

**SOUTHEAST CORNER 116TH STREET AND OLIO ROAD  
ORDINANCE NO. 110501 Revised 1/15/02**

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF FISHERS, INDIANA -1980.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA - 1980.  
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA,  
THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND  
ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED  
AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, are hereby amended as follows:

That the Zoning Classification of the following described real estate is hereby zoned as PUD-M also to be further defined as the Southeast Corner Olio Road/116th Street PUD-M. This Ordinance replaces in whole the Ordinance #012201D (116th/Olio Road PUD)

SEE "EXHIBIT A" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

To create a neighborhood commercial district consisting of approximately 15 acres located at the southeast corner of the intersection of Olio Road and 116th Street and to create a residential district consisting of approximately five acres located at the northwest corner of the intersection of 113th Street and Olio Road, both districts as depicted on the concept plan attached hereto as Exhibit B, through the adoption of development standards including architectural design and material standards and the creation of various landscaping buffers and open space to aesthetically enhance the commercial areas to be compatible with the surrounding residential neighborhoods.

SECTION 3. LAND USE

A. All uses described in Section 151.073 (C1, Commercial District) and Section 151.074 (C2, Commercial District) of the Fishers Zoning Code, as amended, shall be permitted in this PUD District, and in addition the following limited C3 uses, Photocopying, Blue Printing, Job Printing, Furniture and Floor Covering Sales, Veterinarian office, Schools that teach photo, dance, music, art and languages.

B. Neighborhood retail including grocery, drug stores and similar uses are permitted provided that no single occupancy may exceed 65,000 gross square feet for an anchor tenant and provided the anchor tenant has a minimum of two separate and distinct customer entrances across the front of the building. The maximum square footage is 90,000 square feet of retail.

C. The commercial area shall extend no greater than 1,000 feet from the center of the intersection of 116th Street and Olio Road.

D. The Commercial area shall consist of no more than 15 acres and have no more than 6,000 square feet per gross acre of commercial development.

E. No fast food or drive-in type restaurants shall be permitted. Sit-down or full service restaurants shall be permitted.

F. Any adult entertainment uses shall be prohibited.

G. Package liquor sales shall be prohibited in gas stations/convenience stores or "pick up" facilities.

H. One service station shall be allowed in the SE PUD District.

#### SECTION 4. STANDARDS

A. Bulk and density standards

(1) Setbacks

Front 50 feet  
Side 10 feet  
Rear 20 feet

(2) Buffer to residential

A Nature Preserve shall be provided along the easterly property line of the Commercial Area which shall consist of a 95-foot wide area comprised of existing woods and which shall be allowed to grow without being mowed so that with the passage of time it is truly a natural looking nature preserve. Only necessary easements for drainage and utilities may cross this area at 90-degree angles. In addition, a landscape buffer shall be provided along the westerly boundary line of the nature preserve, as depicted on the concept plan attached hereto as Exhibit B, and shall consist of the following items, a five-foot tall decorative fence (either wood, wrought iron, or masonry); a landscape screen of evergreen and deciduous plantings. This landscape area shall be no less than 30 feet in width.

Buffering for the future Residential Area shall be along the north side of the Residential Area and shall consist of the following items, a five-foot tall decorative fence (either wood, wrought iron, or masonry); a landscape screen of evergreen and deciduous plantings spaced in two staggered rows and spaced every 15 feet on center; and earthen mounding. This landscape area shall be no less than 30 feet in width. The fencing and landscaping requirements may be altered by the PUD Committee if the spirit and intent of the buffering to the Residential Area is met.

(3) Lot coverage

Lot coverage shall not exceed 75 percent and is inclusive of buildings, parking areas and all other impervious surfaces which results in a open space requirement of 25 percent of the land area.

(4) Building height

Buildings are restricted to 35 feet maximum height or a maximum of two stories (Pitched roofs are measured at the mid-point.).

a. Parking ratios

Retail: Minimum of one space for every 300 gross square feet and a maximum of one space for every 250 square feet

Office: Minimum of one space for every 225 net usable square footage, Maximum of one space for every 200 square feet

Restaurant: Minimum of one space for every three seats plus one for each employee on largest shift.

b. Parking lot landscaping on the interior shall be required at a minimum of five percent of the total parking area and shall be part of the landscaping plan reviewed by the PUD Committee. The interior parking lot landscaping is calculated as part of the 25 percent open space lot coverage area requirement.

B. Architectural standards

(1) All structures within an individual PUD area shall be constructed with similar design, materials and compatible architecture.

(2) All buildings shall screen all mechanical equipment including that which is mounted to the roof and/or ground.

(3) The exterior of all buildings adjacent to residentially zoned areas or occupied shall consist of a brick, masonry or stone facade or stucco materials with masonry surface and appearance.

(4) Facades that have greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(5) Where large retail structures contain additional, separately owned or leased stores that occupy less than 25,000 square feet of gross floor area and have separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.

(6) Building facades shall include a repeating pattern that includes no less than three of the following elements:

- a. Color change;
- b. Texture change;
- c. Material module change;
- d. An expression of architectural or structural bays through a change in

plane no less than 12 inches in width, such as an offset, reveal or projecting rib.

(7) Roof architecture

a. Roofs shall have no less than two of the following features:

1. All roof areas shall restrict rooftop equipment such as HVAC units from public view. The average height of such roof area shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such roof features shall contain three-dimensional cornice treatment;

2. Overhanging eaves, extending no less than three feet past the supporting walls;

3. Three or more roof slope planes.

b. Gasoline service station canopies shall have similar roof patterns to the principal structure.

c. Office uses, separate retail tenants, single story and buildings of less than 50,000 square feet must have pitched roofs to be more residential in character.

d. No more than 50 percent of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so the roof can be given articulation with different heights. The look of the building shall therefore be softened by the feel of the facade.

(8) Materials and colors

a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, limestone, other native stone and tinted/textured concrete masonry units.

b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

(9) Entryways

a. Each retail establishment greater than 20,000 square feet shall have

clearly defined, highly visible customer entrances featuring no less than three of the following:

1. Canopies or porticos;
2. Overhangs;
3. Recesses/projections;
4. Arcades;
5. Raised corniced parapets over the door;
6. Peaked roof forms;
7. Arches;
8. Architectural details such as tile work and moldings which are integrated into the building structure and design;
9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

b. All building facades which are visible from adjoining properties and/or public streets shall comply with the requirements of items 1. through 9.

(10) Pedestrian circulation

a. Sidewalks shall be a minimum of five feet in width, however, where applicable, they shall be eight feet asphalt in conjunction with the Town Parks Plan and to integrate with neighborhoods. Sidewalks shall be provided along all sides of the lot that abut a public street.

b. Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all large retail structures on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds and ground cover.

c. Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting facade.

d. Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

e. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(11) Trash removal, compaction, service vehicles, deliveries, parking lot sweepers, etc. shall not be permitted between the hours of 12:00 midnight and 6:00 a.m. with the exception of snow removal.

C. Signage

- (1) All wall signage shall be reverse channel letter neon.
- (2) All other signage requirements shall be in conformance with Chapter 158 of the Fishers sign code.
- (3) Ground signs shall be architecturally compatible.

D. Lighting

- (1) Lighting shall be limited to 0.5-foot candles at the property line. This requirement is exempt when adjacent to public right-of-way.
- (2) There shall be no greater than a 20 to 1 ratio of lighting with a ten-foot candle maximum on site.
- (3) Light poles shall be limited to 30 feet in height.
- (4) Light fixtures shall be decorative along the entrance drives and along public rights-of-way approved as part of the overall architecture, but overall site illumination into the atmosphere shall be restricted through the use of shields on the fixture to include a horizontal lamp and no more than a 180-degree angle of light.

E. Landscaping

- (1) All landscaping not defined in this ordinance shall be required as Section 151.072 Screening and Planting of Fishers Code of Ordinances.
- (2) A 25-foot landscaping area shall be required between any adjacent street that is exclusive of driveways and parking areas. An entrance drive may cross this area at a 90-degree angle.
- (3) One street tree is required every 50 feet along any adjacent street and can be placed within the 25-foot landscaping area.
- (4) Any portion of the perimeter yards that is adjacent to a street shall be landscaped with a buffer screen of either a wall or fence of ornamental, block, brick, solid wood fencing or a compact hedge of evergreen and deciduous shrubs, at least 36 inches at time of planting or combination thereof. Said wall, fence or hedge shall be at least 36 inches in height and shall be so constructed to such minimum height to restrict any view there through.

F. Accessory uses

- (1) Dumpster and trash compactors shall be enclosed by a masonry enclosure and gated.
- (2) Accessory structures including trash dumpster and compactors are not permitted within any front yard or within any side or rear setback requirements.
- (3) No outdoor sales areas are permitted unless surrounded by a permanent structure consistent with material of the building.



Eileen Pritchard /s/

Eileen Pritchard,  
Member

\_\_\_\_\_

James W. Wallace, James W. Wallace /s/  
Member

Dan E. Henke /s/

Dan E. Henke,  
Member

\_\_\_\_\_

Charles P. White,  
Member

**ATTEST:**

Linda Gaye Cordell /s/

DATE: \_\_\_\_\_

Linda Gaye Cordell  
Clerk-Treasurer  
Town of Fishers, Indiana

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

EXHIBIT "A"

LAND DESCRIPTION

A Part of the Northwest Quarter of Section 1, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

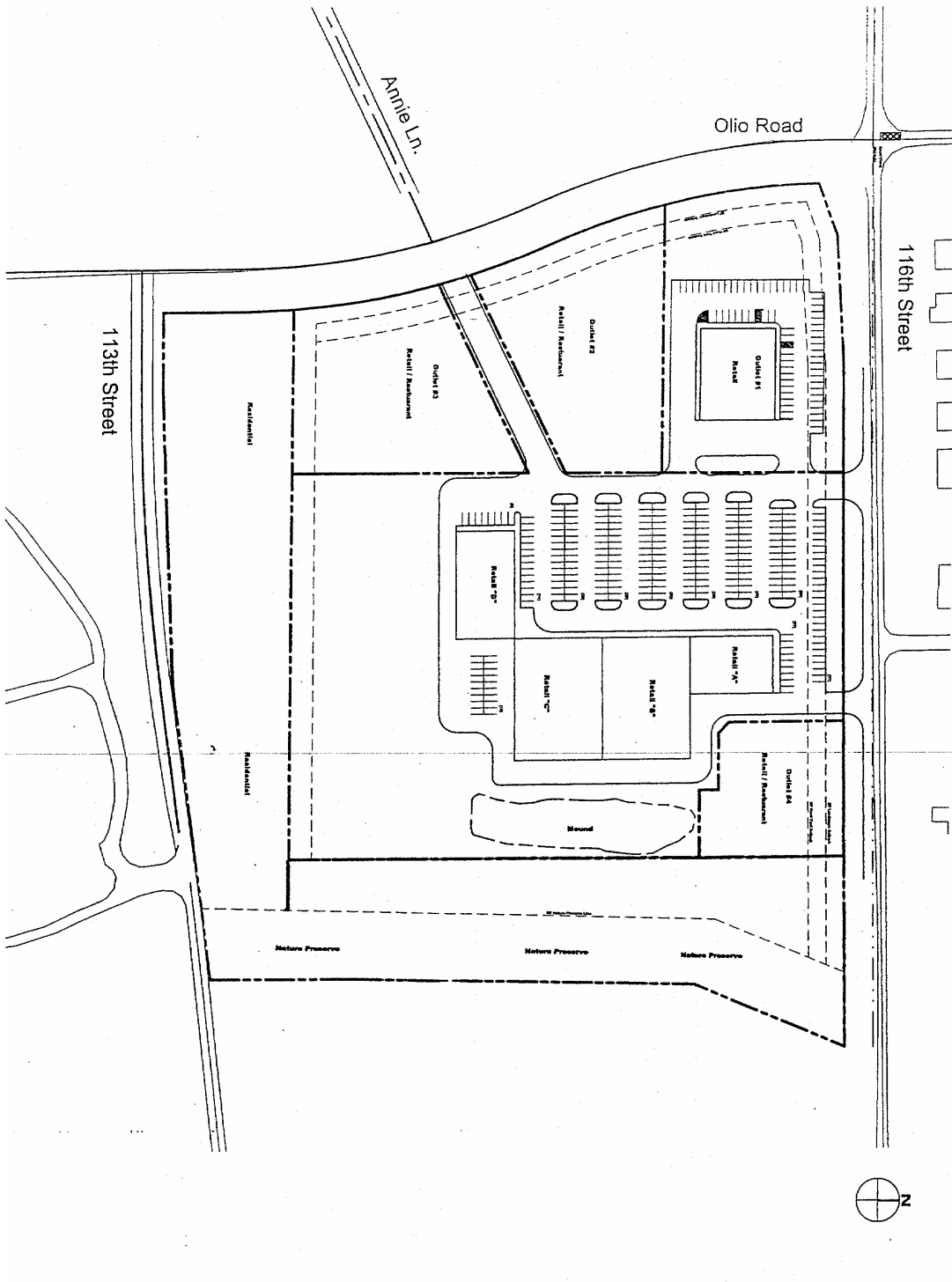
Commencing at the Northwest Corner of the Northwest Quarter of said Section 1, Township 17 North, Range 5 East; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) 1325.02 feet along the North Line of said Northwest Quarter to the northeastern corner of a tract granted to National Heritage Foundation ("National Tract") (recorded as Instrument Number 9909917119 in the Office of the Recorder of Hamilton County, Indiana); thence South 01 degree 19 minutes 26 seconds West 40.01 feet along the eastern line of said National Tract to the point of beginning of a 1.15 acre tract granted to David B. and Lauralee Dziennik (recorded as Instrument Number 200000018328 in said Recorder's Office) and the POINT OF BEGINNING of this description (the following four courses are along the boundary of said 1.15 acre tract); (one) thence South 23 degrees 03 Minutes 00 seconds West 226.06 feet; (two) thence South 01 degree 19 minutes 26 seconds West 473.36 feet; (three) thence South 76 degrees 21 minutes 21 seconds East 70.30 feet; (four) thence South 05 degrees 24 minutes 44 seconds East 120.29 feet to the eastern line of said National Tract; thence south 01 degree 23 minutes 00 seconds West 42.47 feet along the eastern line of said National Tract to a point lying 25.00 feet (measured northerly in a perpendicular direction) from the centerline of 113th Street; thence South 84 degrees 35 minutes 00 seconds West 282.38 feet parallel with the centerline of said 113th Street; thence North 06 degrees 54 minutes 41 seconds West 5.40 feet; thence North 88 degrees 53 minutes 57 seconds West 279.59 feet to a point on a non-tangent curve, concave to the North, lying South 05 degrees 33 minutes 56 seconds East 3195.4 feet from the radius point of said, curve; thence westerly along said curve 47.12 feet to a point lying South 04 degrees



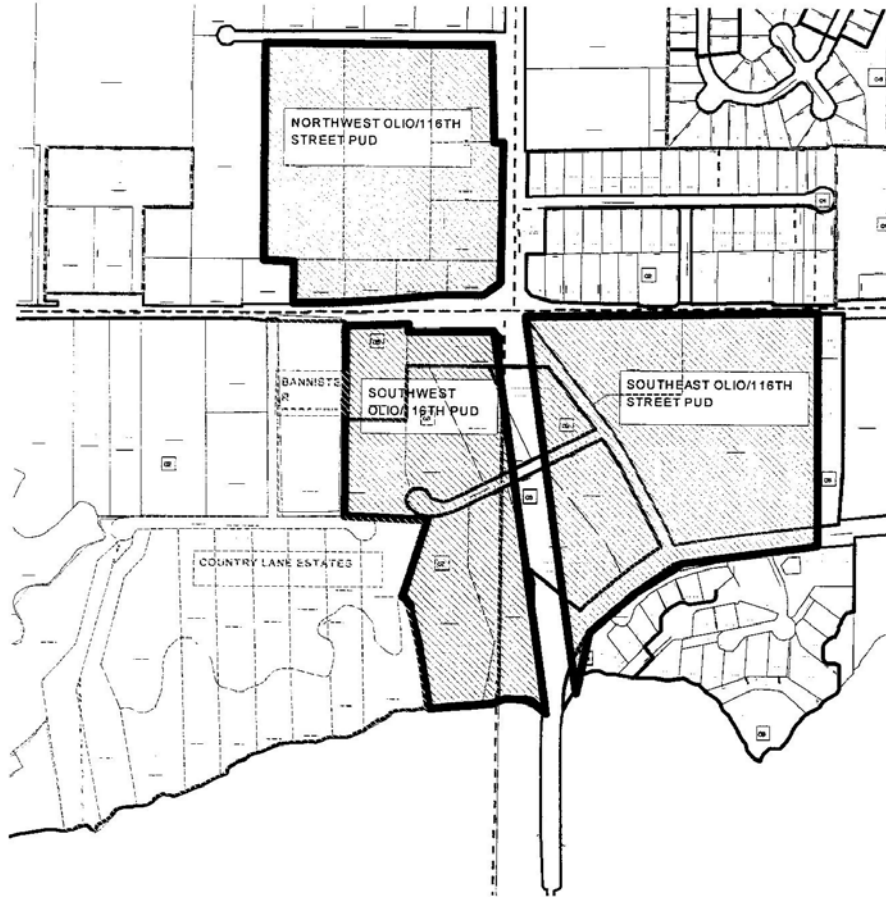
43 minutes 15 seconds East 3195.54 feet from said radius point and being the existing eastern right-of-way title of abandoned Olio Road; thence North 80 degrees 22 minutes 44 seconds West 61.60 feet to the western right-of-way line of abandoned Olio Road, being on a non-tangent curve, concave to the North, lying South 03 degrees 38 minutes 45 seconds East 3180.84 feet from the radius point of said curve; thence westerly along said curve 241.53 feet to a point lying South 00 degrees 42 minutes 17 seconds West 3180.84 feet from the radius point of said curve; thence North 89 degrees 17 minutes 43 seconds West 105.88 feet; thence North 00 degrees 42 minutes 18 seconds East 35.04 feet to a point on a tangent curve concave to the West and lying South 89 degrees 17 minutes 42 seconds East 1044.25 feet from the radius point of said curve; thence northerly along said curve 447.10 feet to a point lying North 66 degrees 10 minutes 25 seconds East 1044.25 feet from the radius point of said curve; thence North 23 degrees 49 minutes 35 seconds West 6.08 feet to a point on a tangent curve concave to the East, said point lying South 66 degrees 10 minutes 25 seconds West 924.25 feet from the radius point of said curve thence northerly along said curve 407.21 feet to a point lying South 88 degrees 34 minutes 59 seconds East 924.25 from the radius point of said curve; thence North 70 degrees 30 minutes 47 seconds East 92.66 feet; thence North 86 degrees 58 minutes 56 seconds East 174.22 feet to a point lying 40.00 feet (measured southerly in a perpendicular direction) from the North Line of said Northwest Quarter; thence North 90 degrees 00 minutes 00 seconds East 960.80 feet parallel with said North Line to the POINT OF BEGINNING, containing 22.074 acres more or less.

Also: The entire width of the rights-of-way of 113th Street and 116th Street that are contiguous to the real estate described hereinabove. Subject to all legal easements and right-of-way.

EXHIBIT "B"



LOCATION MAP



ONE MUNICIPAL DRIVE • FISHERS, INDIANA 46038 • OFFICE: (317) 595-3120 • FAX:  
(317) 595-3134 • INTERNET: [www.fishers.in.us](http://www.fishers.in.us)