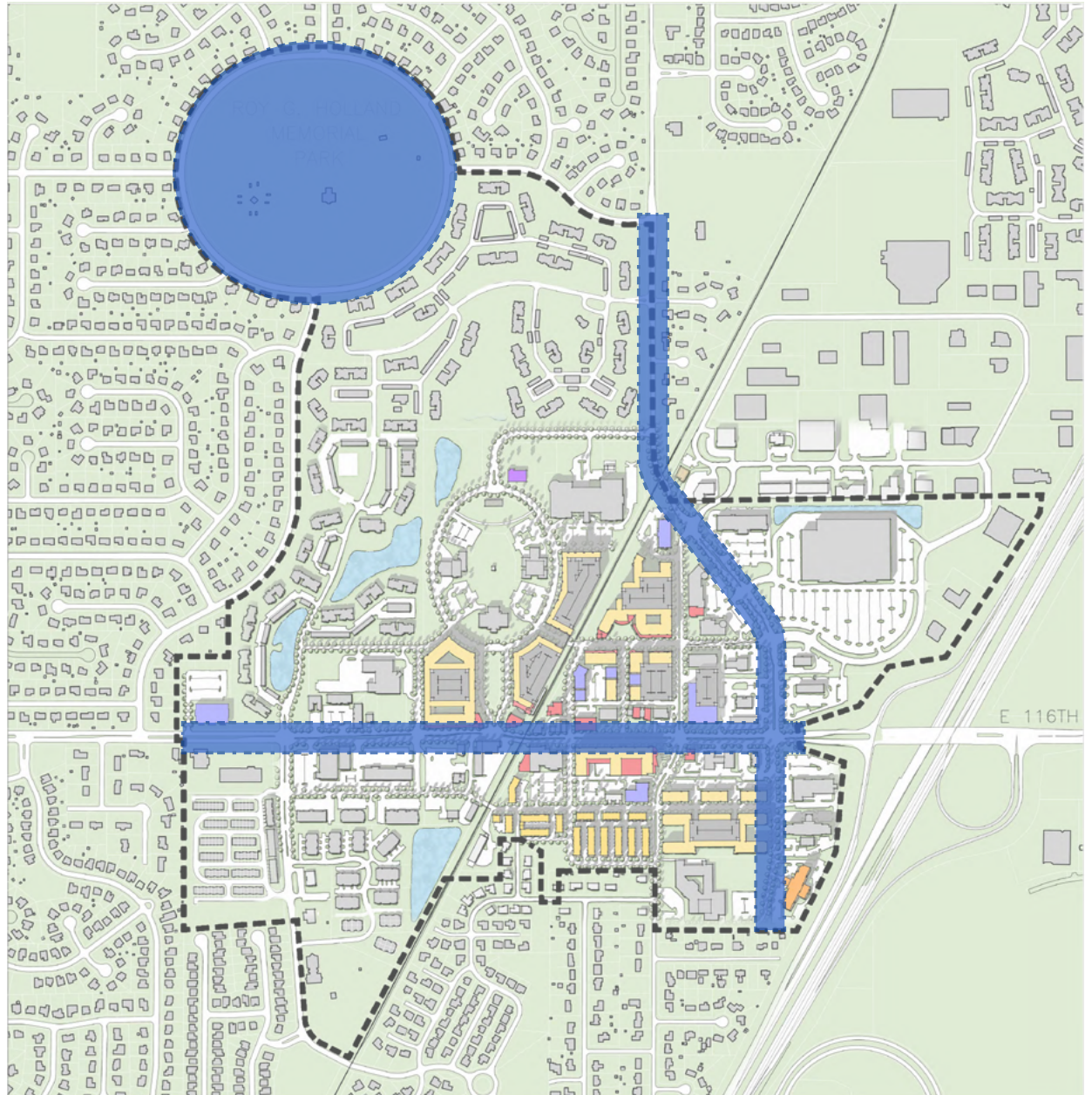
5.7: Light Measurements

- 5.7.1: Measurements of light readings shall be taken along any portion of a property line of the subject property at a height of five feet with a light meter laid on the property line and facing the center of the property.

Life safety devices are exempt from the provisions of this section.

Figure 5.1: Lighting Plan

All areas indicated in blue are to utilize the standard City of Fishers light at forty feet (40 ft.) on center. All other areas within the Nickel Plate District are to utilize the new, modern acorn light at forty feet (40 ft.) on center. (Ord. 110514C)





SECTION 6 - SIGNAGE REGULATIONS

6.1: Intent

The intent of the signage standards of the Nickel Plate Code is to encourage the effective use of signage as a means of communication while also enhancing the aesthetics of a walkable downtown environment. The standards aim to ensure the compatibility of signs with a downtown streetscape, to encourage the use of signs appropriate to residential and commercial activities, to ensure the safety of vehicular and pedestrian traffic, and to support the economic development within Fishers.

The signage standards are a supplement to the standards of the Fishers UDO, as amended. Where conflicts exist, this Code shall prevail. Where standards are not addressed by this Code, the UDO, as amended, shall prevail.

6.1.1: Use:

6. Multi-tenant buildings should identify the structure/project with projecting signs and/or upper wall signage. Individual tenants should be identified with lower wall signs and/or upper wall signs. (Ord. 071816C)

6.1.2: Design:

7. Sign size, shape, color, height, and placement must be compatible and harmonious with the building to which it is affixed. (Ord. 071816C)
8. Signage must be compatible with the visual characteristics of the surrounding area. (Ord. 071816C)
9. Signage location and design of its visual elements (text, logos, proportions) must be legible under normal viewing conditions. (Ord. 071816C)
10. Signage must not obscure or unduly detract from existing signage. (Ord. 071816C)

See Administration for waivers. (Ord. 071816C)

6.2: Compliance, Permits & Applications

6.2.1: Compliance: All signs shall comply with the general rules, regulations, and requirements governing their placement, type, number, and size as outlined and contained in the provisions of this section. The only signs permitted are those stated within this section; all other signs are prohibited unless otherwise stated.

6.2.2: All applications for design review or Improvement Location Permits shall show the location of proposed signage.

6.2.3: Permit Required:

1. All signs are required to have a permit to erect, alter, or relocate except as otherwise provided herein.
2. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Department of Community Development. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Department of Community Development.
3. A permanent sign permit shall not be issued before a change of use, change of occupancy, or tenant finish permit has been filed.
4. Applications shall be made available by the Department of Community Development.
5. All applications requiring Nickel Plate Review Committee approval shall submit a complete signage package for review. (Ord. 071816C)

6.2.4: Permit Not Required:

1. Activity Signs: For single family residential use only, school activities and the like are permitted with a maximum sign area of eight square feet.
2. Construction Area Signs: Construction signs such as construction entrance only, concrete washout, hard hat area, caution area, low wires, and the like are permitted with a maximum sign area of eight square feet per sign.
3. Corner Stones: Names of buildings, dates of erection, monumental citations, or commemorative tablets not to exceed nine square feet, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
4. Credit/Debit Signage: Each ATM may include identification signs and a list of accepted cards. These signs shall be limited to 20 percent of the ATM machine.
5. Cultural Elements: Artwork, murals, sculpted elements, and the like that do not refer to a commercial activity shall be reviewed by the City of Fishers or designee.

6. Delivery Entrance: Decorative name plates which shall not exceed two square feet in area per building or tenant space in order to identify a specific delivery entrance.
 7. Flags: One corporate flag, provided it is flown in conjunction with a United States of America flag, is permitted per site.
 8. Holiday Decorations and Special Events: Decorations which directly relate to an individual achievement, specifically noncommercial in nature, such as, birthday, anniversary, birth announcement, recognized holidays, or civic events.
 9. Public Signs: Signs of a noncommercial nature and in the public interest, erected by or on the order of an official of the City, County, State, or Federal government acting in the performance of his/her duty, such as safety signs, danger signs, trespassing signs, traffic signs and memorial plaques.
 10. Replacing Copy: Making a change to the sign copy in a manner that will not alter or relocate the sign structure in any manner is permitted.
 11. Residential Nameplate: A nameplate which shall not exceed one square foot in area is permitted for each dwelling unit of a single family or row structure; such nameplate shall indicate nothing other than name and/or address of the occupant.
 12. Sign Maintenance: Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure shall not require a permit unless a structural change or change in lighting is made.
 13. Special Event: Signage which has been approved by the City Council or its designee for the purpose of displaying a sign on Fishers property shall be exempt from the Nickel Plate District Code.
 14. Municipal Property: Signs established on Fishers owned property or within the public right-of-way that have been reviewed and approved by Fishers.
 15. Sandwich Board Signs: Sandwich Board Signs do not require a sign permit, however an encroachment permit may be required.
 16. Pedestrian Signs: Pedestrian-oriented signs less than two square feet in area shall not require a permit.
 17. Art Installations: Installations approved by the Fishers Community Art Selection Committee shall not be considered signage.
 18. All wayfinding signage within the right-of-way may be approved by the Mayor or Mayor's Designee. (Ord. 081715F, 110514C)
- 6.2.5: Permit Application: A sign permit application is required to erect, construct, alter, or relocate a sign under the provisions of this section. The application shall include:
1. The names, addresses, and contact information of the contractor, business, or other persons responsible for the placement of the sign.
 2. A detailed site plan drawing indicating the lot size, tenant space frontage, placement, location, landscaping, and address of the sign.
 3. A scaled elevation drawing indicating the size of the sign, and sign structure.
 4. The property owners contact information and signature. Consent from the owner of the subject property or an affidavit of agency signed by the owner are permissible if a sign company is securing a permit.
 5. Fees for a sign permit shall be fixed by ordinances adopted by the City Council.

6.3: Prohibited Signs

6.3.1: Prohibited Signs:

1. No sign or other advertising device with visible moving parts or with flashing, animated, or intermittent illumination shall be erected except signs indicating the time, date, or weather conditions provided this area does not exceed 20 percent of the permitted sign area and shall not flash, blink, or have moving illumination. This excludes required life safety devices.
2. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon, or flashing illumination resembling emergency lights shall be used in connection with a sign display, nor shall a sign make use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic. No sign shall emit any form of sound or sounds.

3. No permanent sign shall contain fluorescent paint or the like, including mirrors, which has the effect of intensifying reflected light.
4. No permanent or temporary sign shall be affixed to any fence, tree, or any utility structure.
5. Ribbon, pennants, balloons, streamers, strings of light bulbs, spinners, or the like are not permitted.
6. No sign shall obstruct a window, door, fire escape, stairway, or any opening intended to provide air, egress, or ingress for a building or structure.
7. No sign shall be placed within the right-of-way of a public street without the approval of the City Council or designee.
8. No sign shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.
9. Billboard: Not permitted in any zone.
10. Digital signage shall not be permitted in the Nickel Plate District. Clocks and temperature readouts are exempt but may be no larger than two square feet and shall be a single color, on a black background, and have no animation.

6.4: General Standards

This sign standards section applies to all Zones:

- 6.4.1: All signs shall complement the materials of the building which they identify, be architecturally compatible with the related structure, and shall be constructed of durable materials.
- 6.4.2: No signs or signage illumination shall be so designed, located, unshielded, or directed to cast glare or direct light from artificial illumination upon adjacent publicly dedicated streets and surrounding property.
- 6.4.3: At such time that a wall sign is removed from the facade of a building and replaced with a new sign, the facade shall be restored to match the existing condition of the wall area. All previous mounting holes and ghosting images

shall be removed and the facade shall match the existing condition of the building. Such persons or companies requesting issuance of a Sign Permit shall be required to assume sole responsibility for the restoration of the building facade at the time the existing sign is removed.

- 6.4.4: Design: Individually mounted letters constructed of an opaque material such as wood or metal may be used in conjunction with an architecturally enhanced background which shall define the sign area. The source of such backlighting shall be internal to each letter (e.g. reverse channel neon) and shall illuminate the wall to which they are attached. Other lighting sources include external uplighting, gooseneck downlighting. In no instance shall light be emitted directly from the sign letters nor the lighting source visible from passing vehicles. (Ord. 071816C)
- 6.4.5: Signage shall not project above the finished height of any facade.
- 6.4.6: All signs shall maintain a minimum of eight feet of vertical clearance from the sidewalk.
- 6.4.7: Vision clearance shall be maintained for motorists at all times.
- 6.4.8: Illumination of signs shall only occur on facades facing a public right-of-way except as otherwise provided herein.

6.5: Temporary Signs

- 6.5.1: Temporary signs are permissible in all zones and shall be subject to the Unified Development Ordinance regulations for temporary signage, as amended.
- 6.5.2: Project identification signs: Signs to identify new projects are required. These are to be temporary signs that must be removed before a certificate of occupancy is issued. In no instance can a sign remain for more than one year. Signs may be a maximum of four feet by eight feet (4 ft. x 8 ft.) with one per roadway frontage. Alternate project identification sign standards may be approved by the Mayor or Mayor's Designee. (Ord. 081715F, 110514C)

6.6: Types of Signs

- 6.6.1: Figure 6.1 identifies the allowed signage types and the Zones that permit each type of signs.
- 6.6.2: Projecting Sign:

Figure 6.1: Sign Types	DC Downtown Core	MC Municipal Center	HC Highway Center	VC Village Center	TC Technology Center
Projecting Sign <i>A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.</i>	●	●			●
Canopy / Awning / Ribbon Sign <i>Horizontal signage incorporated in or attached to the edge of a canopy or awning, or along a horizontal course of the building facade.</i>	●	●	●		●
Drive-Through Menu Board <i>A permanently mounted sign displaying the bill of fare for a permitted drive-through restaurant.</i>			●		
Ground Sign <i>A sign located near a street and within one foot in height of the existing grade.</i>		●	●	●	●
Pedestrian Blade Sign <i>A horizontal sign that projects from the building face near an entry point to identify the tenant, also known as a pedestrian or sidewalk sign.</i>	●			●	●
Sandwich Board Sign <i>A movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.</i>	●	●	●	●	●
Integrated Center Sign <i>A multi-tenant sign with changeable faces to advertise for all tenants of a given commercial site.</i>			●		●
Wall Sign <i>A sign attached to and/or integral with the exterior wall or window surface of a building, the face of which is parallel to the surface and does not project more than twelve (12) inches from the surface.</i>	●	●	●		●
Directory Sign <i>A pedestrian-scale sign used to identify internal tenants of a multi-tenant building. (Ord. 071816C)</i>	●	●	●	●	●

● = Indicates sign type is permitted.

1. Projecting signs are only permitted on buildings of two stories or higher.
2. A maximum of one projecting sign is permitted per tenant per street frontage. A maximum of two (2) projecting signs may be used per frontage. Building identification signs may be used as projecting signs. (Ord. 110514C)
3. Maximum area allowed for a projecting sign is one square foot per lineal foot of tenant street frontage, with a maximum of seventy-two square feet per side per tenant frontage.
4. Maximum height permitted for a projecting sign is twelve feet for a two story structure and 18 feet for three story structure or taller. Maximum width is three feet for a two story structure and four feet for a three story structure or taller.
5. No projecting sign may protrude more than thirty-six inches from the wall or face of the building. Support structures between the building and the sign only shall be counted toward this allowance.
6. Changeable copy is not permitted on Projecting Signs.
7. Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.
8. The applicant for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate wind loading.
9. Minimum clearance of eight feet from ground is required.

6.6.3: Canopy / Awning / Ribbon Signs

1. Canopy and awning signage shall only be allowed along the leading edge in a single row of text.
2. Copy shall not exceed twelve inches in height and shall not occupy more than 40 percent of the awning or canopy's leading edge. Logos may extend to 18 inches in height but shall not constitute over 20 percent of the sign area.
3. No illumination is permitted except for Ribbon signs which may have external illumination.

6.6.4: Drive Through Menu Board

For illustrative purposes only.



1. Drive through menu board signage shall follow regulations of the Unified Development Ordinance, Article 5, Signage Standards, as amended.

6.6.5: Ground Sign

1. In the zones where ground signs are allowed, no more than one ground sign shall be permitted per street frontage per lot.
2. No ground sign shall be permitted on lots where the primary structure on a lot is set back less than fifteen feet from the public right-of-way.
3. Ground signs shall be of masonry or metal construction.
4. Maximum sign area shall not exceed 20 square feet per face.
5. The maximum height of the sign structure to which the sign is affixed shall not exceed four feet as measured from the grade of the adjacent street at street edge.
6. Landscaping shall be required around the foundation of ground signs and the planting area shall be twice the square footage of the sign area.
7. Ground signs may be located up to the property line but shall not be located within the vision clearance triangle.
8. Ground signs in the Village Center, Downtown Core, and Municipal Center Districts shall be externally lit. Ground mounted light fixtures shall be concealed from public view. Ground signs in the Highway Center District may be internally illuminated, however, sign backgrounds must

remain completely opaque, allowing light to only emit through routed out letters and logos. (Ord. 081715E)

9. Existing ground signs within the DC may remain on the property. Such signs may be replaced with a sign that is in keeping with this Code or remains in compliance with the Ordinance under which the sign was previously approved. Ground signs on existing properties in the DC shall only be permitted if the footprint of the existing use on the property does not change. (Ord. 110514C)

6.6.6: Pedestrian Blade Sign

1. There shall not be more than one pedestrian blade sign for each tenant per street frontage.
2. Pedestrian Blade Signs shall not exceed three square feet per side per tenant frontage. Maximum height not to exceed 16 inches and maximum width not to exceed three feet. (Ord. 071816C)
3. Minimum clearance of eight feet required from the ground.
4. A pedestrian blade sign may be located on the outermost wall of any primary building but shall not project more than four feet from the wall to which the sign is affixed. If the sign projects into the right-of-way, the owner may be required to submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.
5. External illumination shall be the only permitted lighting.

6.6.7: Sandwich Board Sign

1. Sandwich board signs shall not exceed six square feet in area per face.
2. Shall not exceed 42 inches in height.
3. Shall be constructed of wood or material that is equally durable and is comparable aesthetically to wall signage.
4. Only tenants with entrances from the sidewalk shall be permitted sandwich board signs.
5. One sandwich board sign is permitted per tenant.
6. Shall not be illuminated.
7. Six feet of clear space shall be maintained on the sidewalk.

For illustrative purposes only.



8. May only be used during business hours.

9. Sandwich board signs shall be located within eight feet of the main entry of the tenant.

6.6.8: Integrated Center Sign

1. Integrated center signs shall not exceed six feet in height.
2. The maximum area for the sign copy shall be 32 square feet.
3. One sign is permitted per frontage.
4. Changeable copy panels are permitted. A tenant may not have more than one panel per the original sign permit.

6.6.9: Wall Sign

1. All wall signs shall be individually cut letters, preferably mounted on a raceway; the same color as the facade. An internally-lit logo sign is permitted for logo graphics and shall not exceed 20 percent of the total sign area that is utilized. Logo graphics are still subject to other height restrictions stated herein. External illumination, reverse channel illumination, and face lit signs are permitted specific to the designated area of the Nickel Plate District where the sign is located. Illuminated signs are only permitted if light emitted does not extend beyond the building façade. Face lit wall signs are only permitted in Highway Center. (Ord. 110514C, 071816C)
2. Wall signs shall be permitted at the top of the building's facade (Upper Wall Sign) and between the first and second floors (Lower Wall Sign).
 - a. Upper Wall Signs shall not exceed seventy-two (72) inches in height. Such signs are only available to buildings two (2) or more stories in height. (Ord. 110514C)

- b. Lower Wall Signs shall not exceed forty-eight (48) inches in height.
 - c. One (1) Upper Wall Sign is permitted per every sixty (60) foot increment of facade width with a maximum of two (2) upper wall signs per frontage. (Ord. 110514C)
 - d. One Lower Wall Sign is permitted per every 20 foot increment of facade width.
 - e. Upper and lower wall signs may only be used in combination when a structure is at least three stories in height.
3. When used with a Projecting Sign, the Upper Wall Sign shall be at least 30 percent smaller than the Blade Sign.
 4. Signs installed on or within a foot of a window pane shall be considered a wall sign. Window signage may not cover more than fifty percent of the glass area. Signs that are illuminated shall not cover more than ten percent of the window area and shall not flash.
 5. Ground level tenants may have one and one-half square feet (1.5 sq. ft.) of signage per linear foot of frontage for a lower wall sign. (Ord. 110514C)
 6. Sign area shall not exceed:
 - a. 1.5 square feet per linear foot of structure width.
 - b. Allowable wall sign space shall be reduced by 30 percent when used in combination with a Projecting Sign.
 7. Minimum separation:
 - a. Upper Wall Sign: 60 feet on center.
 - b. Lower Wall Sign: 20 feet on center.
 8. All upper wall signs shall have text of approximately the same height (within ten percent (10%)) in each development. All lower wall signs shall have text of approximately the same height (within ten percent (10%)) in each development. (Ord. 110514C)
 9. Lower wall sign areas may be allotted for use on awnings or canopies. In no instance shall the wall sign be allowed when the sign area has been allotted to the canopy or awning. (Ord. 110514C)
 10. Wall signs shall not project more than eight inches from the wall to which they are to be affixed.
 11. In no instance shall an upper wall sign and a lower wall sign be used to represent the same entity on the same façade. (Ord. 110514C)
 12. No signs, except window signs, shall be placed more than one foot above the finish floor level of the second floor of a multistory building to which they are attached. In no case shall a sign be placed more than 14 feet above the lowest point where the sidewalk meets the building line on the facade to which the sign is affixed.
- 6.6.10: Window Sign
1. Window signs are permitted in all zones.
 2. Window signs may not occupy more than 75 percent of the glass to which they are affixed.
 3. Shall not exceed eight inches in height.
 4. Shall only be permitted on ground floor windows.
 5. Signs that are illuminated shall not cover more than ten percent of the window area and shall not flash.
- 6.6.11: Fueling Stations: In addition to the above mentioned signs fueling station may incorporate the following signs into their gas pumps.
1. Fueling stations may place one fueling pump decal on each of the vehicle fueling dispensers (double sided) having a maximum of one square foot in sign area per decal.
 2. Animated TV screens may be incorporated into fueling station pumps with a maximum size of two square feet.
 3. Public safety information signage may be placed under the canopy or next to the appropriate emergency safety areas.
- 6.6.12: Parking garages: Only directional signage shall be permitted. Shall be allowed one wall sign per entrance with no more than two wall signs per street frontage. Pricing signage less than two square feet shall be exempt from this Code.
- 6.6.13: Directory Sign
1. Permitted one per multi-tenant entry point mounted to the building exterior. Size not to exceed four square feet. (Ord. #071816C)



SECTION 7 - STREET STANDARDS

7.1: Intent

The Street Typology Plan, Figure 7.1, illustrates the street network for the Nickel Plate District. Maple Street, Fishers Corner, Municipal Drive, and Lantern Road will be activity centers where slower traffic and a pedestrian scale streetscape shall be the primary focus. Commercial Drive, 116th Street, and the northern and southern ends of Lantern form the major arteries for vehicle travel, while still maintaining pedestrian and bike mobility. Individual road sections are found on the following pages.

Connectivity and streetscape design are key elements of this Code. These road designs interact with the Required First Floor Commercial Space, Figure 1.6, and the Required Street Frontages, Figure 1.7, to create a complete, welcoming streetscape. The right-of-way required for these road designs is also available in Figure 1.5, Required Right-of-Way.

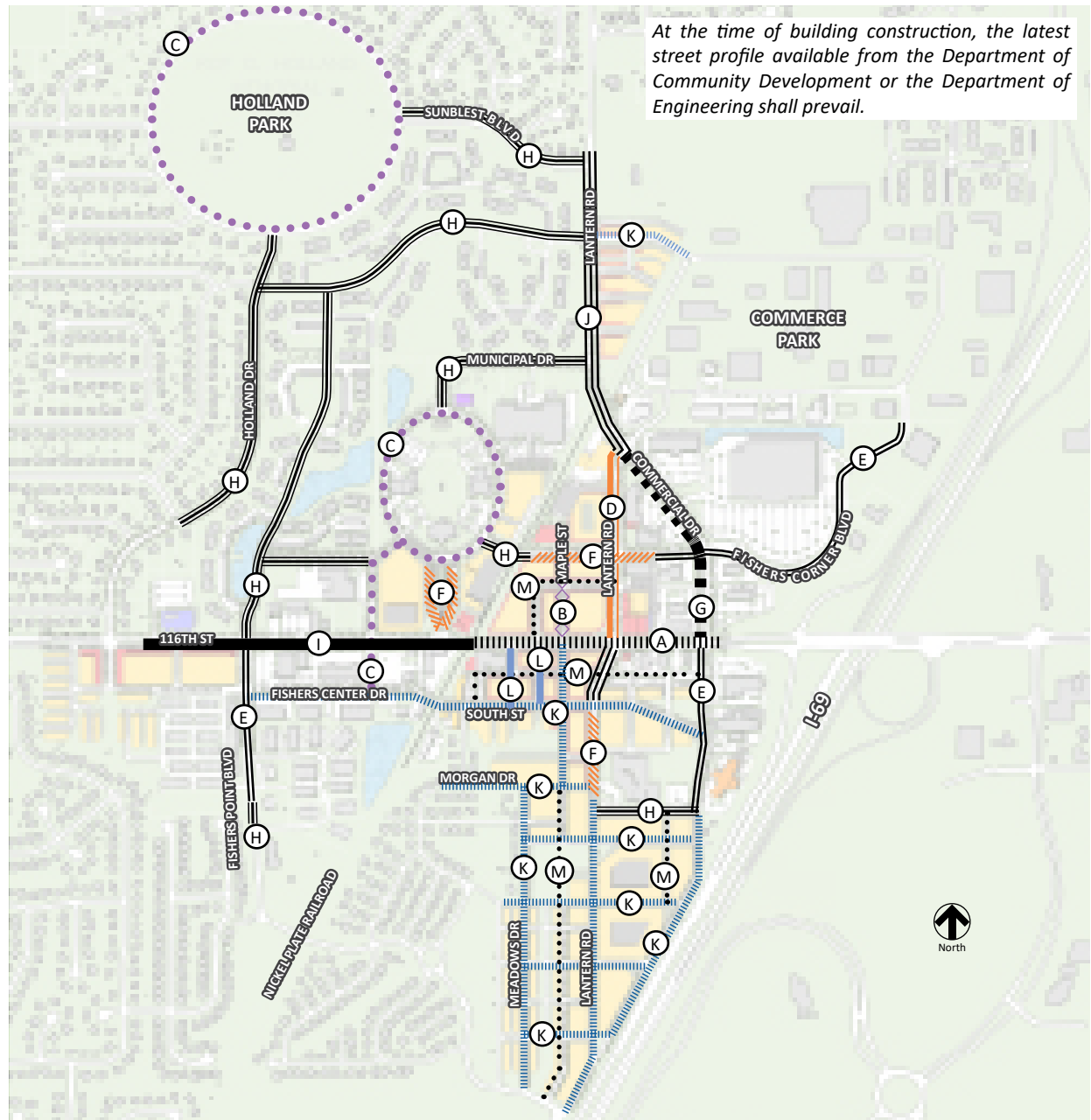
Petitioner's Responsibility:

1. Setbacks are measured from the future right-of-way line.
2. Identify the required right-of-way through Figure 1.5 and through the road designs in Section 7.
3. Construct the sidewalk and streetscape (trees, planting beds, etc.) necessary for the section.
4. Provide temporary connections between the new streetscape to the existing infrastructure.
5. Allow for uncontested dedication of the right-of-way when the street is built out between the existing pavement and the sidewalk as constructed by the petitioner.

LEGEND

TYPE A - 78'	===== TYPE E - 60'	===== TYPE I - 90'
◇◇◇◇ TYPE B - 80'	//// TYPE F - 92'	===== TYPE J - 56'
..... TYPE C - 60'	■■■■ TYPE G - 84'	TYPE K - 78'
===== TYPE D - 80'	===== TYPE H - 46'	===== TYPE L - 42'
		 TYPE M - 30'

Figure 7.1: Street Typology Plan (Ord. 011717D, Ord. 091817)



*Street sections are subject to revision by the engineering department. Please discuss during a pre-filing meeting.

7.2: Design Criteria (Ord. 071816C)**7.2.1: Street Trees:**

1. Required at 40 feet on center. Spacing may be increased to 60 feet on center if utility conflicts require additional spacing. (Ord. 071816C)
2. Tree uplights are required unless otherwise approved by Staff. (Ord. 071816C)
3. All street trees require outlets unless otherwise approved by Staff. (Ord. 071816C)

7.2.2: Streetscape:

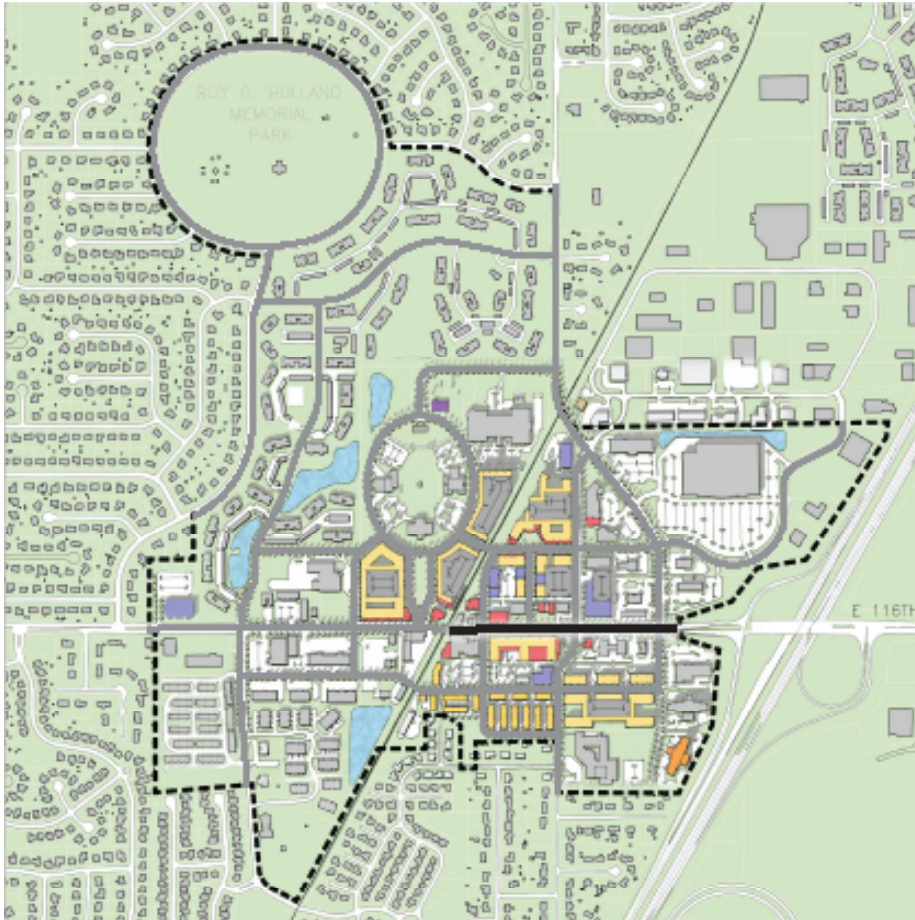
1. Staff will make a determination regarding which streetscape type will be constructed from types A-Type M or Streetscapes 1-5.
2. Sidewalks shall not be obstructed by utility cabinets. Placement of a utility cabinet within the sidewalk shall be approved by Staff. (Ord. 071816C)
3. Steps in the right-of-way must be approved by Staff. Single-riser steps are prohibited in the right-of-way. (Ord. 071816C)
4. Amenities used in the Nickel Plate District, including, but not limited to, street lights, benches, tree grates, and trash receptacles, shall be installed per Fishers' Nickel Plate Standards Book. (Ord. 071816C)
5. Mailboxes shall not be located in the sidewalk. Multi-tenant, apartment style boxes are preferred. Mailboxes should be located on the back of the sidewalk or in a planting area adjacent to the street. (Ord. 071816C)

7.2.3: Lighting:

1. Street lights are required at 40 feet on center. (Ord. 071816C)
2. Post lights may be used in residential and live work areas with Staff approval. Street lights are still required at intersections and pedestrian crossing locations. (Ord. 071816C)

See Administration for waivers. (Ord. 071816C)

Type A

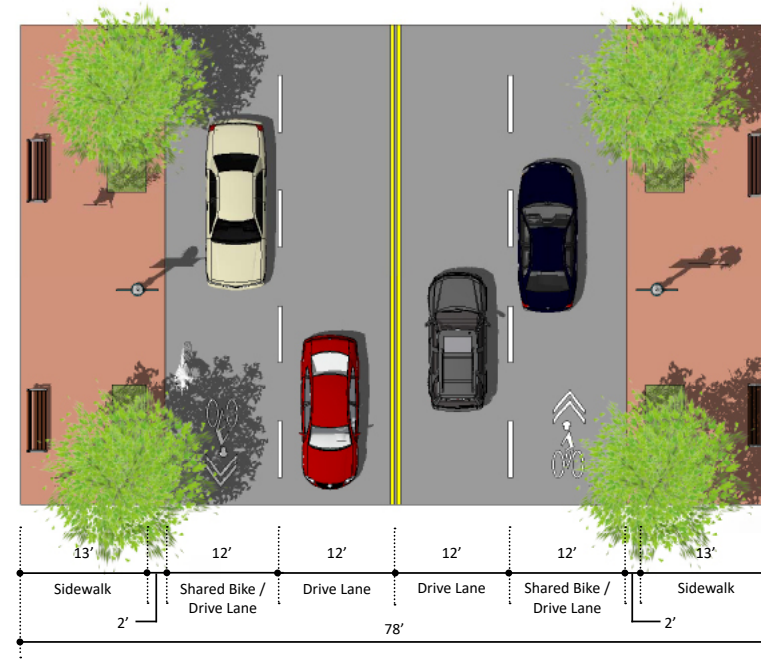


Vicinity

Category.....	Regional	Curb Type	Vertical
Movement	Free	Curb Radius	15 ft.
R.O.W. Width	78 ft.	Sidewalk Width..	15 ft.
Travel Lanes	4 Lanes	Planter Size ...	Per Landscape Regulations
Parking	None	Planter Type	Bed or Elevated Planter
Median	None		

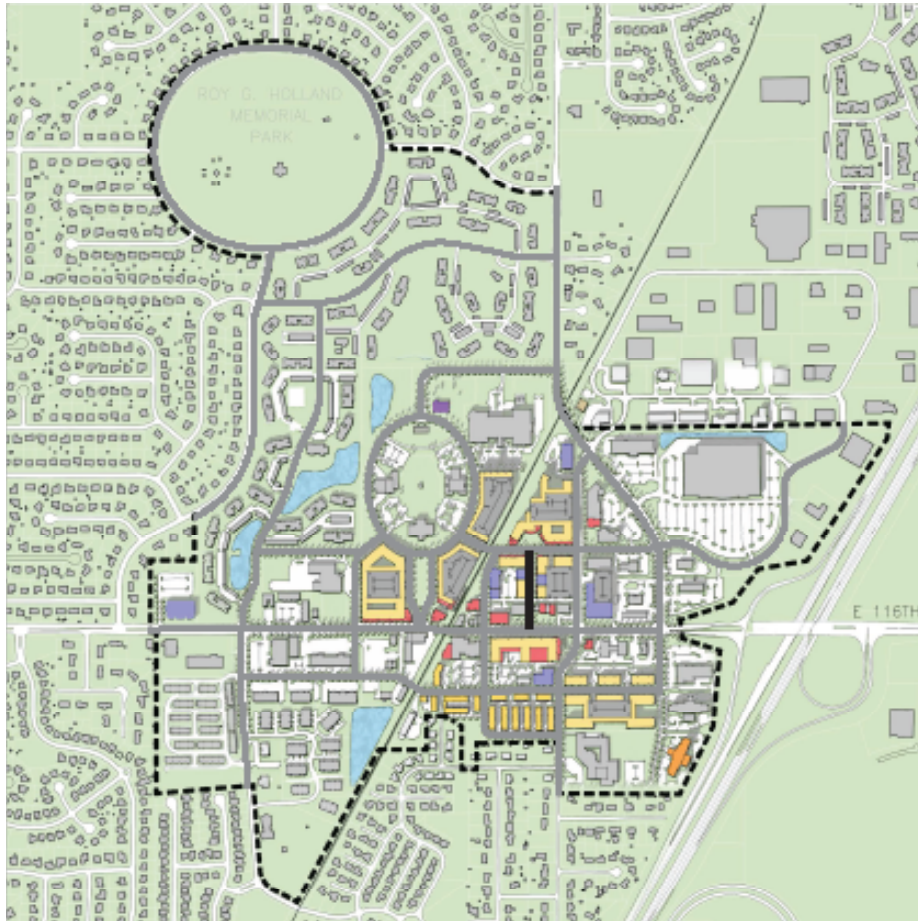


Section/Perspective



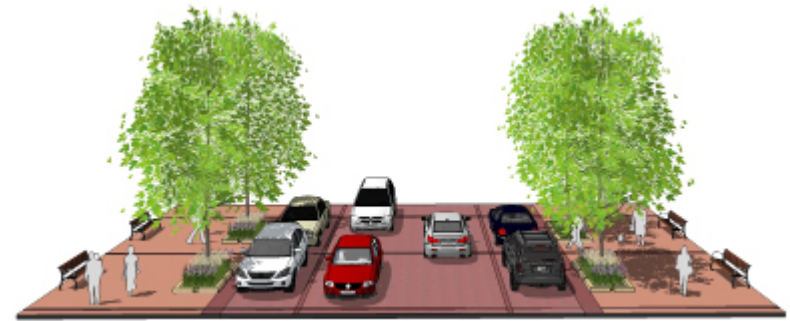
Plan

Type B

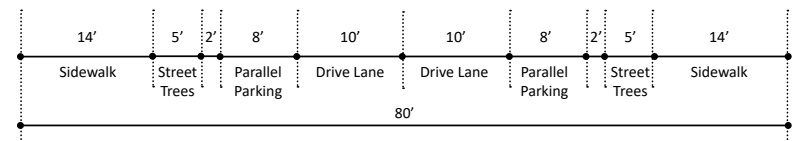
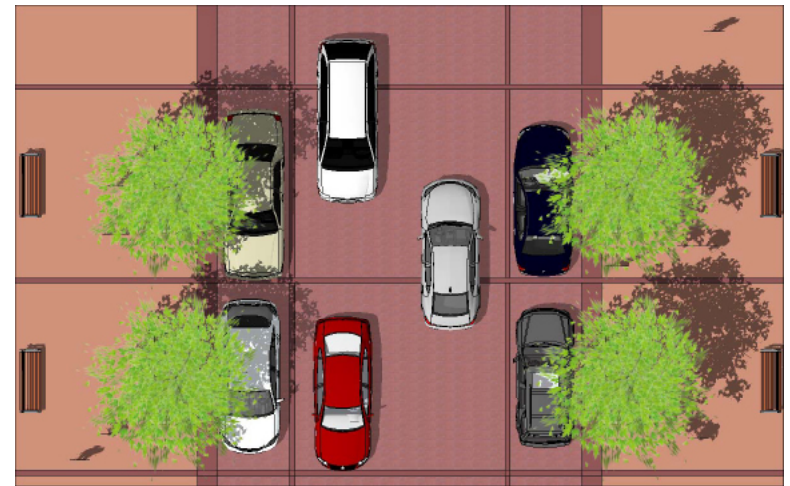


Vicinity

Category.....	Local	Curb Type	Flush
Movement	Slow	Curb Radius	10 ft.
R.O.W. Width	80 ft.	Sidewalk Width..	21 ft.
Travel Lanes	2 Lanes	Planter Size ...	Per Landscape Regulations
Parking	Both Sides at 8 ft., Marked	Planter Type	Rain Garden
Median	None		



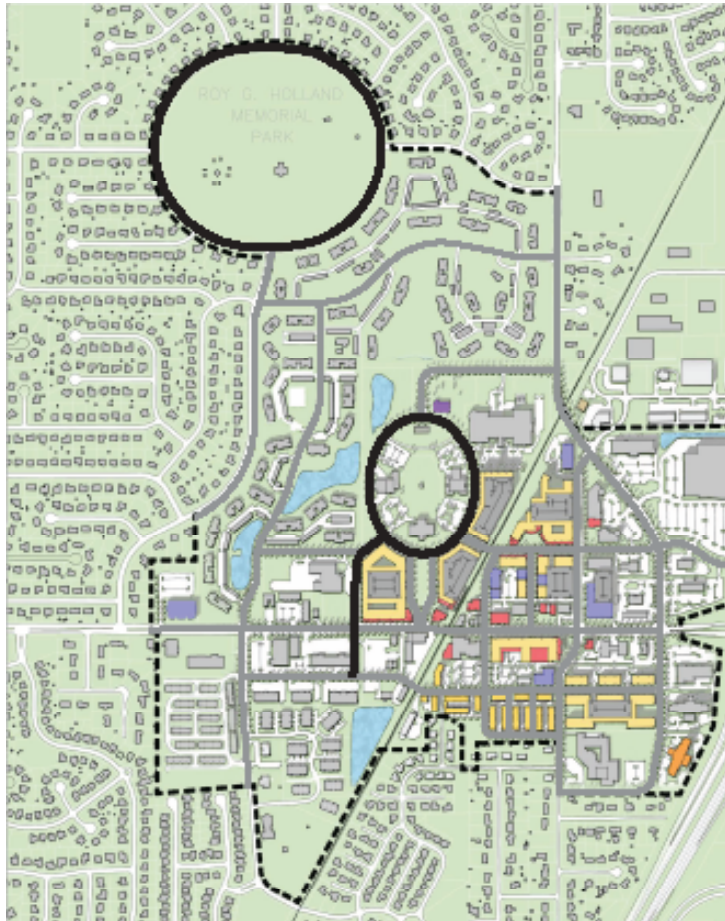
Section/Perspective



Plan

The fourteen (14) foot sidewalk shall be replaced with eight (8) feet, which will result in a total sidewalk width of fifteen feet (15 ft.). (Ord. 110514C)

Type C (Ord. 071816C)



Vicinity

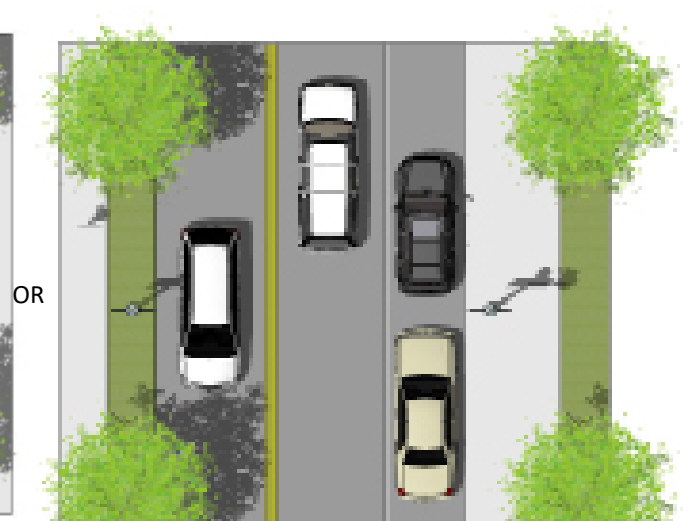
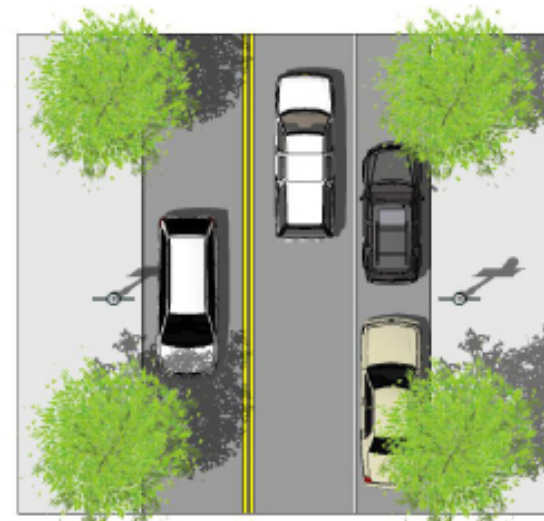
Category.....	Collector	Curb Type	Vertical
Movement	Free	Curb Radius	10 ft.
R.O.W. Width	54 ft.	Sidewalk Width..	Varies
Travel Lanes	2 Lanes	Planting Strip ...	Varies
Parking	One Side at 8 ft., Marked	Planter Type	Continuous Tree Lawn
Median	None		



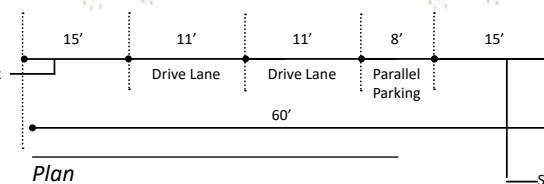
Section/Perspective



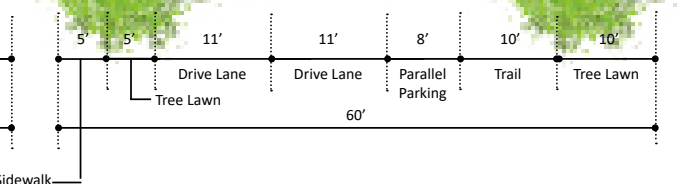
OR



OR



Plan



Type D (Ord. 071816C)

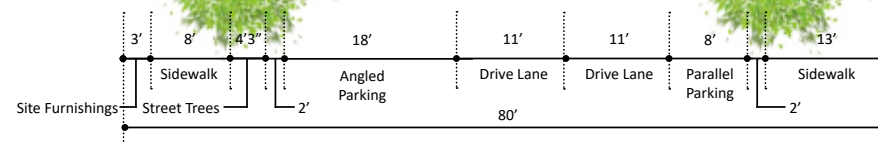


Vicinity

Category.....	Regional	Curb Type	Vertical
Movement	Free	Curb Radius	15 ft.
R.O.W. Width	80 ft.	Sidewalk Width..	Varies
Travel Lanes	2 Lanes	Planter Width ...	Per Landscape Regulations
Parking	Two Sides, Marked, See Plan	Planter Type	Bed or Elevated Planter
Median	None		

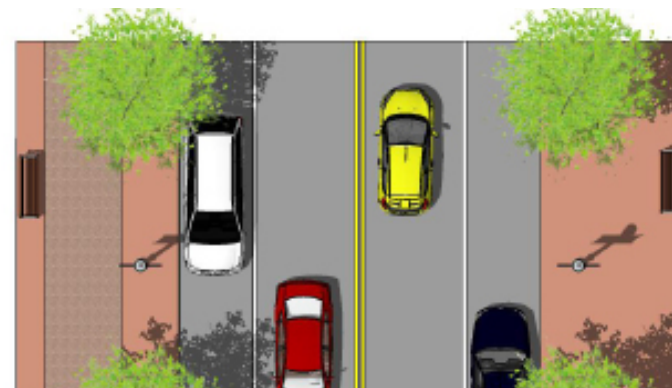


Section/Perspective

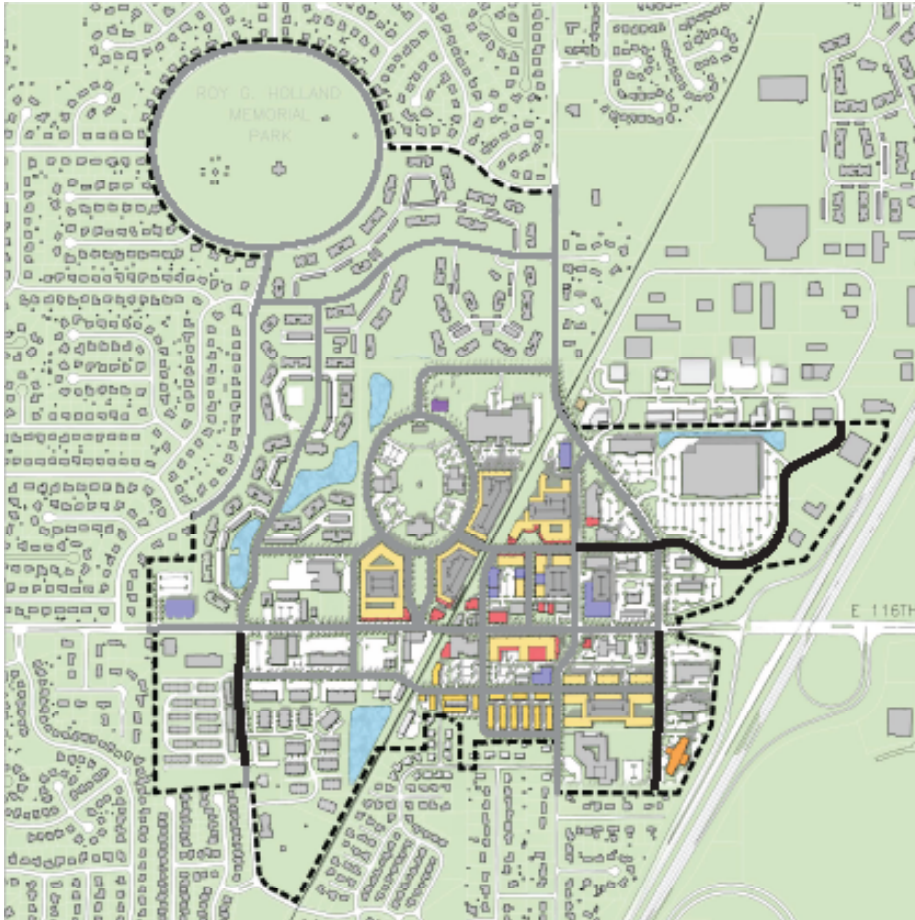


Plan

OR 8'
Parallel
Parking



Type E

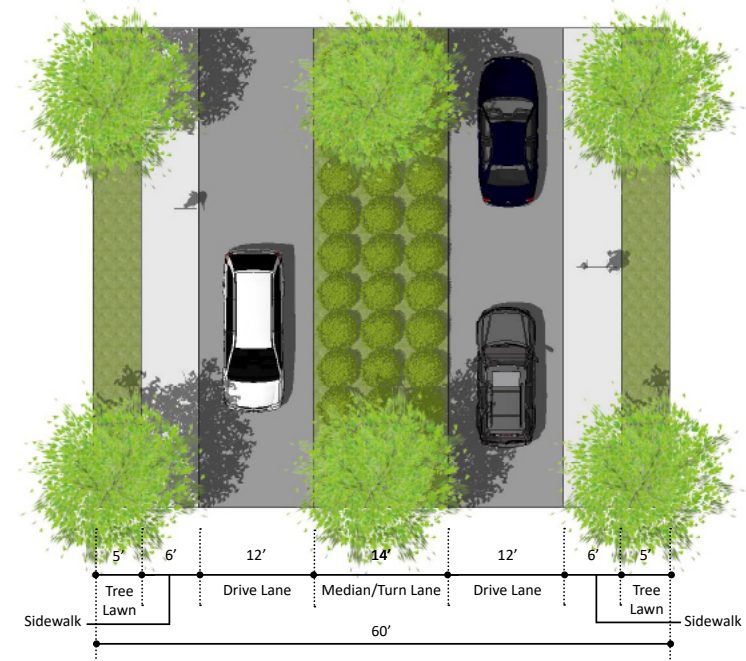


Vicinity

Category.....	Collector	Curb Type	Vertical
Movement	Slow	Curb Radius	5 ft.
R.O.W. Width	60 ft.	Sidewalk Width..	6 ft.
Travel Lanes	2 Lanes	Planting Strip ...	5 ft.
Parking	None	Planter Type	Continuous Tree Lawn
Median	14' Planted with Turn Lane		

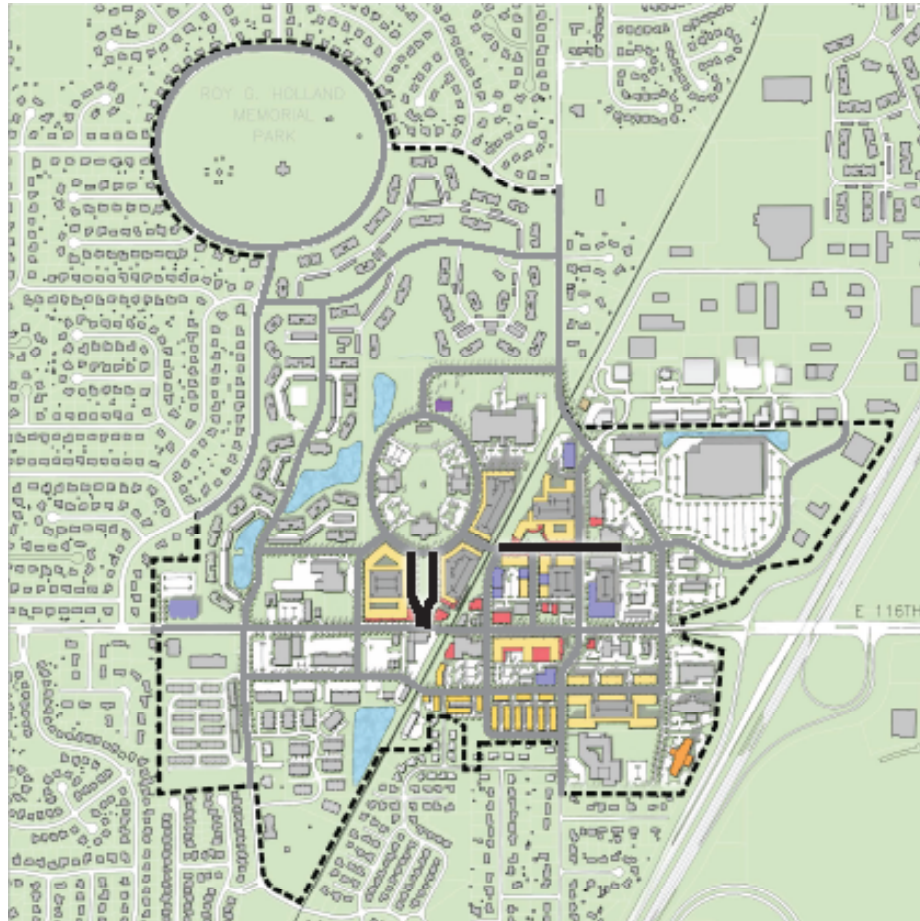


Section/Perspective



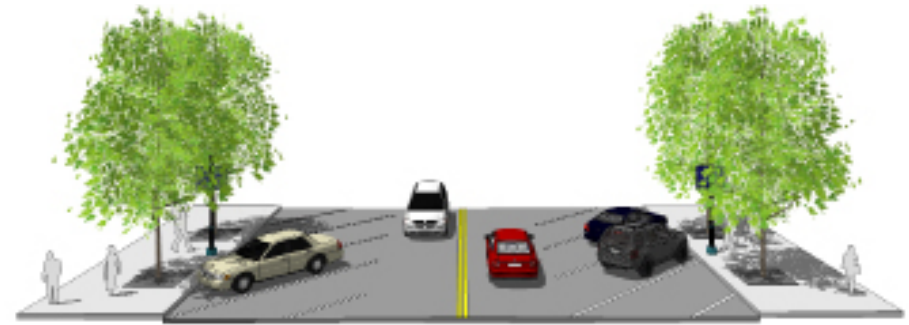
Plan

Type F

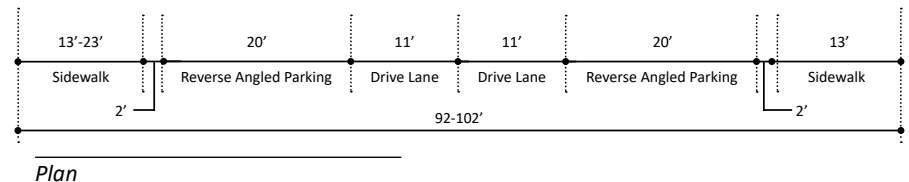
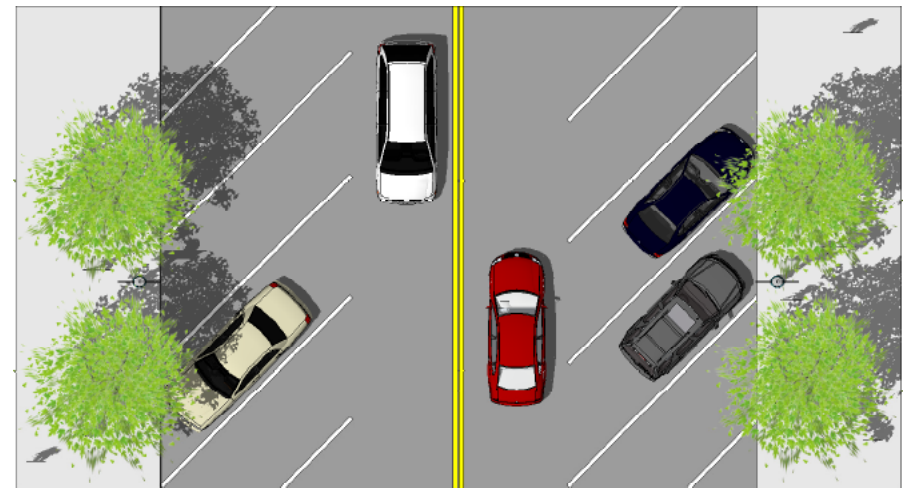


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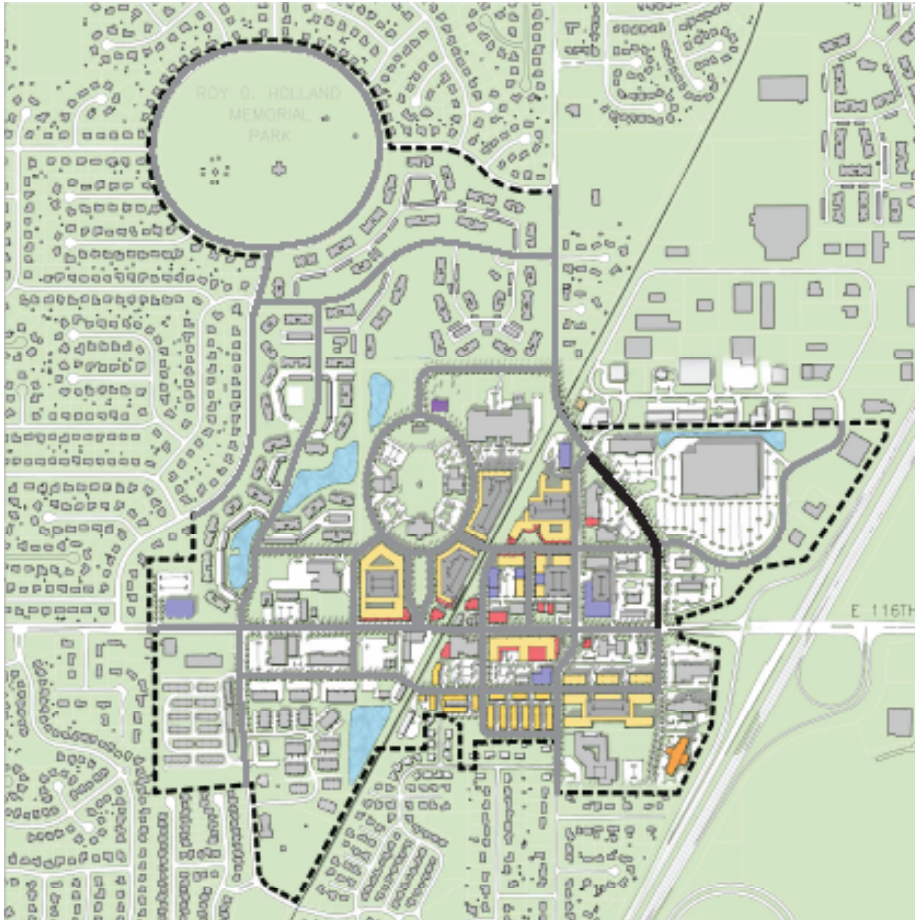
Category.....	Collector	Curb Type	Vertical
Movement	Slow	Curb Radius	5 ft.
R.O.W. Width	92-102 ft.	Sidewalk Width..	15 ft.
Travel Lanes	2 Lanes	Planter Size ...	Per Landscape Regulations
Parking	Both Sides at 20 ft., Marked	Planter Type	Grate
Median	None		



Section/Perspective



Type G

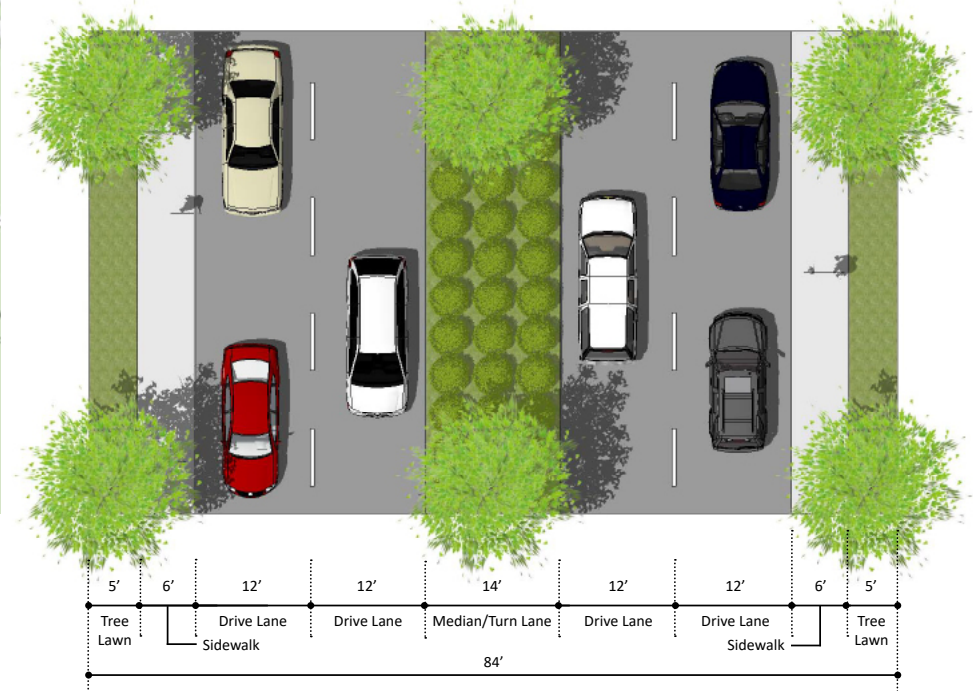


Vicinity

Category.....	Collector	Curb Type	Vertical
Movement	Free	Curb Radius	10 ft.
R.O.W. Width	84 ft.	Sidewalk Width..	6 ft.
Travel Lanes	4 Lanes	Planting Strip ...	5 ft.
Parking	None	Planter Type	Continuous Tree Lawn
Median	14 ft. Planted with Turn Lane		

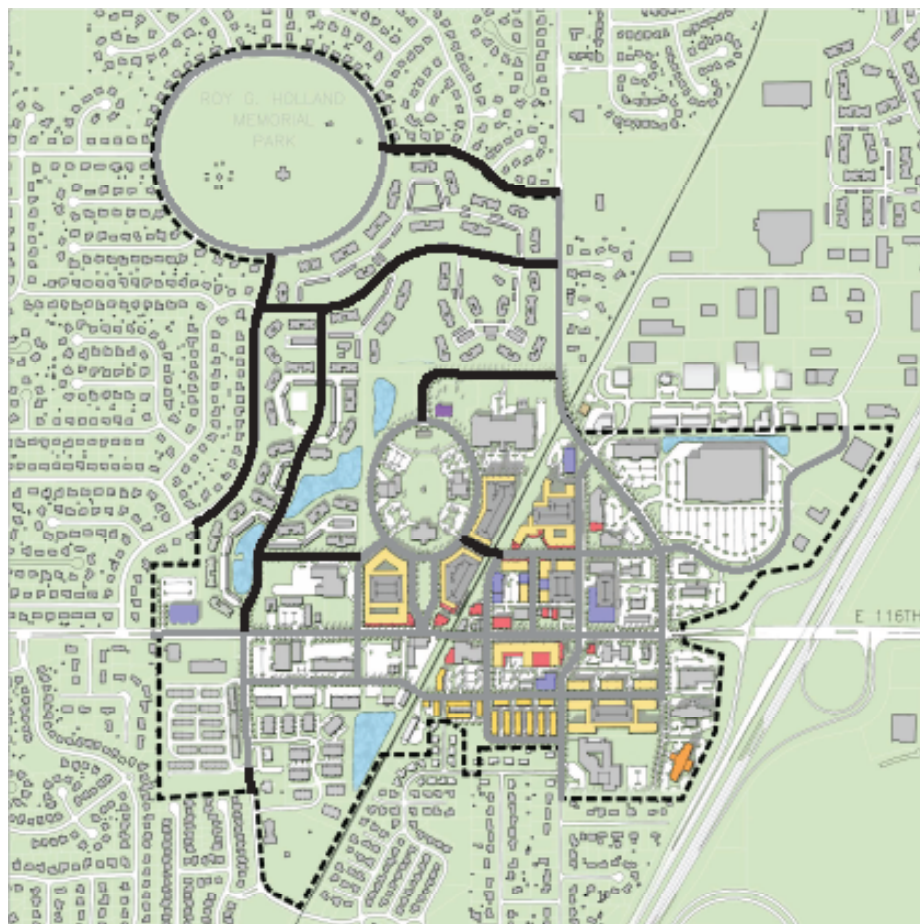


Section/Perspective



Plan

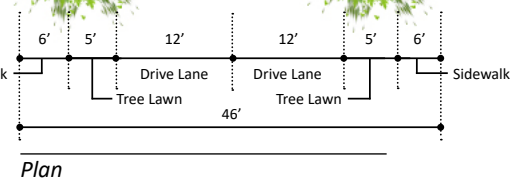
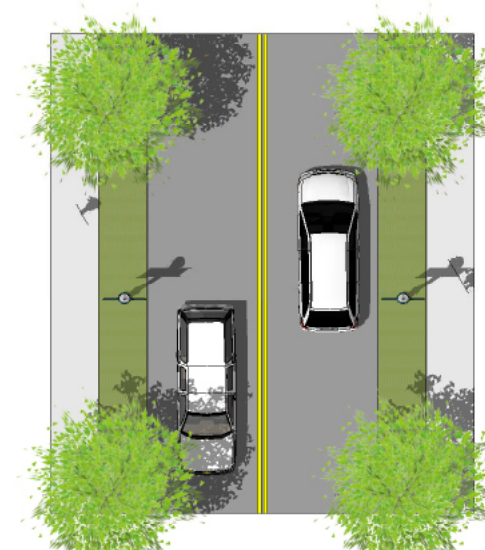
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Vicinity



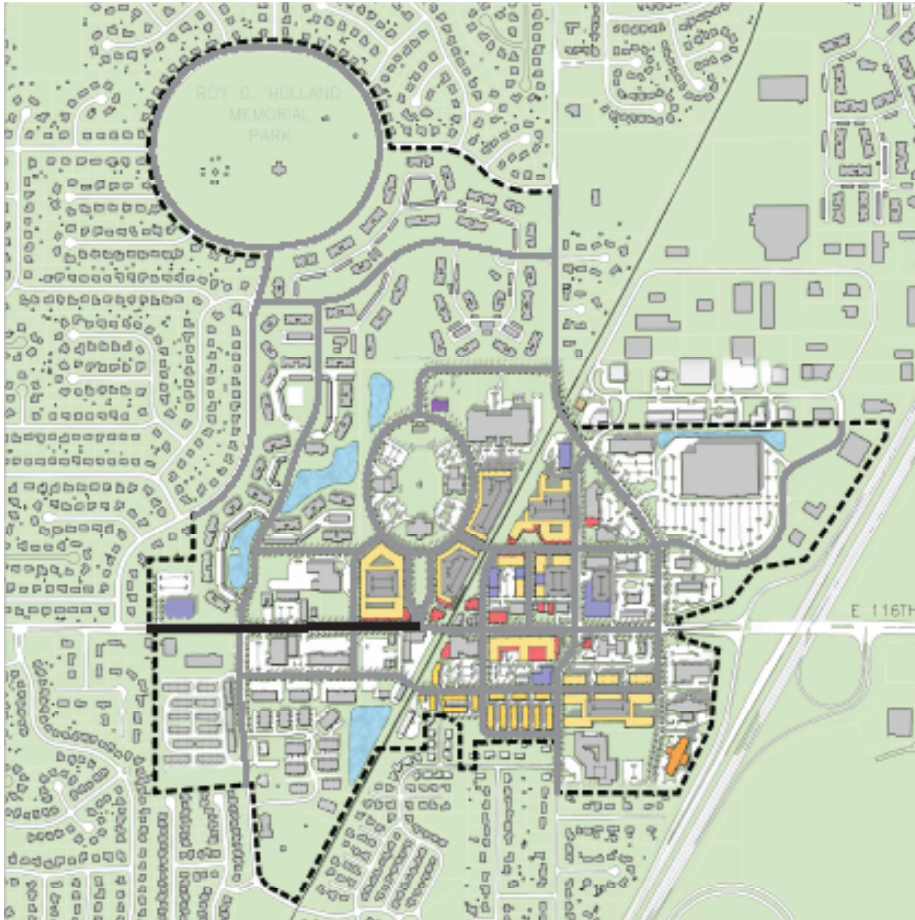
Section/Perspective



Plan

Category.....	Collector	Curb Type	Vertical
Movement	Free	Curb Radius	15 ft.
R.O.W. Width	46 ft.	Sidewalk Width..	6 ft.
Travel Lanes	2 Lanes	Planting Strip ...	5 ft.
Parking	None	Planter Type	Continuous Tree Lawn
Median	None		

Type I

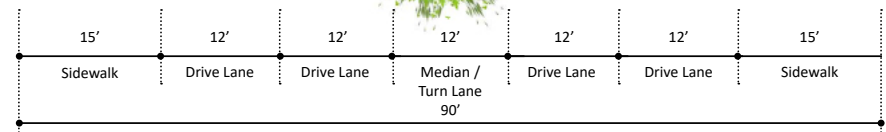
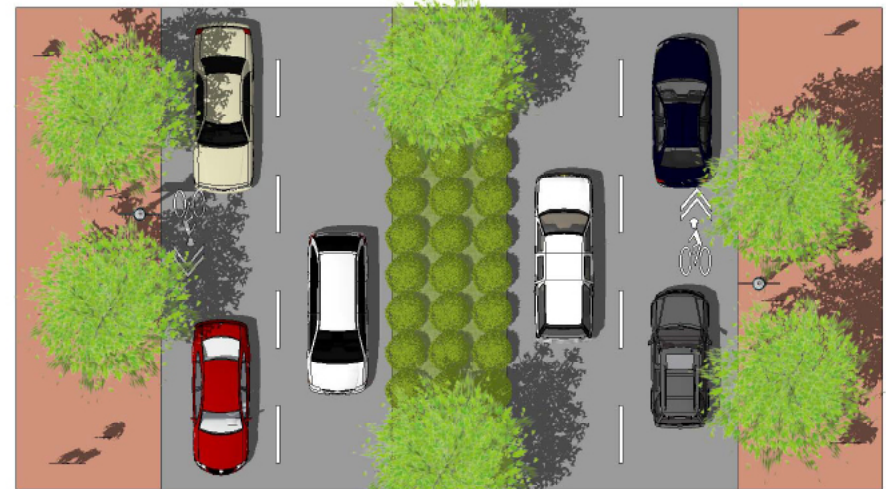


Vicinity

Category.....	Regional	Curb Type	Vertical
Movement	Free	Curb Radius	15 ft.
R.O.W. Width	90 ft.	Sidewalk Width..	15 ft.
Travel Lanes	4 Lanes	Planting Strip	Tree grates and median
Parking	None	Planter Type	Grate
Median	12 ft. Planted with Turn Lane		

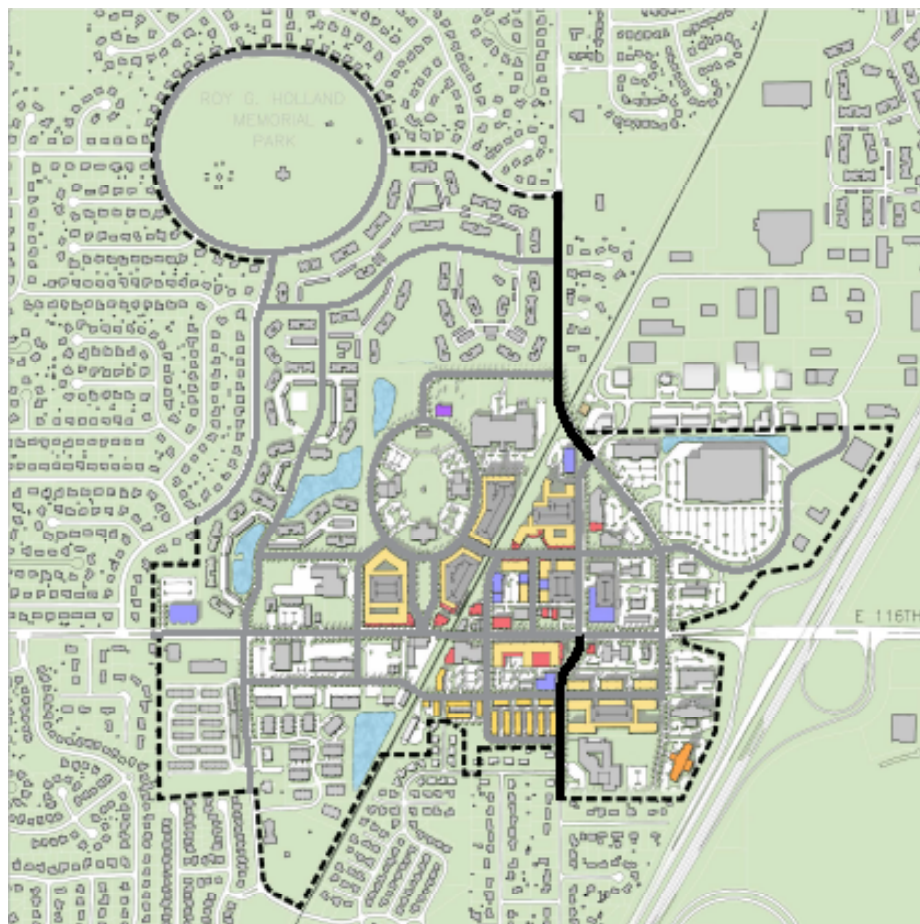


Section/Perspective



Plan

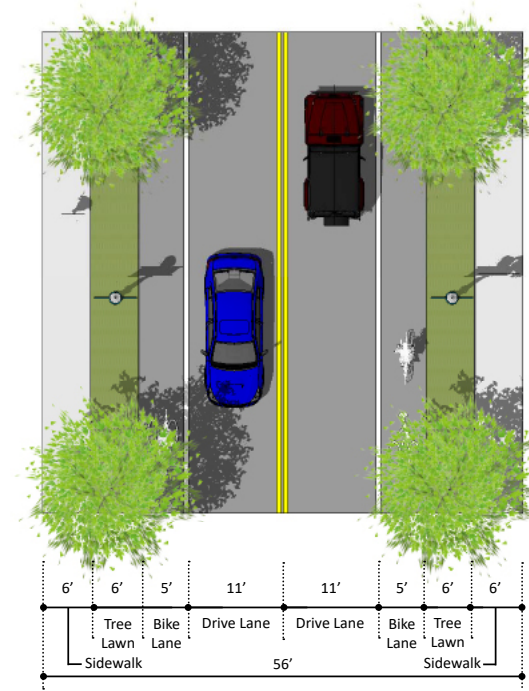
Type J (Ord. 071816C)



Vicinity



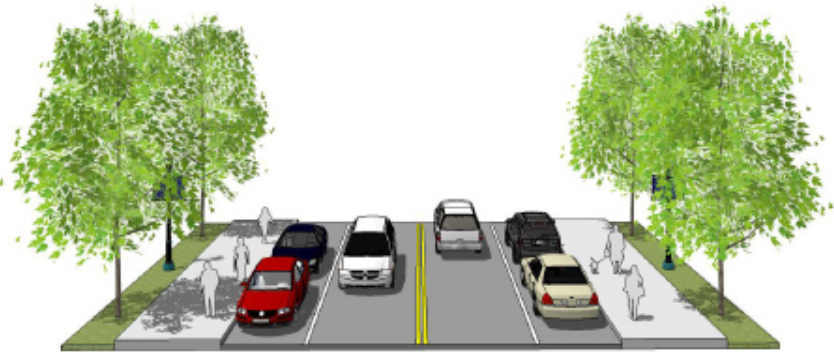
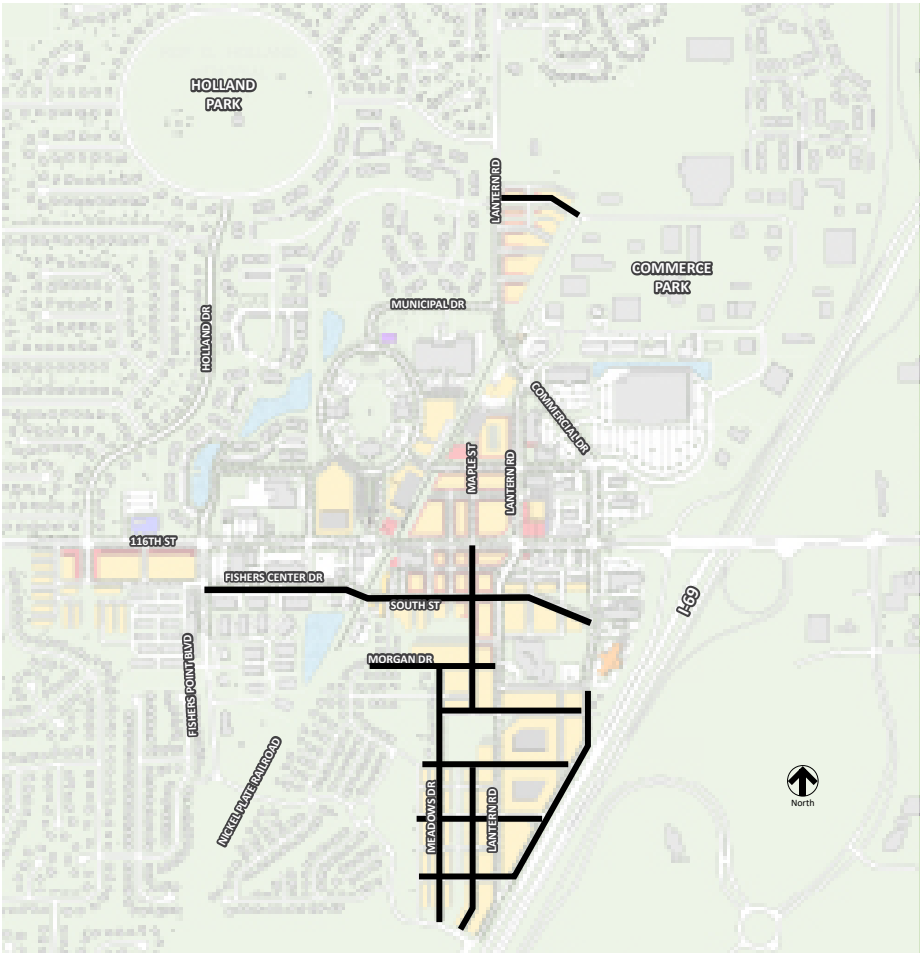
Section/Perspective



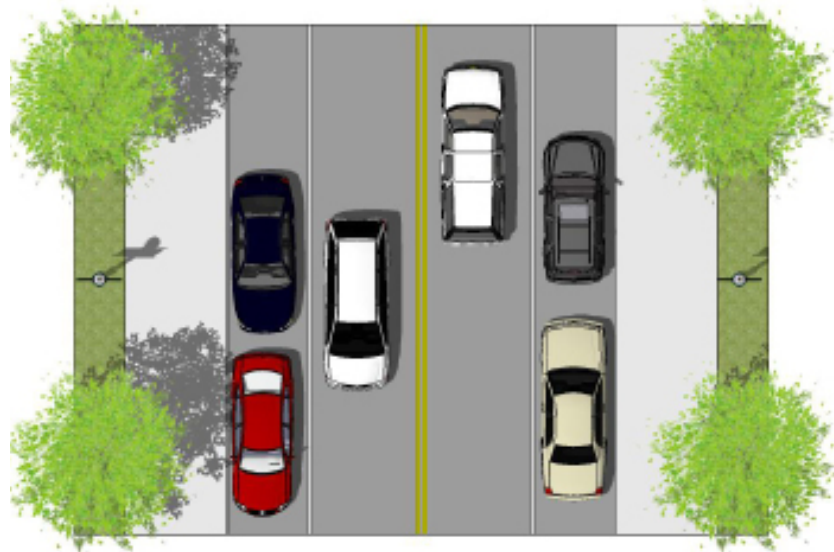
Plan

Category.....	Regional	Curb Type	Vertical
Movement	Free	Curb Radius	15 ft.
R.O.W. Width	54 ft.	Sidewalk Width..	6 ft.
Travel Lanes	2 Lanes	Planting Strip ...	6 ft.
Parking	None	Planter Type	Continuous Tree Lawn
Median	None		

Type K (Ord. 071816C, Ord. 091817)



Section/Perspective



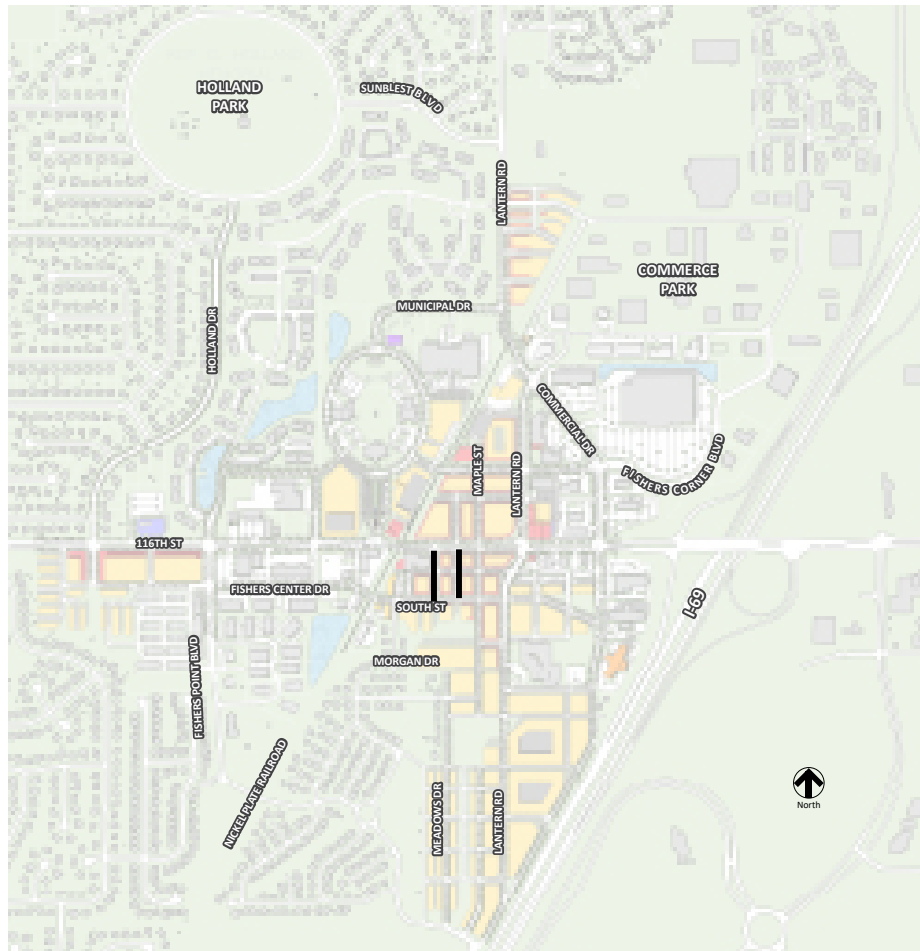
10'	8'	8'	11'	11'	8'	8'	10'
Tree Lawn	Sidewalk	Parking	Drive Lane	Drive Lane	Parking	Sidewalk	Tree Lawn
74'							

Plan

Vicinity

Category.....	Regional	Curb Type	Vertical
Movement	Free	Curb Radius	10 ft.
R.O.W. Width	78 ft.	Sidewalk Width..	10 ft.
Travel Lanes	2 Lanes	Planting Strip	10 ft.
Parking	Both Sides	Planter Type	None
Median	None		

Type L (Ord. 071816C)

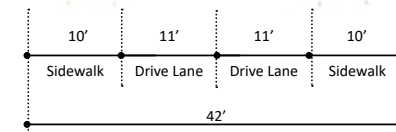
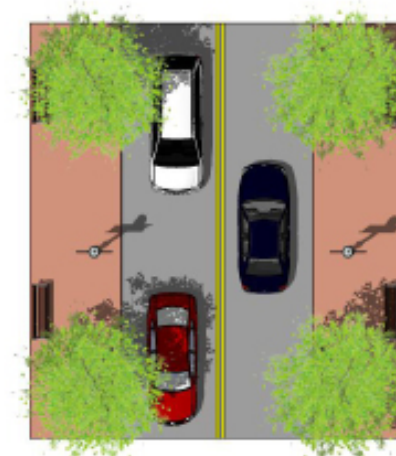


Vicinity

Category.....	Regional	Curb Type	Vertical
Movement	Slow	Curb Radius	15 ft.
R.O.W. Width	42 ft.	Sidewalk Width..	10 ft.
Travel Lanes	2 Lanes	Planting Strip ...	Tree Grates
Parking	None	Planter Type	Continuous Tree Lawn
Median	None		

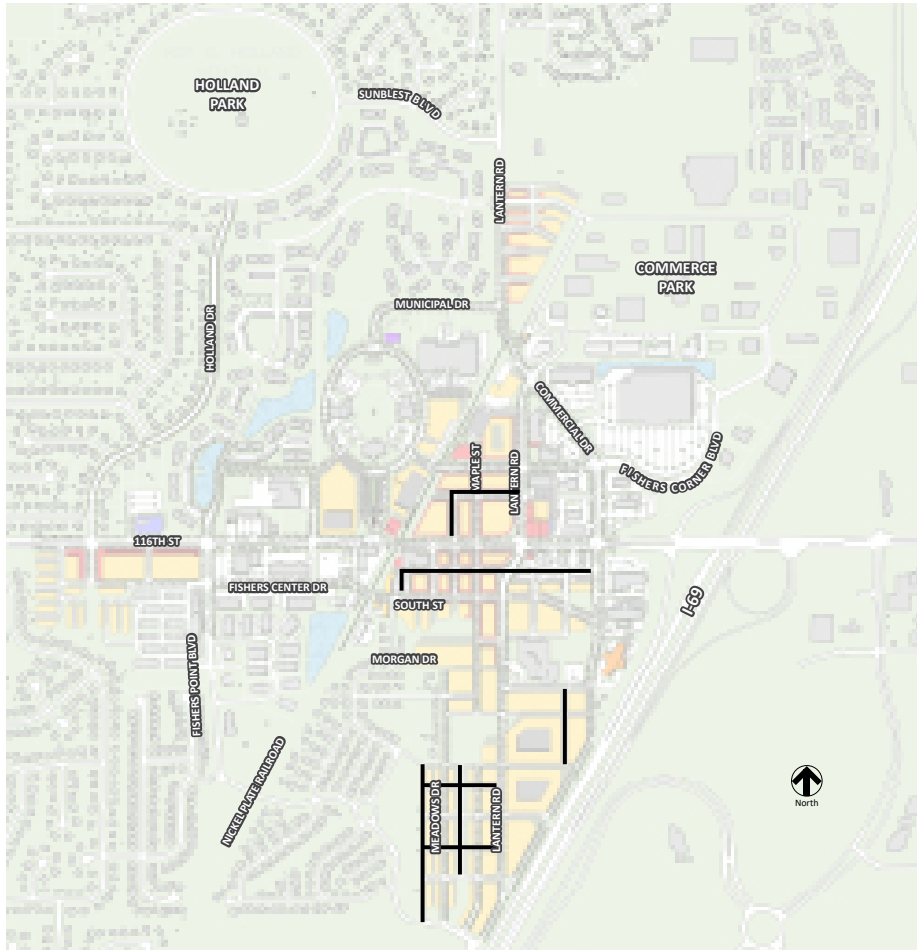


Section/Perspective



Plan

Type M (Ord. 071816C)

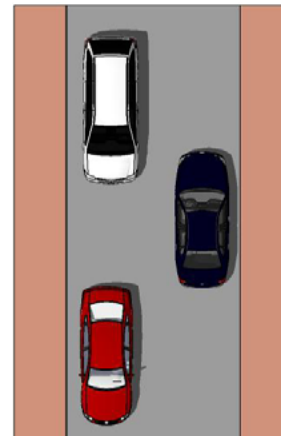


Vicinity

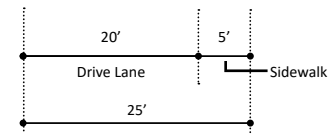
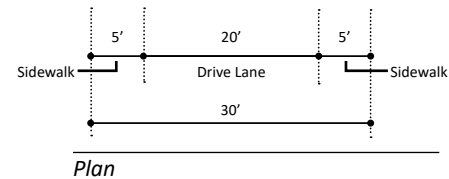
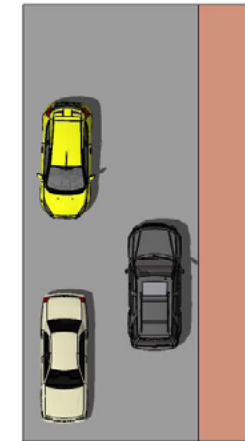
Category.....	Local/Alley	Curb Type	Vertical or none
Movement	Slow	Curb Radius	10 ft.
R.O.W. Width	25-30 ft.	Sidewalk Width..	5 ft.
Travel Lanes	2 Lanes	Planting Strip	None
Parking	None	Planter Type	None
Median	None		



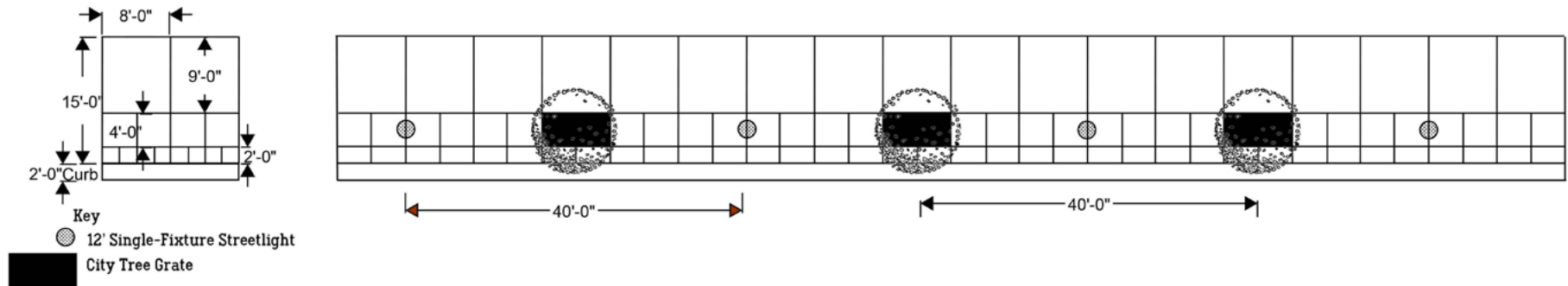
Section/Perspective



OR

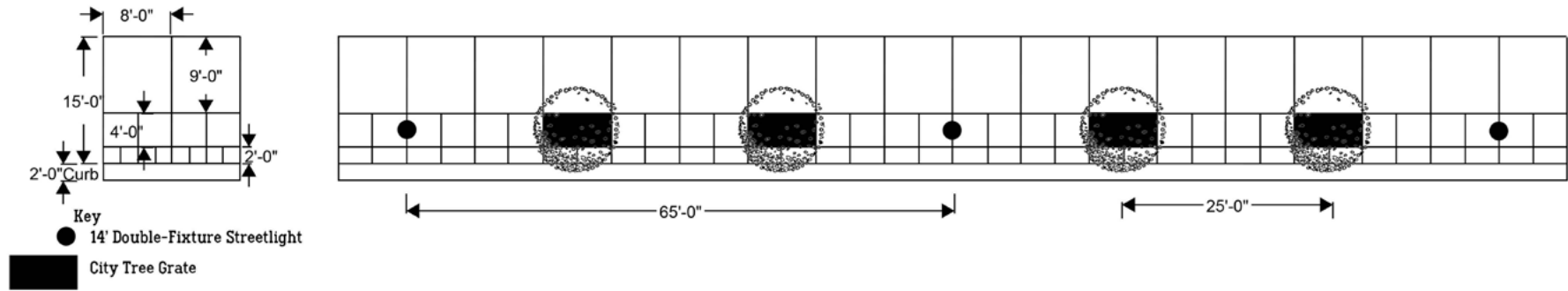


7.3: Streetscape 1: Urban



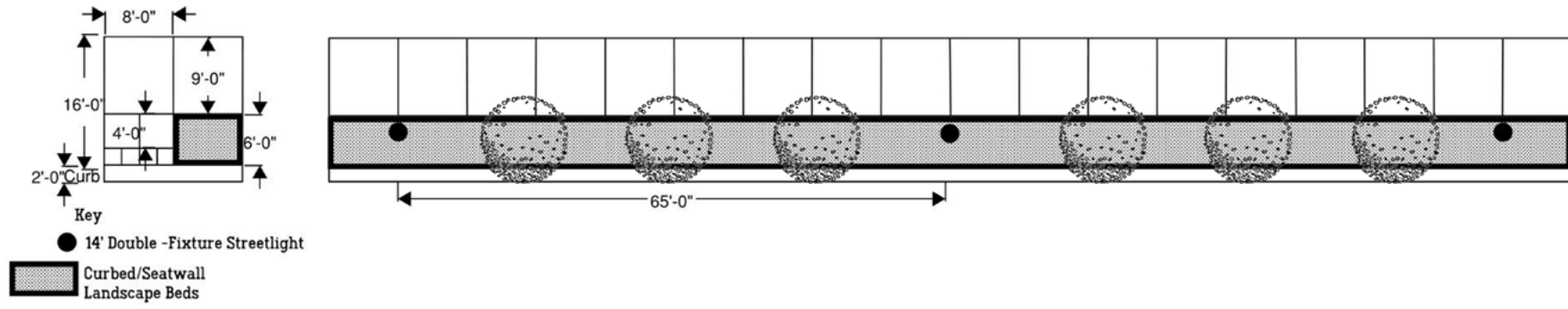
Streetscape 1 Requirements	
Curb Type	2' wide vertical curb
Sidewalk Width	9'
Planter Strip	4' wide hardscape
Planter Spacing	40' on center
Planter Type	City tree grate
Lighting Type	12' height single-fixture streetlight
Lighting Spacing	40' on center

7.4: Streetscape 2: 116th Street



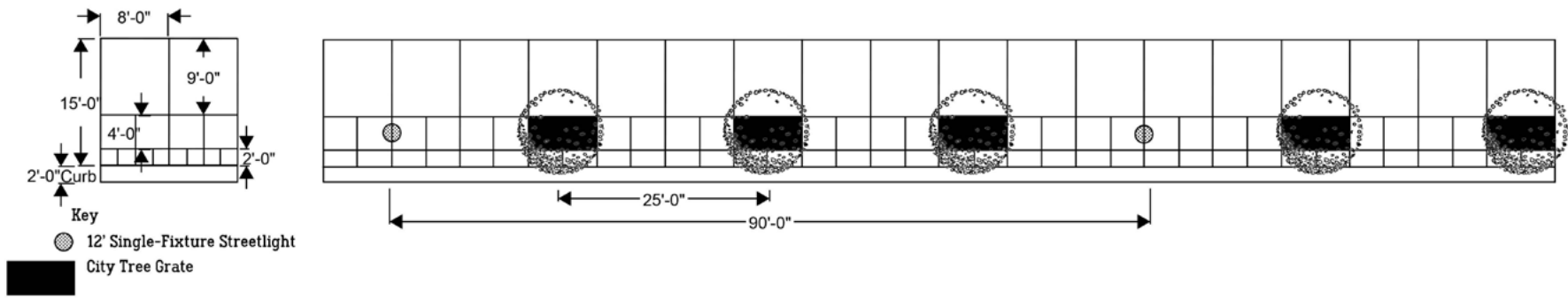
Streetscape 2 Requirements	
Curb Type	2' wide vertical curb
Sidewalk Width	9'
Planter Strip	4' wide hardscape
Planter Spacing	25' on center between street lights
Planter Type	City tree grate
Lighting Type	14' height double-fixture streetlight
Lighting Spacing	65' on center

7.5: Streetscape 3: 116th Street Alternative



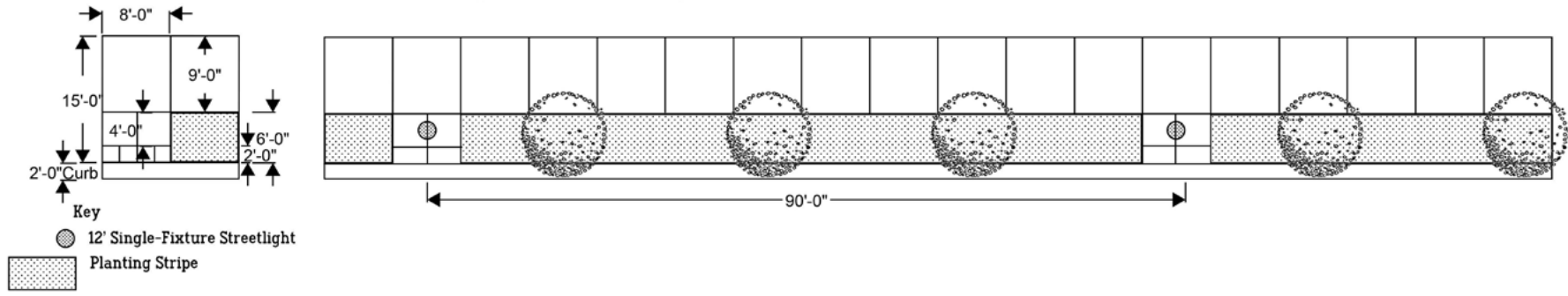
Streetscape 3 Requirements	
Curb Type	2' wide vertical curb
Sidewalk Width	9'
Planter Strip	6'
Planter Spacing	Min. 3 Trees between streetlights and native plantings
Planter Type	Curbed Planting Strip and/or Seat Wall
Lighting Type	14' height double-fixture streetlight
Lighting Spacing	65' on center

7.6: Streetscape 4: Neighborhood



Streetscape 4 Requirements	
Curb Type	2' wide vertical curb
Sidewalk Width	9'
Planter Strip	4' wide hardscape strip
Planter Spacing	25' on center, 3 planters between street lights
Planter Type	City tree grate
Lighting Type	12' height single-fixture streetlight
Lighting Spacing	90' on center

7.7: Streetscape 5: Neighborhood Alternative



Streetscape 5 Requirements	
Curb Type	2' wide vertical curb
Sidewalk Width	9'
Planter Strip	4' wide landscape strip
Planter Spacing	25' on center, 3 planters between street lights
Planter Type	Planting strip
Lighting Type	12' height single-fixture streetlight
Lighting Spacing	90' on center



SECTION 8 - ADMINISTRATION

8.1: Interpretation

8.1.1: Interpretation: This Article shall be referred to as Nickel Plate District Code or the Code. Notwithstanding any other provision in the Unified Development Ordinance, in the event of any conflict between any provision of the Nickel Plate District Code and any other provision of the Unified Development Ordinance, the Nickel Plate District Code shall control with respect to the Nickel Plate District only. In the event the Nickel Plate District Code is silent as to fees, permits, sign regulations, or any other similar provision relating to development standards, the applicable provision of the Unified Development Ordinance shall control.

8.2: Review

8.2.1: Purpose & Intent: The review procedure set out herein is conducted under the direction of the Department of Community Development to ensure compliance with the objective development standards of the Nickel Plate District Code and the Unified Development Ordinance. It is the intent of this section to:

1. Off-set the high level of detailed standards in the Nickel Plate District with an efficient process for approval of projects that meet the general goals, vision, and intent of the Nickel Plate District; and
2. Ensure consistency and quality of design through use of professional review procedures.

8.2.2: Nickel Plate Review Committee Established: There is hereby created the Nickel Plate Review Committee (Nickel Plate Review Committee). The purpose of the Nickel Plate Review Committee is to aid in the review and approval of all projects within the Nickel Plate District and the City Center Residential District.

8.2.3: Pre-submittal Meeting: Prior to submitting an application, the petitioner shall meet with the Department of Community Development to review the zoning classification of the site, applicable regulations, and procedures, and examine the proposed use and development of the property. The Department of Community Development shall assist the petitioner in preparing the application and supportive documents as necessary.

8.2.4: Applicability: Proposed projects located in the Nickel Plate District and the City Center Residential Zoning District are required to be reviewed by the Nickel Plate Review Committee pursuant to Section 8.2.9.4, Nickel Plate Review Committee (Nickel Plate Review Committee). As used in Section 8, Administration, the terms “proposed project” or “project” refer to any remodel, alteration, or similar construction project that involves removal, alteration, or substantial revision of fifty percent (50%) or more of the exterior or façade of any structure. (Ord. 110514C)

8.2.5: Application:

1. *Filing Deadline:* The petitioner shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any given meeting of the Nickel Plate Review Committee.
2. *Application Packet:* The petitioner shall submit the completed application to the Department of Community Development.
3. *Supporting Information:* The application shall include the following documents:
 - a. *Pre-submittal Meeting:* The application shall include all documentation specified by the Department of Community Development during the pre-submittal meeting.
 - b. *Application Packet:* The application shall include all documentation specified on the application packet unless waived by the Department of Community Development due to the specific circumstances of the particular project.
 - c. *Additional Information:* Such other additional information as may be required by the Department of Community Development or other members of the Technical Advisory Committee to evaluate the application. This may include material samples and three dimensional modeling of the development proposal showing massing of the proposal as it relates to adjacent structures.

8.2.6: Fees: Per the Fishers fee ordinance.

8.2.7: Department of Community Development:

1. *Review:* The Department of Community Development shall review a petition upon receipt of a complete application, supporting documents, and payment of the applicable fees.

2. *Complete Submittal*: Once the Department of Community Development has determined that the petitioner has submitted a complete application, the Department of Community Development shall:
 - a. Docket Number: Assign a docket number;
 - b. Agenda: Place the item on an agenda of the Nickel Plate Review Committee and/or the Technical Advisory Committee;
 - c. Notification: Inform the petitioner of the time, date, and place of the Nickel Plate Review Committee meeting or Technical Advisory Committee meeting.
3. *Technical Advisory Committee*: Once the Department of Community Development has processed a complete submittal as outlined above, the Department of Community Development shall place the item on an agenda of the Technical Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
4. *Inspection*: The Department of Community Development may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Nickel Plate District petition.
5. *Department Report*: The Department of Community Development shall prepare a written report outlining its findings with respect to the project.
6. *Surety Requirement*: In conjunction with the approval of a Nickel Plate District project, the petitioner shall provide financial surety for all public improvements pursuant to *Article 10; §Surety Standards*.
7. *Record*: The Department of Community Development shall maintain records of all applications, plans, and permits filed for a Nickel Plate District review.

8.2.8: Technical Advisory Committee (TAC):

1. *Determination*: The Technical Advisory Committee shall review Nickel Plate District Code projects that have been forwarded by the Department of Community Development.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Department of Community Development for distribution to the members of the Technical Advisory Committee.

3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Technical Advisory Committee. Incomplete submittals may result in the application being held off the Technical Advisory Committee agenda to allow the petitioner time to submit a completed application.
4. *Attendance*: The petitioner and the project engineer are required to be present at the Technical Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in continuance.
5. *Revisions*: Following Technical Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Technical Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Department of Development.

8.2.9: Nickel Plate Review Committee:

1. Nickel Plate Review Committee: The Nickel Plate Review Committee membership shall be established by Ordinance 041816F, as amended. (Ord. 071816C)
2. Submittal: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Department of Community Development for distribution to the members of the Nickel Plate Review Committee. Incomplete submittals shall result in the petition being removed from the agenda to allow the petitioner time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be provided to Committee members at the discretion of the Department of Community Development according to the Plan Commission Rules of Procedure. (Ord. 110514C)
3. *Attendance*: The petitioner is required to be present at the Nickel Plate Review Committee meeting to address and discuss comments and concerns posed by the Nickel Plate Review Committee members. Failure to appear may result in the petition being dealt with as outlined in the Plan Commission Rules of Procedure.

4. *Review:* Projects requiring Nickel Plate Review Committee review are;
 - a. Any proposal that does not comply with any of the standards of the Nickel Plate District Zoning Code require review by the Nickel Plate Review Committee, unless the granting of a minor waiver(s), per Section 8.2.11.4.a, bring the proposal into compliance.
 - b. Any project that requires a major waiver pursuant to Section 8.2.11.5, *Major Waivers*.
 - c. Any project that includes any of the following uses in the Downtown Core Zone:
 - i. Residential dwelling: Total units above 30 (Ord. 071816C)
 - ii. Retail/Service: Greater than 20,000 square feet gross floor area
 - iii. Any proposal adjacent to a property that is within the Village Center District and is residential in use
 - iv. Any proposal adjacent to a school
 - d. Any project that includes any of the following uses in the Municipal Center Zone:
 - i. Residential dwelling: Total units above 30 (Ord. 071816C)
 - ii. Retail/Service: Greater than 20,000 square feet gross floor area
 - e. Any project that includes any of the following uses in the Highway Center Zone:
 - i. Retail/Service: Greater than 40,000 square feet gross floor area
 - ii. Any proposal adjacent to the Village Center District or residential zoning district
 - iii. Any proposal adjacent to a school
 - f. Any project that includes any of the following uses in the Village Center Zone:
 - i. Residential dwelling: Total units above 10 (determined by plat submittal) (Ord. 071816C) For single-family homes that have been approved through plat by the Nickel Plate Review Committee, staff may approve architecture that is consistent with designs presented during review of the plat. (Ord. 011717D)
 - ii. Any proposed retail or service use:
 - iii. Any proposal adjacent to a residential zoning district
 - iv. Any proposal adjacent to a school
 - g. Any project that includes any of the following uses in the City Center Residential Zoning District:
 - i. Residential dwelling: More than one unit
5. *The Nickel Plate Review Committee shall base its review on the following criteria:*
 - a. Conformance with the intent of the Nickel Plate District Code;
 - b. Thorough design that addresses circulation both inside and around the site; (Ord. 110514C)
 - c. Appropriate use of the space designated for the public and conformance with Section 7, Street Standards and Section 3, Landscape Regulations; (Ord. 110514C)
 - d. Conformance with Section 2, Architecture Regulations; (Ord. 110514C)
 - e. Material and color usage that is similar, but not necessarily identical, to neighboring projects as proposed in the Master Plan; (Ord. 110514C)
 - f. Harmony and compatibility with surrounding development;
 - g. Conformance with Section 4, Parking Regulations, and incorporation of logical Circulation both internally and through the site. This is for both pedestrian and vehicular traffic, including service and delivery in accordance with the Nickel Plate District Code and the Transportation Plan, as amended. (Ord. 110514C)

6. *Decision:* The Nickel Plate Review Committee shall either approve, approve with conditions, or deny the application. The Nickel Plate Review Committee may continue the petition to the next meeting date if more information is needed. The Nickel Plate Review Committee shall make its decision on an application within ninety (90) calendar days of the receipt of a completed application, fee, and supporting documents. The Committee may grant one (1) 45 extension. (Ord. 110514C)
7. *Duration:*
 - a. The work or use authorized by Nickel Plate Review Committee approval is valid for the period stated in the applicable permit or approval.
 - b. *Extension:* A Nickel Plate Review Committee approval shall not be extended separately from the permit or approval with which it is associated. An extension granted to a permit or approval with which a Nickel Plate Review Committee approval is associated shall automatically include extension of the Nickel Plate Review Committee approval.

8.2.10: Waivers Review Process:

1. *Intent:* The waivers review process provides a mechanism by which the regulations of the Nickel Plate District Code may be modified if the development proposal is determined to meet the intended purposes of the Nickel Plate District Code. Each waiver shall be considered on a case by case basis, and a waiver shall not apply to a project other than the project for which it was sought. If a project is not completed for which a waiver was granted, the waiver(s) becomes null and void. (Ord. 110514C) Any costs incurred as a result of a granted waiver are the sole responsibility of the applicant. (Ord. 071816C)
2. *Application requirements:* A waiver application shall be accompanied by documentation that establishes how the application meets the criteria set forth in Section 8.2.9.4, *Review* and other applicable sections of the Nickel Plate District Code.
3. *Staff review and report:* The Department of Community Development shall review the application for the waiver and shall prepare a written staff analysis of the issues raised by the application.

4. *Review criteria:* Minor waivers shall be reviewed by the Mayor or Mayor's Designee. Major waivers shall be reviewed by the Nickel Plate Review Committee. A written determination shall be produced that determines whether the following criteria have been met (Ord. 081715F, 110514C):
 - a. Meets the eligibility requirements of 8.2.10, Wavier Review Process. (Ord. 110514C)
 - b. Will not conflict with the Conceptual Master Plan. (Ord. 110514C)
 - c. Will result in an improved project which will be an attractive contribution to the Nickel Plate District. (Ord. 110514C)
 - d. Will not compromise the quality of the public realm or discouraged pedestrian use. (Ord. 110514C)
5. *Minor waivers eligibility:* Minor waivers are modest changes to design standards that are determined to meet the goals and intent of the Nickel Plate District and achieve substantial, though not complete, compliance with the Nickel Plate District Code. Minor waivers shall not compromise the project's ability to meet the goals and intent of the district as stated in the Nickel Plate District Code. Minor waivers may be approved administratively by the Mayor or Mayor's Designee or the Director's designee. The following design standards are eligible for a minor waiver: (Ord. 081715F)
 - a. Increase or decrease in the amount of parking spaces between 0-10% of permitted range.
 - b. Dimensional standards: request that is within ten percent (10%) of standard. For example, where a build-to line of ten (10) feet is required, a minor waiver may be requested for a proposed build-to line of nine (9) feet. Any request greater than ten percent (10%) of the standard would require approval of a major waiver.
 - c. Pedestrian pass-through: structures that require a pedestrian passage through the longest side of the structure (per section 2) may request a minor waiver provided adequate alternative pedestrian circulation routes are available and use of the pass through will not increase the connectivity of the site (e.g. pass-through would lead to the railroad tracks). (Ord. 011717D)
 - d. Four-sided architecture: A minor waiver may be requested from four-sided architecture requirements if public art is substituted (per section 2.4). This waiver may only apply to one façade.

- e. Landscaping: Requirement may be reduced by up to twenty-five percent (25%) if it is replaced with public art. Public art shall not replace required buffer yard landscaping as required (per section 3.2).
- f. Compact parking spaces may be approved to address unique site considerations. No more than ten percent (10%) of the required spaces may be compact spaces.
- g. Surface parking lots in the DC and MC may be approved as a temporary solution to parking concerns. Surface lots shall be designed such that the lot will make a viable redevelopment site when adequate street or structure parking is available. Use of a temporary parking lot grants the reduction in the side or rear setback be reduced to less than half of the property width or depth.
- h. Fencing: Approval of alternate fencing designs to address the unique constraints of project sites or building orientation. (Ord. 071816C)
- i. Street Design: Altering the design standards of the Street Standards section to allow for a coordinated, functional street network. (Ord. 071816C)
- j. Pedestrian Blade Sign: Allowing a Pedestrian Blade Sign up to five square feet in size. (Ord. 071816C)
- k. Individual Creative Sign: Approval of a single sign exceeding the provisions of this Code. Approval of multiple signs requires Nickel Plate Review Committee approval. (Ord. 071816C)
- l. Fencing: Alternate fencing materials, heights, and locations may be approved for the purposes of public safety. (Ord. 071816C)
- m. Parking: Allow for reduction of the four (4) required spaces on a property if no on-street parking is available. (Ord. 011717D)
- n. Building height: Allow for buildings to meet the minimum required height but not the number of stories indicated. (Ord. 011717D)
- o. Landscape modification: Approval of alternate landscape for properties undergoing maintenance which have already received approval. (Ord. 011717D)
- p. Re-location of required landscaping in the Technology Center to maximize the appearance of the building along the street.

- 6. *Major Waivers Eligibility:* The granting of major waivers shall be determined in writing by the Nickel Plate Review Committee. The following are eligible for a major waiver:
 - a. Dimensional standards, except that no waiver to a dimensional standard shall be granted which would result in a reduction of a Code requirement or an increase in a Code limitation by more than twenty-five percent (25%). On sites deeper than 170 feet, the Nickel Plate Review Committee may completely waive the rear yard setback requirement. On sites wider than 250 feet, the Nickel Plate Review Committee may allow for the side yard setback to be an aggregate of 40 feet (e.g. 30 feet and 10 feet on either side of the building). (Ord. 071816C)
 - b. Building design standards for street walls, windows, shape of openings, roofs and exterior finish standards.
 - c. Placement of signs. Lower wall sign areas may be allocated to canopies and awnings provided no other wall signage is permitted.
 - d. Increase or decrease in amount of parking spaces required by greater than ten percent (10%) of standard.
 - e. Parking Structure Screening: Green screens may be used on parking structures to offset architectural or buffer yard requirements if deemed an acceptable substitute by the Nickel Plate Review Committee (see Section 3.6).
 - f. Building Materials: The Nickel Plate Review Committee may allow material substitution if substitution provides comparable or superior aesthetic quality to permitted material. In no instance shall the substituted materials comprise more than forty percent (40%) of the façade.
 - g. Building Height: The Nickel Plate Review Committee may approve up to two additional stories above the maximum on a primary structure. The additional floor(s) may only be approved if an offset is provided at the third (3rd) or fourth (4th) floors to break up the appearance of the façade's height. In lieu of the offset, the top floor can be structured to fit within the building's roofline. This waiver would allow the maximum building height to be increased to 75 feet. (Ord. 011717D)

- h. Flex Space: The Nickel Plate Review Committee may approve flex space on the first (1st) floor for non-commercial use in areas that require first (1st) floor commercial use (per section 1.4). This shall comprise no more than sixty percent (60%) of the required commercial frontage.
- i. Signage: An alternate, creative signage program exceeding the provisions of this Code may be approved by the Nickel Plate Review Committee for an entire building/project. The submitted plans must be reflective of all signage to be used for all tenants in the building/project. The Nickel Plate Review Committee may approve the use of signage not specifically identified in this Code through this waiver. (Ord. 071816C)
 - i. Purpose. The purpose of a creative sign program is to integrate all signs with the overall site design and the structures' design into a unified architectural statement. A creative sign program provides a means for the flexible application of sign regulations in order to provide incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the purpose of the Nickle Plate code. Approval of a creative sign program may modify the standards provided in this chapter as to sign number, size, height, illumination, location, orientation, or other aspects of signs within the limits of this section. (Ord. 071816C)
 - ii. Application requirements. A sign permit application for a creative sign program shall include all information and materials required by the Mayor or Mayor's Designee. (Ord. 071816C)
 - iii. Standards. A creative sign program shall comply with the following standards: (Ord. 071816C)
 - 1. The proposed sign program shall comply with the intent of this chapter. (Ord. 071816C)
 - 2. The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the creative sign program, to the structures and/or developments they identify, and to surrounding development when applicable. (Ord. 071816C)
 - 3. The sign program shall address all permanent signs. (Ord. 071816C)
 - 4. The sign program shall accommodate future revisions that may be required because of changes in use or tenants. (Ord. 071816C)
 - 5. The sign program shall comply with the standards of the Nickle Plate code, except that deviations are allowed with regard to sign area, total number, location, illumination, and/or height of signs to the extent that the creative sign program will enhance the overall development and will more fully accomplish the purposes and intent of the Nickle Plate code. (Ord. 071816C)
 - 6. Approval of a creative sign program shall not authorize the use of signs prohibited by this chapter. (Ord. 071816C)
 - 7. Review and approval of a creative sign program shall not consider the signs' proposed message content. (Ord. 071816C)
 - viii. Findings. In order to approve a creative sign program the following findings shall be made: (Ord. 071816C)
 - 1. The creative sign program complies with the purpose of the Nickle Plate code. (Ord. 071816C)
 - 2. Proposed signs enhance the overall development and are in harmony with other signs included in the plan with the structures they identify and with surrounding development. (Ord. 071816C)
 - 3. The creative sign program contains provisions to accommodate future revisions that may be required because of changes in use or tenants. (Ord. 071816C)
 - 4. The creative sign program complies with the standards of the Nickle Plate code, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the signs proposed under the creative sign program will enhance the overall development, achieve superior quality design, and will more fully accomplish the purposes of this chapter. (Ord. 071816C)

- v. Revisions to creative sign programs. The Mayor or Mayor's Designee may approve revisions to a creative sign program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new/revised creative sign program by the Nickel Plate Review Committee. (Ord. 071816C)
- j. Landscape: An alternate, creative landscape package may be approved by the Nickel Plate Review Committee. (Ord. 071816C)
- k. Park: The Nickel Plate Review Committee may grant a waiver to allow a structured, aesthetically pleasing park or green space area to be used to meet a required yard setback for one side of a structure. (Ord. 071816C)
- l. Parking lots in VC and MC: The Nickel Plate Review Committee may approve the use of surface parking lots in the Village Center and Municipal Center zones. Approval is contingent on:
 - i. These lots shall not be located in a front yard, except where a parcel has more than two front yards. Where a lot has more than two front yards, the Nickel Plate Review Committee shall determine the least impactful frontage for the parking lot to be placed.
 - ii. If this waiver is granted, building setbacks shall be measured from the edge of the parking lot and its associated walkways and/or landscape areas.
 - iii. Parking lots may only be granted for projects larger than two (2) acres.
 - iv. Parking lots may not negatively impact the streetscape or adjacent properties.
 - v. The intent of the Conceptual Master Plan must be maintained. (Ord. 091817)
- 7. *Public Meeting*: The Nickel Plate Review Committee shall conduct a public meeting in accordance with the Indiana Open Door Law. The Nickel Plate Review Committee shall review the written staff report and may grant the application, grant with conditions, or deny the application.

8.2.11: Appeals:

1. *Petitions and Major Waivers*

- a. An appeal of the Nickel Plate Review Committee's denial or approved of a petition or Major Waiver shall be made to the City Council by filing the appeal with the Mayor or Mayor's Designee of the Director's designee within thirty (30) days of the approval or denial. The appeal shall be included on the City Council's agenda for a regularly scheduled meeting within (30) days of the date the appeal is received. At the meeting, the Council shall hear from all interested persons. After considering the evidence, the Council shall determine and make findings regarding whether the application meets the intent of the Nickel Plate District Code and the Nickel Plate District Master Plan and shall approve, approve with conditions, or deny the application. (Ord. 081715F, 110514C)
- b. An appeal of the Council's decision shall be made to the Board of Zoning Appeals by filing the appeal with the Mayor or Mayor's Designee of the Director's designee within thirty (30) days of the approved or denial. The appeal shall be included on the Board of Zoning Appeals' agenda for a regularly scheduled meeting within thirty (30) days of the date the appeal is received. At the meeting, the Board of Zoning Appeals shall hear from all interested persons. After considering the evidence, the Board of Zoning Appeals shall determine and make findings regarding whether the application meets the intent of the Nickel Plate District Code and the Nickel Plate District Master Plan and shall approve, approve with conditions, or deny the application. (Ord. 081715F, 110514C)
- c. An appeal of the Board of Zoning Appeal's decision shall be made pursuant to and consistent with Indiana law. (Ord. 110514C)

2. *Minor Waivers*

- a. An appeal of a minor waiver approval or denial by the Mayor or Mayor's Designee shall be made to the Nickel Plate Review Committee by filing the appeal with the Mayor or Mayor's Designee or the Director's designee within thirty (30) days of the approval or denial. The appeal shall be included on the Nickel Plate Review Committee's agenda for a regularly scheduled meeting within thirty (30) days of the date the appeal is received. At the meeting, the Nickel Plate Review Committee shall hear from all interested persons. After considering the evidence, the Nickel Plate Review

Committee shall determine and make findings regarding whether the application meets the intent of the Nickel Plate District Code and the Nickel Plate District Master Plan and shall approve, approve with conditions, or deny the application. (Ord. 081715F, 110514C)

- b. An appeal of the Board of Zoning Appeal's decision shall be made pursuant to and consistent with Indiana law. (Ord. 110514C)

8.3: Nonconforming Lots, Sites, Structures, and Uses

8.3.1: Purpose: Upon adoption of the Nickel Plate District Code, some previously lawful lots, sites, structures, and land uses may no longer conform to the regulations of the Code. For this reason, Section 8.3, *Nonconforming Lots, Sites, Structures, and Uses* specifies the rules, policies, and regulations that apply to these lots, sites, structures, and land uses referred to as lawfully nonconforming within the Nickel Plate District. The purpose of this section is to allow nonconforming lots, structures, and uses to continue to the extent consistent with the health, safety, and public welfare purposes of the District, and to provide for the following:

1. Continuing maintenance of nonconforming uses, buildings, structures and site elements, uses which do not conform to the provisions of the District but which complied with applicable laws when established;
2. Provide for the gradual replacement of nonconforming uses with uses that conform to the provisions of the District;
3. Provide standards for the expansion of nonconforming uses;
4. Provide standards for the continuance of nonconforming uses of land; and,
5. Provide standards for the continuance and expansion of nonconforming buildings, structures, and site elements.

8.3.2: Establishing Legal Nonconformity:

1. Any lot, site, structure, or land use which does not conform with one or more provisions of the Nickel Plate District Code, but which lawfully existed upon the effective date of the provisions of this Code with which the lot, structure or use does not conform, shall be a lawful nonconforming lot, site, use or structure within the meaning of this section.

2. In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a Certificate of Nonconforming Use from the Mayor or Mayor's Designee. The applicant shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate. The applicant shall provide sufficient proof that the use or structure was established prior to the adoption of the ordinance and that there was continuous operation of the nonconforming use. Such other proof may be deemed necessary by the Mayor or Mayor's Designee. (Ord. 081715F)

8.3.3: Nonconforming Use of a Building, Structure, or Land

1. Any continuous, lawful nonconforming use of structures, land, or structures and land in combination established prior to the effective date of the Code that is no longer a permitted use in the Zone where it is located shall be deemed a legal nonconforming use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the provisions within this chapter.
2. *Discontinuance of Abandoned Nonconforming Use:*
 - a. If a legal nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises or the building or structures in which such legal nonconforming use is conducted are damaged or destroyed by fire, flood, wind, or other calamity or act of God, any subsequent use of such land, structure or land and structure shall conform to the provisions of the Code.
 - b. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the Code, and the legal nonconforming use shall not thereafter be resumed.
3. *Accessory Buildings:* The requirements for nonconforming uses of nonconforming buildings or structures shall apply to all accessory buildings, structures, or buildings located on the same zoning lot.
4. *Expansion of Nonconforming Use:* Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Nickel Plate District Code or its subsequent amendments that is no longer a permitted use in the Zone where it is located shall be deemed a legal nonconforming use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- a. No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
 - i. Complies with Section 8.3.3.4.d for limited and small expansions; or
 - ii. Changes the use of the structure to a use permitted in the zoning district in which it is located, or
 - iii. Changes the use to a less intensive nonconforming use and is approved by the Mayor or Mayor's Designee or Plan Commission. (Ord. 081715F)
- b. No new building or structure shall be constructed in connection with an existing legal nonconforming use of land.
- c. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of the Unified Development Ordinance, but no such use shall be extended to occupy any land outside the building.
- d. In the case of the legal nonconforming use of a structure, the structure may be expanded up to two times, with total expansions not to exceed twenty percent (20%) of the existing floor area. The expansion shall conform to all applicable development standards in existence at the time such structure was initially constructed.
- e. If no structural alterations are made, a legal nonconforming use of structure or structure and land in combination may be changed to another legal nonconforming use, provided that the Mayor or Mayor's Designee shall make specific findings that the proposed use is equally appropriate or more appropriate to the zoning district than the existing legal nonconforming use. However, if the new use requires more parking area than the previous use, such new use will comply with the appropriate parking standards, as determined by the Mayor or Mayor's Designee. (Ord. 081715F)
- f. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the Zone, and the legal nonconforming use shall not thereafter be resumed.

5. *Use of Nonconforming Lots of Record*

- a. Erection of new single-family dwellings in residential districts on nonconforming lots of record shall be permitted if such proposed structure meets all of the requirements of the district in which it is sought to be located except for lot area.
- b. Erection of new structures or buildings in nonresidential districts shall be permitted on nonconforming lots of record if such proposed structure meets all of the requirements of the district in which it is sought to be located except for lot area.

6. *Nonconforming Building or Structure*

- a. Any continuously occupied, lawfully established structure or building, excluding telecommunication towers and signs, prior to the effective date of the Code, or its subsequent amendments, that no longer meets the development standards due to the reasons listed below shall be deemed a legal nonconforming building or structure.
- b. A legal nonconforming building or structure may continue provided that it remains the same or fits within the below described tolerances:
 - i. Except as provided in Section 8.3.3.4.d for limited and small expansions, any legal nonconforming building or structure shall not be enlarged or altered in a manner that the enlargement or alteration increases its nonconformity, but the building or structure, or portion thereof, may be altered to maintain or decrease its nonconformity.
 - ii. Any legal nonconforming building or structure which is not part of a multifamily residential development having more than two buildings or structures and is damaged or destroyed by more than fifty percent (50%) of the fair market value of all primary structures on the land shall thereafter conform to the regulations of the zoning district in which it is located.
 - iii. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of the Code.

8.3.4: Nonconforming Sites and Structures; Limited Compliance, Nonresidential

Uses: A lawful nonconforming site or structure, where any use is nonresidential, shall be brought into compliance with the Code to the extent required by this Code whenever the following occurs upon the site: any change in use, expansion, enlargement, or relocation of any use; reestablishment of a prior conforming use that has been discontinued for a period of twelve (12) months or longer; or addition to any building of more than ten percent (10%) of the gross floor area.

- a. **Structure Setback/Height:** Existing structures shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced.
- b. **Parking Setback/Impervious Surface Coverage:** If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.
- c. **Parking:** Any change in use or reestablishment of an abandoned conforming use shall meet parking requirements of this Code. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent (10%) of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.
- d. **Paving:** Any substandard parking surfaces shall be brought into compliance with Parking Standards of the Code and applicable UDO parking standards.
- e. **Striping:** All parking areas shall be striped in accordance with UDO Parking Standards.
- f. **ADA Parking:** All required handicap parking spaces shall be installed in accordance with UDO Parking Standards. If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate ADA parking aisles.
- g. **Bike Parking:** All required bicycle parking shall be installed per requirements of the Code.

- h. **Landscaping:** If full compliance with Section 3, *Landscaping* cannot be achieved due to lack of adequate planting area, all yard areas shall be landscaped to the maximum practicable density with a priority given to shade tree installation.
- i. **Pedestrian Facilities:** Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per the Code. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition.
- j. **ADA Ramps:** Any existing sidewalks that do not have adequate ADA ramps shall install required ramps per the UDO and other applicable standards.
- k. **Signage:** All signage shall be brought into compliance with Section 6, *Signage* to the extent practicable, although freestanding signs may utilize existing setbacks where the sign is not located within a restricted vision clearance area.
- l. **Dumpster Enclosures:** All outdoor waste collection facilities shall be brought into compliance with the Code and UDO.
- m. **Lighting:** All lighting shall be brought into compliance with the Code.
- n. **Entrances and Drives:** All entrances and drives shall be brought into compliance with the Code and UDO.

1. **Nonconforming Sites and Structures; Limited Compliance, Multifamily Uses:** A lawful nonconforming site or structure, where the principal use is multifamily residential, shall be brought into compliance with current development standards to the extent required by this Subsection whenever the following occurs upon the site, other than as provided in Section 8.3.3.4.d for limited and small expansions: any addition to an existing building, any change of use, or any expansion, enlargement, or relocation of any use, which shall include but not be limited to addition of bedrooms or units:

- a. **Structure Setback/Height:** Existing structures shall not be subject to current setback standards and shall remain lawful nonconforming unless completely demolished and replaced.

- b. **Parking Setback/Impervious Surface Coverage:** If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback.
 - c. **Parking:** The degree of nonconformity regarding the required number of parking spaces shall not be increased.
 - d. **Paving:** Any substandard parking surfaces shall be brought into compliance with UDO Parking Standards.
 - e. **Striping:** All parking areas shall be striped in accordance with UDO Parking Standards.
 - f. **Bike Parking:** All required bicycle parking shall be installed per the requirements of the Code.
 - g. **Landscaping:** If full compliance with Section 3, *Landscaping*, cannot be achieved due to lack of adequate planting area, all yard areas shall be landscaped to the maximum practicable density with a priority given to shade tree installation.
 - h. **Pedestrian Facilities:** Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per the requirements of the Code. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition.
 - i. **ADA Ramps:** Any existing sidewalks that do not have adequate handicap ramps shall install required ramps per the UDO and other applicable standards.
 - j. **Signage:** All signage shall be brought into compliance with Section 6, *Signage* to the extent practicable, although freestanding signs may utilize existing setbacks where the sign is not located within a restricted vision clearance area.
 - k. **Dumpster Enclosures:** All outdoor waste collection facilities shall be brought into compliance with the Code and UDO.
 - l. **Lighting:** All lighting shall be brought into compliance with the Code.
 - m. **Accessory Structures:** Construction of an accessory structure of less than 580 square feet shall be permitted within compliance with this section, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces.
 - n. **Entrances and Drives:** All entrances and drives shall be brought into compliance with the Code and UDO.
 - o. **Notwithstanding anything contained in Section 9 or this Ordinance to the contrary,** (a) any building, structure, or land which is part of a multifamily residential development having more than four buildings or structures may be converted, superseded or developed in conformity with the Code, and (b) the remaining buildings, structures and land of such multifamily residential development shall continue to be deemed a legal nonconforming use and legal nonconforming buildings and structures and shall not be required to be brought into conformity with the Code so long as such remaining development consists of at least two buildings.
2. *Nonconforming Sites and Structures: Limited Compliance, Single-family Uses:* A lawful nonconforming site or structure for a single-family use shall not be brought into compliance with current development standards at such time as an addition or modification occurs, except that the addition or modification may not increase the degree of nonconformity regarding parking requirements. Enlargement or modification of an existing driveway shall be subject to UDO standards.
 3. *Restoration:* If a nonconforming building or structure is damaged or partially destroyed by fire, flood, wind, or other calamity or act of God, structural alternation or other repairs for the purpose or reconstruction may be carried out so long as they are repaired or replaced no more than their original size (i.e. no additional floor area shall be added).
 4. *Repair:* Repair of nonconforming building or other structure repairs required for restoration of damaged or partially destroyed buildings, may be carried out.

5. *Building Permit*: Any owner who is authorized to replace, rebuild, or otherwise restore a damaged or destroyed structure such that the replacement, rebuild, or restoration results in the structure retaining its lawful nonconforming status under this Section shall first obtain a building permit within twelve (12) months from the date the damage or destruction occurs. The Mayor or Mayor's Designee or a designee may extend this time period for good cause shown. (Ord. 081715F)

8.4: Prohibited Uses

8.4.1: The following uses shall be prohibited in the Nickel Plate District:

1. Agriculture
2. Alternative financial services (e.g. refund anticipation lenders, short-term loan providers, cash for precious metal stores, or pawn shops)
3. Auto rental, repair, and storage
4. Auto sales
5. Boarding house
6. Food processing
7. Heavy industry
8. Manufacturing (excluding Technology Center)
9. Massage parlor
10. Machine Shop / Manufacturing
11. Nail salon (not including nail services that are part of a day spa or similar use)
12. Outdoor sales areas over 60 square feet.
13. Outdoor storage
14. Package goods store (alcohol)
15. Piercing Studio
16. Sexually-oriented business

17. Storage as a primary use

18. Tattoo parlor

19. Tobacco shop, cigar lounge, head, or other smoke shop

8.4.2: The following uses shall be prohibited in any property in the Nickel Plate District that is adjacent to a school:

1. Bar or tavern

8.5: Review

8.5.1: All new, detached structures over 200 square feet shall require an Improvement Location Permit. Application materials shall be provided in accordance with the application packet. A permit is required for all other new and renovated structures.

8.5.2: All new structures over 10,000 square feet shall include a three-dimensional rendering of the structure that shows the architecture of the new structure as well as the massing of adjacent, existing structures.

8.5.3: All development and/or redevelopment within the Nickel Plate District shall be reviewed and approved according to the following procedure:

1. Pre-file Meeting
2. Application
3. Technical Advisory Committee
4. Nickel Plate Review Committee (if applicable)
5. Waivers / Variance Request (if applicable)
6. Approval / Denial (within 26 weeks of application)
7. Building Permit
8. As-built Plans

8.5.4: All changes of use shall require an improvement location permit. (Ord. 011717D)

- 8.5.5: Maintenance shall not require an Improvement Location Permit or Nickel Plate Committee review, unless deemed necessary by the Mayor or Mayor's Designee. (Ord. 011717D)

8.6: Design Standards

- 8.6.1: Article 7, Design Standards, of the Fishers Unified Development Ordinance shall apply, as amended. Where conflicts exist, this Code shall prevail.
- 8.6.2: Vision triangles shall be measured from the edge of curb.

8.7: Subdivision

8.7.1: Intent

To promote compact, mixed use development with a traditional, walkable street grid.

8.7.2: Subdivision Standards

Figure 8.1: Subdivision Standards

	DC Downtown Core	MC Municipal Center	HC Highway Center	VC Village Center	TC Technology Center
Lot Area (Min.)	None	None	None	2,000 SF	None
Lot Area (Max.)	None	None	None	10 Acres	None
Open Space (Min.)	5%	10%	10%	10%	10%
Block Length (Min. / Max.)	150 / 500 ft.	150 / 500 ft.	400 / 750 ft.	150 / 350 ft.	150 / 500 ft.
Street Frontage (Min.)	50 ft.	50 ft.	80 ft.	25 ft.	50 ft.

8.7.3: General Subdivision Requirements

1. Sidewalks and street profiles are to be provided according to Section 7 of this Code.
2. Shortened pedestrian crossings are required at intersections and at mid-block crossings. This applies to public right-of-ways only.
3. Internal connectivity (stub streets) is required where a parking lot abuts a neighboring property line.
4. Storm water is to be managed without the use of surface detention / retention areas.
5. Cul-de-sacs shall not be permitted.
6. Private roads shall not be permitted.
7. All plats shall establish the right-of-way line one foot behind the sidewalk. (Ord. 011717D)

8.7.4: Landscape

1. Landscape shall be provided in accordance with Section 3 of this Code.
2. Properties on the perimeter of the Nickel Plate District shall provide a buffer between any single-family residential properties and any other use.

8.7.5: Assembly of Lots

1. Assembly of four or less lots into one tract may be conducted as a minor TAC item using the secondary plat process.
2. Assembly of more than four lots will require review by the TCRC in addition to the full TAC and secondary plat processes.

8.7.6: Division of Land

1. Tracts under four acres may subdivide as a secondary plat.
2. Tracts over four acres shall primary plat before a secondary plat may be filed.

8.8: Encroachments

- 8.8.1: Location of building elements (e.g. lighting, signage, awnings, etc.) and/or site amenities (e.g. large planters, outdoor seating, etc.) requires an encroachment permit.
- 8.8.2: Permits for encroachment may be amended if amenities/building elements are proposed to be added or removed.
- 8.8.3: Engineered drawings and proof of insurance may be required by the Department of Community Development.
- 8.8.4: Permanent building mechanical equipment shall not be permitted to encroach.
- 8.8.5: Encroachment permits may be revoked by Fishers provided 30 days notice to the contact person listed on the encroachment application.



SECTION 9 - MASTER PLAN

9.1: Nickel Plate District

The Nickel Plate District, identified in Figure 9.1, Nickel Plate District Extent Map, encompasses the area that has historically served as Fishers' downtown. This District comprised nearly the entire community when there were only around 800 residents and the community was known as Fishers' Switch. Now, the District is transforming into an area where a community of almost 90,000 people can call the 'heart of the community' and where they can go to live, work, shop, and dine.

Dating back to a time when it was referred to as Fishers' Switch, the area was built off of the activity and commerce from the railroad. Though few remnants of those times remain, the railroad could once again unlock greater potential for the Nickel Plate District through connection to Indianapolis and other regional destinations. The makeup of the Nickel Plate District has gone through many transformations over its long history and will continue on that path as new life is injected into the Nickel Plate District and the growth of Downtown Fishers continues.

The Nickel Plate District encompasses a wide variety of land uses and also serves as the civic hub of the community. The District includes residential properties, small businesses, large retailers, office uses, dining, and municipal facilities. These municipal facilities include parks, an amphitheater, library, fire station, police station, municipal center, bureau of motor vehicles, train station, and court.

Major thoroughfares running through the Nickel Plate District, both east-west and north-south, pose challenges to walkability yet at the same time have the potential to be the lifeline for future development by providing a constant flow of people into the District. The District is also well positioned for attracting reinvestment with the location of the 116th Street and Interstate 69 interchange on its eastern boundary which adds to the ease of access to and from the area.



Currently, areas of the Nickel Plate District are separated by development and major transportation corridors. For example, two significant open spaces, Roy G. Holland Memorial Park and the Municipal Center grounds, need better connectivity through trails, paths, sidewalks, and streets. These connections are to be created through this Code as they contribute greatly to the recreational and public needs of the District.

The vision of the Nickel Plate District can be seen in Figure 9.4, Conceptual Master Plan. This Code sets forth a framework to achieve this vision through public and private investment. Though the District may not develop exactly as depicted on the Master Plan, this Code intends to maintain the character that was envisioned as part of this planning process.

9.2: Purpose

Fishers has a vision for its downtown, the Nickel Plate District, but the community needs a mechanism for visualization and implementation. First, the *Downtown 2030 Master Plan* was created to guide the community in laying out a vision for the downtown area. This Plan built upon previous planning efforts, including the *2011 Town Center Plan*. The Plan also was formed based on extensive community input throughout the planning process. The vision created through this process was then translated into an illustrative master plan, which showed how the Nickel Plate District should develop. The Nickel Plate District Code is the final step in the process as it establishes the development requirements for all of the properties in the Nickel Plate District.

This Code establishes four Zones, presented in Section 1, *Zones*, that each allow different building intensities and types to create a walkable, mixed use, and traditional downtown environment. This Code responds to the more compact development planned with enhanced architectural requirements, appropriate landscape standards, and specific designs for the public spaces and rights-of-way.

The level of design in this Code is very specific as the community has developed a very detailed vision for the District. This Code forms a foundation that allows for the development of a walkable, vibrant Downtown Fishers.

Figure 9.1: Nickel Plate District Extents Map



9.3: Planning Process

Fishers residents have been interested in planning for the downtown area for many years. Downtown planning efforts from the *1992 HNTB Town Center Plan* and *2001 Town Center Plan* helped to lay the groundwork for the current downtown planning efforts. The recently completed *2011 Town Center Plan* was an important step for downtown planning, and provided a guide for development of the downtown core of Fishers. It establishes a framework for private development projects and provides a foundation for public and private investment. The *2011 Town Center Plan* was a result of efforts on the part of the City Council, the Plan Commission, a citizen steering committee, residents and Staff.

The *Downtown 2030 Master Plan* was the next step in realizing the vision for the downtown area. This Master Plan was developed through extensive public input in 2012 and 2013, and through ongoing coordination among the Department of Community Development, multiple other City departments, and the professional design consultant teams of Land Design Inc. and Context Landscape Architecture. This plan uses the guidelines set forth in the *2011 Town Center Plan* and the input received throughout the *Downtown 2030 Master Plan* public process to graphically illustrate the proposed downtown.

In order to translate the *Downtown 2030 Master Plan* to a codified form, the Department of Community Development reached out to the public, property owners, multiple other City departments, and the membership of the City Boards. Staff held individual meetings with interested property owners and also held general information meetings where all property owners and the public were invited to attend.

A highlight of the meetings held for this *Downtown 2030 Master Plan* and *Nickel Plate District Code* include:

- Downtown 2030 open houses (Code was highlighted at each of the 6 meetings)
 - December 10, 2012 (approx. 70 in attendance)
 - January 17, 2013 (approx. 80 in attendance)
 - February 6, 2013 (approx. 50 in attendance)
- February 8, 2013: Code overview placed on City webpage
- February 12, 2013: Staff presented the *Downtown 2030 Master Plan* and Code to Advisory Plan Commission public hearing
- February 14, 2013: Staff presented the *Downtown 2030 Master Plan* to Fishers UMC (approx. 20 in attendance)
- March 25, 2013: Staff presented the *Downtown 2030 Master Plan* to HSE school board

- June 27, 2013: Staff presented on the Code to the ULI breakfast series (approx. 50 in attendance)
- July 9, 2013: Staff presented the draft Code at the Advisory Plan Commission public hearing
- July 9, 2013: Staff mailed a letter to all property owners (406 total) within the proposed boundary of the Code with staff contact information, access to draft document, and upcoming meeting dates.
- July 9, 2013: Draft Code uploaded to City's webpage
- July 24, 2013: Staff held a public meeting with property owners (24 in attendance) to discuss the Code
- July 25, 2013: Staff held a public meeting with property owners (12 in attendance) to discuss the Code
- July 30, 2013: Staff presented the draft to the Chamber Economic Development Advisory Committee
- September 9, 2013: Staff held a public meeting to review the draft Code with members of City Council, Advisory Plan Commission and the Boards of Zoning Appeals
- October 15, 2013: Staff presented the revised draft to the Advisory Plan Commission in a public meeting
- November 5, 2013: Staff presented the draft to the City Center Review Committee in a public meeting
- November 18, 2013: First Reading was held at the City Council
- December 12, 2013: Plan Commission reviewed the document at a public hearing
- January 14, 2014: The Plan Commission hearing was continued to this meeting where a favorable recommendation was provided
- February 3, 2014: Second Reading was held at the City Council
- February 17, 2014: Third Reading was held at the City Council
- Community Development staff has met with interested community members and property owners to discuss the draft document

9.4: Regional Precedent and Character

This regional precedent study reviews neighboring communities and their current downtown and town center developments. These areas support more traditional urbanism in that they promote centers of increased density that are walkable and inclusive of all of an individual's daily needs. The layout of these urban centers is based on the feel of individual Zones, blocks, streets, and buildings. These individual elements cannot be exclusive of one another as, collectively, they make up the overall feeling of a community.

Central Indiana is widely known for the small town atmosphere generated by its towns and cities. Historically, these downtown areas usually have a collection of no more



Shelbyville, Indiana



Franklin, Indiana



Pendleton, Indiana



Brazil, Indiana



Noblesville, Indiana



Greencastle, Indiana

than two or three primary streets that provide all the goods and services the residents of the community need. The buildings typically offer a mixture of uses within two to three stories, with retail or professional offices occupying the ground floor and office or residential in the stories above.

These buildings also directly front the street with little to no planting occurring between the street curb and building façade. Parallel and angled parking is provided along the street and offers easy access for customers. Buildings are primarily brick with limestone or precast accents and expression lines between the first and second floors, sometimes with elaborate cornices. Together, these elements create places that are destinations which continue to attract people for their enduring pedestrian scale, variety and activity. This environment is commonly sought by municipalities, developers, and planners.

9.5: Regional Character

Central Indiana is widely known for the small town atmosphere generated by its towns and cities. These



Brownsburg, Indiana



Noblesville, Indiana



Columbus, Ohio



Anderson, Indiana



Columbus, Ohio

downtown areas usually have a collection of no more than two or three primary streets that provide all the goods and services the residents of the community need. The two to three story buildings typically offer a mixture of uses, with retail or professional offices occupying the ground floor and office or residential in the stories above.

These buildings also directly front the street with little to no planting occurring between the street curb and building façade. Parallel and angled parking is provided along the street and offers easy access for customers. Buildings are primarily brick with limestone or precast accents and expression lines between the first and second floors, sometimes with elaborate cornices. Together, these elements create places that are destinations which continue to attract people for their enduring pedestrian scale, variety and activity. This environment is commonly sought by municipalities, developers, and planners.

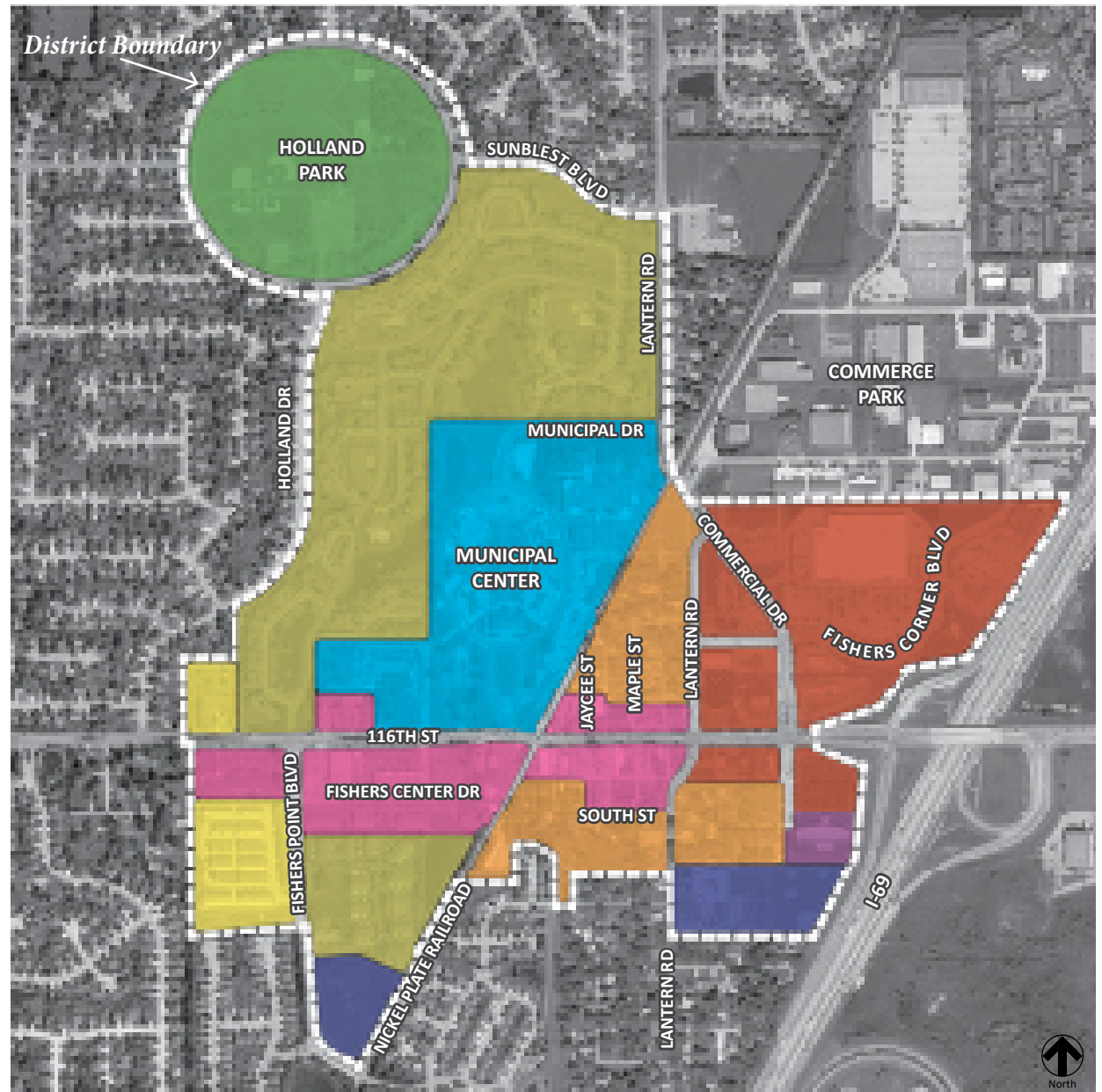
9.6: Existing Land Use

The Nickel Plate District encompasses municipal, residential, commercial, and institutional uses. Many of the facilities provided in these spaces house services for the community as a whole. The municipal center is home to the municipal government as well as the festivals and events hosted by Fishers. The properties adjacent to Interstate 69 are primarily commercial and serve the retail needs of the greater community with larger footprint tenants. The northern and southern

LEGEND

	Civic		Institutional
	Mixed Commercial & Residential		Multifamily Residential
	Commercial		Townhouse & Single Family Residential
	Highway Commercial		Open Space & Park
	Lodging		District Boundary

Figure 9.2: Existing Use Map



edges of the District are home to residents and small businesses in smaller buildings, such as single family homes, businesses, small shops, apartments, and converted homes for small offices.

9.7: Existing Conditions

The following pictures illustrate the existing conditions in the Nickel Plate District at the adoption of the Nickel Plate District Code.



Local restaurant adds to the streetscape of 116th Street and serves as a destination for residents.



Nickel Plate Railroad and passenger platform could serve commuters in the future.



A remnant of the railroad and agriculture commerce, the grain elevator is the tallest structure in Town.



Brick buildings along 116th Street reflect historic architectural character.



Municipal Center: Fishers police station.



Municipal Center: Town Hall anchors the primary axis and entrance from 116th Street to the Municipal Center.



Municipal Center: Fishers public library and LAUNCH Fishers, a small business and entrepreneur incubator.



Municipal Center: Fire Station



Maple Street: Repurposed existing single family homes; however, infrastructure has fallen into disrepair.



Existing single family home along Maple Street.



Maple Street looking north from 116th Street.



Professional office redevelopment on Maple Street using traditional architecture.



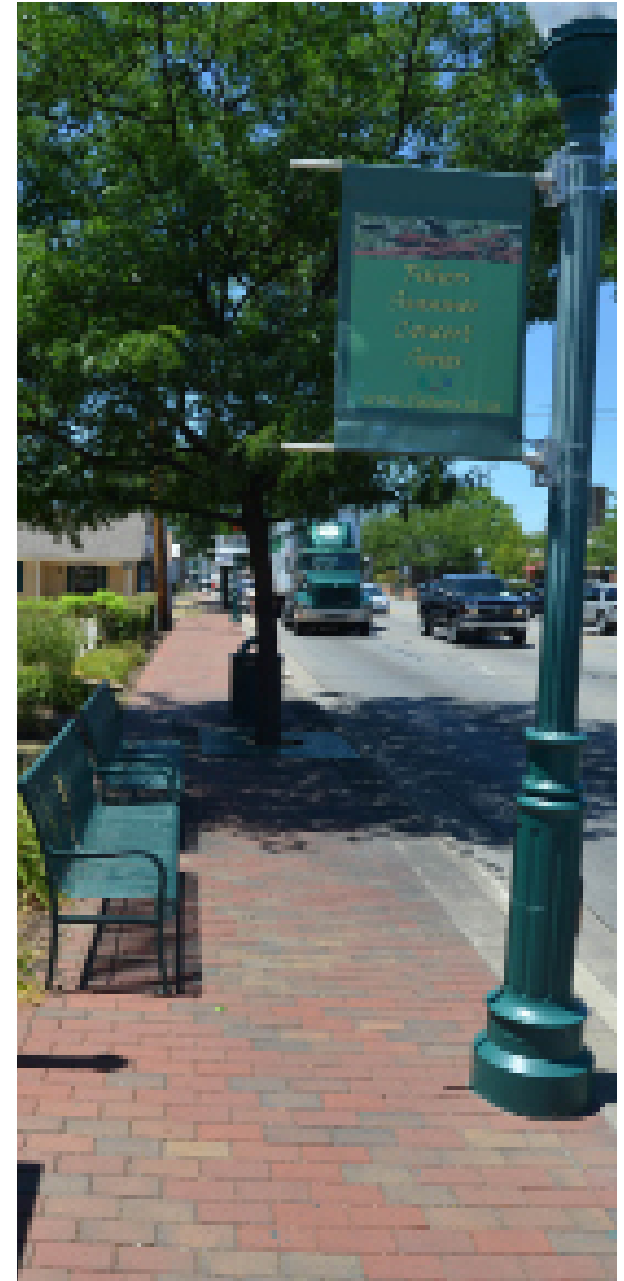
In-fill retail shops along 116th Street setback from the street with parking in front.



Stand alone retail storefront addresses the streetscape with a landscaped foundation and building entrances.



116th Street at Jaycee Street looking west.



Streetscape along 116th Street offers brick sidewalks, acorn streetlights and site furnishings.



Fast food restaurants and pad-site retail occupy most of the property near the I-69 interchange at 116th Street.



Service station along 116th Street takes advantage of the Interstate 69 interchange and the number of vehicles that utilize the corridor. Use of low walls, landscaping and building siting mitigates the overall effect on the streetscape experience.



Large big box retail near the I-69 interchange follows typical development patterns for this use.



Recently developed in-line retail shops show varied massing and architectural elements that reflect some historic regional precedents. Buildings are setback from 116th Street with parking in front. Low walls and landscaping soften the parking.



Recently constructed office building along Lantern Road has a modern style in form, detailing and use of materials.



Recently constructed building south of 116th Street relies on a more traditional architectural style.



116th Street looking west from Commercial Drive: Four lanes of traffic with turn lanes and medians.



Intersection of 116th Street and Commercial Drive: Interstate 69 can be seen to the left in the distance. The photograph centers on a strip retail center south of 116th Street that has a hotel located behind it. This is currently the closest lodging option to the Nickel Plate District. This intersection is heavily traveled due to the interstate access.



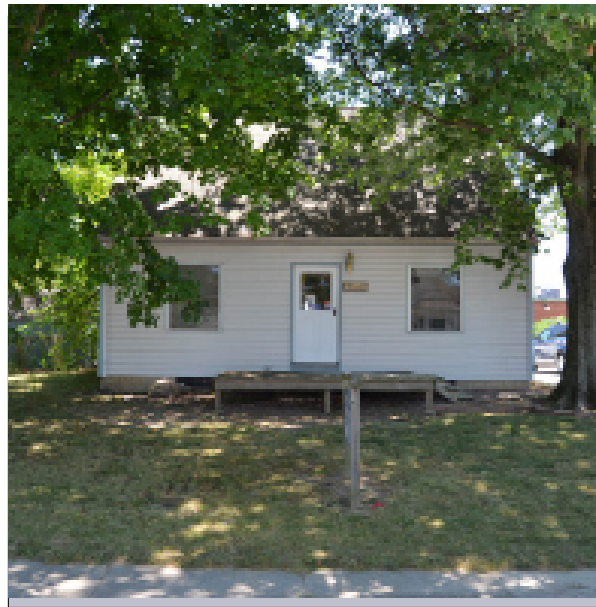
Recently constructed townhomes directly address the street with front stoops and balconies. Consistent street trees and foundation plantings bring the experience down to pedestrian scale.



Townhouses have rear loaded garages with access from alleys keeping the public realm experience uncluttered.



Existing multifamily apartment buildings as set in a traditional garden style layout with winding streets and parking lots and large setbacks.



Single family detached residential home mixed in with professional office and other businesses along Maple Street.



Single family detached home that has been converted to a business along Lantern Road north of 116th Street.

9.8: Existing Street Network

The existing street network is designed to provide connectivity to Fishers as a community, but is fragmented within the Nickel Plate District itself. This fragmentation is a result of the railroad, Interstate 69, and historic design practices that focused on making inwardly designed communities.

The district primary arterials serve as connections for the community as a whole. These are the north-south, east-west connections through the District that provide the highest capacities for vehicular travel.

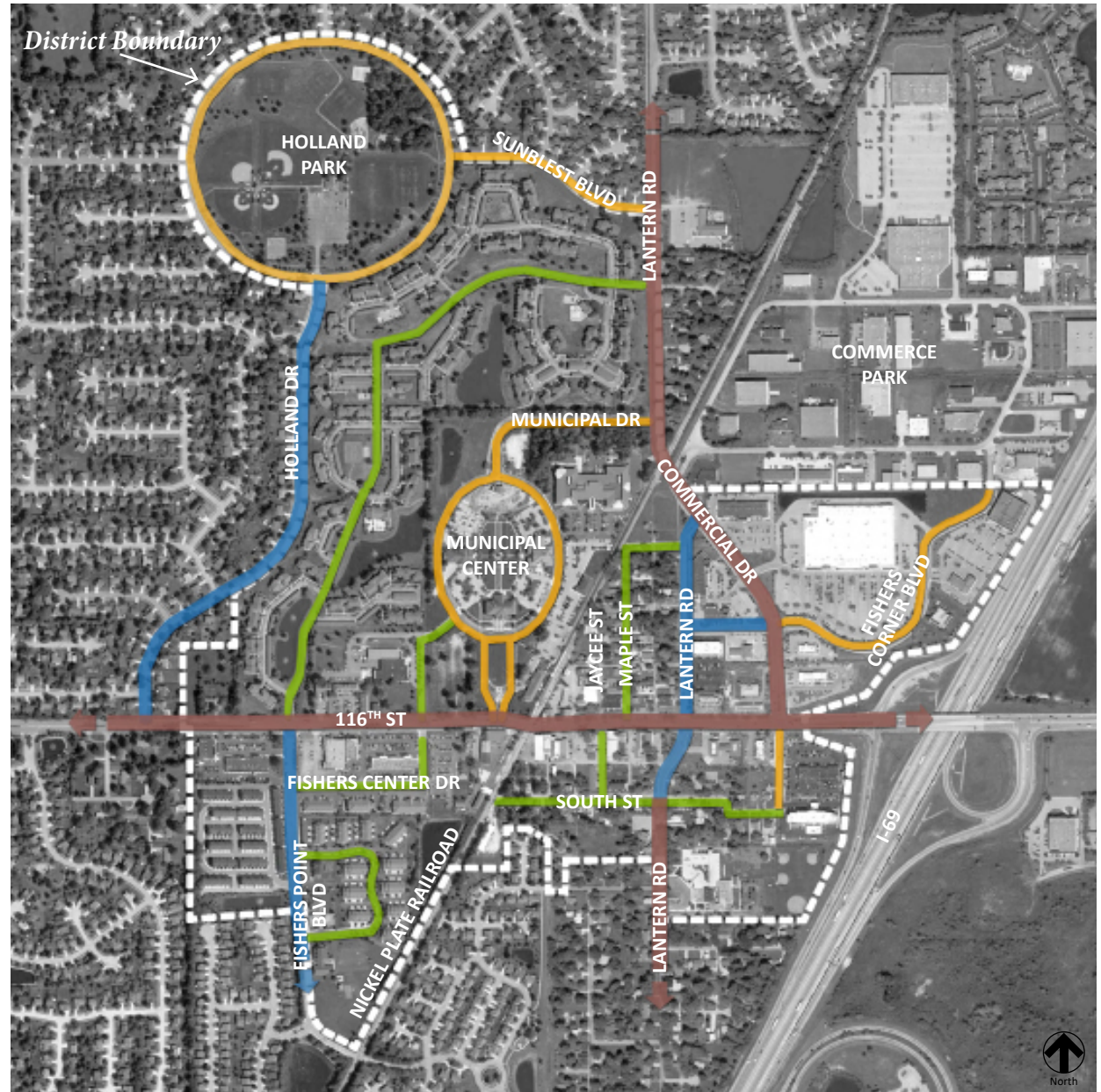
The district secondary arterials are streets that still provide regional connectivity to Fishers as a whole, though these roads also serve to move people in addition to the vehicles.

The district collector streets allow motorists, pedestrians, and bicycles to travel shorter distances within the District while also providing connections between the Neighborhoods and the arterials.

The district local streets are the lowest volume roadways that provide access to individual homes and lots.

The existing street network provides a mix of options for pedestrians and bicyclists, though it is not connected or comprehensive.

Figure 9.3: Existing Street Map



LEGEND

	District Primary Arterial		District Collector
	District Secondary Arterial		District Local

9.9: Conceptual Master Plan

The Conceptual Master Plan for the Nickel Plate District, Figure 9.4, illustrates the what could happen as the downtown transitions into a major destination for the entire community. This destination will be able to serve all of the retail, dining, and service needs of the residents. This Plan builds upon the existing municipal complex and highway commercial uses and uses them as anchors to promote opportunities for redevelopment and in-fill. This new development will be supported by an enhanced framework of streets, open spaces and pedestrian connections. The configuration of the Plan is dictated by the areas prime for these opportunities and maintains existing uses in areas which are likely to remain the Nickel Plate District. This Master Plan is a unique vision that responds to the needs of the District and creates a vibrant and unique center to Fishers.

The Municipal Center is reconnected to the surrounding District through new street and trail connections. A large redevelopment opportunity has been generated between Jaycee Street and Lantern Road. The South Street area will be connected to Fishers Center Drive to provide more transportation options. These transportation options will aid the area south of 116th Street in redeveloping.

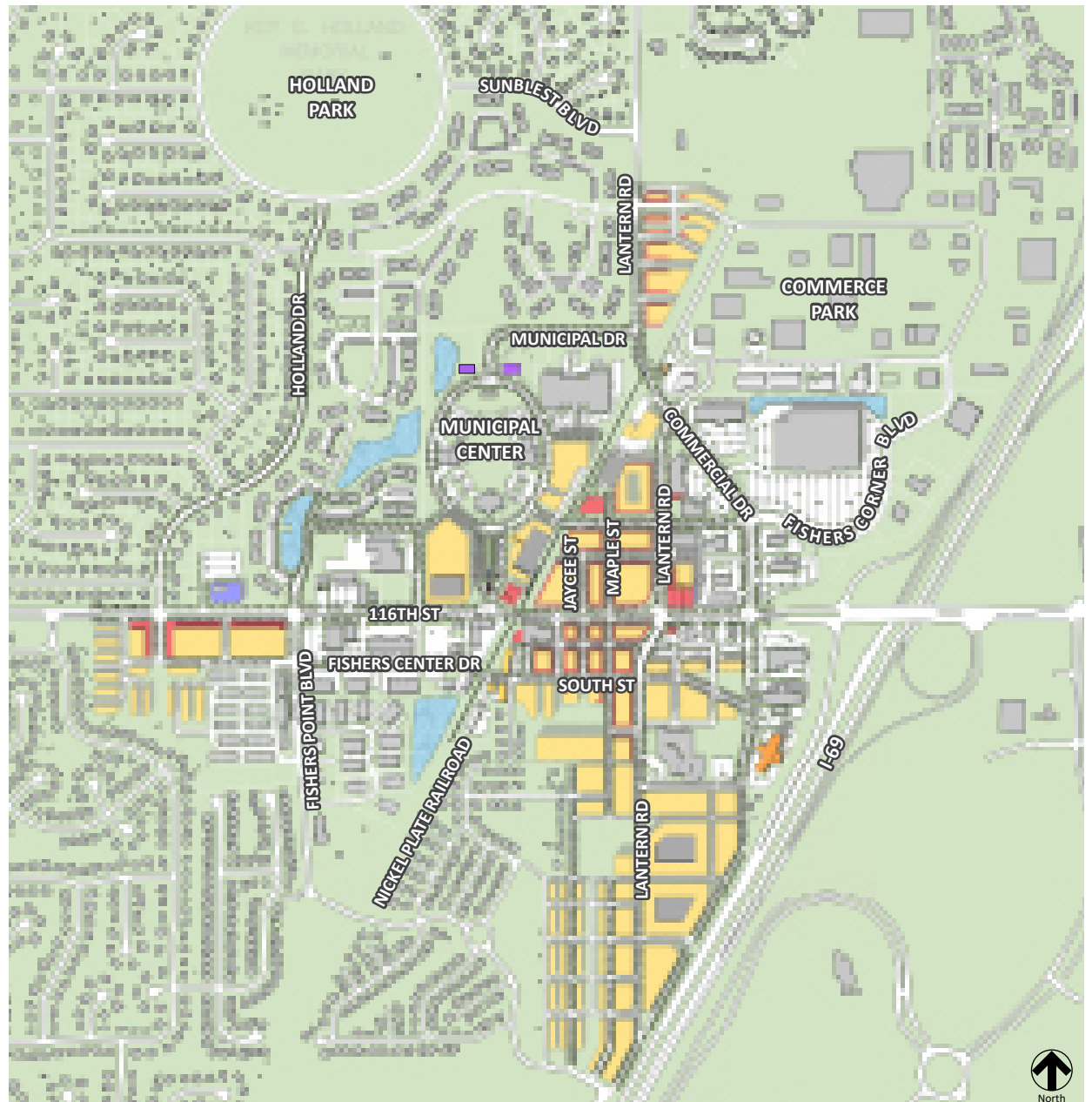
The Master Plan is responsive to the existing homes and residents both within the District and outside of it. Transitions to the existing zoning districts outside of the Nickel Plate District are addressed so that appropriate building sizes can be maintained.

Overall, the Master Plan depicts the desired outcome for redevelopment of the Nickel Plate District.

9.10: Nickel Plate District

The Conceptual Master Plan (Ord. 071816C) establishes the vision for the downtown, which will be implemented by the Nickel Plate District Code.

Figure 9.4: Conceptual Master Plan



NOTE Master Plan shown for illustrative purposes and intent only. Actual detailed plans and locations of individual buildings, streets and lots may vary, subject to constraints and conditions as yet to be determined. Any changes proposed shall be consistent with the intent of this illustration.

The Nickel Plate District is comprised of four distinct villages with its own unique character and form. These spaces, called Zones, approximate the size and shape of development within the District. The following are common elements throughout the Code:

1. The streets define an interconnected network, which disperses traffic among a variety of route options and mode types.
2. Streets are sized appropriately to their individual needs. The streets provide ample room for pedestrians while maintaining bicycle connectivity and appropriate levels of service for passenger vehicles.
3. Developments of all sizes have been accounted for by the Code and the availability of different building types and forms is based on the needs of each Zone.
4. Transitions between Zones and existing zoning districts have been addressed to make any District edges have appropriate transitions.

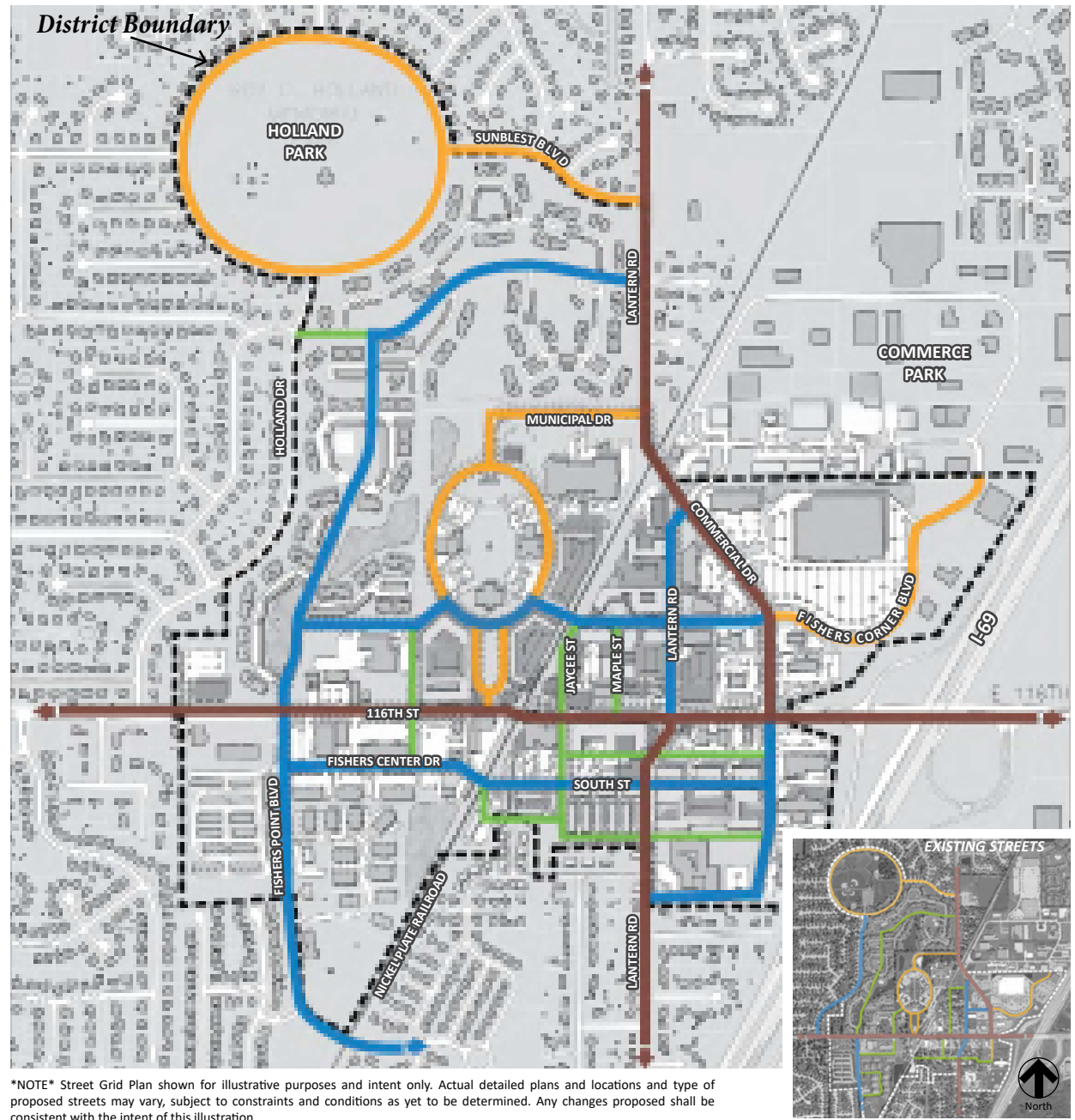
9.11: Future Street Network

The future street network, provided in Figure 9.5, illustrates the future connections desired as part of the Nickel Plate District Code. The terminology is the same as the existing street network, Section 9.8, and is based on Conceptual Master Plan and the street sections provided in Section 7.

LEGEND

	District Primary Arterial		District Collector
	District Secondary Arterial		District Local

Figure 9.5: Future Street Plan



9.12: Open Space

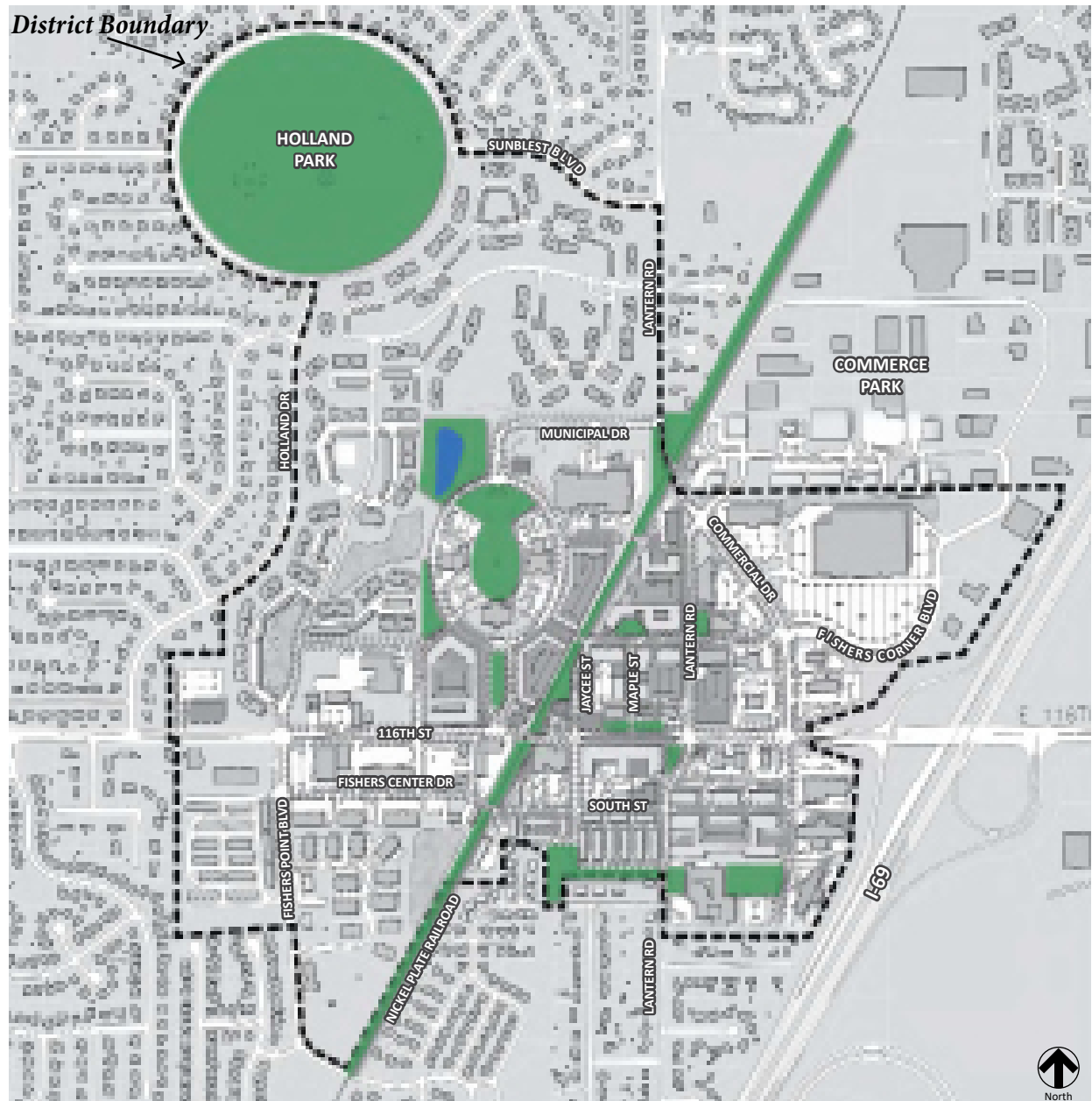
Open spaces in the Nickel Plate District include Holland Park, the Amphitheater, trails, the 116th Street Pocket Park, the Municipal Green, and several other smaller green areas. Some of these spaces are active, such as Holland Park, and some are passive, such as the Municipal Green. All of the spaces add to the character of the District and provide unique spaces for people.

The Nickel Plate District Code integrates these open spaces with the overall plan for the District. Holland Park will continue to serve as a regional park and will receive additional parking and connectivity. The municipal green spaces throughout the center of Town and the Municipal Center are also receiving additional parking but they will also have new, higher density development adjacent to them, which will bring additional users to the spaces.

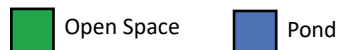
Though the build out of this Master Plan and Code will result in the loss of some municipal open spaces along 116th Street at Municipal Drive, the overall Plan will enhance the remaining spaces to make them even more valuable than before.

Figure 9.6 identifies the future open spaces and parks throughout the District according to the Conceptual Master Plan.

Figure 9.6: Future Open Space Plan



LEGEND



NOTE Open Space Plan shown for illustrative purposes and intent only. Actual detailed plans and locations of open space may vary, subject to constraints and conditions as yet to be determined. Any changes proposed shall be consistent with the intent of this illustration.

9.13: Future Pedestrian Network

The future pedestrian network, presented in Figure 9.7, is a precursor to the street standards presented in Section 7. These sidewalk and trail connections will provide safe connections to encourage residents to utilize their downtown. The connections that have been proposed in this figure will aid provide options for non-vehicular travel that do not currently exist.

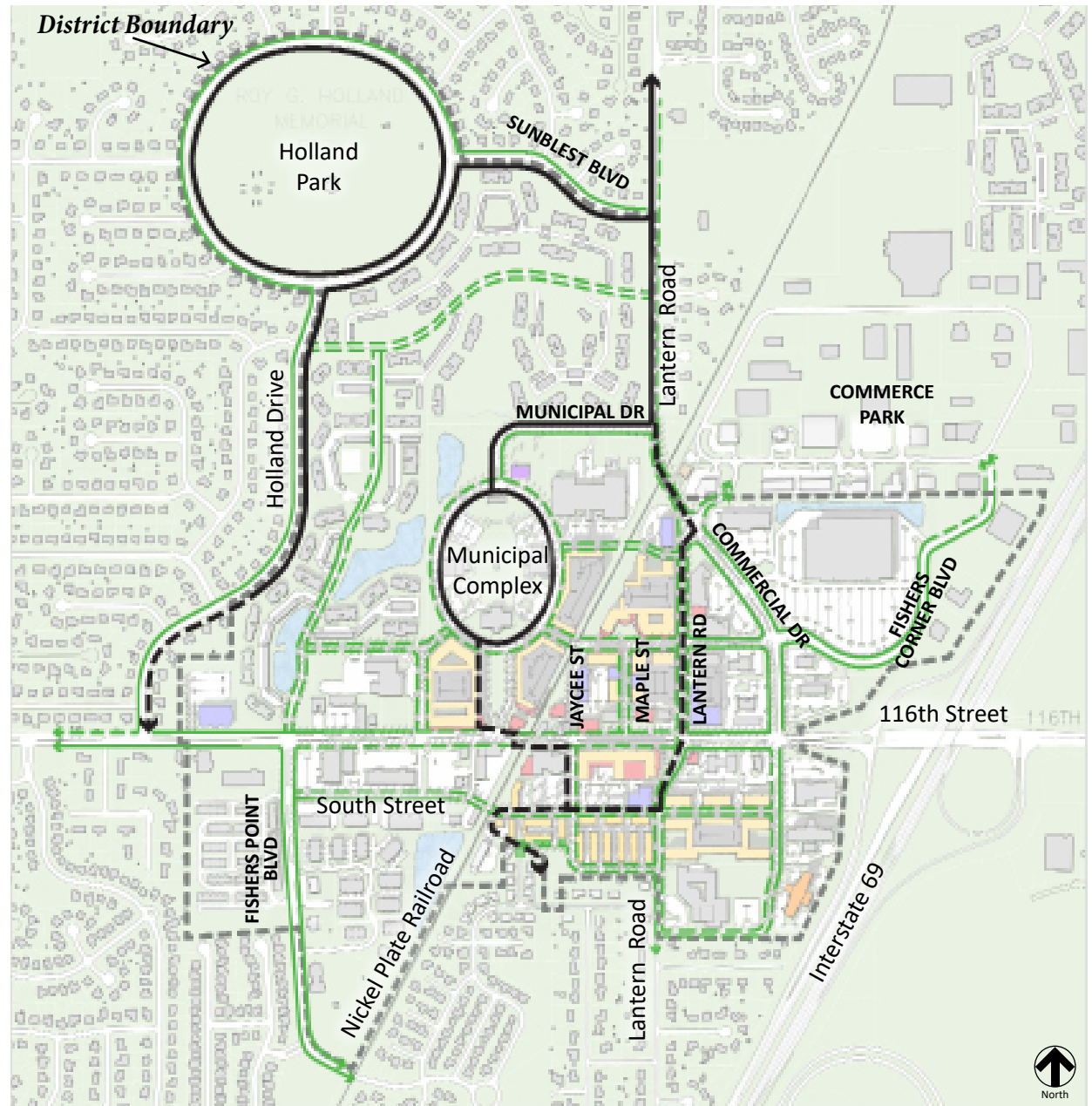
The pedestrian network provides connectivity along all of the Nickel Plate District's streets. Trail connections as well as on-street bike lanes are included on major corridors to promote regional connectivity.

This network interconnects with the regional network, which is presented in Figure 9.8.

Figure 9.7: Future Multi-Use Trail and Sidewalk Plan - District

LEGEND

-  Existing Multi-Use Trail
-  Future Multi-Use Trail
-  Existing Sidewalk
-  Future Sidewalk



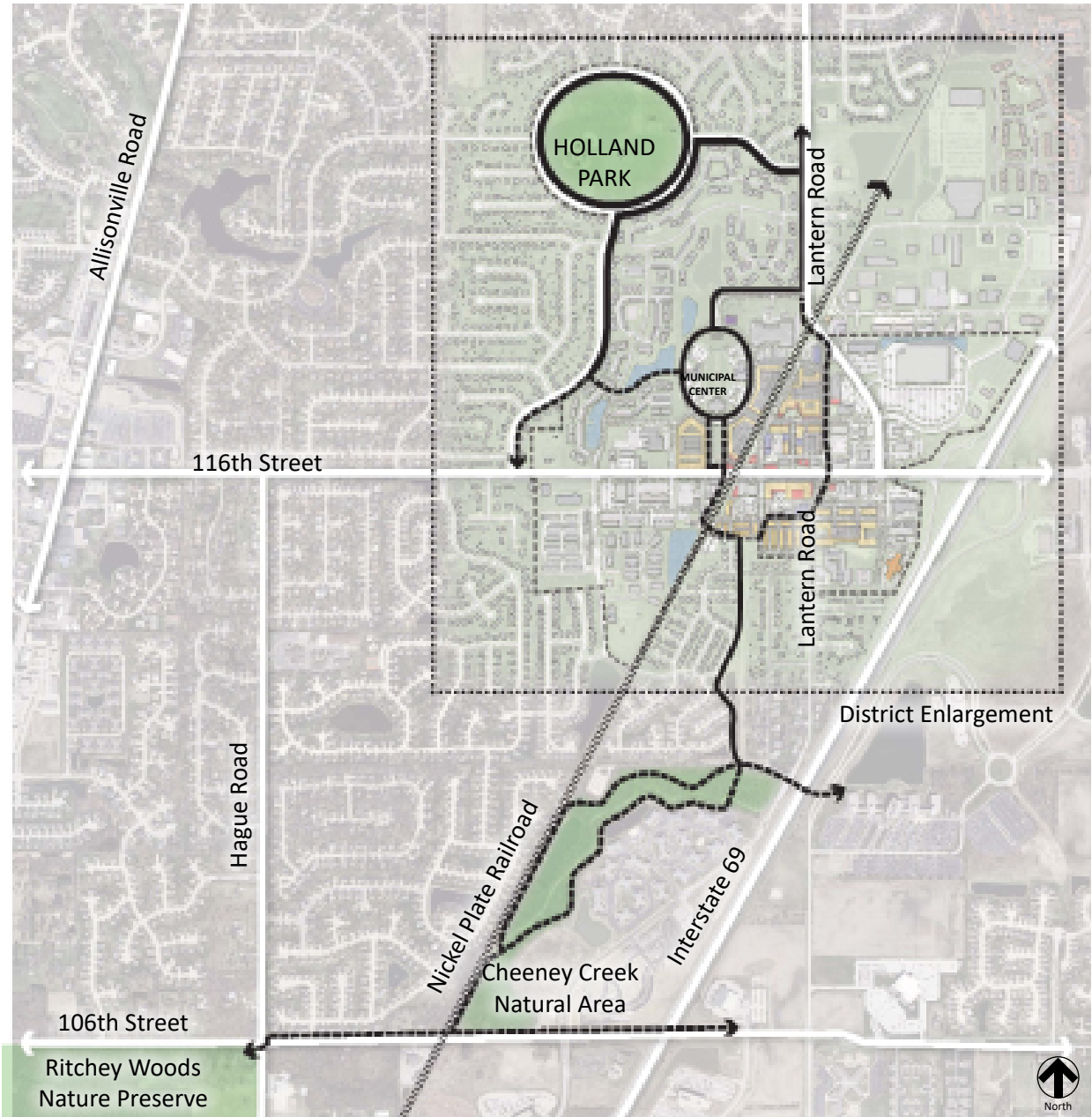
NOTE Multi-Use Trail and Sidewalk Plan shown for illustrative purposes and intent only. Actual detailed plans and locations of trails and sidewalks may vary, subject to constraints and conditions as yet to be determined. Any changes proposed shall be consistent with the intent of this illustration.

9.14: Regional Pedestrian Network

The regional pedestrian network provides residents an alternative to using their vehicle when traveling to and near the Nickel Plate District. Most of these connections are created using the Nickel Plate Trail, which extends from Conner Prairie, through the District, and then south where it will eventually cross Interstate 69 on 106th Street.

These regional connections also provide connectivity to potential future locations for transit services. Though stations were not formally announced at the inception of this Code, the trail network has been designed with the flexibility to add connections to these future destinations and the surrounding neighborhoods.

Figure 9.8: Future Multi-Use Trail Plan - Context



NOTE Multi-Use Trail Plan-Context shown for illustrative purposes and intent only. Actual detailed plans and locations of trails may vary, subject to constraints and conditions as yet to be determined. Any changes proposed shall be consistent with the intent of this illustration.

ORDINANCE NO. 041723D

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FISHERS, INDIANA, HAMILTON COUNTY, INDIANA.

This is an ordinance to amend the text of the Nickel Plate District Code, Ordinance No. 11813A, (“Nickel Plate Code”), as amended, previously enacted by the City of Fishers, Hamilton County Indiana (“City”) pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, The City of Fishers (the “Petitioner”) seeks to amend the Standards of the Nickel Plate Code, as further specified herein (“Attachment”);

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-22-36 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission, at its meeting on the 7th day of June, 2023 sent a ____ recommendation to the Common Council by a vote of _ in favor and _ opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSUANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. AMENDMENT. This Text Amendment amends certain sections of the Nickel Plate District Code, including the addition of a new zoning district, entitled Technology Center (TC).

Section 2. PRUPOSE STATEMENT. The purpose of this ordinance is to refine certain regulator language in the Nickel Plate District Code, furtherance of the overall development to create the downtown envisioned by the Downtown 2030 Master Plan through a form-based code found within the regulator parts of Sections 1 to 8 and the conceptual master plan of Section 9.

Section 3. Changes to the Nickel Plate District Code. The following sections of the Nickel Plate District Code shall be changed, as follows:

1. Section 1 – Zone Regulations

- a. Figure 1.1. Nickel Plate District Zone map updated to include new Technology Center (TC) zoning district, updated the Zone of the area east of Lantern and west of the Nickel Plate Trail as Downtown Core (DC) and updated colors to coincide with Map Fishers
- b. Figure 1.2. Zone Descriptions updated to include new Technology Center (TC) zoning district descriptions
- c. Figure 1.2. Images updated to reflect recent development

- d. Figure 1.3. Development Standards updated to include new Technology Center (TC) zoning district Setbacks, Structural Height, Lot Coverage, Structure Size, and supplemental regulations standards
- e. Figure 1.4. Building Types updated to include new Technology Center (TC) zoning district and new Technology Building (TB) Building Type
- f. Figure 1.4. Type-Specific Standards images updated to reflect recent development
- g. Section 1.3. Right-of-Way relocated to Streetscape Chapter 7.1 Intent
- h. Figure 1.5. Required Street Right-of-Way is now Figure 7.1
- i. Section 1.4. is now Section 1.3 First Floor Commercial
- j. Figure 1.6 Required First Floor Commercial Space is now Figure 1.5
- k. Section 1.5. Building Frontages is now Section 1.4
- l. Figure 1.7. Frontage Plan is now Figure 1.6
- m. Figure 1.8 Frontage Types is now Figure 1.7

2. Section 2 - Architectural Regulations

- a. Section 2.3.6 Added, which states that pre-cast concrete panels and architectural CMU products may be used as the primary building material only in the Technology Center (TC) zoning district
- b. Section 2.3.7 Added, which states that architectural metal panels are permitted as an accent material in the Technical Center (TC) zoning district
- c. Section 2.5.4 Added, which states loading bays, including garage doors and service areas are allowed in the Technology Center (TC) zoning district and must be approved by the Review Committee, images are included
- d. Section 2.8.3 updated to state that Mechanical Equipment may be located in a front, side, or rear yard if the Technology Center (TC) zoning district when surrounded by a masonry wall of material of similar architectural to the primary structure, images are included

3. Section 3 - Landscaping Regulations

- a. Section 3.3. Tree Lawn / Street Trees relocated to Streetscape Chapter, Sec. 7.2.2
- b. Section 3.4 Foundation & Lot Plantings, is now Section 3.3
- c. Section 3.4.4 Technology Center (TC) zoning district added
- d. Section 3.5 Parking Lot Plantings, is now Section 3.4
- e. Section 3.4.2. Technology Center (TC) zoning district added
- f. Section 3.7 Buffering, is now Section 3.6
- g. Figure 3.1 Required Buffers, Technology Center (TC) zoning district added which states they are required a Buffer Yard Type for adjoining properties
- h. Section 3.8 Street Furnishing relocated to Section 7.2.4

4. Section 4 - Parking Regulations

- a. Section 4.2.7.6. Updated to say parking lots may be located outside of the rear yard
- b. Figure 4.1 Required Parking Ratios, Technology Center (TC) added
- c. Figure 4.2. Shared Parking Factor, Technology Center (TC) added

5. Section 5 - Lighting Regulations

- a. Section 5.4. Light Level Maximum by Zones renamed Light Design Requirements
- b. Section 5.4.1, 5.4.2, 5.4.3, and 5.4.4 removed and replaced with 5.4.1 and 5.4.2 which provides lighting regulations that align with the City's Unified Development Ordinance (UDO) lighting regulations

6. Section 6 - Signage Regulations

- a. Figure 6.1, Technology Park (TC) zoning district added
- b. Section 6.7.9. Wall Sign. correct language to include "linear foot" before frontage.

7. Section 7 – Streetscape

- a. Section 7.1 Updated text including petitioner's responsibility
- b. Figure 7.1 renamed Required Street Right-of-Way from Street Typology Plan
- c. Section 7.2 Updated with relocated Streetscape, Street Trees, Lighting and Street Furnishings from other Sections.
- d. Section 7.3 Streetscape Option 1, 2, 3, 4 & 5 added

8. Section 8 – Administration

- a. Section 8.2.10.5.p Added, which provides a minor waiver option for relocation of required landscaping in the Technology Center (TC) zoning district to maximum the appearance of the building along the street
- b. Section 8.4.3 Prohibited Uses Updated to include the prohibition of auto rental, repair, and storage
- c. Figure 8.1 Subdivision Standards, Technology Center (TC) added

9. Section 9 – Master Plan

- a. Figure 9.1 Nickel Plate District Extents Map, updated to include the new Technology Center (TC) zoning district

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE NICKEL PLATE DISTRICT CODE AND UNIFIED DEVELOPMENT ORDINANCE SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

SO ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 19th day of June 2023.

[Signature Page to Follow]

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the ____ day of _____ 2023, at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney



Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Request to approve a voluntary annexation of .29 acres known as the Willow Crest Annexation, Lot 3. Subject site is generally located east of Allisonville Road with a common address of 14543 Allisonville Road, ANX-23-2			
SUBMITTED BY	Name & Title: Megan Vukusich, Director of Planning & Zoning Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☒ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 041723F		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners." The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners. In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 1 st Reading and Public Hearing
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	April 17, 2023 - Proposed 1st Reading and Public Hearing - City Council May 15, 2023 - Proposed Fiscal Plan Resolution - City Council May 15, 2023 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold 1 st Reading and Public Hearing.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Draft Ordinance	

ORDINANCE NO. 041723F
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .29 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 3.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana as follows:

- Section 1.** **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.** **Annexed Territory.** The real estate containing approximately .29 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 3, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.** **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

Section 3. **Effective Date.** This ordinance shall be in full force and effect May 16, 2023 and as provided by Indiana law.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15th day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2023, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

Exhibit A
Legal Description of Real Estate

Acreage .29, Section 24, Township 18, Range 4, Willow Crest Lot 3

Also including: The entire width of any unincorporated rights-of-way that are contiguous with the above-described real estate.

14543 Allisonville Road Fishers, Indiana 46038
Parcel No. 14-10-24-02-02-017.000

EXHIBIT B
Graphic Depiction of Real Estate



14543 Allisonville Road Fishers, Indiana 46038
Parcel No. 14-10-24-02-02-017.000



Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Request to approve a voluntary annexation of .40 acres known as the Willow Crest Annexation, Lot 5. Subject site is generally located east of Allisonville Road with a common address of 14521 Allisonville Road (ANX-23-3)			
SUBMITTED BY	Name & Title: Megan Vukusich, Director of Planning & Zoning Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☒ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 041723G		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners." The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners. In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 1 st Reading and Public Hearing
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	April 17, 2023 - Proposed 1st Reading and Public Hearing - City Council May 15, 2023 - Proposed Fiscal Plan Resolution - City Council May 15, 2023 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold 1 st Reading and Public Hearing.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Draft Ordinance	

ORDINANCE NO. 041723G
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .40 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 5.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana as follows:

- Section 1.** **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.** **Annexed Territory.** The real estate containing approximately .40 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 5, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.** **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

Section 3. **Effective Date.** This ordinance shall be in full force and effect May 16, 2023 and as provided by Indiana law.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15th day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2023, at _____ m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

Exhibit A
Legal Description of Real Estate

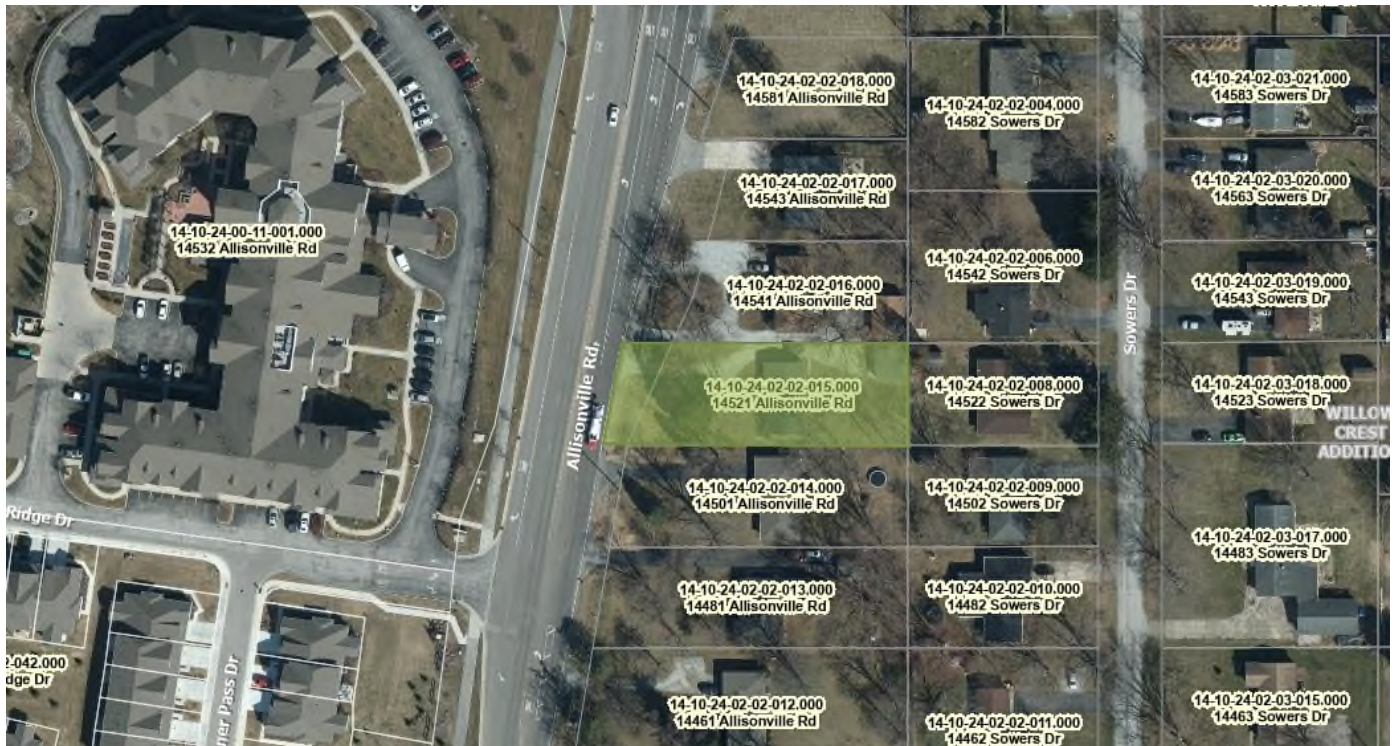
Acreage .00, Section 24, Township 18, Range 4, Willow Crest Lot 5

Also including: The entire width of any unincorporated rights-of-way that are contiguous with the above-described real estate.

14521 Allisonville Road Fishers, Indiana 46038

Parcel No. 14-10-24-02-02-015.000

EXHIBIT B
Graphic Depiction of Real Estate



14521 Allisonville Road Fishers, Indiana 46038
Parcel No. 14-10-24-02-02-015.000



Council Action Form

MEETING DATE	April 17, 2023			
TITLE	Request to approve a voluntary annexation of .37 acres known as the Willow Crest Annexation, Lot 4. Subject site is generally located east of Allisonville Road with a common address of 14541 Allisonville Road (ANX-23-4)			
SUBMITTED BY	Name & Title: Megan Vukusich, Director of Planning & Zoning Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☒ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 041723H		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners." The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners. In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 1 st Reading and Public Hearing
	2.	Continue
	3.	Take no action
	4.	
PROJECT TIMELINE	April 17, 2023 - Proposed 1st Reading and Public Hearing - City Council May 15, 2023 - Proposed Fiscal Plan Resolution - City Council May 15, 2023 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold 1 st Reading and Public Hearing.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Draft Ordinance	

ORDINANCE NO. 041723H
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .37 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 4.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana as follows:

- Section 1.** **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.** **Annexed Territory.** The real estate containing approximately .37 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 4, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.** **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

Section 3. **Effective Date.** This ordinance shall be in full force and effect May 16, 2023 and as provided by Indiana law.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15th day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2023, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

Exhibit A
Legal Description of Real Estate

Acreage .00, Section 24, Township 18, Range 4, Willow Crest Lot 4

Also including: The entire width of any unincorporated rights-of-way that are contiguous with the above-described real estate.

14541 Allisonville Road Fishers, Indiana 46038

Parcel No. 14-10-24-02-02-016.000

EXHIBIT B
Graphic Depiction of Real Estate



14541 Allisonville Road Fishers, Indiana 46038
Parcel No. 14-10-24-02-02-016.000