

**ORDINANCE NO. 040714**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF TOWN OF FISHERS, A PART OF THE COMPREHENSIVE MASTER PLAN FOR THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA AND CHANGE OF ZONING FROM R2: RESIDENTIAL DISTRICT TO C2: COMMERCIAL DISTRICT**

Document Cross Reference # 19-11-34-00-00-014.001  
Case # 5-R-14

An ordinance to amend the Unified Development Ordinance of the Town of Fishers, Hamilton County, Indiana (the “UDO”) enacted by the Town 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 at its meeting on May 13, 2014, sent its [favorable/unfavorable/no] recommendation to the Town Council of the Town of Fishers (the “Town Council”) by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed;

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance for said Town and the Official Zone Map be hereby amended as follows:

**Section 1. Applicability of the Rezoning Ordinance.**

- 1.1 The subject property is located at 12244 E. 116<sup>th</sup> Street, Fishers, Indiana 46037 and is legally described in the attached Exhibit A (the “Real

Estate”). The Real Estate is located within the zoning jurisdiction of the Town of Fishers, Hamilton County, Indiana.

- 1.2 The zoning classification of the Real Estate is rezoned from R2: Residential District classification to the C2: Commercial District as designated in the UDO.

**Section 2.** The development standards applicable to the Real Estate shall be the Use-specific Standards (US) under Article 5.105 US-01 “Use-specific Standards; Permitted Nonresidential Uses” of the UDO, as amended. Any development standards not referenced in Article 5.105 shall be as prescribed by the C2 zoning district, as amended. Any existing structures deemed legally non-conforming (including accessory structures) may exist on the property and are subject to Article 8 “Nonconforming Lots, Structures & Uses” of the UDO, as amended. However, any new structures shall meet the requirements of the UDO.

- 2.1 Parking: For any new buildings, parking shall not be placed between any structures and 116<sup>th</sup> Street.
- 2.2 Roofs: For any new buildings, pitched roofs with asphalt shingles shall be required, with the exception of greenhouses. Flat roofs and standing seam metal roofs shall be prohibited.

**Section 3.** Only the following uses shall be permitted for the Real Estate:

- A. Greenhouses/nurseries;
- B. Garden/plant/tree sales;
- C. Tea room/gift shop/company office (2,650 SF combined maximum);
- D. Art studio (850 SF maximum);
- E. Photography studio (850 SF maximum);
- F. Dwelling, single-family (caretaker)\*; and
- G. Accessory uses subordinate to the primary uses of the building(s).

\*Caretaker living quarters shall be occupied by the owner or an employee of the business and shall not exceed 850 square feet.

**Section 4.** Any other use not listed in Section 3 as a permitted use shall be prohibited. This shall include, but not limited to, the following prohibited uses for the Real Estate:

- A. Gas station;
- B. Convenience store;
- C. Package goods store (alcohol);
- D. Restaurant, all types;
- E. Veterinary clinic;
- F. Pharmacy;
- G. Dry cleaner; and
- H. Drive-thru.

**Section 5.** Definition and Hours of Operation:

- A. Tea room: An establishment that primarily serves tea and other light refreshments, not to exceed a seating capacity of 50 persons.
- B. Hours of operation: The tea room and the garden center shall only operate between the hours of 8:00 AM to 7:00 PM.

**Section 6.** Disabled spaces, striping, and signage shall be provided in accordance with the Americans with Disabilities Act (ADA).


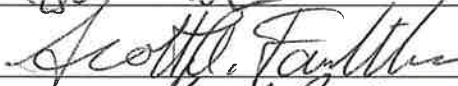
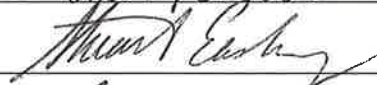
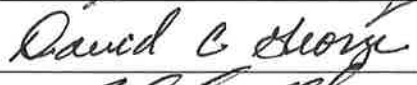

**Section 7.** This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

**Section 8.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council of the Town of Fishers on this 21<sup>ST</sup> day of JULY, 2014.


THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

	John W. Weingardt, President	
	C. Pete Peterson, Vice President	
	Scott A. Faultless, Member	
	Stuart F. Easley, Member	
	David C. George, Member	
	Michael L. Colby, Member	
	Renee L. Cox, Member	

ATTEST:

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

DATE:

7/21/14

040714

Approved by: Douglas Church, Town Attorney, Church, Church, Hittle and Antrim

Exhibit A

Real Estate

EXHIBIT A - LEGAL DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 361.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID SOUTH LINE 301.53 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID QUARTER QUARTER SECTION; THENCE NORTH 00 DEGREES 29 MINUTES 50 SECONDS EAST ALONG THE WEST LINE OF SAID HALF QUARTER QUARTER SECTION 341.77 FEET TO A POINT 0 50 FEET NORTH OF AN EXISTING EAST AND WEST FENCE; THENCE SOUTH 89 DEGREES 26 MINUTES 44 SECONDS EAST PARALLEL WITH SAID FENCE LINE 292.49 FEET TO A POINT THAT IS 0.50 FEET EAST OF THE NORTHERLY EXTENSION OF AN EXISTING NORTH AND SOUTH FENCE; THENCE SOUTH 01 DEGREE 01 MINUTE 35 SECONDS EAST PARALLEL WITH SAID EXTENSION AND NORTH AND SOUTH FENCE 339.54 FEET TO THE POINT OF BEGINNING.