

**LANTERN PINES
ORDINANCE NO. 090391A**

BE IT ORDAINED by the Town Board of Fishers, Indiana, that the zoning ordinance, a part of the comprehensive plan and ordinances - 1980, Ordinance Number 110380, as amended, is hereby amended as follows:

SECTION 1. DECLARATION

That the Zone Map, identified as OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated November 3, 1989, which accompanies and is a part of the Zoning Ordinances of the Town of Fishers, Indiana, as amended, is hereby changed as follows: As it related to the following described real estate only:

SEE ATTACHED DESCRIPTION - "EXHIBIT A"

SECTION 2. LAND USE

The above described real estate is hereby designated as a P.D. district, as further defined in this Ordinance.

A. PERMITTED USES

All uses described in Article 1 through Article 17 of Chapter 2 of Ordinance No. 110380 shall be permitted in this PD district except that the following uses shall not be permitted:

- (1) Trailer Courts;
- (2) Multi-family Housing;
- (3) Labor Camps;
- (4) Adult Theaters;
- (5) Junk Yards;
- (7) Commercial storage of building or construction materials;
- (8) All farm and nursery uses;
- (9) Keeping of livestock of any kind for commercial use or profit;
- (10) Distillation of bones;
- (11) Dumping, disposal, incineration or reduction of garbage, sewage, dead animals or refuse;
- (12) Fat rendering;
- (13) Stockyard or slaughter of animals;
- (14) Smelting of iron, tin, zinc or other ores;

- (15) Gas station or auto repair facilities of any kind;
- (16) Refining of petroleum or of its products;
- (17) Go car tracks or similar outdoor recreation;
- (18) Cemeteries or mausoleums;
- (19) Jail, penal, detention or correction farms.

B. ACCESSORY STRUCTURES AND USES

Accessory structures and uses shall be allowed which are subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, provided exterior signage announcing such services or advertising to the public shall be permitted. Such permitted supportive services shall include pharmacy accessory to building medical offices, restaurant with liquor license, beauty salon, travel agency, barber shop, and similar uses designed and operated principally for service to building occupants, provided the total area occupied by such accessory uses shall not exceed ten percent (10%) of the leasable area of the building.

C. PRELIMINARY DEVELOPMENT PLAN

The Preliminary Lantern Square Development Plan is attached hereto, incorporated herein and marked "Exhibit D".

The land uses reflected on the Lantern Square Preliminary Development Plan are for demonstrative purposes and, if a question arises as to the uses allowed on the real estate, the written text of the ordinance controls.

The Lantern Road and East 96th Street PD District land uses and their location on the real estate are identified on the Lantern Square Preliminary Development Plan and are as follows:

1. The Single Family Residential area (approximately 24 acres) shall conform to Article 12 - Residential District R5 and allows only detached single lot, single family and detached clustered single-family housing and approved accessory uses.

2. The Health Science Centre area (approximately 16 acres) shall conform to the development standards set forth in Article 15 - Planned Development District PD, Article 17 - Commercial District C-2 and shall be limited to the uses permitted therein and including the special uses that follow:

(a) Full service restaurant (no drive through) with as many as two (2) full liquor licenses with beer, wine and hard liquor (the athletic club restaurant and possibly an outlet).

(b) Athletic Club - Building A (approximately 189,500 square feet) on Preliminary Development Plan with: 10 indoor tennis courts (approximately 73,325 square feet); pools, spas, and locker areas; basketball; racquetball; weight and aerobic areas; nursery, administrative and member service areas; club related retail (approximately 10,425 square feet); medical evaluation, therapy and training areas; and club banquet room.

(c) Medical Office - Building B (approximately 104,500 square feet) on the

preliminary Development Plan with:

1. Medical offices, professional offices, therapy and exam rooms (approximately 65,300 square feet).
2. Medical and neighborhood retail and services (approximately 13,100 square feet).
3. Medical service and athletic club reserved guest rooms (approximately 26 rooms).

(d) Neighborhood Retail Center - Building C (approximately 30,300 square feet) on the Preliminary Development Plan with uses permitted in C-1 and C-2 districts.

3. Outlot site (approximately 0.75 acres) shall be reserved for the following restricted uses. No other use shall be permitted in the area designated as Outlot on the Preliminary Development Plan. Permitted uses shall be:

- (a) Parking and circulation.
- (b) Bank or related financial institution.
- (c) Sit-down restaurant with no take-out or drive-thru service (may include full service liquor license).
- (d) Professional or medical office.
- (e) Day care center.

SECTION 3. DEVELOPMENT STANDARDS

The development standards for the Lantern Road and East 96th Street P.D. shall be as written in the applicable zoning district for the various specific land uses. The development standards of the zoning districts shall apply to the various sub-areas of the P.D. as follows:

A. The single family residential sub-area development standards shall conform to Article 12 - Residential District R-5 as a minimum. Increasing the standards for yard setbacks, landscaping and related requirements is acceptable, but the density and maximum coverage and height shall not be increased.

B. The Health Science sub-area development standards shall conform to the zoning district that permits the various sub-uses. The applicable zoning districts are as follows, including the noted deletions from each specific zoning district:

(1) Planned Development District PD-Article 15 shall control the intent and character of this PD, except the following requirements which shall be deleted from the PD District development standards:

- (a) Industrial uses shall not be permitted (paragraph 15.10)
- (b) Commercial development may occur prior to the development of occupancy of any of the single family residential area, and residential occupancy requirements will not be necessary to proceed with the development and occupancy of the athletic club, medical and professional offices,

retail, restaurants, outlots, or other commercial or athletic club related development (Paragraph 15.20, Sub-section 5)

(c) The PD district may be developed in sections or phases and does not require any residential development for all or any part of the PD to be developed or to be committed to be developed before all or part of the other uses may be developed and occupied (Paragraph 15.20, Sub-section 8)

(2) Commercial District C1 - Article 16 development standards shall apply to the medical office, professional office, athletic club with club related accessory retail, service and restaurant facilities and health-science training, observation and treatment sub areas with the following exceptions:

(a) Store front windows on the exterior walls of the building shall be open for light and the viewing of merchandise and activities inside of the windowed use.

(b) Central trash containers and/or dumpsters larger than six (6) cubic feet shall be permitted in approved locations provided they are in the rear of the buildings, they have solid enclosure at least five (5) feet in height and concrete slab bases.

(3) Commercial District C2 - Article 17 development standards apply to the commercial retail and service uses in the office building (Building B), Building C and the outlot with the following exceptions or deletions:

(a) Auto related service centers, outdoor storage, outdoor vending machines or related outdoor uses of similar kind shall not be permitted in this PD.

(4) The addition of special exception uses to this PD which are not included in the above listed PD, C1 or C2 districts development standards is by Article 15.21 which permits flexibility to develop cohesive, compatible uses in single harmonious projects in suitable areas. The development standards for the PD, C1 and C2 uses have been expanded to include:

(a) Liquor license beverage service in not more than two (2) restaurants

(b) Athletic Club and associated uses as C1 district development standards.

(5) Conflicts of Development standards within the Ordinance and this PD shall be resolved by reference to the Zoning Ordinance of Fishers, Indiana, in its most current amended form in the following order of review and priority of importance:

(a) Lantern Road and East 96th Street PD

(b) Article 15 - PD District

(c) Article 16 - Commercial District C1

(d) Article 17 - Commercial District C2

(25) (e) Referenced articles for Parking (24), Open Space (22), Special Excepted Use

(f) Article 12 - Residential District R5

(g) Interpretations, Definition, Street and Thoroughfare designation and related considerations in the Fishers, Indiana Comprehensive Plan and Ordinances, 1980, as amended.

SECTION 4. PURPOSE

The establishment of this PD district is intended to provide higher quality, more diverse, better utilized land development that encourages efficient use of resources, promotes health and safety and provides opportunities for high levels of social interaction. This is accomplished through flexible use of applicable zoning concepts and standards that allow the integration of compatible, synergistic uses that normally are not permitted in some areas or proximity to one another. By interpretation of these ordinances and this intent, development will be assured that is consistent with and beneficial to the aspirations and future of the Town of Fishers.

SECTION 5. APPLICABILITY

The provisions and conditions of this PD apply to the land described in Attachment A and further described on the attached Preliminary Development Plan for Lantern Square Centre.

SECTION 6. PROCEDURE

The review, approval, recording and development of the Lantern Road and East 96th Street PD shall be in accordance with the processes, procedures and standards set forth in the Fishers, Indiana Comprehensive Plan and Ordinances, 1980, as amended.

SECTION 7. ABANDONMENT OR EXPIRATION OF ORDINANCE

The Lantern Road and East 96th Street PD shall be considered in force and effect if all conditions of the Ordinance are being met in a timely manner. Failure to comply with those conditions renders this PD subject to the consideration of the Planning Commission and action in accordance with the power vested them in the Ordinance, as amended.

SECTION 8. LIMITATION ON REZONING

The Plan Commission shall not initiate any amendments to the Zoning Code concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Development Plan, and proceeding in accordance with the time requirements imposed herein.

This Ordinance shall be in full force and effect from and after its passage.

Passed by the Town Board of the Town of Fishers, Indiana, on the 18th day of September, 1991.

THE TOWN BOARD OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

BY: Walter F. Kelly /s/

James P. Roederer /s/

Roy G. Holland /s/

ATTEST:

Linda Gaye Cordell /s/