

**CROSSPOINT
ORDINANCE NO. 112085**

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

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. DECLARATION

That the Zone Map, identified as OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated November 3, 1980, which accompanies and is a part of the Zoning Ordinances of the Town of Fishers, Indiana, as amended, is hereby changed as follows:

That the zoning classification of the following described real estate is hereby designated as PD.

Part of Sections 1 and 12, Township 17 North, Range 4 East of Hamilton County, State of Indiana, more particularly described as follows, to-wit:

Commencing at the southwest corner of the Southeast Quarter of the aforementioned Section 1; thence East on or along the south line of Section 1, 131.16 feet to a point; thence North parallel with the west line of the aforementioned quarter section 26.0 feet to the point of beginning of this description; thence South 88 degrees 29 minutes 27 seconds West, 1,003.14 feet to a point; thence North 27 degrees 09 minutes 57 seconds East, 3,032.62 feet to a point; thence North 88 degrees 49 minutes 27 seconds East, 1,758.48 feet to a point; thence South 00 degrees 23 minutes 30 seconds East 12.85 feet to a point; thence South 28 degrees 39 minutes 30 seconds East 154.85 feet to a point; thence South 60 degrees 20 minutes 30 seconds East 120.99 feet to a point; hence South 29 degrees 10 minutes 00 seconds West 16.0 feet to a point; thence South 37 degrees 46 minutes 23 seconds West 374.21 feet to a point; thence South 14 degrees 32 minutes 45 seconds West 237.70 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 1,500.00 feet to a point; thence South 40 degrees 28 minutes 36 seconds West 203.96 feet to a point; thence South 69 degrees 50 minutes 48 seconds West 182.09 feet to a point; thence South 88 degrees 24 minutes 30 seconds West 686.00 feet to a point; thence South 40 degrees 02 minutes 31 seconds West 301.04 feet to a point; thence South 1 degree 35 minutes 30 seconds East 145.00 feet to a point; thence South 71 degrees 46 minutes 27 seconds West 118.98 feet to the point of beginning and containing 112.456 acres.

ALSO:

Commencing at the southwest corner of the Southeast Quarter of the aforementioned Section 1; thence East on and along the south line of Section 1 - 345.16 feet to a point; thence North parallel with the west line of the aforementioned quarter section 54.00 feet to the point of beginning of this description; thence North 18 degrees 32 minutes 41 seconds East 191.72 feet to a point; thence North 69 degrees 01 minute 26 seconds East 286.23 feet to a point; thence South 89 degrees 50 minutes 42 seconds East 680.16 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 215.00 feet to a point; thence South 84 degrees 01 minute 13 seconds West 908.55 feet to the point of beginning and containing 4.545 acres.

ALSO:

Commencing at the southwest corner of the aforementioned Section 12; thence North on and along the west line of Section 12, 175.00 feet to a point; thence East parallel with the south line of Section 12, 17.50 feet to the point of beginning of this description; thence North 0 degrees 08 minutes 02 seconds West 1,726.62 feet to a point; thence North 27 degrees 16 minutes 13 seconds East 3,860.21 feet to a point; thence North 88 degrees 32 minutes 28 seconds East 1,022.96 feet to a point; thence South 83 degrees 38 minutes 41 seconds East 151.45 feet to a point; thence South 86 degrees 01 minute 12 seconds East 828.29 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 2,680.00 feet to a point; thence South 36 degrees 29 minutes 19 seconds West 180.47 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 150.00 feet to a point; thence South 32 degrees 21 minutes 27 seconds West 271.42 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 800.00 feet to a point; thence South 30 degrees 42 minutes 20 seconds West 740.73 feet to a point; thence South 38 degrees 27 minutes 26 seconds West 334.51 feet to a point; thence South 58 degrees 37 minutes 26 seconds West 661.77 feet to a point; thence South 34 degrees 28 minutes 06 seconds West 472.81 feet to a point; thence North 78 degrees 07 minutes 47 seconds West 330.61 feet to the point of beginning and containing 200.738 acres.

SECTION 2. LAND USE

All uses described in Article 15 through Article 22 of Chapter 2 of Ordinance No. 110380 shall be permitted in this PD district except that the following uses shall not be permitted:

- (A) Single-family residential;
- (B) Multi-family residential;
- (C) Trailer Courts;
- (D) Labor Camps;
- (E) Junk Yards;
- (F) Distillation of bones;
- (G) Dumping, disposal, incineration or reduction of garbage, sewage, dead animals or refuse;
- (H) Fat rendering;
- (I) Stockyard or slaughter of animals;
- (J) Smelting of iron, tin, zinc or other ores;
- (K) Refining of petroleum or of its products;
- (L) Cemeteries or mausoleums;
- (M) Jail, penal, detention or correction farms.

SECTION 3. PURPOSE

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and the attributes of the real estate adjacent to Interstate Highway 69, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire Town.

(A) Statement of Purpose

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for commercial and industrial development which will produce a wider range of choice in satisfying the changing needs of Fishers, Indiana.
- (5) To permit special consideration of property with unique features, such as unusual topography, landscape amenities, and size and shape.
- (6) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

SECTION 4. APPLICABILITY

(A) The provisions of this section shall apply only to a tract of land herein described, provided, however, said provisions may apply to a proposed development in which the primary use is business or industrial use when such proposal is deemed to be in the best interests of the entire Town.

(B) The basic land unit of this PD District is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire Planned Development may be designated.

(1) A proposed Development Plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed.

(2) Before approval of a Preliminary Development Plan, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Land Use Plan of current adoption and the best interest of the entire Town and surrounding areas.

SECTION 5. PROCEDURE

The authorization of a Development Plan shall be subject to the procedures expressed herein.

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

- (1) Proposed dimensioned layout (to scale not to exceed 200' = 1") 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 development features.

(4) The preliminary plan may be an approximate drawing but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.

(5) The plan shall show the boundary lines of the subject area and land uses proposed and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.

(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.

(B) Application for approval of the Preliminary Development Plan shall be submitted to the Commission with sufficient copies of the preliminary plan and any other desired supporting documents at a regular meeting of the Commission as a petition for Amendment to the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Development Plan" and be signed by the President and Secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.

(C) The approved Preliminary Development Plan shall then be certified to the Town Board for adoption as a "PD" Planned Development District pursuant to the laws governing amendment of zoning codes.

(D) Upon adoption by the Town Board, the approved Preliminary Development Plan shall be forwarded to a committee consisting of: (1) a representative of the Town Board; (2) Plan Commission Chairman; and (3) Building Commissioner or Plan Director, which shall thereafter exercise continuing jurisdiction. The committee shall conduct its business under the title of Fishers Planned Development Committee. Approval by a majority of the committee is sufficient for the conduct of any committee business. Before any development takes place, the committee shall approve a final detailed site plan specifying the exact location, composition, and detailed engineering features of all lots, drainage, sewage, water supply facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon a finding by the committee that the detailed site plan is consistent with the approved Preliminary Development Plan. The approved final detailed site plan shall be stamped "Approved Final Detailed Development Plan" and be signed by any two members of the committee, and one copy shall be permanently retained in the office of the Commission. Approval of the final Detailed Development Plan shall constitute approval of the development standards contained within the covenants to be recorded with each phase of the development. The Town by its Code Enforcement officer, as designated by ordinance, shall enforce compliance with the development standards as contained in the covenants.

(1) Approval of a detailed site plan for all of the real estate shall be obtained within twelve years after adoption by the Town Board of the Preliminary Development Plan, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest. All or an appropriate part of the Development Plan may be undertaken in sections or phases.

(2) An "Approved Final Detailed Development Plan" may mean and be designated the same as a Secondary Plat.

(3) A refusal by the Commission to approve a detailed final site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.

(4) In the event that approval of a final detailed site plan is not obtained within the twelve year period or an approved extension of time, the commission shall initiate an amendment of the zoning ordinance so that the land will be zoned to a category adopted by the Town Board as an amendment to the Zoning Ordinance.

(E) The petitioner may develop the property involved in phases. The petitioner may submit to the committee partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved final detailed site plans for an entire Planned Development Plan.

(F) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the committee shall handle such matters in accordance with its regular procedures and in accordance with law.

(G) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the committee.

(H) In the exercise of its continuing jurisdiction, the committee may from time to time 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.

(I) All development shall be in conformity with the approved detailed Development Plan. In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the approved Detailed Development Plan and take appropriate enforcement action.

(J) Approval by the committee shall expire after a period of twelve (12) years from the approval of a Final Detailed Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements including streets, walkways and utility installations in which instance an extension of time may be granted by the committee.

(K) All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of a Final Detailed Development Plan.

SECTION 6.ABANDONMENT OR EXPIRATION

Under the abandonment of a development authorized under this section (abandonment

shall be deemed to have occurred when no improvements have been made pursuant to the approved final detailed Development Plan for twenty-four (24) consecutive months, or upon the expiration of twelve (12) years from the approval by the Commission of a Preliminary Detailed Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate.

SECTION 7. RECORDING

An approved Final Detailed Development Plan and modifications thereof shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder within two (2) years after approval by the committee.

SECTION 8. COVENANTS AND MAINTENANCE

(A) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Planned Development and shall set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the Town, and in such event, the Town shall take those remedial steps provided for in such provisions.

(B) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive Plan. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified final detailed site plan for such land consistent with the approved Preliminary Development Plan. Such modified final detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Development Plan.

(C) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in the Planned Development. Such development standards may include, but are not limited to, requirements as to the following:

- (1) Lot area;
- (2) Floor area;
- (3) Ratios of floor space to land area;
- (4) Area in which structures may be built ("Buildable area"), including areas for cluster type development without lot lines.
- (5) Setback lines and minimum yards;
- (6) Building separations;
- (7) Height of structures
- (8) Signs;
- (9) Off-street parking and loading space;
- (10) Design standards;

(11) Phasing of development.

(D) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance.

(E) Adequate provision shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Development Plan, and, in such instance, legal assurance shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(F) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiary thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(G) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

SECTION 9. LIMITATION ON REZONING

The Plan Commission shall not initiate any amendments to the Zoning Code concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Development Plan, and proceeding in accordance with the time requirements imposed herein.

This ordinance shall be in full force and effect from and after its passage.

PASSED by the Town Board of the Town of Fishers, Indiana, on the of 18 day of December, 1985.

Walter F. Kelly /s/

Ramon E. Saksons /s/

Roy G. Holland /s/

ATTEST:

Linda Gaye Cordell /s/

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