



ORDINANCE NO. 021516

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

This is an ordinance to amend the text of zoning Ordinance No. 64-8-03 recorded as Instrument Number 200300096665 and Exhibits B and C in the Ordinance known as the Marina Village Planned Unit Development, and its amendment, previously enacted by the City of Noblesville and adopted by the City of Fishers pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the Plan Commission of the City of Fishers has conducted a public hearing on the text amendment to the zoning ordinance as required by law in regard to the application by The Marina Limited Partnership to request a text amendment to the existing Marina Village Planned Unit Development Ordinance: and,

WHEREAS, the Plan Commission at its April 12, 2016 meeting sent a favorable recommendation to the City of Fishers, Common Council;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana, meeting at its regular session, that the Marina Village PUD is hereby amended as follows:

SECTION 1. The legislative body hereby amends the text and exhibits of previous Marina Village zoning ordinance by vacating Section 2 of the previously recorded ordinance and any referenced exhibits and they are hereby deleted in their entirety and amended to read as follows:

Section 2.

- A. The Preliminary Development Plan of Marina Village marked as Exhibit A has seven (7) single-family homes located on Lots R-1 through R-7 (formerly recorded as Blocks B, C, D, F, G, O, and P, which will now have only one (1) single-family home instead of two (2) under the previous ordinance).
- B. The Marina Limited Partnership commits to construct single-family homes as reflected as follows: Lots R-1, R-2, R-3, R-4, and R-5 marked on Exhibit 1; Lots R-6 and R-7 marked on Exhibit 2; and Block H marked on Exhibit 3. The Marina Limited Partnership has agreed to attach zoning commitments which are marked as Exhibit 4.

- C. The existing setback lines, front, side, rear, both interior and exterior, and all easement descriptions will remain the same from the original recorded plat (Instrument No. 200400019789); however, each Lot will not be divided and will contain only one (1) residence instead of two (2).
- D. The Marina Limited Partnership further reserves the right to add additional architectural features to the exterior elevations including, but not limited to, by way of example: gables, dormers, or windows instead of the architectural features depicted on the incorporated construction drawings.
- E. The Developer reserves the right to make alterations to the interior floor plans, but commits to maintain the footprint as depicted on the drawings. The footprint depicted on the drawings may be decreased as long as the minimum square footage is equal to 2,400 inhabitable square feet or greater.
- F. Any new architectural features or elevations on the proposed residences will be approved by the Planning staff prior to the issuance of a building permit. If the Planning Department does not agree to the proposed changes, the issue will be submitted to the Fishers PUD Committee.

SECTION 2. All other provisions of the Marina Village PUD shall remain in effect with the adoption of this ordinance. All provisions and representations of the Marina Village PUD that conflict with the provisions of this ordinance are hereby rescinded as applied to the real estate and shall be superseded by the terms of this ordinance.

SECTION 3. The development standards established by this ordinance and exhibits supersede any development standards of the Fishers UDO. It is the intent to apply all other provisions of the Fishers UDO to the development unless they conflict with the ability to construct the single-family homes described on Exhibits 1, 2, and 3 located on Lots R-1 through R-7 (formerly Blocks B, C, D, F, G, O, and P, respectively) and Block H.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 16th day of May, 2016.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

NAY *031516* ABSTAIN

<i>[Signature]</i>	John Weingardt, President		
<i>David C. George</i>	David George, Vice-President		
<i>[Signature]</i>	C. Pete Peterson, Member		
<i>[Signature]</i>	Eric Moeller, Member		
<i>[Signature]</i>	Selina M. Stoller, Member		
	Richard W. Block, Member		
<i>Cecilia C. Coble</i>	Cecilia C. Coble, Member		
<i>[Signature]</i>	Todd P. Zimmerman, Member		
<i>[Signature]</i>	Brad DeReamer, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 16th day of May 2016, at 8:30 P m.

ATTEST: *Jennifer L. Kehl*
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

[Signature]

Scott A. Fadness, Mayor

5-17-16

DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl