

ORDINANCE NO. 031912B

AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "UDO") and the Official Zoning Map, as amended, and establish the CARX Planned Unit Development ("CARX PUD") as a PUD-C, pursuant to the Town of Fishers' authority under the laws of the State of Indiana, IC 36-7-4 et.seq., as amended.

WHEREAS, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 1-2-12 as required by law in regard to the application filed by John Vogt (current owner) and Indy Auto Service (Developer and "Prospective Owner" of Sub Parcel A), (hereinafter the "Property Owners") regarding the subject real estate described in Exhibit A (the "Real Estate") attached hereto; and,

WHEREAS, the Plan Commission at its \_\_\_\_\_, 2012 meeting sent a favorable recommendation to the Town of Fishers Town Council by a vote of \_\_\_\_ (\_\_\_\_\_) in favor, \_\_\_\_\_ (\_\_\_\_\_) opposed;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session that the UDO is hereby amended as follows:

**Section 1. Applicability of the Ordinance**

- 1.1 This ordinance shall hereafter be referred to as the CARX PUD Ordinance (the "CARX Ordinance"). The Real Estate as described in Exhibit A is hereby zoned as CARX PUD-C. Sub-Parcel A (Exhibit B) is zoned C3 Commercial District with modified standards as outlined in the PUD-C and Sub-Parcel B (Exhibit C) is zoned I1 Industrial District within the CARX PUD.
- 1.2 The concept plan, attached hereto as Exhibit D is hereby adopted as part of this CARX Ordinance.
- 1.3 Any provision of this CARX Ordinance that conflicts with the UDO are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of the CARX Ordinance.

**Section 2. Definitions**

- 2.1 The definitions as set forth in Article 11: Definition of the UDO shall apply to the regulations of this CARX Ordinance. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.

**Section 3. Permitted Uses**

- 3.1 The permitted uses in Sub Parcel A shall be limited to the development of an auto service facility with a maximum size of 5,700 square feet.
- 3.2 The permitted uses in Sub Parcel B to be as outlined in Article 02.031 Industrial District.

**Section 4. Development Standards**

- 4.1 The regulations of Article 02: Zoning District and Regulations and Article 05; Development Standards shall apply except as modified by this CARX Ordinance.
- 4.2 Article 02.028 C-3 Commercial District Development Standards shall apply except as modified as follows:

**A. Minimum Lot Frontage**

- (i) The lot frontage along Allisonville Road shall be not less than 173 feet.
  - (ii) The lot frontage along Shadowlawn Road shall be not less than 192 feet.
- 4.3 The regulations of Article 02.032 I-1 Industrial Development Standards shall apply.

**Section 5. Design Standards**

- 5.1 The regulations of Article 07 Design Standards and Article 04 Planned Unit Development Districts shall apply.

**Section 6. 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 action required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

**ORDINANCE** ~~031912~~ <sup>031912A</sup> ADOPTED BY THE Town Council of the Town of Fishers, Indiana, this 21<sup>st</sup> day of MAY, 2012.


**THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA**

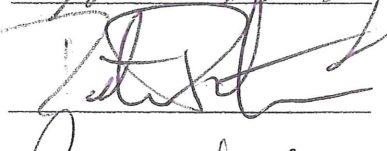
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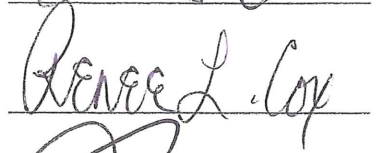
NAY


BY: Scott A. Faultless Scott A. Faultless  
President


Michael L Colby Michael L Colby  
Vice President

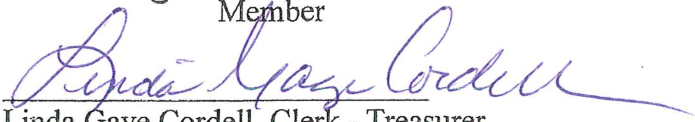
 Stuart F. Easley,  
Member \_\_\_\_\_

 Pete Peterson  
Member \_\_\_\_\_

 Renee Cox  
Member \_\_\_\_\_

 John Weingardt  
Member \_\_\_\_\_

 David D. George  
Member \_\_\_\_\_

ATTEST:   
Linda Gaye Cordell, Clerk - Treasurer  
The Town of Fishers, Indiana  
Ordinance No. 031912B

Approved by:

Prepared by: Amy K. Kuhn, Esq. of counsel, Plank Law Firm, 145 East Rich Street, Third Floor, Columbus, Ohio 43215



EXHIBIT B

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2,  
TOWNSHIP 17 NORTH RANGE 4 EAST, HAMILTON COUNTY, INDIANA AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION;  
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) ON  
AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SECTION A DISTANCE OF  
827.40 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 20 SECONDS WEST, PARALLEL  
TO THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION A DISTANCE OF 53.01  
FEET TO THE CENTER OF ALLISONVILLE ROAD; THENCE NORTH 15 DEGREES 24 MINUTES  
41 SECONDS EAST ON AND ALONG SAID CENTERLINE A DISTANCE OF 138.02 FEET TO  
THE PK NAIL, THENCE SOUTH 89 DEGREES 44 MINUTES 10 SECONDS WEST A DISTANCE  
OF 62.32 FEET TO THE POINT SAID POINT BEING THE POINT OF BEGINNING OF THIS  
DESCRIPTION; THENCE SOUTH 89 DEGREES 44 MINUTES 10 SECONDS WEST A DISTANCE  
OF 87.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE  
HAVING A RADIUS OF 75.00 AN ARC LENGTH OF 33.66 FEET (CHORD = NORTH 77 DEGREES  
24 MINUTES 19 SECONDS WEST 33.38 FEET), SAID POINT BEING MARKED BY A 5/8"  
REBAR; THENCE TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE  
HAVING A RADIUS OF 75.00 AN ARC LENGTH OF 25.21 FEET (CHORD = NORTH 54 DEGREES  
54 MINUTES 43 SECONDS WEST 25.09 FEET); THENCE NORTH 45 DEGREES 16 MINUTES  
59 SECONDS WEST 45.84 FEET TO A POINT; THENCE NORTH 15 DEGREES 24 MINUTES  
41 SECONDS EAST 132.48 FEET TO A POINT; THENCE NORTH 78 DEGREES 55 MINUTES  
12 SECONDS EAST 43.83 FEET TO A POINT; THENCE SOUTH 80 DEGREES 46 MINUTES  
55 SECONDS EAST A DISTANCE OF 142.61 FEET TO THE NEW RIGHT-OF-WAY LINE OF  
THE AFOREMENTIONED ALLISONVILLE ROAD, SAID POINT; THENCE SOUTH 15 DEGREES  
24 MINUTES 41 SECONDS WEST ON AND ALONG SAID RIGHT-OF-WAY LINE A DISTANCE  
OF 173.08 FEET TO THE POINT OF BEGINNING. CONTAINING 0.731 ACRES MORE OR  
LESS.

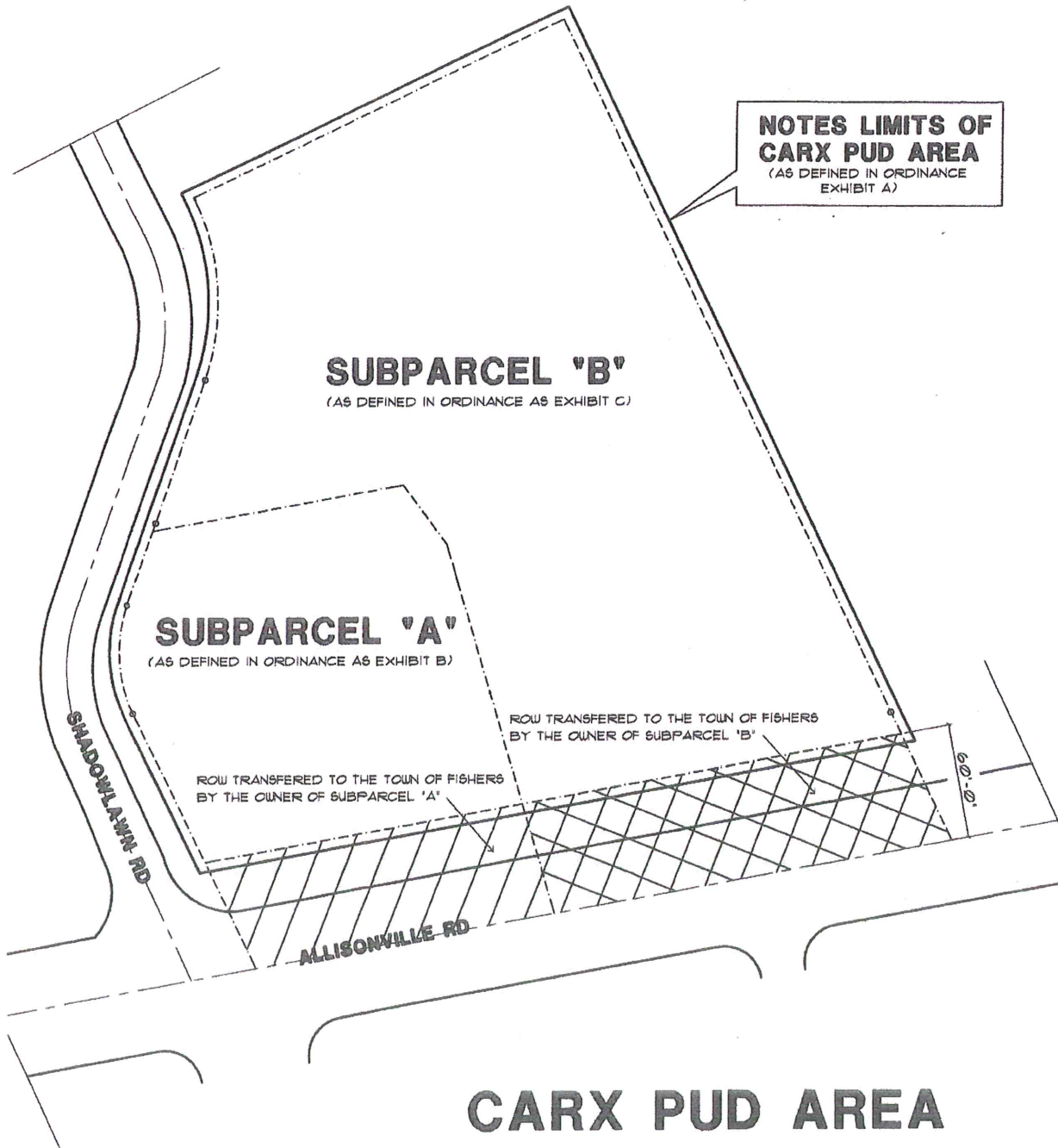
EXHIBIT C

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2,  
TOWNSHIP 17 NORTH RANGE 4 EAST, HAMILTON COUNTY, INDIANA AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER  
SECTION; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST  
(ASSUMED BEARING), ALONG THE EAST LINE OF SAID NORTHWEST QUARTER  
SECTION, 827.40 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 20  
SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST  
QUARTER SECTION, 53.01 FEET TO THE CENTERLINE OF ALLISONVILLE  
ROAD; THENCE NORTH 15 DEGREES 24 MINUTES 41 SECONDS EAST, ALONG  
SAID CENTERLINE, 300.77 FEET TO A PK NAIL MARKING THE NORTHEAST  
CORNER OF A TRACT OF LAND CONVEYED TO BROWN AND SPEISER IN DEED  
RECORD 335, PAGES 527-528 IN THE OFFICE OF THE RECORDER OF  
HAMILTON COUNTY, INDIANA; THENCE SOUTH 80 DEGREES 46 MINUTES 55 SECONDS  
EAST A DISTANCE OF 60.37 FEET TO THE POINT SAID POINT BEING THE POINT OF  
BEGINNING OF THIS DESCRIPTION;

THENCE NORTH 80 DEGREES 46 MINUTES 55 SECONDS WEST, ALONG THE NORTH LINE  
OF SAID TRACT, 142.61 FEET TO A 5/8 INCH REBAR MARKING THE NORTHWEST CORNER  
THEREOF; THENCE SOUTH 78 DEGREES 55 MINUTES 12 SECONDS WEST 43.83 FEET TO  
A POINT; THENCE SOUTH 15 DEGREES 24 MINUTES 41 SECONDS WEST 132.48 FEET TO  
A POINT; THENCE NORTH 45 DEGREES 16 MINUTES 59 SECONDS WEST 79.59 FEET TO  
THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS  
OF 125.00 FEET, AN ARC LENGTH OF 97.81 FEET (CHORD = NORTH 67 DEGREES 41  
MINUTES 54 SECONDS WEST 95.33 FEET); THENCE SOUTH 89 DEGREES 54 MINUTES  
41 SECONDS WEST 1.55 FEET TO A POINT BEING THE SOUTHEAST CORNER OF A TRACT  
OF LAND CONVEYED IN DEED RECORD 339, PAGES 3-4, IN SAID RECORDER'S OFFICE;  
THENCE NORTH 0 DEGREES 16 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF  
SAID TRACT, 218.98 FEET TO THE NORTHEAST CORNER  
THEREOF BEING A POINT ON THE NORTH LINE OF THE SOUTHEAST  
QUARTER OF SAID NORTHWEST QUARTER SECTION;  
THENCE NORTH 89 DEGREES 53 MINUTES 41 SECONDS EAST ALONG SAID NORTH LINE,  
406.35 FEET TO THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION;  
THENCE CONTINUE NORTH 89 DEGREES 53 MINUTES 41 SECONDS EAST  
12.63 FEET TO THE NEW RIGHT-A-WAY LINE OF ALLISONVILLE ROAD;  
THENCE SOUTH 15 DEGREES 24 MINUTES 41 SECONDS WEST ALONG SAID RIGHT-A-WAY  
LINE 206.03 FEET TO THE POINT OF BEGINNING CONTAINING 1.95 ACRES

EXHIBIT D



**NOTES LIMITS OF  
CARX PUD AREA**  
(AS DEFINED IN ORDINANCE  
EXHIBIT A)

**SUBPARCEL 'B'**  
(AS DEFINED IN ORDINANCE AS EXHIBIT C)

**SUBPARCEL 'A'**  
(AS DEFINED IN ORDINANCE AS EXHIBIT B)

ROW TRANSFERED TO THE TOWN OF FISHERS  
BY THE OWNER OF SUBPARCEL 'B'

ROW TRANSFERED TO THE TOWN OF FISHERS  
BY THE OWNER OF SUBPARCEL 'A'

SHADOWLAWN RD

ALLISONVILLE RD

**CARX PUD AREA**



**EXHIBIT E**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE**

The Developer and Prospective Purchaser (known as “Prospective Owner) Sub Parcel A and the Owner of Sub Parcel B makes the following commitment to the Fishers Town Council (the Town”) regarding the use and development of the following described real estate (the “Real Estate”) located in Hamilton County, Indiana:

**Section 1**      **Description of Real Estate**

See Attached Exhibit A (Sub Parcel A) and Exhibit B (Sub Parcel B) and Exhibit D.

**Section 2**      **Ordinance No. 090506**

**Section 3**      **Statement of Commitment**

The Prospective Owner of Sub Parcel A, and the Owner of Sub Parcel B, will legally transfer their land 60 feet from the centerline of Allisonville Road, necessary for road right of way purposes, at no cost to the Town, prior to the issuance of building permits to the Prospective Owner of Sub Parcel A.

**Section 4**      **Binding Effect**

- A. These commitments are binding upon the Developer and Owner, each subsequent owner of the Real Estate and each person acquiring an interest in the Real Estate, unless modified or terminated.
- B. These commitments may be modified or terminated only be a decision of the Fishers Town Council following a public hearing held by the Fishers Plan Commission wherein notice has been given as provided by the Plan Commission rules.

**Section 5**      **Effective Date**

The commitments contained herein shall be effective upon adoption of an ordinance by the Town Council of Fishers, Indiana assigning the required CARX PUD – C zoning classification to the Real Estate as identified in Ordinance No. 031912B.

**Section 6**      **Recording**

The petitioner agrees to record the Ordinance and the Commitment at the Hamilton County Recorder’s Office within one month of the approval date of this PUD, by the Fishers Town Council. A copy of the recorded document will be provided the Development Department immediately thereafter.