

**KINCAID  
ORDINANCE NO. 020796B**

AN ORDINANCE AMENDING THE ZONING ORDINANCE 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 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 and commonly referred to as **The Kincaid PD**.

(See attached Exhibit A)

SECTION 2. LAND USE

In accordance with the Preliminary Development Plan (see exhibit "B" attached), the following land uses are permitted within the following described parcels in accordance with the preliminary development plan of The Kincaid PD.

Parcel A      All uses described in Section 151.075 of Ordinance No. 110380, C-3 Commercial District shall be permitted on this parcel except for the following uses:

- Asphalt Plant
- Auto Repair Garages
- Auto rustproofing
- Auto storage
- Auto sales, new or used, service and repair
- Bars serving liquor
- Billiard parlor
- Boat and trailer sales and service
- Bowling alley
- Bulk fuel dealers
- Car wash, any type
- Cemetery monuments and tombstones manufacture, outdoor sales and storage
- Concrete contractors - Heavy Commercial
- Electrical Contractors - Heavy Commercial
- Exterminators
- Gasoline Filling Stations that front on or exit to Lantern Road
- Liquor stores
- Mobile home sales
- Motorcycle sales, service, repair and outdoor display
- Night clubs
- Overnight Recreational Vehicle Parking and Storage

Paint and decorating contractors, heavy commercial  
Plumbing contractors - heavy commercial  
Roofing contractors - heavy commercial  
Scrap metal, junk, or salvage storage, auto wrecking, and shredding  
Septic system contractors  
Sheetmetal contractors - heavy commercial  
Storage and transfer services  
Tavern  
Tobacco Shop

Parcel B All uses described in Section 151.075 of Ordinance No. 110380, C-3 Commercial District shall be permitted on this parcel with the addition of the following Supplementary list of permitted uses:

(1)Outdoor recreational activities.

Parcel CA All uses described in Section 151.075 of Ordinance No. 110380, C-3 Commercial District shall be permitted on this parcel.

Parcel DA 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 on this parcel.

### SECTION 3. DEVELOPMENT STANDARDS

#### (A) SETBACKS

The development standards of the corresponding district shall apply except that those lots that front on Lantern Road shall have a 50 foot minimum setback to include both a 10 foot landscaping area, a 15 foot utility easement and parking. The Provisions of the "Yards on the perimeter" of the zoning district shall only apply to perimeter parcels of this PD District.

#### (B) REQUIRED LANDSCAPING AND SCREENING

1. The landscaping requirements shall meet the land use for that zoning district which applies in Fishers General Code of Land Use Regulations.

2. Those lots which abut I-69 frontage shall be required to maintain a 15.0 foot wide greenbelt along such frontage. The landscaping within the greenbelt shall include a mixture of deciduous and evergreen trees and shrubs.

3. Every reasonable effort should be made to preserve the existing trees throughout the entire development.

#### (C) PARKING AND LOADING REQUIREMENTS

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

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

3. In section D, dock doors may not face either Kincaid Drive or Lantern Road.

(D) OTHER DEVELOPMENT STANDARDS

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

SECTION 4. PURPOSE

This district is intended to allow a mixture of land uses within this area which were allowed under the Noblesville PB, Planned Business district prior to becoming part of the Town of Fishers. The Planned Development would allow a mixture of enclosed industrial and commercial areas to exist, while providing an area of outdoor recreation within this PD.

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 development along with an 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 to amend the Zoning Code.

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

(C) Copies of the Final Plan containing the following information, shall be submitted for review to the Technical Advisory Committee along with the following information.

(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) Upon review of Technical Advisory Committee, the Final 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 jurisdiction of the PD Committee shall be limited to the approval, in a timely manner, of plans which meet the criteria of the zoning classifications set forth in this ordinance. 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.

(E) In exercise of its continuing jurisdiction, the PD committee shall, upon request of the owner, 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, and shall act as the secondary Plat committee.

(F) Application for improvement Location permits shall follow the procedures as set forth in the Chapter 155, Improvement Location Permit, of the Fishers Town Code and subject to the following:

(G) If outdoor recreation is proposed on Parcel B as outlined in the General Development Plan, the Town shall send notice in writing to all adjacent property owners within ten (10) days of the PD Committee meeting. The notice shall include the time, place and location of such meeting.

SECTION 7. RECORDING

An approved Secondary Plat 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.

ADOPTED this 21st day of February, 1996.

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

By: <u>Walter F. Kelly /s/</u> Walter F. Kelly, President	By: <u>Roy G. Holland /s/</u> Roy G. Holland, Vice President
By: <u>James P. Roederer /s/</u> James P. Roederer, Member	By: <u>Timothy O. Lima /s/</u> Timothy O. Lima, Member
By: <u>Deborah H. Heckart /s/</u> Deborah H. Heckart, Member	By: <u>Scott A. Faultless /s/</u> Scott A. Faultless, Member
	By: <u>Stuart F. Easley /s/</u> Stuart F. Easley, Member

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

LEGAL DESCRIPTION  
EXHIBIT A

COMPOSITE PERIMETER DESCRIPTION:

A part of the Northeast Quarter of Section 12, Township 17 North, Range 4 East, of the Second Principal Meridian in Delaware Township, Hamilton County, Indiana, described as follows:

BEGINNING at the Northeast corner of said Northeast Quarter; thence, along the East line thereof, South 00 degrees 03 minutes 07 seconds East 84.93 feet to the Northwest corner of the Northwest Quarter of Section 7, Township 17 north, Range 5 East; thence, continuing along said East line. South 00 degrees 23 minutes 43 seconds East 2,576.02 feet to the southeast corner of said Northeast Quarter thence, along the south line of said Northeast Quarter; South 88 degrees 35 minutes 03 seconds West 2,373.80 feet; thence, North 00 degrees 23 minutes 03 seconds West 729.77 feet to the Easterly right-of-way line of Interstate 69 thence along said Easterly right-of-way North 29 degrees 10 minutes 00 seconds East 2,081.49 feet; thence, continuing along said Easterly right-of-way and the Southerly right-of-way of 106th Street the next four courses: (1) North 57 degrees 57 minutes 58 seconds East 88.19 feet; (2) North 84 degrees 29 minutes 12 seconds East 448.70 feet; (3) North 83 degrees 08 minutes 29 seconds East 201.00 feet; (4) North 77 degrees 30 minutes 43 seconds East 86.44 feet; thence North 01 degrees 32 minutes 57 seconds East 25.00 feet to the North line of said Northeast Quarter; thence along said North line, North 88 degrees 27 minutes 02 seconds East 541.24 feet to the POINT OF BEGINNING. Containing 119.261 acres more or less. Being subject to all easements and rights-of-way of record.

