

## **ORDINANCE NO. 062110B**

An Ordinance amending the Zoning Ordinance of Fishers, Indiana – 2006. Be it ordained by the Town Council of the Town of Fishers, Indiana, that the Zoning Ordinance, a part of the Comprehensive Plan and Ordinance – 2006, Ordinance No. 090605A, as amended, is hereby amended.

**WHEREAS**, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 2-R-10 as required by law in regard to the application filed to amend the Zoning Ordinance of the Town of Fishers; and

**WHEREAS**, the Plan Commission at it August 10, 2010, meeting sent a favorable recommendation to the Town of Fishers Town Council by a vote of 8 in favor and 1 opposed.

### **SECTION 1. DECLARATION**

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 090605A, and the Official Zoning Map, Town of Fishers, Indiana, dated October 16, 2006, as amended, which accompanies and is a part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the zoning classification of the following described Real Estate is hereby zoned as the 126<sup>th</sup> Street Special Standards District and this Ordinance shall hereinafter be referred to as the 126<sup>th</sup> Street Special Standards District Ordinance.

EXHIBIT "A" ATTACHED HERETO, is a legal description of the proposed PUD.

EXHIBIT "B" ATTACHED HERETO, is a map denoting the applicable properties.

### **SECTION 2. PURPOSE AND INTENT**

The purpose and intent of this Special Standards District Ordinance is to provide zoning on specific properties that is conducive to the new right-of-way limits for 126<sup>th</sup> Street. These new requirements will provide flexibility and the ability for property owners to get the most use of their property.

### **SECTION 3. APPLICABILITY**

The standards of the Town of Fishers Unified Development Ordinance (the "UDO"), as amended from time to time, shall apply to the development of this real estate, unless this ordinance has specified an alternative development or design standard.

### **SECTION 4. LAND USE**

All uses identified in the R-2 zoning classification of the UDO are permitted.

**SECTION 5. DEVELOPMENT STANDARDS**

The real estate identified in Exhibit A shall comply with the UDO's R-2 development standards except as noted below:

- (A) Minimum Front Setback: 20'
- (B) Minimum Lot Size: 13,000 square feet
- (C) Accessory Structures located within established front-yard, at the date of the passing of this Ordinance, are specifically permitted as legal conforming structures.

**SECTION 6. PROCEDURES**

Any project or development in this Special Standards District shall follow all normal review, process, and procedures of an R-2 zoning district as outlined by the UDO.

**SECTION 7. APPROVAL**

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

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this day 7th day of September, 2010.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

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

ATTEST: Linda Gaye Cordell DATE: 9-7-10  
 Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

062110B

## EXHIBIT A

### 126<sup>th</sup> Street Rezone Legal Description

Part of the North Half of Section 32, Township 18 North, Range 5 East, and the South Half of Section 29, Township 18 North, Range 5 East, more particularly described as follows:

Beginning at the South East corner of Section 29, Township 18 North, Range 5 East, thence commencing North 89d5'55" West a distance of 665.5125 feet, to the POINT OF BEGINNING and the South East corner of Parcel 13-11-29-00-00-016.000; thence North 0d13'19" West a distance of 411.1798 feet, to the North East corner of said parcel; thence South 89d29'3" West a distance of 457.7493 feet, to the North West corner of Parcel 13-11-29-00-00-019.000; thence South 0d14'56" East a distance of 410.6392 feet to the South West corner of said parcel; thence South 89d33'11" West a distance of 100.0032 feet, along the North right-of-way of 126<sup>th</sup> Street to the South East corner of Parcel 13-11-29-00-00-021.000; thence North 0d14'56" West a distance of 410.5190 feet to the North East corner of said parcel; thence South 89d29'2" West a distance of 102.9341 to the North West corner of said parcel; thence South 0d40'12" East a distance of 386.7645 feet to the South East corner of Parcel 19-11-29-00-00-022.000; thence South 89d30'33" West a distance of 1323.8786 feet, along the North right-of-way of 126<sup>th</sup> Street to the South East corner of 13-11-29-00-00-028.000; thence North 0d43'22" West a distance of 622.1490 feet, to the North East corner of said parcel; thence West a distance of 195.8647 feet, to the North West corner of said parcel; thence South 0d4'37" East a distance of 443.6298 feet, to the South East corner of Parcel 13-11-29-00-00-029.001; thence West a distance of 195.2144 feet, along the South boundary of said parcel; thence North 0d26'21" West a distance of 49.5516 feet, to the North East corner of Parcel 13-11-29-00-00-031.000; thence West a distance of 103.5300 feet; thence South 0d9'11" East a distance of 224.5909 to the South West corner of said parcel; thence South 89d33'11" West a distance of 93.6031 feet; thence South 0d11'28" East a distance of 30.0001 feet, to the South East corner of Parcel 13-11-29-00-00-034.000; thence South 89d33'7" West a distance of 405.4223 feet, along the North right-of-way of 126<sup>th</sup> Street to the South West corner of Parcel 13-11-29-00-00-035.000; thence North 0d9'31" West a distance of 645.6167 feet, to the North East corner of Parcel 13-11-29-00-00-036.000; thence South 89d32'16" West a distance of 196.2202 feet, to the North West corner of Parcel 13-11-29-00-00-037.000; thence South a distance of 645.5811 feet, to the South West corner of said parcel; thence South 89d33'31" West a distance of 25.9718 feet, to the South East corner of Parcel 13-11-29-00-00-040.000; thence North a distance of 197.1702 feet to the North East corner of said parcel; thence West a distance of 105.3190 feet to the North West corner of said parcel; thence South 0d7'31" West a distance of 232.9820 feet, to a point on the South right-of-way of 126<sup>th</sup> Street; thence South 89d33'25" West a distance of 154.9748 feet, along the South right-of-way of 126<sup>th</sup> Street to the North West corner of Parcel 13-11-32-00-00-002.000; thence South 0d17'34" East a distance of 170.3224 feet to the South West corner of said parcel; thence North 89d33'56" East a distance of 160.7645 feet, to the South East corner of said parcel; thence North a distance of 170.3512 feet, to a point on the South right-of-way of 126<sup>th</sup> Street and the North West corner of Parcel 13-11-32-00-00-006.000; thence North 89d33'24" East a distance of 114.9985 feet, along the South right-of-way of 126<sup>th</sup> Street to the North West

corner of Parcel 13-11-32-00-00-007.000; thence South 0d3'3" East a distance of 419.6302 feet to the South West corner of said parcel; thence East a distance of 199.6299 feet, to the South East corner of Parcel 13-11-32-00-00-008.000; thence North a distance of 421.1698 feet, to a point on the South right-of-way of 126<sup>th</sup> Street; thence North 89d33'32" East a distance of 100.0031 feet, along the South right-of-way of 126<sup>th</sup> Street to the North West corner of Parcel 13-11-32-00-00-010.000; thence South 0d3'1" East a distance of 421.9399 feet to the South West corner of said parcel; thence East a distance of 99.6297 feet, to the South East corner of said parcel; thence North a distance of 422.7098 feet, to the South right-of-way of 126<sup>th</sup> Street and the North East corner of said parcel; thence North 89d33'27" East a distance of 805.1842 feet, along the South right-of-way of 126<sup>th</sup> Street to a point on the West property line of Parcel 13-11-32-00-00-017.001; thence South a distance of 180.3300 feet to the South West corner of said parcel; thence North 89d48'19" East a distance of 300.0018 feet, to the South East corner of said parcel; thence North a distance of 201.629 feet, to the South right-of-way of 126<sup>th</sup> Street and the North West corner of Parcel 13-11-32-00-00-017.000; thence North 89d33'21" East a distance of 200.0059 feet, along the South right-of-way of 126<sup>th</sup> Street to the North East corner of said parcel; thence South a distance of 435.1202 feet, to the South West corner of Parcel 13-11-32-00-00-018.000; thence East a distance of 399.9999 feet to the South East corner of Parcel 13-11-32-00-00-021.000; thence North a distance of 240.0002 feet, to the South West corner of Parcel 13-11-32-00-00-022.000; thence North 89d39'2" East a distance of 100.0020 feet to the South East corner of said parcel; thence South a distance of 239.3899 feet, to the South West corner of Parcel 13-11-32-00-00-024.000, thence East a distance of 99.9998 feet, to the South East corner of said parcel; thence North a distance of 473.8205 feet to a point on the North right-of-way of 126<sup>th</sup> Street; thence North 89d32'50" East a distance of 60.6819 feet, to the POINT OF BEGINNING, containing 30.26 acres more or less.



**EXHIBIT B**  
**126<sup>th</sup> Street Rezone Map**  
**2-R-10**

*Town Council*

Scott A. Faultless  
 David C. George  
 Stuart F. Easley  
 Daniel E. Henke  
 Eileen N. Pritchard  
 Charles P. White  
 Arthur J. Levine

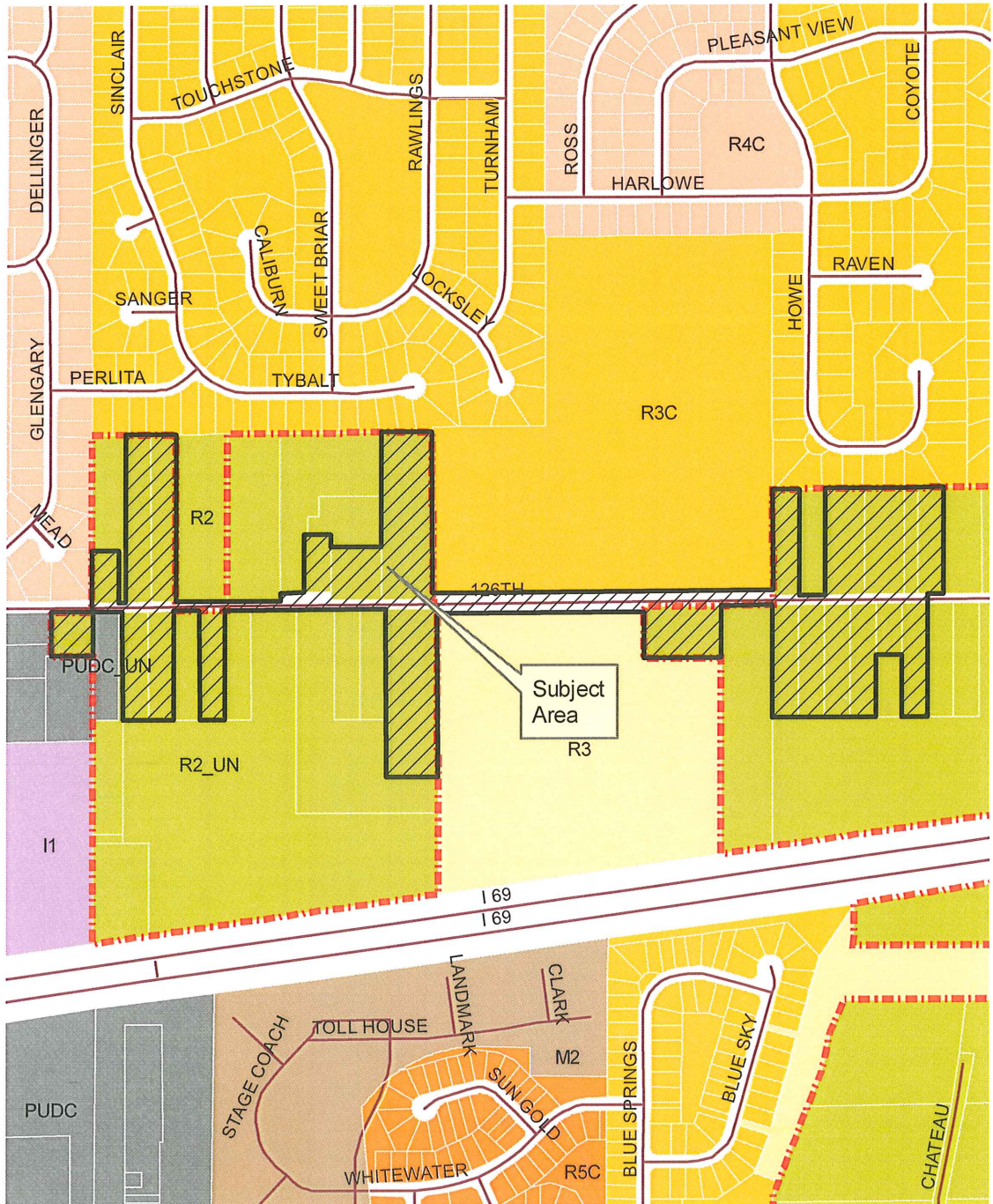
*Clerk-Treasurer*

Linda Gaye Cordell

This map was derived using parcel data supplied by Hamilton County, Indiana Information Services, current as of April, 2010.  
 This map is for display purposes only and is not to be considered accurate for legal descriptions or other legal purposes.



Town of Fishers  
 Development Department  
 One Municipal Drive  
 Fishers, Indiana 46038  
 www.fishers.in.us  
 June 2010



Note: Parcels with a zoning classification of \_UN are unincorporated.

**Legend**

-  126th Street Area
-  Fishers Corporate Limits

**Key**

