

**LANTERN PINES
ORDINANCE NO. 062597**

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

SECTION 1. DECLARATION. That Ordinance No. 090391A, which accompanies and is a part of the Zoning Ordinance, Ordinance No. 110380, of the Town of Fishers, Indiana, as amended is hereby amended as follows:

Ordinance No. 090391A is hereby amended to add the following as Section 3., (B),(1),(d):

That a self-storage facility shall be allowed on the real estate described below as a permitted use in the Lantern Square PD District, subject to the following development standards and restrictions:

1. That the building setback line from the north property boundary shall be 30 feet instead of 50 feet.

2. That the architectural design of the self-storage buildings shall prohibit the exterior walls from having overhead doors available for access to individual self-storage units. All access doors for self-storage units shall face toward the interior of the site and no overhead doors for self-storage units shall be visible from the adjoining Lantern Pines subdivision to the north.

3. That the required 30 foot minimum landscape buffer along the north property boundary shall be planted with a mix of evergreen and deciduous trees and shrubs and that a landscaping mound shall be constructed within the landscape buffer.

4. That all exterior lighting be shielded to prohibit a direct view to the illumination source.

5. That notwithstanding Paragraphs 1-4 above, all other development standards as specified in original Lantern Square PD Ordinance, Ordinance No. 090391A shall be applicable to the real estate described herein.

LEGAL DESCRIPTION

Parcel III:

A part of the real estate as described in a survey prepared by Hahn & Associates, Inc., and certified by Richard A. O'Brian, R.L.S. No. 880017 and recorded as Instrument No. 9220560 in the Office of the Recorder of Hamilton County, Indiana. Said real estate also being a part of the South Half of the Southwest Quarter of Section 7, Township 17 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of said Half Quarter Section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of

said Half Quarter Section a distance of 660.05 feet; thence South 89 degrees 17 minutes 58 seconds East a distance of 280.02 feet to the Point of Beginning; thence continuing South 89 degrees 17 minutes 58 seconds East a distance of 141.27 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the said West line a distance of 307.50 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 141.26 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the said West line a distance of 309.23 feet to the Point of Beginning. Containing 1.00 acre, more or less;

ALSO:

Parcel IV:

Commencing at the Southwest Corner of said Half Quarter Section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of said Half Quarter Section a distance of 660.05 feet; thence South 89 degrees 17 minutes 58 seconds East a distance of 421.29 feet to the Point of Beginning; thence continuing South 89 degrees 17 minutes 48 seconds East a distance of 142.07 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the said West line a distance of 305.76 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 142.06 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the said West line a distance of 307.50 feet to the Point of Beginning. Containing 1.00 acre, more or less;

ALSO:

Parcel V:

Commencing at the Southwest corner of said Half Quarter Section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of said Half Quarter Section a distance of 660.06 feet; thence South 89 degrees 17 minutes 58 seconds East a distance of 563.36 feet to the Point of Beginning; thence continuing South 89 degrees 17 minutes 58 seconds East a distance of 142.88 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the said West line a distance of 304.02 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 142.87 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the said West line a distance of 305.76 feet to the Point of Beginning. Containing 1.00 acre, more or less; and

ALSO:

Parcel VI:

Commencing at the Southwest corner of said Half Quarter Section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of said Half Quarter Section a distance of 660.05 feet; thence South 89 degrees 17 minutes 58 seconds East a distance of 706.24 feet to the Point of Beginning; thence continuing South 89 degrees 17 minutes 58 seconds East a distance of 143.71 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the said West line a distance of 302.26 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 143.70 feet; thence North 00 degrees 00 minutes

00 seconds West a distance of 143.70 feet; thence North 00 degrees 00 minutes 00 seconds East parallel with the said West line a distance of 304.02 feet to the Point of Beginning. Containing 1.00 acre, more or less.

SECTION 2. This ordinance shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 20th day of August, 1997.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

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NAY

Walter F. Kelly /s/

Walter F. Kelly,
President

James P. Roederer /s/

James P. Roederer
Vice President

Stuart F. Easley /s/

Stuart F. Easley
Member

Scott A. Faultless /s/

Scott A. Faultless
Member

Deborah H. Heckart /s/

Deborah H. Heckart
Member

Roy G. Holland /s/

Roy G. Holland
Member

Timothy O. Lima /s/

Timothy O. Lima
Member

ATTEST: Linda Gaye Cordell /s/ Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana; Approved by: Douglas D. Church of Church, Church, Hittle and Antrim - Town Attorney

DECLARATION OF ZONING COMMITMENTS

THIS DECLARATION, made this _____ day of _____, 1997, by Thomas R. Berry, (the "Developer") WITNESSETH:

WHEREAS, the Developer is the contract purchaser of the real estate which is described in Exhibit "A" (hereinafter referred to as Property), attached hereto and made a part hereof; and

WHEREAS, the Property is part of the Lantern Pines PD District, established by Ordinance No. 090391A, as amended, of the Town of Fishers, Indiana; and

WHEREAS, the Developer is currently seeking approval of a text amendment of said Lantern Pines PD District, to allow the construction of a self-storage facility in said District in the Town of Fishers, Indiana, and the Developer desires to voluntarily impose upon the Property certain conditions and restrictions (hereinafter referred to as

Commitments) that will enhance the stability and value of local land uses and provide for the orderly and attractive future development of the Property, for the surrounding community and future owners thereof;

NOW, THEREFORE, the Developer hereby declares that, upon approval of said text amendment, the purchase of the real estate by the Developer and the recording of this instrument, all of the Property as it is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, or occupied and improved, shall be subject to the Commitments stated herein. If said text amendment is approved, all of the Commitments shall run with the land as part of the land use variance approval and shall be binding upon the Developer, its heirs and assigns, and all parties having an interest in and to the real property or any part or parts thereof subject to such Commitments, and shall inure to the benefit of the Developer and every one of its successors in title to any real estate in the Property. Any changes in these Commitments shall require the approval of the Fishers Plan Commission and Town Council.

COMMITMENTS

1. The Developer does hereby commit that he will pay an annual fee of \$500 to the Lantern Pines Property Owners Association, Inc., or its successor in title, for the purpose of maintaining the Lake Common Area No. 1 and Lake Common Area No. 2 in Sections One and Two respectively of Lantern Pines subdivision as recorded in the Office of the Recorder of Hamilton County, Indiana.

2. The Developer does hereby commit that any alarm system installed in the individual storage units shall not be audible at the units themselves.

3. The Developer does hereby commit that an earthen berm two to three feet in height and a landscape screen of deciduous and evergreen trees and shrubs shall be installed and maintained along the north and east sides of the self-storage building complex. Sufficient water outlets shall be made available on the exterior of the building complex to properly maintain the landscaping improvements.

4. The Developer does hereby commit that he shall pay up to \$750 to the Lantern Pines Property Owners Association for the maintenance of an existing red oak tree situated near the south property line of Lake Common Area No. 2 of Lantern Pines Subdivision during the period of construction of the self-storage building complex.

5. The Developer does hereby commit that all exterior lighting on the Property shall be wall-mounted and that no such wall-mounted lights shall be placed on the west, north or east perimeter walls of the building complex.

6. The Developer does hereby commit that no wall-mounted signs shall be installed on either the north or east faces of any perimeter building wall.

IN WITNESS WHEREOF, the Developer has executed this Instrument, on this ____ day of _____, 1997.

DEVELOPER
THOMAS R. BERRY

By:

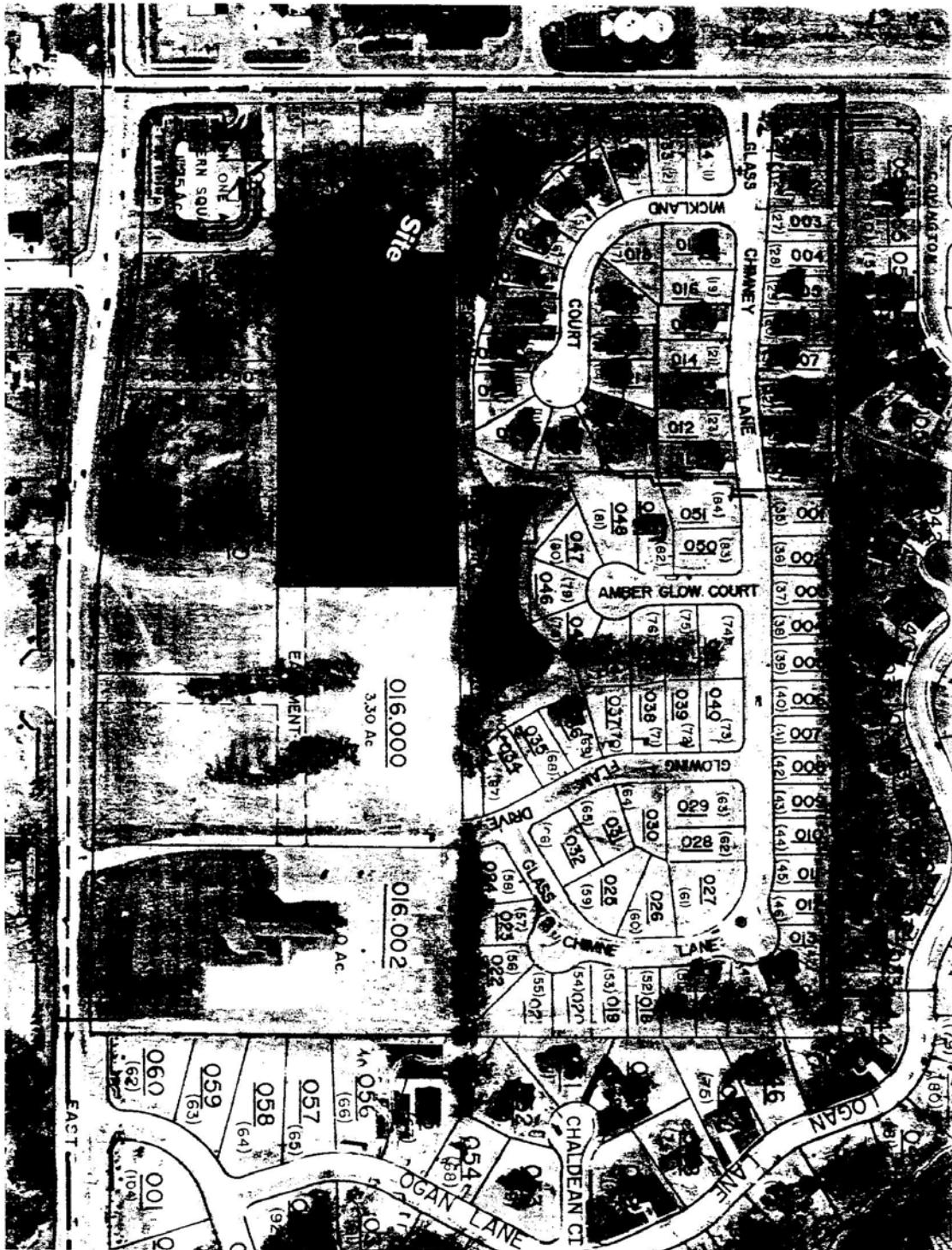
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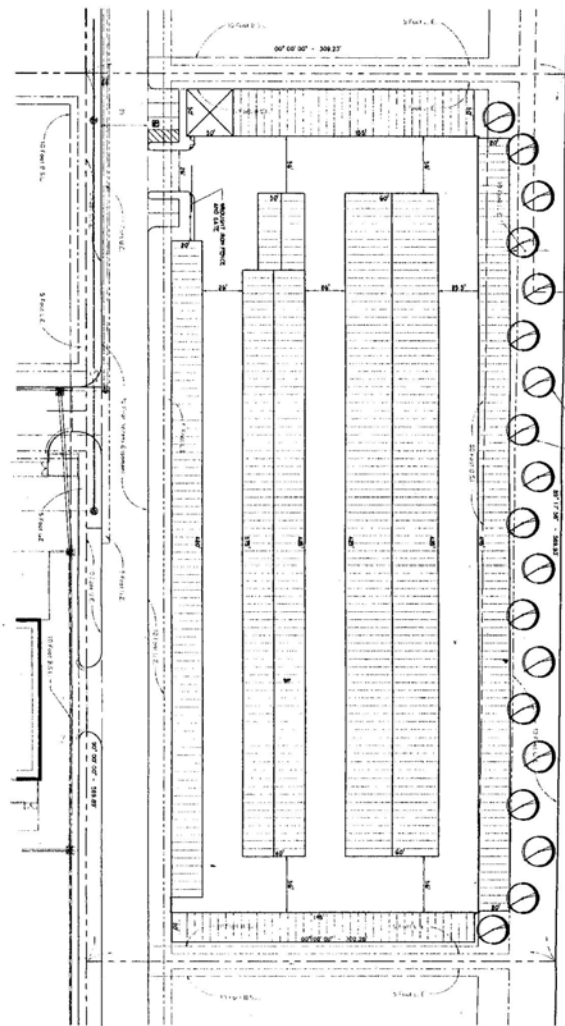
Title:

STATE OF INDIANA)
)SS:
COUNTY OF _____)

SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this ____ day of _____, 1997.

Printed: _____
Notary Public
resident of _____
County
My Commission Expires: _____





ord.# 062597

SHEET NO. 1A	LANERN ROAD SELF-STORAGE SITE PLAN	CLUNE GROUP AMERICAN CONSULTING ENGINEERS, INC. ARCHITECTS ENGINEERS 4165 MILLERSVILLE ROAD INDIANAPOLIS, INDIANA 46205 (317) 547-5580
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