

**BRITTON INDUSTRIAL PARK AND NUCKOLS
ORDINANCE NO. 031595B**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980

Be it ordained by the Town Council of the Town of Fishers, Indiana, that the Zoning Ordinance, a part of the COMPREHENSIVE PLAN AND ORDINANCE - 1980, ORDINANCE NO. 110380, as amended, is hereby amended as follows:

SECTION 1.

That the Zoning Map, identified as OFFICIAL ZONING MAP, FISHERS, INDIANA, Dated October 10, 1994, which accompanies and is a part of the Zoning Ordinance of the Town of Fishers, Indiana, as amended is hereby amended as follows:

- a) That the zoning classification of the real estate described on Exhibit A, attached hereto, is hereby designated I-1.5 Industrial District;
- b) That the zoning classification of the real estate described on Exhibit B, attached hereto, is hereby designated C-3, Commercial District;
- c) That the zoning classification of the real estate described on Exhibit C, attached hereto, is hereby designated PD, Britton Industrial Park Planned Development District.
- d) That the zoning classification of the real estate described on Exhibit D, attached hereto, is hereby designated PD, Nuckols Planned Development District.
- e) That the zoning classification of the real estate described on Exhibit E, attached hereto, is hereby designated R-3 Single Family Residential District.

SECTION 2

The described Planned Development districts consist of the development standards and procedures set forth for this initial zoning ordinance and apply to the above mentioned parcel in Section 1c and 1d.

- a) That the zoning classification of Britton Park PD is attached as Exhibit F.
- b) That the zoning classification of Nuckols PD is attached as Exhibit G.

SECTION 3 FLOOD PLAIN REGULATION

Some properties adjacent to Shoemaker Ditch, identified in Section 1 of this Ordinance, experience periodic flooding and are subject to regulation pursuant to Section 151.080 (Flood Plain District) of the Town of Fishers Code of Ordinances. The protection standard of the Town is the regulatory flood. The regulatory flood elevation for the Special Flood Hazard Areas of the Mud Creek situated within the areas identified for annexation shall be, by this Ordinance, as delineated on the 100-year flood profiles in the Flood Insurance Study of the City of Noblesville, IN prepared by FEMA and dated September 24, 1982. A person in disagreement with the best available regulatory data listed in Section

151.080, shall submit a detailed engineering study, replacing the existing data with refined data, to the Indiana Department of Natural Resources.

SECTION 4

This ordinance shall be in full force and effect from and after its passage by the Town Council and its publication, as provided 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 19th day of July, 1995.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

By:	<u>Walter F. Kelly /s/</u> Walter F. Kelly, President	<u>Roy G. Holland /s/</u> Roy G. Holland, Vice President
	<u>James P. Roederer /s/</u> James P. Roederer, Member	<u>David Gingrich /s/</u> David Gingrich, Member

Deborah Heckart, Member

ATTEST: Linda Gaye Cordell /s/
Linda Gaye Cordell, Clerk-

Treasurer
Indiana

of the Town of Fishers,

Prepared by: Jonathan D. Isaacs,
Department of Development
Fishers, IN 7/14/95

Approved by: Douglas D. Church,
Church, Church, Hittle, and Antrim
Town Attorney

LEGAL DESCRIPTIONS

EXHIBIT A

I-1.5, Industrial District

Part of the South Half of Section 19, Township 18 North, Range 5 East, in Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the South Half of Section 19; said point being on the Center Line of East 141st Street; thence West on and along the North line of said North line of said South half to the northeast corner of the West Half of the Southeast Quarter, the Point of Beginning; thence South on and along the East Line of said West Half to a point on the South Line 1,333.37 feet from the Southeast corner of said Section; thence West on and along said South line to the Southwest corner of said West Half of

said Southeast Quarter Section; thence North on and along the West line of said Quarter Section to the Northwest corner of said Quarter Section; thence East on and along said North line to the point of beginning, containing 80.0 acres more or less.

EXCEPT

Part of the Southeast Quarter of Section 19, Township 18 North, Range 5 East, in Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence South 89 degrees 54 minutes 26 seconds West (assumed bearing) along the North line of said Southeast quarter a distance of 2066.75 feet to the point of beginning; thence South 00 degrees 21 minutes 01 seconds West, parallel with and 540 feet distant to the East right of way line of State Road #37 a distance of 830.02 feet; thence South 89 degrees 54 minutes 26 seconds West, parallel with the North line of said Southeast Quarter a distance of 540.02 feet to said East right of way line; thence north 00 degrees 21 minutes 01 seconds East along said East right of way line a distance of 692.10 feet; thence North 47 degrees 13 minutes 48 seconds East a distance of 175.46 feet; thence North 00 degrees 22 minutes 50 seconds East a distance of 18.42 feet to the North line of said Southeast Quarter; thence North 89 degrees 54 minutes 26 seconds East along said North line a distance of 411.93 feet to the point of Beginning, containing 10.06 acres, more or less.

LEGAL DESCRIPTIONS

EXHIBIT B

C-3, Commercial District

Part of the Southeast Quarter of Section 19, Township 18 North, Range 5 East, in Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence South 89 degrees 54 minutes 26 seconds West (assumed bearing) along the North line of said Southeast quarter a distance of 2066.75 feet to the point of beginning; thence South 00 degrees 21 minutes 01 seconds West, parallel with and 540 feet distant to the East right of way line of State Road #37 a distance of 830.02 feet; thence South 89 degrees 54 minutes 26 seconds West, parallel with the North line of said Southeast Quarter a distance of 540.02 feet to said East right of way line; thence north 00 degrees 21 minutes 01 seconds East along said East right of way line a distance of 692.10 feet; thence North 47 degrees 13 minutes 48 seconds East a distance of 175.46 feet; thence North 00 degrees 22 minutes 50 seconds East a distance of 18.42 feet to the North line of said Southeast Quarter; thence North 89 degrees 54 minutes 26 seconds East along said North line a distance of 411.93 feet to the point of Beginning, containing 10.06 acres, more or less.

EXHIBIT C

BRITTON PARK PD DISTRICT

Part of the South Half of Section 19, Township 18 North, Range 5 East in Delaware Township, Hamilton County more particularly described as follows:

Commencing at the Northeast corner of the south half of Section 19; said point being on the Center Line of East 141st Street; thence West on and along the North line of said South Half to the Northwest corner of the East Half of the Southwest Quarter, the Point of Beginning; thence South on and along the West line of said East Half to the Southwest corner of said East Half; thence East on and along the South line to the Southeast corner of said East Half; thence North on and along the East line of said East Half to the Northeast corner of said East Half; thence West on and along the North line to the point of beginning, containing 80.0 acres more or less.

ALSO:

Part of the West Half Section 30 in Township 18 North, Range 5 East, Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of Section 30, Township 18 North Range 5 East; thence West on and along the North Line of said Section to the Northeast corner of the Northwest Quarter of said Section the POINT OF BEGINNING of this description; thence continue West on and along the North line of said Section to the Northwest corner of the East Half of said Northwest Quarter; thence South on and along the West line of said East Half to a point on the South line of the East half of the Northwest Quarter of said Section 30; thence East on and along said South line to the Southeast corner of said Northwest Quarter; thence North on and along the East line to the point of beginning and containing 80.0 acres more or less.

EXHIBIT D

NUCKOLS PD DISTRICT

Part of the Southwest Quarter of Section 30, Township 18 North, Range 5 East in Delaware Township, Hamilton County more particularly described as follows:

Commencing at the Northeast corner of Section 30, Township 18, North Range 5 East; thence West on and along the North Line of said Section to the Northwest corner of the East Half of the Northwest Quarter of said Section; Thence South on and along the West line of said East Half to the Northwest Corner of the East Half of the Southwest Quarter of said Section, the POINT OF BEGINNING of this description; thence South on and along said West line of said East Half line plus or minus 661 feet to a point on the North line of Fairlane Center Industrial Park; thence east on and along said North line to a point on the West Right-of-Way Line of the West line of State Road #37; thence North on and along said East Line to the point of beginning and containing 25.6 acres more or less.

EXHIBIT E

R-3

Part of the South Half of Section 19, Township 18 North, Range 5 East, in Delaware Township, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southeast corner of Section 19; thence North on and along the East line of said Section 757.8 feet to THE POINT OF BEGINNING. Thence continue North on and along said East line to the Northeast corner of said South Half, said point being on the Center Line of East 141st Street; thence West on and along the North line of said South Half to the Northwest corner of the East Half of the Southeast Quarter of said Section 19; thence South on and along the West line of said East Half to a point 757.8 feet from the South line of said Section; thence East on and along a line parallel with said South line to a point on the East line of said Section the Point of Beginning, containing 58.3 acres more or less.

EXHIBIT F
FOR ORDINANCE #031595B
BRITTON PARK PD

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF FISHERS, INDIANA, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. PURPOSE

This district is intended to allow flexible land use standards within this area to allow the existing businesses to expand which through the application of customary zoning regulations would not be possible. The Planned Development district allows the expansion of the existing businesses while at the same time create an area to allow new buildings to be erected in the PD District. In addition to the permitted industrial uses, this PD allows C-1 and C-2 uses which make this area more suitable and attractive for economic development efforts. The inclusion of minor retail uses is also consistent with other existing zoning districts within the S.R. 37 corridor.

SECTION 2. LAND USE

All uses described in Section 151.074 and Section 151.077 of Ordinance No. 110380, C-2 Commercial District and I-1, Industrial District shall be permitted in this PD District

SECTION 3. NON-CONFORMING USES

Any uses which are lawfully in existence at the time of adoption of this PD Ordinance are considered to be legal, non-conforming uses and shall be permitted to continue their legal, non-conforming activity notwithstanding Section 151.035, Nonconforming Uses and Buildings.

The outdoor storage shall be considered to be a permitted use, provided that adequate landscaping and/or screening is provided as determined by the Department of

Development.

SECTION 4. DEVELOPMENT STANDARDS

(A) MINIMUM BUILDING SETBACKS

The following minimum building setback lines apply to any and all structures erected upon the premises:

- (1) Front yard setback: 60.0 on any street. Corner lots shall be considered to have two front yards for the purposes of this Ordinance.
- (2) Side yard setback: 10.0 feet. When adjacent to residential, the setback shall be increased to 15.0 feet.
- (3) Rear yard setback: 10.0 feet

(B) MAXIMUM STRUCTURE HEIGHT

1. Maximum height of all primary buildings and structures shall not exceed 35.0 feet.
2. Maximum height of all accessory buildings and structures shall not exceed 25.0 feet.

(C) MAXIMUM LOT COVERAGE

Maximum lot coverage for each lot may not exceed fifty percent (50%) of the gross area of the lot.

(D) REQUIRED LANDSCAPING AND SCREENING

1. Front yards shall be landscaped in an open pattern of grass and shrubbery, trees and/or hedges to provide a partial screening of the use.
2. Parking lots within the front yard shall be permitted provided that a 15.0 foot landscape strip be provided and comply with Section 158.093 of the Fishers Zoning Ordinance.
3. A 5.0' landscape strip shall be provided along side and rear lot lines and comply with Section 158.093 of the Fishers Zoning Ordinance.
4. A 20.0 foot landscape easement shall be provided for those properties adjacent to State Road 37. A combination of evergreen and deciduous trees shall be placed every 30.0 feet within this landscape easement along S.R. 37. A two (2) foot mound shall also be incorporated into the landscape easement. The trees shall be a minimum of 5.0 feet tall at time of installation. Permanent ground signs may be incorporated into the landscape easement. No parking lots are permitted within the landscape easement.

(E) PARKING AND LOADING REQUIREMENTS

1. Off-street parking facilities shall be provided in accordance with the

Town of Fishers Zoning Ordinance Section 151.090.

2. Off-street loading shall be provided in accordance with the Town of Fishers Zoning Ordinance Section 151.091.

(F) SIGNAGE

1. All signage shall conform to size, height and location to the standards set forth in Section 158 of Fishers Sign Code.

(G) OTHER DEVELOPMENT STANDARDS

1. Other development standards not specifically defined by this PD ordinance shall be determined by the Town of Fishers Zoning Ordinance No. 110380 adopted on 11/3/80 and any amendments thereafter.

SECTION 5. PROCEDURE

The existing platted lots of record shall be considered the general development plan for this PD. Any change to the lots shall conform to Fishers Subdivision Control Ordinance Chapter 153. The existing unplatted land within this PD Ordinance shall come to the Planning Commission at time of development with a general development plan. The general development plan shall serve as the primary plat of the undeveloped land.

(A) The approved Preliminary Development Plan shall be forwarded to the PD Committee consisting of: 1) a representative of the Town Council, 2) Planning Commission Chairman, and 3) Building Commissioner or Director of Development, which shall thereafter exercise continuing jurisdiction.

(B) In exercise of its continuing jurisdiction, the PD committee may modify the approved final detailed development plan in a manner consistent with the approved Preliminary Development Plan to allow for changed circumstances and conditions unforeseen at the time of original approval.

(C) The PD committee shall review any development following the review of the Technical Advisory Committee.

SECTION 6. RECORDING

An approved Final Detailed Development Plan and Modifications shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder in accordance with the Subdivision Control Code of the Town of Fishers and the State of Indiana.

EXHIBIT G
FOR ORDINANCE #031595B
NUCKOLS PD

SECTION 1. LAND USE

All uses described in Section 151.075 and Section 151.077 of Ordinance No. 110380, C-3 Commercial District and I-1, Industrial District shall be permitted in this PD District.

SECTION 2. DEVELOPMENT STANDARDS

(A) MINIMUM BUILDING STANDARDS

The following minimum building setback lines apply to any and all structures erected upon the premises:

- Residential (1) Front yard setback: 60.0 feet or 80.0 feet when adjacent to
- Residential (2) Side yard setback: 10.0 feet or 15.0 feet when adjacent to
- (3) Rear yard setback: 10.0 feet

(B) MAXIMUM STRUCTURE HEIGHT

Maximum height of all buildings and structures shall not exceed 35.0 feet.

(C) MAXIMUM LOT COVERAGE

Maximum lot coverage for each lot may not exceed fifty percent (50%) of the gross area of the lot.

(D) REQUIRED LANDSCAPING AND SCREENING

- 1. Front yards shall be landscaped in an open pattern of grass and shrubbery, trees and/or hedges to provide a partial screening of the use.
- 2. A 5.0' landscape strip shall be provided along side and rear lot lines and comply with the Fishers Zoning Ordinance Section 158.093.

(E) PARKING AND LOADING REQUIREMENTS

- 1. Off-street parking facilities shall be provided in accordance with the Town of Fishers Zoning Ordinance Section 151.090.
- 2. Off-street loading shall be provided in accordance with the Town of Fishers Zoning Ordinance Section 151.091.

(F) OTHER DEVELOPMENT STANDARDS

1. Other development standards not specifically defined by this PD ordinance shall be determined by the Town of Fishers Zoning Ordinance No. 110380 adopted on 11/3/80 and any amendments thereafter.

SECTION 3. PURPOSE

This district is intended to allow more flexible land use standards within this area to allow the existing businesses to grow which through the application of customary zoning regulations would not be possible. The purpose is to allow new facilities to be erected on the site which meet the intent of the C-3 and I-1 zoning districts.

SECTION 4. PROCEDURE

(A) Application for approval of the Preliminary Development Plan shall be submitted to the commission with sufficient copies of the preliminary plan and any other supporting documents to the Fisher Advisory Planning Commission as a petition for primary plat.

(B) The approved Preliminary Development Plan shall be forwarded to the PD Committee consisting of: 1) a representative of the Town Council, 2) Planning Commission Chairman, and 3) Building Commissioner or Director of Development, which shall thereafter exercise continuing jurisdiction. The approved plan by the PD committee shall be stamped "Approved Final Detailed Development Plan" and be signed by any two members of the PD committee.

(C) Copies of a preliminary plan of the development, containing the following information, shall be submitted for review and approval.

(1) Proposed dimensioned layout (to scale not to exceed 1" = 200') of any streets, geographic areas and other elements basic to the proposed use in relationship to site conditions.

(2) Proposed locations, amounts and types of uses within the area proposed to be developed.

(3) Proposed plan for handling vehicular traffic, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent features.

(4) The preliminary plan may be an approximate drawing but shall include any other geographic mediums which will explain the features contained.

(5) The plan shall show the boundary lines of the subject area and land uses proposed as well as the adjacent land uses.

(6) An enumeration of covenants, in general terms, proposed to be made a part of the planned development.

(7) A statement expressing the order and estimated time of development.

(D) In exercise of its continuing jurisdiction, the PD committee may modify the approved final detailed development plan in a manner consistent with the approved Preliminary Development Plan to allow for changed circumstances and conditions unforeseen at the time of original approval.

SECTION 5. RECORDING

An approved Final Detailed Development Plan and Modifications shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder in accordance with the Subdivision Control Code of the Town of Fishers and the State of Indiana.

