

**ORDINANCE NO. 011822**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA – 1980, AS AMENDED.**

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-21-47 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission, at its meeting on the 9 day of February, 2022 sent a favorable recommendation to the Common Council by a vote of 9 in favor and 0 opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 *ET. SEQ.*, THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

**Section 1. AMENDMENT.** This Text Amendment amends certain sections of the Unified Development Ordinance (UDO).

**Section 2. PURPOSE STATEMENT.** The purpose of this ordinance is to refine certain regulatory language in the furtherance of the overall Purpose & Intent provisions of Section 1.2.2. (UDO Introductory Provisions).

**Section 3. CHANGES TO THE UDO REGULATIONS.** The following sections of the UDO regulations shall be changed, as follows:

**UDO Section 3.2.3 R2 Residential District** The following changes shall be made: Replace “2c. Side, Aggregate” with “2b. Side, Aggregate”

**UDO Section 3.2.4 R3 Residential District** The following changes shall be made: Replace “2c. Side, Aggregate” with “2b. Side, Aggregate”

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**UDO Section 3.3.2.B.3.3b** The dash “-“ shall be deleted in the phrase “1-story”

**UDO Section 5.1.4.** The following changes shall be made:

The following will be added after D “E. Conditional Use (C) indicates a use permitted that requires approval of the Board due to its nature.

**UDO Section 5.1.5** The Definition / Use Standard column of Compact development (IN PROGRESS), “Sec. 5.2.1G” shall be deleted.

**UDO Section 5.1.5** The Definition / Use Standard column of Manufactured home development “Sec. 5.2.1H” shall be replaced with “Sec. 5.2.1 G”.

**UDO Section 5.1.5** The Definition / Use Standard column of Schools, trade, business or commercial “Sec. 5.3.1 A & D” shall be replaced with “Sec. 5.3.1 A”.

**UDO Section 5.1.5** The Definition / Use Standard column of Outdoor Recreation “Sec. 5.4.3 A & C” shall be replaced with “Sec. 5.4.5”.

**UDO Section 5.1.5** The Definition / Use Standard column of Restaurant/ bar, as listed below: “Sec. 5.4.8 B” shall be replaced with “Sec. 5.4.8 A”.

**UDO Section 5.1.5** The Definition / Use Standard column of Bar, tavern, lounge “Sec. 5.4.8 A” shall be replaced with “Sec. 5.4.8 B”.

**UDO Section 5.1.5** The Definition / Use Standard column of Retail sales, except as provided below: “Sec. 5.4.9 A& E” shall be replaced with “Sec. 5.4.9 A& F”.

**UDO Section 5.1.5** The Definition / Use Standard column of Vehicle sales / rentals “Sec. 5.4.10 B” shall be replaced with “Sec. 5.4.10 A & B.”

**UDO Section 6.2.2.C.2** The language “May encroach into the side or rear setback, but must be at least 10 feet from both property lines” shall be deleted and replaced with “Side or rear setback must meet the setback requirements for the primary structure or ten (10) feet, whichever is less”

**UDO Section 6.2.2.C.3** The language “if that distance is greater than the minimums listed in section 2 of this table” shall be deleted and replaced with “if that distance is greater than the minimum side and rear setback required per zoning district”

**UDO Section 6.3.5.** Change all table headings from “Description, MU & COD, ID” to “Description, MU & COD, IND”.

**UDO Section 6.4.3.C.1** Remove the “=” in the word “right-of-way”

**UDO Section 6.7.4.C.3** The word “or” shall be moved in front of the word “commercial”

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**UDO Section 6.11.8** The following changes shall be made to the ‘Retail, moderate and high intensity’ Use Category: Replace “1 per 3 sf for GFA between 5,000 sf and 25,000 sf” with “1 per 300 sf for GFA between 5,000 sf and 25,000 sf”

**UDO Section 6.17.4** The following shall be added:  
“K. Religious symbols”

**UDO Section 8.1.3** Change any reference of “parcel” to “lot”.

**UDO Section 8.1.3.A.2.** Replace “Divisions of land that results in 6 or more parcels" with "Divisions of land that result in 5 lots or fewer"

**UDO Section 8.2.6.B.d.** The dimension “eight (8)” shall be deleted and replaced with “a minimum of four (4)”

**UDO Section 10.2.20.E.2.** Replace “five (5) lots or less" with " 5 lots or fewer"

**UDO Article 12.2.** The following definitions shall be replaced to this Article, each in its proper alphabetical position:

“**Clinic:** An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists or chiropractors and other medical practitioners are provided.”

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

SO BE IT ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this \_\_21st\_\_ day of \_February\_\_\_, 2022.

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

**011822**

**YAY**

**NAY**

**ABSTAIN**

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, 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 21st day of February 2022, at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_

February 21, 2022

**Scott A. Fadness, Mayor**

**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