

Year

2009

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Sand Creek Commons

Town of Fishers Planned Development Ordinance

Ordinance No. 120108A

1.01 Sand Creek Commons, Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 120108A Adopted: February 2, 2009</p> <p>That the text of 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>That the zoning classification of the real estate legally described in Section 1.09 of this Ordinance (the "Real Estate"), is hereby designated as a Commercial Planned Unit Development District (PUD-C), and that said PUD-C zoning district shall hereafter be known as "Sand Creek Commons".</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 professional and office type businesses, commercial and frequently used businesses associated with the service and family needs of adjacent or local residential areas; • Greater flexibility in applying the ordinances to the development of the Real Estate; • Innovative approach to meet the demands of the office and business markets; • The recognition of the interdependency of the above 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> • day care, child • educational facilities (e.g., tutoring facilities, learning centers, educational testing facilities) • child and family-related uses (e.g., children's gym) <p>Excluded Uses:</p> <ul style="list-style-type: none"> • mortuary • school, private (serving any grades 1-12)

1.02 Applicability

- A. The standards of the UDO applicable to the **CI 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. Terms capitalized in this Ordinance (other than specific identifiers such as the "Developer" and the "Real Estate") refer to defined terms 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. If a provision of this Ordinance is in conflict with or is inconsistent with a provision of the UDO, then the provision of this Ordinance shall apply.

1.03 Concept Plan

- A. The Concept Plan is hereby incorporated. 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.

1.04 Development Standards

- A. Cross References: The regulations of *Article 02: Zoning Districts & Regulations* and *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. In addition, the character and quality of all buildings shall be architecturally compatible with and compliment the school buildings on the adjacent properties.
- 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 modified below:

- (1) *Article 05.038 LA-01(A): Landscaping Standards; Placement* shall be modified to only require perimeter or buffer yard landscaping to be located in landscape easements or designated common areas that are exclusive of utility or drainage easements that would otherwise prohibit such landscaping.
- (2) *Article 05.044 LA-07: Landscaping Standards; Buffer Yards*. In order to accommodate the potential redevelopment of the adjacent property, a "Small-sized Buffer Yard" shall be required along the Real Estate's west property line between the 131st Street right-of-way line and the base flood elevation line (as generally shown on the Concept Plan). The minimum buffer-yard width shall be twenty-feet (20') and no mound shall be required.
- (3) *Article 05.044 LA-07: Landscaping Standards; Buffer Yards* shall not apply along the Real Estate's north property line, rather, the provisions of Section 1.05(Q) of this Ordinance shall apply.
- (4) *Article 05.043 LA-06(A)(4): Landscaping Standards; Parking Lot Plantings; Perimeter Landscaping* shall apply, except, however, along the 131st Street right of way, in which case the deciduous tree



Concept Plan

requirement shall be increased from one (1) tree per thirty-five feet (35') to six (6) trees per one hundred feet (100') and trees shall be planted within twenty feet (20') of the parking lot edge.

- N. Lighting Standards (LT): shall apply.
- 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.
- 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 except as modified below:
 - (1) *Article 05.084 SB-03(B): Setback Standards; Commercial* shall apply; however, this section shall not apply in those instances where institutional uses exist upon the adjoining property.
- X. Sewer & Water Standards (SW): shall apply.
- Y. Sexually Oriented Business Standards (SX): shall apply.
- Z. Sign Standards (SG): shall apply.
- 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 except as modified below:
 - (1) *Article 05.111 US-07(A)(1): Use-specific Standards; Professional Office; Accessory Use*, requiring that accessory uses be located in the primary structure, shall not apply.
- EE. Vision Clearance Standards (VC): shall apply.

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 not apply. See *Article 07.026 OP-02(B)(4)(b): Open Space Standards; Commercial and Industrial; Minimum Open Space; Exceptions*. However, the following shall apply:
 - (1) **Greenway Dedication**. The Developer shall dedicate to the Town, at the time of final development plan approval, the land adjacent to Sand Creek, as approximately shown on the Concept Plan, to be used by the Town for a Sand Creek trail and greenway (the "Greenway"). The exact location of the Greenway shall be determined by the Developer at the time of development plan approval, in coordination with the Town. Upon dedication of the Greenway, the Developer may reserve any and all easements necessary to accommodate the development of the Real Estate. If the Town desires to develop the Greenway

prior to its dedication, then the Developer shall work in good faith with the Town to accommodate the Town's plans.

- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards: shall apply, except, however, along the 131st Street right-of-way where the increased perimeter parking lot landscaping per Section 1.04(M)(4) of this Ordinance shall apply.
- T. Prerequisite Standards (PQ): shall apply.
- 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. Impact Fees: Prior to the annexation of the Real Estate into the Town of Fishers, any building constructed within the Real Estate shall contribute to the Town of Fishers, at the time that a building permit is issued, the then standard impact fees normally assessed by the Town of Fishers for the applicable land use.

1.07 Procedures

- A. The procedures set forth in *Article 09: Processes, Permits & Fees; Planned Unit Development* shall apply.
- B. The Real Estate shall be assigned to the Town's general 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, parking 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 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 second day of February, Two Thousand and Nine.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE	NAY
BY: <u>Scott A. Faultless</u>	_____
_____	_____
<u>Daniel E. Henke</u>	_____
_____	_____
<u>Stuart F. Easley</u>	_____
_____	_____
<u>Eileen N. Pritchard</u>	_____
_____	_____
_____	_____
<u>Charles P. White</u>	_____
_____	_____
<u>David George</u>	_____
_____	_____
<u>Arthur J. Levine</u>	_____
_____	_____
ATTEST: <u>Linda Gaye Cordell</u>	
Linda Gaye Cordell, Clerk-Treasurer, The Town of Fishers, Indiana	

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney

Prepared by: Steven D. Hardin, Esq., Attorney at Law, Baker & Daniels LLP
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240

1.09 Legal Description (the "Real Estate"):

Part of the East Half of the Northwest Quarter and Part of the Northeast Quarter of Section 28, Township 18 North, Range 5 East, all in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southeast Corner of said Northwest Quarter; thence North 89 degrees 56 minutes 37 seconds West (assumed bearing) along the South Line of said Northwest Quarter 200.00 feet; thence North 00 degrees 17 minutes 53 seconds East parallel to the East Line of said Northwest Quarter 561.0 feet more or less to the centerline of Sand Creek; thence Northeasterly along the centerline of Sand Creek 295 feet more or less to the East Line of said Northwest Quarter; thence South 00 degrees 17 minutes 53 seconds West along said East Line 410.0 feet more or less to a point 360.22 feet North of said Southeast Corner of said Northwest Quarter; thence North 89 degrees 59 minutes 29 seconds East 190.49 feet; thence South 00 degrees 17 minutes 53 seconds West parallel to the West Line of said Northeast Quarter 360.19 feet to the South Line of said Northeast Quarter; thence South 89 degrees 59 minutes 00 seconds West along said South Line 190.49 feet to the point of beginning and containing 4.66 acres more or less.