

**NORTHEAST COMMERCE PARK  
ORDINANCE NO. 121885A**

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.

All the North Half of the Southwest Quarter of Section 31, Township 18 North, Range 5 East lying East of the I.P. & C. Railroad, containing 74 acres.

ALSO: Begin in the center of the I.P. & C Railroad on the line running East and West through the center of said Section 31 and run East 66 rods, 11 links, thence North 83 rods 8 links to the center of the Open Ditch, thence down the meanders of said ditch to the Center of the I.P & C. Railroad, thence Southwest along the center of said railroad to the place of beginning, containing 23 acres, in all 97 acres, in Delaware Township, Hamilton County, Indiana.

EXCEPT: A part of the North Half of the Southwest Quarter of Section 31, Township 18 North, Range 5 East in Hamilton County, Indiana, described as follows:

Beginning North 0 degrees 46 minutes 29 seconds West 1,350.50 feet (along the East line of said Quarter Section) and South 88 degrees 56 minutes 00 seconds West 550.36 feet (along the South line of the owner's land) from the Southeast corner of said Quarter Section, which point of beginning is on the Western boundary of S.R. 37; thence South 88 degrees 56 minutes 00 seconds West 72.10 feet along the South line of the owner's land; thence North 29 degrees 10 minutes 00 seconds East 457.71 feet, thence North 23 degrees 11 minutes 25 seconds East 374.99 feet to the Western boundary of S.R. 37; thence along said boundary Southwesterly 802.34 feet along an arc to the right and having a radius of 3,732.72 feet and subtended by a long chord having a bearing of South 21 degrees 53 minutes 47 seconds West and a length of 800.80 feet to the point of beginning and containing 0.669 acres, more or less.

ALSO EXCEPT: A part of the North half of the Southwest Quarter of Section 31, Township 18 North, Range 5 East, Hamilton County, Indiana, described as follows:

Beginning North 00 degrees 46 minutes 29 seconds West 1,496.15 feet (along the East line of said Quarter Section) from the Southeast corner of said Quarter Section: thence Southwesterly 58.82 feet along an arc to the right and having a radius of 1,210.92 feet and subtended by a long chord having a bearing of South 45 degrees 46 minutes 30 seconds West and a length of 58.82 feet; thence South 47 degrees 10 minutes 00 seconds West 158.27 feet to the South line of the owner's land; thence South 88 degrees 56 minutes 00 seconds West 192.34 feet along said South line to the Eastern boundary of S.R. 37; thence along said boundary Northeasterly 1,046.92 feet along an

arc to the left and having a radius of 3,906.72 feet and subtended by a long chord having a bearing of North 18 degrees 57 minutes 55 seconds East and a length of 1,043.79 feet to the East line of the owner's land: thence South 00 degrees 46 minutes 29 seconds East 835.00 feet along said East line to the point of beginning and containing 3.144 acres, more or less.

Containing, after said exceptions, approximately 92.5 acres, more or less.

## 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 and State Road 37, 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

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 advice:

- (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 code.

(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 general 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 (1) copy shall be permanently retained in the office of the Commission.

(1) Approval of a detailed site plan for all of the real estate shall be obtained within twelve (12) 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 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 in 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 therefor 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 conversation. 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 such as the retention pond, 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.

#### 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 Fishers, Indiana, on the 22 day of January, 1986.

Walter F. Kelly /s/

Roy G. Holland /s/

Ramon E. Saksons /s/

ATTEST:

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