

**ORDINANCE NO. 010509A**

**AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
TOWN OF FISHERS, HAMILTON COUNTY, INDIANA - 2006**

This is an ordinance to amend Ordinance No. 080204B, as amended, the Saxony Mixed-Use Planned Unit Development (the "Saxony PUD Ordinance"), previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

**WHEREAS**, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 13-TA-08 as required by law in regard to the application filed by Clarian Health Partners, Inc. (the "Developer") to amend the Saxony PUD Ordinance regarding the subject real estate described in Exhibit A attached hereto (the "Medical Campus"); and

**WHEREAS**, the Plan Commission at its February 10, 2009, meeting sent a unanimous favorable recommendation to the Fishers Town Council by a vote of nine (9) in favor and zero (0) opposed;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Saxony PUD Ordinance, as applicable to the Medical Campus, is hereby amended as follows:

**SECTION 1. DECLARATION.**

This ordinance shall hereafter be known as the **Clarian Saxony Medical Center Sign Ordinance** (the "Ordinance") and shall replace and supersede the Saxony PUD Ordinance's Exhibit E and any other sign regulations, as applicable to the Medical Campus. The sign standards applicable to the Medical Campus shall hereafter be regulated by this Ordinance.

**SECTION 2. PURPOSE AND INTENT.**

This Ordinance establishes sign design standards for the Medical Campus and the Medical Campus' unique blend of businesses and the unique demand and circumstances in which patients/customers/medical and emergency response personnel (collectively, "Patrons") frequent those businesses. The Medical Campus sign standards are intended to (1) encourage the effective use of signs as a means of communication; (2) insure the safety of vehicular and pedestrian traffic for Patrons (including when Patrons are in a state of distress); (3) encourage economic development; and (4) maintain Saxony's and the Town's aesthetic environment through the adoption of compatible and quality sign standards, while at the same time, accommodate the Medical Campus' unique character and site design elements.

**SECTION 3. CONCEPT PLAN**

The concept plans provide the Town with a general vision for the development of the Medical Campus and differentiate the Medical Campus' anticipated phasing. The Medical Campus' first phase concept plan is hereby incorporated as Exhibit B (the "Phase One Concept Plan"), and the Medical Campus' overall concept plan is hereby incorporated as Exhibit C (the "Overall Concept Plan").

**SECTION 4. DEFINITIONS**

Terms capitalized in this Ordinance (other than specific identifiers such as the "Developer", this "Ordinance" and the "Medical Campus") refer to defined terms per Article 11 of the Town of Fishers Unified Development Ordinance. References to the "Fishers Sign Code" refers to the Town of Fishers Code of Ordinances; Title XV: Land Usage; Chapter 158: Sign Code, as amended.

**SECTION 5. SIGN STANDARDS.**

- (A) Phase One Signs. The maximum number, size and general location of signs as shown in the Phase One Signage Package, hereby incorporated and attached hereto as Exhibit D, shall be permitted for the Medical Campus's first phase of development, as illustrated by the Phase One Concept Plan. Sign illumination shall be permitted per Section 5(B)(1)(c) of this Ordinance.

(B) Overall Signs. The following standards shall apply for all signs within the Medical Campus, except as otherwise provided by the Phase One Signage Package.

(1) General Design Standards.

(a) The "General Requirements and Restrictions" of the Fishers Sign Code Sections 158.11 through 158.15 shall apply. In addition, Pole Signs shall be prohibited and any existing Pole Signs located on the Medical Campus shall be removed prior to the issuance of any new Sign Permit.

(b) Signs shall be harmonious in color, material and lighting with the building to which it relates and shall be similar in quality and character throughout the Medical Campus.

(c) Internal or external illuminated signage shall be permitted. No signs or signage illumination shall be so designed, located, shielded, and directed to cast glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. Wall signs oriented towards Interstate 69 (e.g., West elevation signs as shown per Sheet S04 of the Phase One Signage Package) shall be backlit or non-lit.

(d) At such time that a wall sign is removed from the façade of a building and replaced with a new sign, the façade shall be restored to match the existing condition of the wall area. All previous mounting holes and ghosting images shall be removed and the facade shall match the existing condition of the building. The property owner shall be required to assume sole responsibility for the restoration of the building façade at the time the existing sign is removed.

(2) Medical Campus Gateway Elements. Gateway elements shall be of a design and maximum size as illustrated in the Phase One Signage Package (see Sheet X10). Such elements shall be permitted on both sides of an entrance into the Medical Campus from 136th Street and/or Minden Drive, as determined by the Developer.

(3) Building and Tenant Identification Signs.

(a) Building and tenant identification signs shall be permitted not to exceed an aggregate Sign Area of two (2) square feet per one (1) horizontal lineal foot of building/tenant frontage (the "Aggregate Sign Area") up to the categorical maximums listed in Table 1; however, the Aggregate Sign Area may be increased

by twenty-five percent (25%) if signs are chosen from more than one (1) category in Table 1.

(b) *Table 1. Building and Tenant Identification Signs*

Category	Size <sup>1</sup> and Number
Wall Sign (1st floor)	1:1 ratio up to 150 sq. ft. per tenant frontage maximum
Wall Sign (2nd floor and above with pedestrian entrance on frontage or open air balcony)	1 sign at .5:1 ratio up to 100 sq. ft. maximum per tenant frontage on second floor; sign shall be located at the 1st floor level directly above or adjacent to pedestrian entrance or under open air balcony
Wall Sign (2nd floor and above without pedestrian entrance or frontage)	Maximum 2 signs per building at a 2:1 ratio up to 300 sq. ft. combined, with no individual sign larger than 200 sq. ft.
Projecting Signs	16 sq. ft. maximum per face
Awning, Canopy or Marquee Signs	deducted from the Aggregate Sign Area
Artwork/ murals associated with business activity	deducted from the Aggregate Sign Area
Building Identification Wall Sign (does not identify a specific business)	1:1 ratio up to 250 sq. ft. per building frontage maximum

(c) Instead of subsections (a) and (b) above, businesses may choose to follow the sign standards of Section 158.41 of the Fishers Sign Code, as applicable to the C3 Zoning District, in which case signs will not receive the increased percentage as set forth in subsection (b).

(4) Vehicular & Pedestrian Directional Signs.

(a) Directional Signs directing traffic movement onto and within the Medical Campus shall be permitted throughout the Medical Campus, as determined by the Developer. Directional Signs are identified as primary, secondary and tertiary as illustrated in the Phase One Signage Package (see Sheets X19, X20 and X22, respectively).

(b) The Medical Campus' Directional Signs shall be located in a manner consistent with the Phase One Directional Signs as illustrated in the Phase One Signage Package (see Sheet S01).

<sup>1</sup> The sign size ratios are determined per each horizontal linear foot of building/tenant frontage allocated to each tenant.

- (c) Directional Signs shall be of a design and maximum size as illustrated in the Phase One Signage Package.
  - (d) Directional Signs shall be internally illuminated or non-lit.
  - (e) Landscaping shall be provided around the Directional Sign equal to the square footage of one sign face. The landscaping shall be at least fifty percent evergreen. Landscaping plans shall be included with the permit application. The landscaping required by this subsection shall not be required if a Directional Sign is located in an existing landscaped area.
- (5) Pond Safety Signage. The "Pond Safety Signage" standards of the Fishers Sign Code Section 158.42 shall apply.
- (6) Address Identification Signs. Signs identifying the number assigned to a building or business for purposes of mail delivery, emergency services, etc., shall be permitted and located as determined by the Developer. Such signs shall not exceed two and a half (2.5) feet in sign height as illustrated in the Phase One Signage Package (see Sheet X53). The design of such signs shall be compatible in color and material as the building's other wall signs.
- (7) Temporary Signs.
- (a) The "Temporary Sign" standards of the Fishers Sign Code Sections 158.45 through 158.53 shall apply.
  - (b) Temporary signage, including decorative banners, that promote Saxony and/or the Clarian Saxony Medical Campus and not individual businesses, shall be permitted for a period of 24 months. Banners shall be located on light poles or decorative poles located within 20 feet of the right-of-way and shall not exceed eight (8) square feet. Temporary signs shall be maintained in good condition during the 24-month time frame. The Department of Development has the option of extending the time frame of the signs for additional 24-month periods upon review.
- (8) Exempt Signs. The following permitted signs shall not require sign permits:
- (a) Signs identified as "Exemptions" per the Fishers Sign Section 158.03.
  - (b) Informational Signs (freestanding or wall mounted) less than four (4) square feet in Sign Area such as those signs illustrated by the Phase One Signage Package (see Sheets X40/X42 and X43/X46).

- (c) Trail signage less than seven (7) square feet in Sign Area and less than five (5) feet in Sign Height such as those signs illustrated by the Phase One Signage Package (see Sheet X90).
- (d) Cultural elements such as artwork, paintings, murals and sculpted elements that do not refer to a commercial activity and/or commercial content in addition to informational signs associated with such elements. In the case of an outdoor painting or mural (a "Mural"), however, the Developer shall submit a preliminary design of the Mural to the Development Department prior to its installation. The Development Department shall review and determine if the Mural refers to a commercial activity and/or commercial content. If the Mural is determined to refer to a commercial activity and/or commercial content, then it shall not be exempt under this section and shall be subject to the standards and sign permitting process set forth by this Ordinance.
- (e) Building directory signs that identify the occupants of a building near the building's entrance and less than six (6) square feet in Sign Area.

**SECTION 6. PROCEDURES.**

- (A) All permanent signs exceeding four square feet in Sign Area shall require the issuance of a Sign Permit per the Fishers Sign Code Sections 158.30 through 158.35, unless otherwise provided by this Ordinance. The Department of Development shall review and approve any Sign Permit application that complies with this Ordinance, subject to any modifications approved pursuant to Section 6(C), below.
- (B) The nonconforming sign and enforcement provisions of the Fishers Sign Code (Sections 158.60 through 158.99) shall apply.
- (C) The Exit 10 PUD Committee (the "Committee") shall have discretion and flexibility to consider and approve modifications pertaining to sign 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 by this Ordinance.

**SECTION 7. EFFECT OF APPROVAL**

All other provisions of the Saxony PUD Ordinance applicable to the Medical Campus shall remain in effect following the adoption of this Ordinance, except as otherwise provided herein.

**SECTION 8. 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 March, Two Thousand and Nine.

**THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA**

AYE		NAY
BY: <u>Scott A. Faultless</u>	Scott A. Faultless, President	_____
<u>David C. George</u>	David C. George, Vice President	_____
<u>Stuart F. Easley</u>	Stuart F. Easley, Member	_____
<u>Eileen N. Pritchard</u>	Eileen N. Pritchard, Member	_____
<u>Daniel E. Henke</u>	Daniel E. Henke, Member	_____
_____	Charles P. White, Member	_____
<u>Arthur J. Levine</u>	Arthur J. Levine, Member	_____

ATTEST: Linda Gaye Cordell  
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

**EXHIBIT A  
MEDICAL CAMPUS  
LEGAL DESCRIPTION**

Part of the South Half of Section 23 and part of the North Half of Section 26 all in Township 18 North, Range 5 East in Hamilton County, Indiana described as follows:

Commencing at the Southeast corner of said Section 23, which point is also at the Northeast corner of said Section 26, (the basis of bearing is the East line of the North Half of said Section 26, which line is described based upon the Southeast corner being located South 00 degrees 13 minutes 52 seconds East 2662.05 feet from the point of commencement) thence along the East line of the South Half of said Section 23, North 00 degrees 08 minutes 06 seconds West 53.50 feet to the Northeast corner of the Right of way of 136th Street as described in Instrument No. 9539034 in the Office of the Recorder of Hamilton County, Indiana (the next three courses are along the North and West lines of said described Right of Way); 1) thence South 89 degrees 18 minutes 46 seconds 100.00 feet to the POINT OF BEGINNING; 2) thence continuing South 89 degrees 18 minutes 46 seconds West 1095.44 feet; 3) thence South 00 degrees 41 minutes 14 seconds East 40.00 feet to the centerline of the Right of way for said 136th Street; thence along the Westerly extension of said centerline, South 89 degrees 18 minutes 46 seconds 667.71 feet to the Northerly extension of the centerline of Minden Drive as described in the 'Saxony Right of Way' plat in Instrument No. 2004-064440 in said Recorder's Office; thence along the Northerly extension of said centerline, South 00 degrees 00 minutes 43 seconds East 655.61 feet; thence South 89 degrees 44 minutes 59 seconds West 2084.39 feet to the West line of the East half of the Northwest Quarter of said Section 26; thence along said West line, North 00 degrees 15 minutes 01 seconds West 629.48 feet to the Northwest corner of said East Half Quarter section, which point is the Southwest corner of the East Half of the Southwest Quarter of said Section 23; thence along the West line of the East Half of said Southwest Quarter section, North 00 degrees 07 minutes 07 seconds West 412.00 feet to the Southerly Limited Access Right of Way line of Interstate Highway #69 and to a non-tangent curve to the right having a radius of 7683.45 feet, the radius point of which bears South 29 degrees 00 minutes 27 seconds East (the next ten courses are along the Limited Access Right of Way line of said Interstate Highway #69 interchange with State Road 238 per INDOT Project No. I-69-1(3D) 6 dated 1964, Detail sheet no. 33); 1) thence Northeasterly along said curve 831.95 feet to a point which bears North 22 degrees 48 minutes 13 seconds West from said radius point; 2) thence North 72 degrees 48 minutes 55 seconds East 671.74 feet to a non-tangent curve to the right having a radius of 1362.40 feet, the radius point of which bears South 12 degrees 11 minutes 27 seconds East; 3) thence Easterly along said curve 618.40 feet to a point which bears North 13 degrees 48 minutes 58 seconds East from said radius point; 4) thence South 66 degrees 59 minutes 24 seconds East 363.27 feet to a non-tangent curve to the left having a radius of 587.47, the radius point of which bears North 08 degrees 54 minutes 04 seconds East; 5) thence Easterly along said curve 414.53 feet to a point which bears South 31 degrees 31 minutes 40 seconds East from said radius point; 6) thence North 57 degrees 41 minutes 41 seconds East 16.11 feet; 7) thence South 57 degrees 08 minutes 20 seconds East 343.10 feet; 8) thence South 61 degrees 38 minutes 13 seconds East 313.03 feet to a non-tangent curve to the left having a radius of 1697.02 feet, the radius point of which bears North 26 degrees 45 minutes 39 seconds East; 9) thence Southeasterly along said curve 568.58 feet to a point which bears South 07 degrees 33 minutes 51 seconds West from said radius point; 10) thence South 57 degrees 30 minutes 41 seconds East 37.37 feet to the West Right of Way line of Olio Road as described in Instrument No. 9539033 in said Recorder's Office (the next two courses are along said West Right of Way line); 1) thence South 00 degrees 07 minutes 39 seconds East 257.58 feet; 2) thence South 44 degrees 37 minutes 28 seconds West 49.75 feet to the Point of Beginning, containing 94.699 acres, more or less.





Exhibit B – Executive Summary -Clarian Saxony Medical Center Text Amendment

- the Saxony PUD was approved on Sept 7, 2004
- it includes signage standards for the entire Saxony PUD District
- the **text amendment mirrors these standards and adds to them**
- the revised **standards would ONLY apply to the Clarian Campus**
- The amendment includes **two components**:
  1. The details of signage for **Phase One** of the Clarian Saxony Medical Campus.
  2. Signage standards for all **future uses** within the Medical Campus.

Standard	Saxony PUD	Clarian Text Amendment
Ground Sign & Wall Signs	<ul style="list-style-type: none"> <li>• same base standards</li> </ul>	<ul style="list-style-type: none"> <li>• same base standards</li> </ul>
Pole Signs	<ul style="list-style-type: none"> <li>• 1996 existing lots of record were entitled to 1 pole sign if within the 1500 ft radius of Exit 10</li> </ul>	<ul style="list-style-type: none"> <li>• no new pole signs</li> <li>• existing pole sign(s) must be removed</li> </ul>
Recreational Trail Signage	<ul style="list-style-type: none"> <li>• not addressed in the PUD</li> </ul>	<ul style="list-style-type: none"> <li>• design shown on Sheet x90 Exhibit D</li> <li>• no further approval/permit required</li> </ul>
Murals Without Commercial Content	<ul style="list-style-type: none"> <li>• are allowed</li> <li>• are approved by Exit 10 PUD Committee</li> </ul>	<ul style="list-style-type: none"> <li>• staff determine if commercial content</li> <li>• if so, signage standards apply</li> </ul>
Building Identification Signs	<ul style="list-style-type: none"> <li>• standards are unclear</li> </ul>	<ul style="list-style-type: none"> <li>• 1 sq ft/lineal ft of buildings façade; max 250 sq ft; max 1 sign/facade</li> </ul>
Temporary Signage	<ul style="list-style-type: none"> <li>• renewed by Exit 10 PUD Committee</li> </ul>	<ul style="list-style-type: none"> <li>• renewed by Development Department</li> </ul>
Directional (wayfinding signs)	<ul style="list-style-type: none"> <li>• non or externally illuminated signs permitted</li> </ul>	<ul style="list-style-type: none"> <li>• internally illuminated signs permitted also</li> </ul>
Restoration of Façade If Sign Removed	<ul style="list-style-type: none"> <li>• no standard</li> </ul>	<ul style="list-style-type: none"> <li>• Property owner is responsible for ensuring façade is restored once sign is removed</li> </ul>

Note: Blue indicates new or revised standard.

Exhibit C - St. Vincent Sign Package Summary of Variance Requests

The following chart provides details of the ten signage variances requested by St. Vincent.

**St. Vincent Medical Center Signage**

Summary of Variance Request

Description	Mounting Type	QTY	Sign Height	Square Footage	Total Sq. Footage
Site Identification Signs	Pylon with brick base	2	10'-0"	60	120
*Requested ID Sign		2	15'-0"	82.5	165
Site Directional Signs	Pylon	4	6'-0"	6.75	27
Site Regulatory Signs	Ground mount	2	4'-6"	3.5	7
<b>Total Site Signage (Ground Signs)</b>					<b>154</b>

<b>North Elevation</b>					
St. Vincent w/logo	Mounted to building	1		240	240
Ambulance Exit	Mounted to canopy	1		12	12
Emergency	Mounted to building	1		48	48

<b>South Elevation</b>					
St. Vincent w/logo	Mounted to building	1		97.5	97.5
Emergency	Mounted to canopy	1		52.5	52.5
Ambulance Only	mounted on canopy	1		12.6	12.6

<b>West Elevation</b>					
St. Vincent w/logo	Mounted to building	1		240	240

<b>Total Building Signage (Wall Signs)</b>	<b>654.6</b>
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\* Red font indicates requested signage that was denied by the Board of Zoning Appeals

Prepared By: Kevin Stotts, Associate Planner of Zoning