

ORDINANCE 2009-02

**AN ORDINANCE OF THE TOWN OF AVON
TO CHANGE THE ZONING FOR REAL ESTATE
NORTH OF US 36 AND WEST OF 900 EAST**

WHEREAS, the Town Council of the Town of Avon, Indiana has adopted a Zoning Ordinance for the Town that includes a map showing the zone classifications assigned to land within the Town boundaries; and

WHEREAS, a petition [PUD(P) 08-05] has been filed by Hendricks Regional Health, owners of approximately 72 acres of real estate located north of US 36 and west of 900 East, further described in Exhibit A; and

WHEREAS, on January 26, 2009, the Avon Plan Commission conducted a public hearing on the petitioner's proposed zone classification for this territory; and

WHEREAS, in considering this proposal, the Avon Plan Commission has paid reasonable regard to the comprehensive plan; considered the degree of innovation and creativity in the design and layout of the development; the provision for a more efficient use of land, including the reduction of land area disturbed for utility lines and motor vehicle access; the conservation of special attributes of the property such as identifiable natural or topographical features, historical significance, landscape amenities, and size and shape; the imaginative uses of common areas and open space; the ability of the project to be effectively developed through the use of the standard zoning districts; and

WHEREAS the Avon Plan Commission has certified the proposal with a favorable recommendation to the Avon Town Council for the rezoning of the approximately 72 acres real estate from R-2 to PUD; and

WHEREAS, the Avon Town Council has reviewed and considered the Plan Commission's recommendation and has decided to act favorably on this petition.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, INDIANA AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Avon, Indiana, Ordinance 2002-14, and the Official Zoning Map, Town of Avon, Indiana, which accompanies and is part of the Zoning Code of the Town of Avon, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following-described Real Estate is hereby zoned as a PUD, and this ordinance shall hereinafter be referred to as the HRH / YMCA PUD Ordinance.

SEE EXHIBIT A ATTACHED HERETO.

SECTION 2. GENERAL PURPOSE STATEMENT

The purpose and intent of the HRH / YMCA PUD is to provide an innovative mixed use development which promotes creativity and flexibility in the development of the Real Estate. The HRH / YMCA PUD provides an innovative mixed use development, highlighted by walking trails and a walkable town center commercial area, and other active and passive recreational areas.

SECTION 3. CONCEPTUAL DEVELOPMENT PLAN

The Concept and Development Plan (the "Conceptual Plan") is attached hereto as Exhibit B and is adopted as part of this ordinance.

SECTION 4. DEVELOPMENT STANDARDS

The development standards shall be as set out in the Development and Architectural Standards and Commitments, attached hereto as Exhibit C and adopted as part of this ordinance.

SECTION 5. PROCEDURES

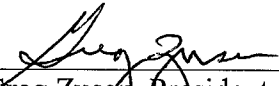
The adoption of this ordinance and the subsequent consideration of any detailed and final development plan shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in the Avon Zoning Ordinance.

SECTION 6. APPROVAL

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

This ordinance is hereby passed and adopted this 12TH day of FEBRUARY, 2009.

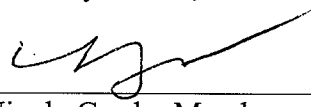
TOWN COUNCIL OF AVON, INDIANA




Greg Zusani, President



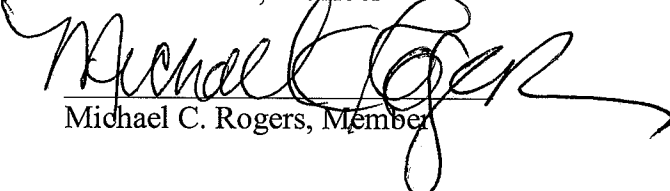
Beverley Austin, Vice President



Nicole Gordy, Member

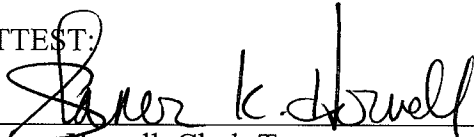


Charlie Dorton, Member



Michael C. Rogers, Member

ATTEST:



Sharon Howell, Clerk-Treasurer

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.

Daniel L. Taylor, Town Attorney

This instrument was prepared by Daniel L. Taylor, Town Attorney, Indiana Supreme Court number 11337-54, 105 North Washington Street, Crawfordsville, Indiana 47933.