

Year

2012

v.05.16.2012

Moore Dentistry PUD District

*Town of Fishers
Planned Development
Ordinance
040212A*

Moore Dentistry PUD District

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 040212A Adopted: May 21, 2012</p> <p>The Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A, and the OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated October 16, 2006, which accompanies and is a part of the Zoning Code of the Town of Fishers, Indiana, as amended (the "UDO"), are hereby amended as follows:</p> <p>The zoning classification of the real estate legally described in Section 1.08 of this Ordinance (the "Real Estate"), is hereby designated as a Commercial Planned Unit Development District (PUD-C) to be known as the "Moore Dentistry PUD."</p> <p>Development of the Real Estate shall be governed entirely by (i) the provisions of this Ordinance, and (ii) those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting the following objectives:</p> <ul style="list-style-type: none"> • Provide for the development of diverse neighborhoods; • Greater flexibility in applying the ordinances to the development of the Real Estate; • Innovative approach to meet the demands of the market; • The recognition of the interdependency of various markets; • Efficient use of land resulting in more cost effective networks of utilities, streets and other facilities; and • Coordination of architectural styles, building forms and relationships, graphics and other private improvements. 	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • All uses described in <i>Article 02.023 C1 Commercial District</i>

1.02 Applicability

- A. The standards of the UDO applicable to the **C1 Commercial District** shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (this "Ordinance"). "Article" cross-references of this Ordinance shall hereafter refer to the *Article* section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein shall have the meaning ascribed to them in the UDO. Pursuant to *Article 04.002(F): Amendments to the Unified Development Ordinance*, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard and *Article 01.010: Basic Provisions: Transition Rules* also shall apply to amendments.

1.03 Concept Plan

- A. The Concept Plan is hereby incorporated. The Real Estate's development plan may vary from the Concept Plan; however, per *Article 09.017(A)(2)(a): Planned Unit Development District; General; Purpose & Intent*, the Concept Plan provides the Plan Commission and Town Council with a general vision for the development of the Real Estate for an office use.

Concept Plan Exhibit

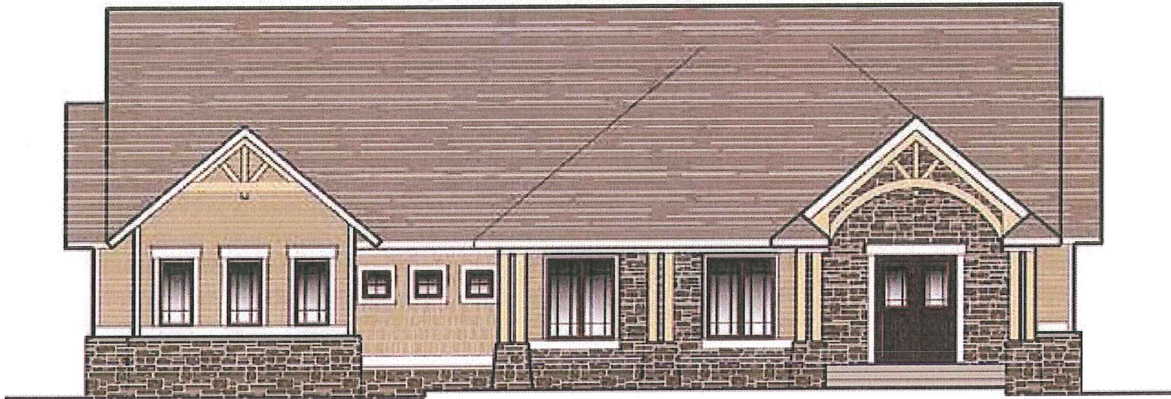


1.04 Development Standards

- A. Cross References: The regulations of *Article 05: Development Standards* shall apply except as modified by this Ordinance.
- B. General Regulations: *Article 02.024: C1 Commercial District Development Standards* shall apply.
- C. Accessory Structure Standards (AS): shall apply.
- D. Architectural Design Standards (AD): shall apply.

(1) The Illustrative Character Exhibit is hereby incorporated to conceptually illustrate the elements and anticipated character and to establish a benchmark for the architecture and design of the Real Estate's buildings. The final building design may vary from the Illustrative Character Exhibit; however,

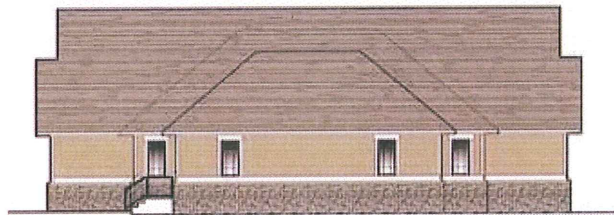
Illustrative Character Exhibit



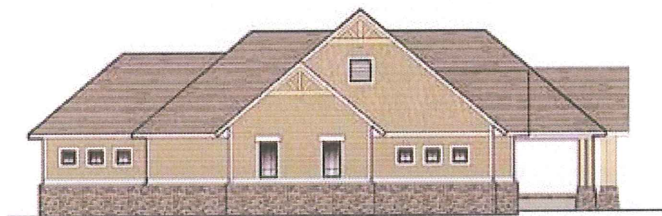
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

buildings shall be substantially similar in quality and character to the building shown in the Illustrative Character Exhibit.

- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.

- M. Landscaping Standards (LA): shall apply, except as provided below:
- (1) *Article 05.043 LA-06(A): Landscaping Standards; Parking Lot Plantings; Perimeter Landscaping* shall apply; however, shrubs shall be required only along the perimeters of the parking lot where generally illustrated on the Concept Plan.
 - (2) *Article 05.044 LA-07: Landscaping Standards; Buffer Yards* shall apply, except along the Real Estate's west property line, where instead a decorative fence shall be required to be installed where generally shown on the Concept Plan. The fence shall be similar in quality and character to the perimeter fence on the adjacent commercial property to the north and east; however, the fence shall be of a design and constructed of materials compatible with the Real Estate's primary structure.
- N. Lighting Standards (LT): shall apply, except as further restricted below:
- (1) All freestanding lights and lights mounted on walls or facades shall have at least full cut-off fixtures.
 - (2) Lighting in parking areas shall be designed and maintained to be dimmed between the hours of 8:30 p.m. and 6:30 a.m. (see also Section 1.06(B) of this Ordinance).
 - (3) Decorative light poles and fixtures shall be of a comparable design and quality as used by the developments at the intersection of 116th Street and Olio Road as illustrated in the Illustrative Light Pole Exhibit.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall apply, except as provided below:
- (1) *Article 05.073 Table PK-A; Number of Parking Spaces* shall be modified to require a minimum number of twenty-four (24) parking spaces.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Property Identification Standards (PI): shall apply.
- V. Public Improvement Standards (PV): shall apply.
- W. Setback Standards (SB): shall apply.
- X. Sewer & Water Standards (SW): shall apply.
- Y. Sexually Oriented Business Standards (SX): shall apply.
- Z. Sign Standards (SG): shall apply; however, all wall and ground signs shall be (i) reverse channel letter; or (ii) externally lit with gooseneck light fixtures.
- AA. Structure Quantity Standards (SQ): shall apply.
- BB. Telecommunication Facility Standards (TC): shall apply.
- CC. Temporary Use/Structure Standards (TU): shall apply.
- DD. Use-specific Standards (US): shall apply.
- EE. Vision Clearance Standards (VC): shall apply.



Illustrative Light Pole Exhibit

1.05 Design Standards

- A. Cross References: The regulations of *Article 07: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Density & Intensity Standards (DE): shall apply.
- I. Development Name Standards (DN): shall apply.
- J. Easement Standards (EA): shall apply.
- K. Erosion Control Standards (EC): shall apply.

- L. Floodplain Standards (FL): shall apply.
- M. Lot Establishment Standards (LT): shall apply.
- N. Mixed Use Development Standards (MU): shall apply.
- O. Monument & Marker Standards (MM): shall apply.
- P. On-street Parking Standards (OG): shall apply.
- Q. Open Space Standards (OP): shall apply.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply. In addition, a minimum three (3) foot tall undulating mound shall be installed along the Real Estate's 116th Street frontage as generally illustrated on the Concept Plan. The maximum side slope shall not exceed a three to one (3 (horizontal units): 1 (vertical unit)) ratio.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply.
- W. Street Lighting Standards (SL): shall apply.
- X. Street Name Standards (SN): shall apply.
- Y. Street Sign Standards (SS): shall apply.
- Z. Surety Standards (SY): shall apply.
- AA. Utility Standards (UT): shall apply.

1.06 Miscellaneous Standards

- A. Service Hours: Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 9:00 p.m. and 6:00 a.m. with the exception of snow removal (see also §50.035 of the Fishers Municipal Code).
- B. Hours of Operation: The hours of operation shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.

1.07 Procedures

- A. The procedures set forth in *Article 09: Processes, Permits & Fees; Planned Unit Development* shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. This District shall be assigned to the 116th/Olio PUD Committee (the "Committee") for review pursuant to *Article 09.020 Planned Unit Development; Final Development Plan*.
- C. The Committee shall have discretion and flexibility to consider and approve modifications pertaining to architecture, signage and landscaping design standards established or referenced by this Ordinance if the Committee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

1.08 Real Estate

A part of the East half of the Southeast Quarter of Section Thirty-five (35), Township Eighteen (18) North, Range Five (5) East, described as follows: Beginning at a point 417.44 feet East of the Southwest corner of the East half of the Southeast quarter of Section 35, Township 18 North, Range 5 East; thence North parallel to the West line of said East half 208.72 feet to an iron stake; thence East parallel to the South line of said quarter 208.72 feet to an iron stake; thence South 208.72 feet to the intersection with the South line of said Southeast quarter; thence West 208.72 feet to the place of beginning, containing One (1) acre, more or less.

EXCEPT THE FOLLOWING: For the improvement of 116th Street, Town of Fishers, Parcel 91, the following described real estate to wit: A part of the East Half of the Southeast Quarter of Section 35, Township 18 North, Range 5 East, Hamilton County, Indiana, and being a part of the land of Instrument Number 200000035179, Office of the Recorder more particularly described as follows: Commencing at the southeast corner of said Section; thence North 89 degrees 55 minutes 54 seconds West (assumed bearing) 1,320.90 feet along the south line of said Section to the southwest corner of said Half-Quarter Section; thence South 89 degrees 55 minutes 54 seconds East 417.44 feet along the south line of said Section to the prolongation of the west line of the grantors' land; thence North 0 degrees 11 minutes 55 seconds East 32.81 feet along the prolongation of the west line of the grantors' land to the north boundary of 116th Street per Project No. PR-97-0003 and recorded as Instrument No. 9809822933 in the Office

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of the Recorder being the point of beginning of this description being the southwest corner of the grantors' land; thence continuing North 0 degrees 11 minutes 55 seconds East 17.19 feet along the west line of the grantors' land; thence South 89 degrees 55 minutes 54 seconds East 208.72 feet to the east line of the grantors' land; thence South 0 degrees 11 minutes 55 seconds West 15.78 feet along the east line of the grantors' land to the north boundary of said 116th Street being the southeast corner of the grantors' land; thence South 87 degrees 26 minutes 54 seconds West 30.84 feet along the south line of the grantors' land to a corner of the grantors' land; thence North 89 degrees 55 minutes 54 seconds West 177.91 feet along the south line of the grantors' land to the point of beginning and containing 0.082 acres, more or less.

1.09 Adoption

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.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this Twenty-First day of May, Two Thousand and Twelve.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE		NAY
BY: <u>Scott A. Faultless</u>	Scott A. Faultless, President	_____
<u>Michael Colby</u>	Michael Colby, Vice President	_____
<u>Stuart F. Easley</u>	Stuart F. Easley, Member	_____
<u>David C. George</u>	David C. George, Member	_____
<u>Renee Cox</u>	Renee Cox, Member	_____
<u>C. Pete Peterson</u>	C. Pete Peterson, Member	_____
<u>John W. Weingardt</u>	John W. Weingardt, Member	_____

ATTEST: Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 040212A

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney
Prepared by: Steven D. Hardin, Esq., Attorney at Law, Faegre Baker Daniels LLP
Jesse M. Pohlman, Land Use Consultant, Faegre Baker Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.