

**LEGENDS AT GEIST (PART)
ORDINANCE NO. 100792A**

AN ORDINANCE AMENDING THE ZONING ORDINANCES 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 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.

(Real Estate is described in Exhibit "A" attached hereto)

That the text of Ordinance Number 110380 is amended as it applies to the real estate described above, in the particulars described in Section 2-9 inclusive of this ordinance.

SECTION 2. LAND USE

All uses described in Residential Districts A, RR, R-1, R-2, R-3, R-3C, R-4, R-4C, R-5, and R-5C, of Chapter 2 of Ordinance No. 110380 shall be permitted in this PD district. The arrangement and location of the parcels that comprise this PD district are depicted in Exhibit "B" attached hereto. The permitted land uses and development standards for parcels within this PD district are set forth in the Development Guidelines attached hereto as Exhibit "C".

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 between Interstate Highway 69 and Geist Reservoir, 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 residential 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 the tract of land herein described, provided.

(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 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. The plan shall show names of owners of parcels adjoining the boundary of the plan.

(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 Council for adoption as a "PD" Planned Development District pursuant to the laws governing amendment of zoning codes.

(D) Upon adoption by the Town Council, 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) Director of Department of Development, 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 conditioned 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 developmental 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 of the Town Council 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 Committee 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 Council 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 Committee 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 office 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 interest 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 nondiscriminatory 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 OF 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 council of the Town of Fishers, Indiana, on the 4th day of November, 1992.

TOWN COUNCIL, TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

By: Walter F. Kelly /s/
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 Heckart /s/
Deborah Heckart

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

EXHIBIT "A"

ANNEXATION AREA NO. 2
LEGAL DESCRIPTION

Part of Sections 4, 5 and 6 in Township 17 North and part of Sections 32 and 33 in Township 18 North, all in Range 5 East of the Second Principal Meridian, Fall Creek and Delaware Townships, Hamilton County, Indiana and described as follows:

Commencing at the Southeast corner of said Section 5;
thence North 00 degrees 12 minutes 40 seconds West (an assumed bearing) along the East line of said Section 5, a distance of 1280.00 feet to the POINT OF BEGINNING;
thence continue North 00 degrees 12 minutes 40 seconds West along the East line of said Section 5, a distance of 1353.01 feet to the Northeast corner of the Southeast Quarter of said Section 5;
thence North 00 degrees 17 minutes 12 seconds West along the East line of said Section 5, a distance of 484.56 feet;
thence South 89 degrees 34 minutes 00 seconds West 2649.17 feet to the West line of the Northeast Quarter of said Section 5;
thence South 00 degrees 03 minutes 43 seconds East along the West line of said Northeast Quarter a distance of 484.03 feet to the Southwest Corner of said northeast Quarter;
thence South 00 degrees 28 minutes 18 seconds East along the West line of the Southeast Quarter of said Section 5, a distance of 410.00 feet;
thence South 86 degrees 24 minutes 33 seconds West 187.23 feet;
thence South 39 degrees 26 minutes 37 seconds West 1175.11 feet;
thence South 89 degrees 34 minutes 47 seconds West 383.54 feet to the West line of the East Half of said Southwest Quarter;
thence North 00 degrees 14 minutes 08 seconds West along said West line 0.68 feet to the Northeast Corner of the Southwest Quarter of said Southwest Quarter;
thence North 00 degrees 13 minutes 48 seconds West along the West line of the East Half of said Southwest Quarter a distance of 635.27 feet;
thence South 89 degrees 42 minutes 12 seconds West parallel with the South line of said Section 5, a distance of 1341.93 feet into Section 6 to the Westerly right of way for Cumberland Road;
thence North 00 degrees 00 minutes 00 seconds West parallel with the East line of said Section 6, a distance of 353.45 feet;
thence North 89 degrees 42 minutes 12 seconds East parallel with the South line of said Section 5 a distance of 1340.51 to the West line of the East Half of the Southwest Quarter of said Section 5;
thence North 00 degrees 13 minutes 48 seconds West along said West line 332.63 feet to the North line of said Southwest Quarter;
thence North 89 degrees 33 minutes 58 seconds East along said North line 599.01 feet;
thence North 00 degrees 03 minutes 43 seconds West 3051.37 feet into the above said Section 32 to the Northerly right of way of 116th Street;
thence South 89 degrees 02 minutes 26 seconds East along said northerly right of way 19.99 feet;
thence South 00 degrees 03 minutes 43 seconds East 230.01 feet;
thence North 89 degrees 02 minutes 40 seconds East parallel with the North line of said Section 5, a distance of 700.00 feet;
thence North 00 degrees 03 minutes 43 seconds West 230.05 feet to the Northerly right of way for 116th Street;
thence North 89 degrees 02 minutes 26 seconds East parallel with the North line of the Northwest Quarter of said Section 5 a distance of 229.39; thence North 88 degrees 52 minutes 27 seconds East parallel with the North line of the Northeast Quarter of said Section 5 a distance of 830.95 feet;

thence South 00 degrees 03 minutes 27 seconds East 969.36 feet;
thence North 45 degrees 34 minutes 37 seconds East 1369.51 feet to the North line of the Northeast Quarter of said Section 5;
thence North 01 degrees 07 minutes 33 seconds West into Section 32 a distance of 30.00 feet to the Northerly right of way for 116th Street;
thence North 88 degrees 52 minutes 27 seconds East parallel with the North line of the Northeast Quarter of said Section 5 a distance of 599.97 feet;
thence North 88 degrees 44 minutes 42 seconds East parallel with the North line of the Northwest Quarter of said Section 4, a distance of 2672.62 feet;
thence South 00 degrees 07 minutes 16 seconds East 30.00 feet to the Northeast corner of the Northwest Quarter of said Section 4;
thence continue South 00 degrees 07 minutes 16 seconds East along the East line of the Northwest Quarter of said Section 4 a distance of 1397.28 feet;
thence South 89 degrees 52 minutes 43 seconds West 200.00 feet;
thence South 00 degrees 07 minutes 16 seconds East 382.50 feet to the South line of the North Half of the Northwest Quarter of said Section 4;
thence South 89 degrees 15 minutes 25 seconds West 486.74 feet;
thence South 00 degrees 14 minutes 08 seconds East 2838.76 feet;
thence South 89 degrees 07 minutes 53 seconds West parallel with the South line of the Southwest Quarter of said Section 4 a distance of 1320.42 feet;
thence North 75 degrees 55 minutes 18 seconds West 680.11 feet to the point of beginning and containing 468.51 acres more or less.