

**ORDINANCE NO: 111521E**

**AN ORDINANCE OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA  
AMENDING CHAPTER 156 OF THE CITY OF FISHERS CODE OF ORDINANCES  
REGARDING ROAD & BRIDGE IMPACT FEES AND ZONE IMPROVEMENT PLANS**

WHEREAS, consistent with and pursuant to Ind. Code § 36-7-4-1300 *et. seq.* (the “1300 Series”), Chapter 156 of the City of Fishers Code of Ordinances (the “City Code”) provides for the assessment and collection of road impact fees by the City of Fishers, Hamilton County, Indiana (“City”);

WHEREAS, pursuant to Ind. Code §36-7-4 *et. seq.*, on or around June 21, 2021, the Common Council for the City of Fishers (“City Council”) adopted Ordinance 062121, amending the City’s comprehensive plan (“Plan Amendment”), which provided, with respect to transportation, an update to the City’s thoroughfare plan and bicycle and pedestrian master plan based upon community surveys and public input (“Transportation Plan”);

WHEREAS, the goals and objectives of the Transportation Plan are to provide the following: (i) improve connectivity between key destinations, such as parks, neighborhoods, retail areas, civic centers, employment centers and neighboring communities; (ii) achieve a safe, efficient and convenient transportation network in Fishers; (iii) ensure the needs of all users, including drivers, pedestrians, cyclists, transit users and those with limited mobility are considered when improvements and additions are made to the transportation network; (iv) achieve a better relationship between land uses to reduce automobile dependency through coordination with planning and development activities; (v) support economic vitality through strategic transportation investments; (vi) promote fiscally sound transportation investments and maximize financial resources; (vii) maintain the quality of the transportation infrastructure to ensure safe operation and the long-term viability of these assets; (viii) promote the use of non-vehicular travel methods and new mobility technology; and (ix) continue to mitigate congestion throughout the City.

WHEREAS, the Plan Amendment also requested the City to update its zone improvement plan (“ZIP”) and related impact fees;

WHEREAS, impact fees are monetary charges imposed on new development to defray or mitigate the capital cost of infrastructure that is required by, necessitated by, or needed to serve the new development;

WHEREAS, pursuant to Ind. Code § 36-7-4-1340, an impact fee ordinance must be updated every five (5) years;

WHEREAS, pursuant to Ind. Code §36-7-4-1318, a unit may not adopt an impact fee ordinance unless the unit has prepared or substantially updated a ZIP for each impact zone during the immediately preceding one (1) year period;

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Ordinance 111521E, as required by the 1300 Series;

WHEREAS, the Plan Commission, at its duly noticed public meeting on the 16th day of December, 2021 sent a \_\_\_\_\_ recommendation to the City Council by a vote of \_\_\_ in favor and \_\_\_ opposed; and

WHEREAS, the City Council now desires to amend Chapter 156 of the City Code to update and amend the ZIP and the road and bridge impact fee schedule all as further described herein (the “Amendment”).

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Fishers meeting in a duly noticed public meeting as follows:

**Section 1.** Section 156.41 (Zone Improvement Plan) of the City Code shall be amended as follows:

- (A) In accordance with the City’s Comprehensive Plan, and as a precondition to the amendment of this subchapter, the City undertook a comprehensive and detailed traffic impact analysis performed by A&F Engineering Co., Inc. (the “Study”). The Study constitutes a zone improvement plan pursuant to Ind. Code § 36-7-4-1300 *et. seq.* The City hereby adopts the Study as its zone improvement plan and finds that the Study contains the following elements:
- (1) Reasonable estimates relating to the nature and location of development that is expected within the impact zone during the planning period, which, for the purposes of this subchapter is defined to be a period of five years commencing with the date of adoption hereof.
  - (2) A reasonable determination of the community level of service for the impact zone.
  - (3) A reasonable determination of the current level of service provided within the impact zone.
  - (4) A reasonable estimate of the nature, location, sequencing, and timing of the road and street throughfare requirements and costs necessary to provide the community level of service for the developments contemplated in division (A)(1) of this section.
  - (5) A reasonable estimate of the share of the road and thoroughfare costs identified in division (A)(4) of this section that will be used to:
    - (a) Raise the current level of service for existing development or provide service to existing development; or
    - (b) Provide service to new development.
  - (6) A reasonable estimate of revenues that:

- (a) Are from sources other than impact fees; and
  - (b) Will be used to finance the cost identified in division (A)(5)(a) of this section.
- (7) A description of the nature and location of existing infrastructure in the impact zone.
- (8) A general description of the sources and amounts of money used to pay for infrastructure during the previous five years.

(B) Additionally, the City Council hereby specifically adopts the zone improvement plan as an official part of the City's Comprehensive Plan, pursuant to Ind. Code §§36-7-4-500 *et. seq.* and -1318. A copy of the Study is available for inspection at Fishers City Hall.

**Section 2.** Section 156.42 (Establishment of Road Impact Fee) of the City Code shall be amended as follows:

- (A) Based upon the Study, the City Council determined that the cost per 24-hour trip in the amount of \$399.42. The number of 24-hour trips are to be based upon calculation taken from "Trip Generation Manual" (most recent edition thereof), a study published by the Institute of Transportation Engineers.
- (B) If any parcel of real estate considered in the creation of the zone improvement plan undergoes a change in use, redevelopment, or a modification that requires an improvement location permit and/or a structural building permit and creates a need for new infrastructure, an impact fee shall only be assessed for the increase in the burden or infrastructure.

**Section 3.** Section 156.62 (Zone Improvement Plan) of the City Code shall be amended as follows:

- (A) In accordance with the City's Comprehensive Plan, and as a precondition to the amendment of this subchapter, the City undertook a comprehensive and detailed traffic impact analysis performed by A&F Engineering Co., Inc. (the "Study"). The Study constitutes a zone improvement plan pursuant to Ind. Code § 36-7-4-1300 *et. seq.* The City hereby adopts the Study as its zone improvement plan and finds that the Study contains the following elements:
- (1) Reasonable estimates relating to the nature and location of development that is expected within the impact zone during the planning period, which, for the purposes of this subchapter is defined to be a period of five years commencing with the date of adoption hereof.
  - (2) A reasonable determination of the community level of service for the impact zone.

- (3) A reasonable determination of the current level of service provided within the impact zone.
  - (4) A reasonable estimate of the nature, location, sequencing, and timing of the bridge design, engineering and construction requirements and costs necessary to provide the community level of service for the developments contemplated in division (A)(1) of this section.
  - (5) A reasonable estimate of the share of the bridge design, engineering and construction requirements and costs identified in division (A)(4) of this section that will be used to:
    - (a) Raise the current level of service for existing development or provide service to existing development; or
    - (b) Provide service to new development.
  - (6) A reasonable estimate of revenues that:
    - (a) Are from sources other than impact fees; and
    - (b) Will be used to finance the cost identified in division (A)(5)(a) of this section.
  - (7) A description of the nature and location of existing infrastructure in the impact zone.
  - (8) A general description of the sources and amounts of money used to pay for infrastructure during the previous five years.
- (B) Additionally, the City Council hereby specifically adopts the zone improvement plan as an official part of the City's Comprehensive Plan, pursuant to Ind. Code §§36-7-4-500 et. seq. and -1318. A copy of the Study is available for inspection at Fishers City Hall.

**Section 4.** Section 156.63 (Establishment of Bridge Impact Fee) of the City Code shall be amended as follows:

- (A) Based upon the Study, the City Council determined that the cost per 24-hour trip in the amount of \$16.19. The number of 24-hour trips are to be based upon calculation taken from "Trip Generation Manual" (most recent edition thereof), a study published by the Institute of Transportation Engineers.
- (B) If any parcel of real estate considered in the creation of the zone improvement plan undergoes a change in use, redevelopment, or a modification that requires an improvement location permit and/or a structural building permit and creates a need for new

infrastructure, an impact fee shall only be assessed for the increase in the burden or infrastructure.

**Section 5.** All provisions of the City Code not specifically changed by this Amendment shall continue in full force and effect.

**Section 6.** This ordinance shall be of full force and effect six (6) months after adoption, in accordance with Ind. Code §36-7-4-1340.

SO ORDAINED by the Common Council for the City of Fishers this 20th day of December, 2021.

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

**111521E**

**YAY**

**NAY**

**ABSTAIN**

<b>YAY</b>		<b>NAY</b>	<b>ABSTAIN</b>
	Selina Stoller President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the   20th   day of  December  2021, at                    p.m.

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

**MAYOR’S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

  December 20, 2021    
**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