

**CROSSPOINT (PART)  
ORDINANCE NO. 072094B**

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

Whereas, the Town of Fishers did create the Crosspoint Planned Development (PD) District (the "District",) in 1985 by passing Ordinance #112085 to establish a zoning classification that would allow flexibility in the creation of commercial and industrial land uses and development standards for the real estate within the District, and

Whereas, the Declaration of Covenants, Easements, and Restrictions (the "Declaration"), recorded as Instrument #8815257 in the Office of the Recorder of Hamilton County, Indiana, and amended by Instrument #9327538 in the Office of the Recorder of Hamilton County, Indiana, does set forth the permitted land uses and development standards for the District, and

Whereas, the Town of Fishers did pass Ordinance 122892A amending the District to expand the boundaries of the District and revise the District's permitted land uses and development standards, and

Whereas, it is necessary to further revise the requirements of the District in order to maintain administrative flexibility and encourage high-quality commercial development within the District;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL 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.

That Ordinance Number 112085, as amended, shall be amended as follows:

That the amended Declaration which specifies development standards and regulates land uses in the Crosspoint Planned Development District established by Ordinance Number 112085, shall be amended as follows:

Article III, Section 2.A, paragraphs (2) and (3) of the Declaration shall be amended to read as follows:

2. For retail uses on the following described real estate, buildings or structures of any kind, or any part thereof, shall not be placed closer than thirty (30) feet to the right-of-way line of Hague Road, or closer than twenty (20) feet to any other street right-of-way line, or closer than six (6) feet to a side or rear property line, except that where a parcel abuts an existing residential area, minimum rear building setback shall be fifty (50) feet, with the rear thirty (30) feet to remain a natural buffer. The real estate for which the setbacks defined in this paragraph are applicable is more particularly described as follows:

(See Attached Exhibit D)

3. For all other retail uses not included in the real estate described in Exhibit D, buildings or structures of any kind, or any part thereof, shall not be placed closer than fifty (50) feet to the street right-of-way line for buildings or structures on Crosspoint Boulevard, Hague Road, or 96th Street, or closer than twenty-five (25) feet to any other street right-of-way line or any closer than twenty (20) feet to a side or rear property line, except that where a parcel abuts an existing residential

area, minimum rear building setback shall be fifty (50) feet with the rear thirty (30) feet to remain a natural buffer.

Article III, Section 2.A. shall be amended to include a new paragraph 4, as follows:

4. The building setback distances defined hereinabove may be reduced upon approval of both the Architectural Review Board and the Fishers Board of Zoning Appeals.

SECTION 2.

That Ordinance Number 112085, as amended, is hereby amended as follows:

- A. That Section 2(F) of said Ordinance is hereby deleted in its entirety.
- B. Paragraphs 2(G) through 2(N) shall be renumbered 2(F) through 2(M).

SECTION 3.

That if the terms or provisions of Ordinance 112085, as amended hereby, and the Fishers Zoning Ordinance, Ordinance 110380, come into conflict, the terms and provisions of Ordinance 112085, as amended, shall prevail.

SECTION 4.

That this Ordinance shall be in full force and effect from and after its passage.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this 24 day of August, 1994.

TOWN COUNCIL, TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

By:

Walter F. Kelly

James P. Roederer /s/  
James P. Roederer

Roy G. Holland /s/  
Roy G. Holland

David C. Gingrich /s/  
David C. Gingrich

Deborah H. Heckart /s/  
Deborah H. Heckart

ATTEST:

Linda Gaye Cordell /s/  
Clerk-Treasurer  
Town of Fishers, Indiana

This instrument prepared by Douglas B. Floyd, Attorney at Law, 970 Logan Street, Noblesville, Indiana 46060.

## EXHIBIT D

A part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 17 North, Range 4 East, Delaware Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Quarter-Quarter Section; thence South  $89^{\circ}45'26''$  West along the South line of said Quarter-Quarter Section a distance of 980.75 feet to the Easterly right-of-way of the Norfolk and Western Railroad; thence North  $27^{\circ}25'44''$  East along said Easterly right-of-way line a distance of 18.63 feet to a point on the North right-of-way of 96th Street; thence continuing North  $27^{\circ}25'44''$  East along said Easterly right-of-way line a distance of 71.70 feet to a point on the proposed North 80 foot half right-of-way of 96th Street, said point being the POINT OF BEGINNING; thence continuing North  $27^{\circ}25'44''$  East along said Easterly right-of-way line a distance of 1,097.73 feet; thence North  $89^{\circ}46'38''$  East a distance of 391.17 feet to the West right-of-way line of Hague Road; thence South  $00^{\circ}07'30''$  East parallel with the East line of said Quarter-Quarter Section and along said West right-of-way line a distance of 537.97 feet to a point on the North right-of-way of Crosspoint Commons; thence on the following four (4) courses along said right-of-way: 1) South  $89^{\circ}52'20''$  West 142.59 feet to the Point of Curvature of a curve concave Southerly, said Point of Curvature lying North  $00^{\circ}07'40''$  West 199.09 feet from the radius point of said curve; 2) thence Westerly and Southwesterly along said curve 154.87 feet to the Point of Tangency of said curve, said Point of Tangency lying North  $44^{\circ}41'50''$  West 199.09 feet from the radius point of said curve; 3) thence South  $45^{\circ}18'10''$  West 286.60 feet to the Point of Curvature of a curve concave Southeasterly, said Point of Curvature lying North  $44^{\circ}41'50''$  West 185.63 feet from the radius point of said curve; 4) thence Southwesterly and Southerly along said curve 90.82 feet, said point lying North  $72^{\circ}43'41''$  West 185.63 feet from the radius point of said curve; thence North  $68^{\circ}52'18''$  West 72.38 feet, thence South  $89^{\circ}45'26''$  West parallel with the South line of said Quarter-Quarter Section 175.00 feet; thence South  $27^{\circ}25'44''$  West parallel with and 50.00 feet Southeasterly (measured at right angles) from said railroad right-of-way 141.14 feet to a point on the North line of the proposed 80 foot half right-of-way for 96th Street; thence South  $89^{\circ}45'26''$  West parallel with the South line of said Quarter-Quarter Section and along said proposed right-of-way 56.46 feet to the POINT OF BEGINNING, containing 9.410 acres (409,905 square feet), subject to highways rights-of-way, and easements.