

Year

2014

v. 02.03.14

Simply Dental PUD

Town of Fishers
Planned Development
Ordinance
No. 010614

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 010614 (this Ordinance") Adopted: February 3, 2014</p> <p>The text of the Adult Family Living, Inc. PUD, Ordinance No. 122109A, and of the Unified Development Ordinance (the "UDO") of the Town of Fishers, Indiana, Ordinance No. 090605A, as amended, and the OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated October 16, 2006, as amended, which accompanies and is a part of the Zoning Code of the Town of Fishers, Indiana, are hereby amended as follows:</p> <p>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 the "Simply Dental PUD."</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and 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 All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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>This Ordinance replaces and supersedes Ordinance No. 122109A, adopted February 1, 2010.</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"> • Greater flexibility in applying the ordinances to the development of the Real Estate; • Efficient use of land; • Coordination of architectural styles and building forms; • Provide a level of certainty in the development of a commercial property in close proximity to residential uses; and • Exclude inappropriate uses. 	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Office Uses: <ul style="list-style-type: none"> • Financial Office • General Office • Medical Office & Dental Training • Professional Office • Accessory use subordinate to the primary use of the building.

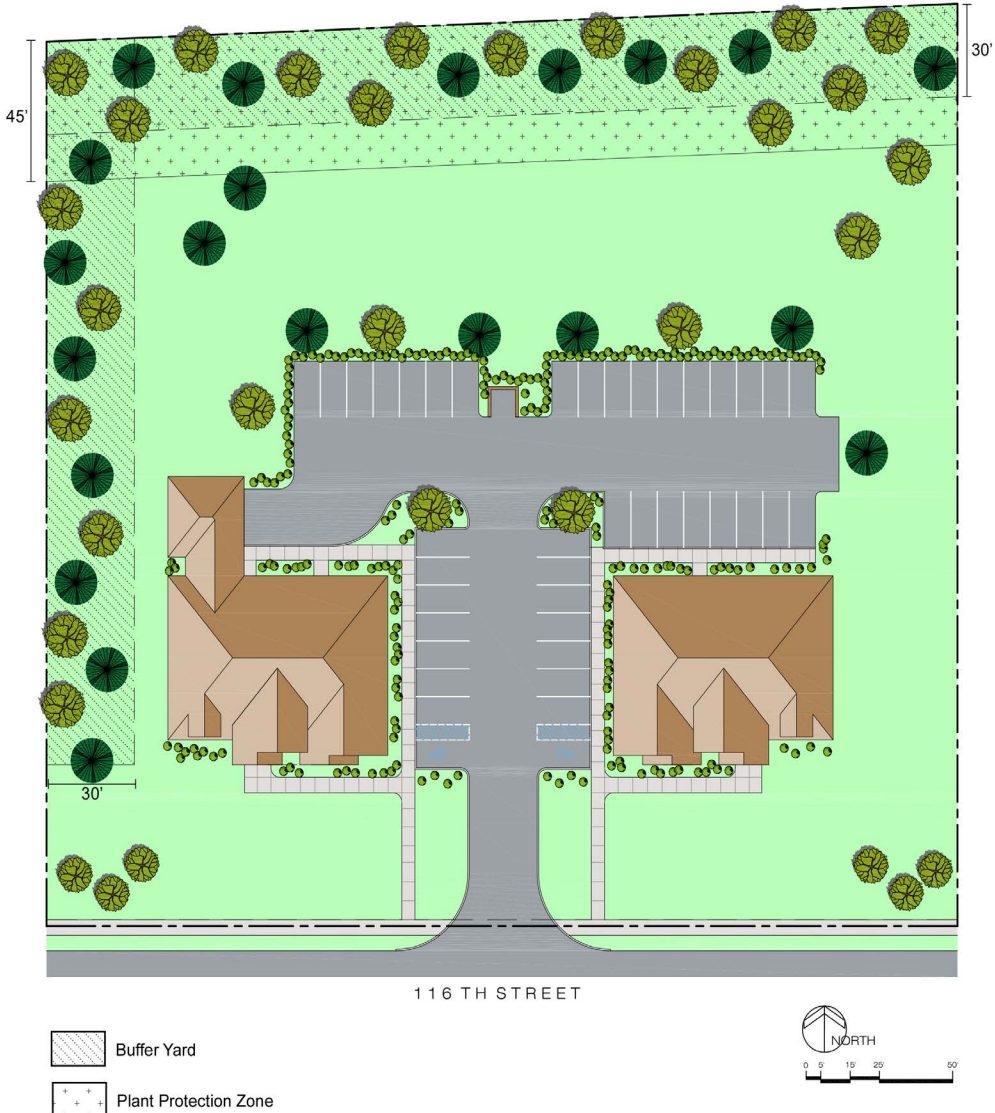
Simply Dental PUD

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

Illustrative Character Exhibit



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

- 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. Landscaping Standards (LA): shall apply, except as provided below:
 - (1) *Article 05.044 LA-07 (E) Landscaping Standards; Buffer Yards; Small-Sized Buffer Yard* shall apply and be located as shown on the concept plan.
 - (2) Existing trees in the Plant Protection Zone shown on the Concept Plan shall be subject to the standards of *5.038 LA-01 (L) Landscaping Standards; General; Plant Protection Zone*, unless the tree is damaged, diseased, dead or is to be removed in order to: (1) comply with safety requirements of any governmental agency; or (2) to accommodate the installation of drainage, utilities, or other infrastructure.
- M. 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..
- N. Loading Standards (LD): shall apply.
- O. Lot Standards (LO): shall apply.
- P. Parking Standards (PK): shall apply, except as further restricted below:
 - (1) Parking shall not exceed 125% of the amount listed for the applicable use in UDO Section 5.073.
- Q. Pedestrian Accessibility Standards (PA): shall apply.
- R. Performance Standards (PF): shall apply.
- S. Permanent Outdoor Display Area Standards (PD): shall apply.
- T. Property Identification Standards (PI): shall apply.
- U. Public Improvement Standards (PV): shall apply.
- V. Setback Standards (SB): shall apply.
- W. Sewer & Water Standards (SW): shall apply.
- X. Sign Standards (SG): shall apply.
- Y. Structure Quantity Standards (SQ): shall apply, except as provided below:
 - (1) The maximum number of primary structures allowed on a given lot or parcel is two (2).
- Z. Temporary Use/Structure Standards (TU): shall apply.
- AA. Use-specific Standards (US): shall apply.
- BB. 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 not apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall not apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Development Name Standards (DN): shall apply.
- I. Easement Standards (EA): shall apply.
- J. Erosion Control Standards (EC): shall apply.
- K. Floodplain Standards (FL): shall apply.
- L. Lot Establishment Standards (LT): shall apply.
- M. Mixed Use Development Standards (MU): shall apply.
- N. Monument & Marker Standards (MM): shall apply.
- O. On-street Parking Standards (OG): shall apply.
- P. Open Space Standards (OP): shall apply.
- Q. Pedestrian Network Standards (PN): shall apply.
- R. Perimeter Landscaping Standards: shall apply.

- S. Prerequisite Standards (PQ): shall apply.
- T. Storm Water Standards (SM): shall apply.
- U. Street & Right-of-way Standards (SR): shall apply.
- V. Street Lighting Standards (SL): shall apply.
- W. Street Name Standards (SN): shall apply.
- X. Street Sign Standards (SS): shall apply.
- Y. Surety Standards (SY): shall apply.
- Z. 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. The existing lots shall be replatted or combined in conjunction with the commercial development. The entire property shall be developed under a master site plan and, if subdivided, treated as one lot for purposes of applying development standards.

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. The PUD 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 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 3rd day of February, 2014.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY: _____

AYE

NAY

[Handwritten signatures in blue ink]

John W. Weingardt,
President

C. Pete Peterson,
Vice President

Michael Colby,
Member

Renee Cox,
Member

[Handwritten signature]

Stuart F. Easley,
Member

Scott A. Faultless,
Member

[Handwritten signature]

David C. George,
Member

ATTEST: *[Handwritten signature]*

Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana

Ordinance No. 010614

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

Prepared by: Steven D. Hardin, Esq.,
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,
Indianapolis, Indiana 46240. (317) 569-9600.

1.09 Real Estate

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL SET ON THE SOUTH LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST 444.57 FEET NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) FROM A STONE FOUND MARKING THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 22 MINUTES 56 SECONDS WEST 200.00 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 56 MINUTES 02 SECONDS WEST 78.40 FEET TO AN IRON PIN; THENCE NORTH 01 DEGREES 52 MINUTES 50 SECONDS EAST 132.00 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 07 MINUTES 18 SECONDS EAST 297.47 FEET TO AN IRON PIN SET ON THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 44 SECONDS WEST ON AND ALONG SAID EAST LINE 341.60 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON AND ALONG SAID SOUTH LINE 218.36 FEET TO THE BEGINNING POINT; CONTAINING 1.948 ACRES, MORE OR LESS.

ALSO:

A PART THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST, LOCATED IN FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA BEING BOUNDED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST (MIDPOINT OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER); THENCE NORTH 89 DEGREES 25 MINUTES 45 SECONDS EAST (ASSUMED BEARING) 355.40 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE INTERSECTION OF THE WEST LINE AND THE SOUTHERLY EXTENSION OF SAID WEST LINE OF A 1.948 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 696 AND RECORDED IN DEED RECORD 309, PAGE 846 IN THE RECORDS OF HAMILTON COUNTY, INDIANA TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 58 MINUTES 04 SECONDS EAST 196.46 FEET ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID 1.948 ACRE TRACT OF LAND TO ITS WESTMOST SOUTHERN CORNER (FROM ROD FOUND); THENCE NORTH 88 DEGREES 56 MINUTES 41 SECONDS EAST 78.29 FEET ALONG THE 2ND COURSE OF SAID 1.948 ACRE TRACT OF LAND TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 25 MINUTES 45 SECONDS WEST 87.16 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING. CONTAINING 0.373 ACRE, MORE OR LESS.

EXCEPT:

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA, AND BEING A PART OF THE LAND OF INSTRUMENT NUMBER 9005242, OFFICE OF THE RECORDER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 48 MINUTES 25 SECONDS WEST (ASSUMED BEARING) 665.77 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE SOUTHEAST CORNER OF THE GRANTOR'S LAND BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89 DEGREES 48 MINUTES 25 SECONDS WEST 307.69 FEET TO THE SOUTHWEST CORNER OF THE GRANTOR'S LAND; THENCE NORTH 1 DEGREE 43 MINUTES 51 SECONDS EAST 51.53 FEET ALONG THE WEST LINE OF THE GRANTOR'S LAND; THENCE SOUTH 89 DEGREES 44 MINUTES 01 SECOND EAST 306.32 FEET TO THE EAST LINE OF THE GRANTOR'S LAND; THENCE SOUTH 0 DEGREES 12 MINUTES 20 SECONDS WEST 51.12 FEET ALONG THE EAST LINE OF THE GRANTOR'S LAND TO THE POINT OF BEGINNING AND CONTAINING 0.362 ACRES, MORE OR LESS. THE PORTION OF THE ABOVE-DESCRIBED REAL ESTATE WHICH IS NOT ALREADY EMBRACED WITHIN PUBLIC RIGHTS OF WAY CONTAINS 0.180 ACRES, MORE OR LESS.