

**LANTERN POINTE
ORDINANCE NO. 110597F**

AN ORDINANCE AMENDING THE ZONING ORDINANCES 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 ORDINANCES - 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 a 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 changed from PD to PUD-M, and that said PUD-M District shall hereafter be known as the Lantern Pointe PUD:

SEE EXHIBITS "A" and "B" ATTACHED HERETO

SECTION 2: PURPOSE

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in land use patterns and the attributes of the real estate adjacent to Interstate Highway 69 and the Town Center of the Town of Fishers, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire Town.

STATEMENT OF PURPOSE.

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for office/commercial and residential development which will produce a wider range of choice and diversity in satisfying the changing needs of Fishers, Indiana.
- (5) To permit special consideration of property with unique features, such as unusual topography, landscape amenities, and size and shape.
- (6) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

SECTION 3. APPLICABILITY

- (1) The provisions of this section shall apply only to the tract of land herein described;

provided, however, said provisions may apply to a proposed development in which the primary use is residential or office/commercial use when such proposal is deemed to be in the best interests of the entire Town.

(2) The basic land unit of this PUD District is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire Planned Unit Development may be designated.

(3) A proposed Development Plan shall be designed to produce an environment of stable and desirable character, in keeping with the principles of good design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed.

SECTION 4. LAND USE

All permitted land uses described in Section 151.071 (R7), Section 151.073 (C1), Section 151.074 (C2), Section 151.079 (OS) and Section 151.077 (I1) of the Zoning Code, as amended, shall be permitted in this PUD District in the areas designated hereinafter, subject to the Development Standards of those respective districts, except as otherwise described herein.

(1) The area denoted as Parcel 1 on the Conceptual Development Plan shall be subject to the standards of the I1 and C2 districts. Parcel 1 shall be generally designated as I1, with C2 land uses restricted to an area no greater than 5 acres bounded by Lantern Parkway and 106th Street in the southeast corner of the parcel. The ultimate size and configuration of said C2 area shall be determined at Final Development Plan stage.

(2) The area denoted as Parcel 2 on the Conceptual Development Plan attached hereto and made a part hereof shall be subject to the standards of the R7 district.

(3) The area denoted as Parcel 3 on the Conceptual Development Plan shall be subject to the standards of the C1 and C2 districts. Parcel 3 shall be generally designated as C1, with C2 land uses restricted to an area no greater than 6 acres bounded by Lantern Parkway, 106th Street and I-69 at the south end of the parcel. The ultimate size and configuration of said C2 area shall be determined at Final Development Plan stage.

(4) The area denoted as Parcel 4 on the Conceptual Development Plan shall be subject to the standards of the OS district.

(5) In addition to the permitted uses listed in Sections 151.073 (C1 standards), 151.074 (C2 standards), and 151.077 (I1 standards) of the Zoning Code, the following land uses shall be permitted within Parcel 1 and Parcel 3 of the PUD District:

- (a) Hotel/motel;
- (b) Restaurant w/ liquor license;
- (c) Drive-throughs, outdoor sales and seating as an ancillary use to a primary use (primary use is fully enclosed), subject to the requirements of Section 7, paragraph (8) hereinafter; and
- (d) Printing & Publishing.

(6) The following land uses shall be prohibited within the PUD district:

- (a) Auto service stations/gasoline filling stations.

SECTION 5. DEVELOPMENT STANDARDS

The development standards applicable to the land uses within this PUD district shall be the underlying district standards for the R7, C1, C2, and I1 zoning classifications, as defined in Section 4 above. The following development standards, which are different from the standards specified in the Zoning Code, shall apply to the real estate as follows:

(1) **MINIMUM BUILDING SETBACKS.** The following minimum setback lines apply to any and all structures erected upon the premises:

(a) **Front Yard Setback** - 25 feet on all PUD District Streets, except for Lantern Parkway which shall have a minimum building setback of 40 feet, and I-69, which shall have a minimum building setback of 50 feet.

(2) **MAXIMUM STRUCTURE HEIGHT.** Maximum structure heights shall be determined separately for different land uses as follows:

(a) **Residential.** The maximum height of residential buildings and structures within this PUD district shall not exceed three stories, or 39 feet, whichever is greater. Residential accessory use structures shall not be allowed to exceed 30 feet in height.

(b) **Commercial/Industrial.**

(1) The maximum height of commercial buildings and structures in Parcel 3 shall not exceed the height allowed by state and local fire codes.

(2) The maximum height of commercial and industrial buildings and structures in Parcel 1 shall not exceed 35 feet.

(3) **MINIMUM STRUCTURE HEIGHT.** The minimum height commercial buildings and structures in Parcel 3 shall not be less than 2 stories, or 26 feet, whichever is greater.

(4) **MAXIMUM LOT COVERAGE.** Maximum coverage of any given lot by buildings or other structures shall not exceed 50% of the gross area of the lot.

(5) **MINIMUM SQUARE FOOTAGE.** The minimum square footage of any one- bedroom dwelling units in the residential district shall not be less than 650 square feet.

(6) **MINIMUM PARKING REQUIREMENTS.** Minimum off-street parking standards for certain residential and general office land uses are hereby established as follows. All other uses shall follow the off-street parking standards set forth in the Fishers Zoning Code, as amended.

(a) **Residential.** The minimum number of parking spaces required for any multi-family residential land use within the PUD district shall not be less than 2 parking spaces for each dwelling unit, plus such additional spaces as are necessary to service accessory uses, such as poolhouses, clubhouses and leasing offices. Tandem parking shall be allowed in front of single bay garages to fulfill the off-street parking requirements.

(b) **Office.** The minimum number of parking spaces required for any general office land use within the PUD district shall not be less than 1 parking space for each 250 gross square feet of building area, plus such additional spaces as are necessary to service accessory uses.

(c) If, at the Detailed Development Plan review stage, the Plan Commission determines that a proposed land use in this PUD district will require less than the minimum number of off-street parking spaces set forth herein or in the Fishers Zoning Code, as amended, the excess parking spaces may be "land-banked" as follows:

In addition to the parking spaces proposed to be constructed, part of the site adjacent to the vehicle parking and circulation shall be set aside, or land-banked, for the possibility of constructing future off-street parking and not developed with any structures. Said land-banked area shall be equivalent to the difference between the number of parking spaces required for the site by this PUD ordinance or the Fishers Zoning Code, as amended, less the number of parking spaces proposed for the site. The land-banked portion of the site shall be developed as off-street parking if at some future date, additional off-street parking is required to meet the off-street parking needs of land uses within the district.

(7) **LOADING DOCKS.** Loading docks shall not face I-69 or Lantern Parkway and shall be required to be screened from view of other roadways and adjacent properties by vegetative screening. No building on land abutting the existing Norfolk & Southern Railroad right-of-way shall be allowed to have loading docks that face westerly toward the abutting residential land uses.

(8) **NO OUTDOOR STORAGE OR DISPLAY.** All business operations, activities, sales displays, storage of materials, and products for sale or distribution must be maintained entirely within an enclosed building. Outdoor menu boards, seating, directional signage, speakers and other such ancillary features as are typically associated with banks, restaurants, and other permitted land uses with drive-through facilities, shall be permitted subject to Plan Commission review for compatibility at the time of Detailed Development Plan approval. Said ancillary features must be wholly subordinate to the principal use of the property and compatible with the architecture and signage of the overall district.

SECTION 7. REQUIRED LANDSCAPING AND SCREENING

The following general landscaping guidelines shall be followed by all residential, industrial or commercial property developers within this PUD District. Landscaping requirements will be imposed upon property at the time of Final Development Plan review. Landscaping and screening standards not specified herein shall follow the standards set forth in Section 151.093 of the Fishers Zoning Code, as amended.

(1) **ADJACENT TO PUBLIC RIGHTS-OF-WAY.** On the site of a building or open lot use providing an off-street parking area or other vehicular use area abutting a public right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

(a) A strip of land at least 15 feet in width located between the abutting right-of-way and the off-street parking or other vehicular use area shall be landscaped, except along I-69, where the minimum landscaped strip shall be 30 feet in width. In addition, a hedge, wall, mound or other durable landscape barrier of at least 2 1/2 feet in height shall be placed along the perimeter of such off-street parking. If such barrier is of plant material, then no less than 25% of the plant material shall be of an evergreen variety. If such barrier is of non-living material, then one shrub or vine shall be placed at intervals of not less than 10 feet. The remainder of the required landscaped areas shall be planted with grass, ground cover, or other landscape treatment, excluding pavement.

(b) All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least

grass or other ground cover.

(c) Necessary accessways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use areas.

(d) Shade trees sufficient in number to provide a tree for every 50 lineal feet of road frontage shall be installed within the required landscaped strip along I-69. Although the number of trees specified by this paragraph may not be reduced, said trees may be placed in groups that enhance the architecture of the district and the I-69 corridor. Such tree placement shall be subject to the review of the Plan Commission at the time of Detailed Development Plan approval.

(e) A "Streetscape Planting Plan" depicting the landscaping along Lantern Parkway shall be submitted for approval by the Plan Commission at the time of any Detailed Development Plan review for land abutting Lantern Parkway. Said Streetscape Planting Plan shall consist of a dimensioned drawing and typical cross-section of the roadway, easements, any walk or walks, and the trees, shrubs, ground cover, or other landscaping features as may be included along the roadway. The Plan shall create a tree-lined street with a unified appearance throughout the site, and shall denote the number, size, species and location of all plant material proposed to be used. After its initial adoption by the Commission, the Streetscape Planting Plan shall be substantially followed by any land user within the district whose property abuts Lantern Parkway.

(2) PARKING AREA

(a) Off-street parking areas shall have at least 5% of the interior gross square footage of the parking area maintained in curbed landscaped areas. Each separate landscaped area shall contain a minimum of 50 square feet and shall have a minimum dimension of at least 3 feet, area adequately landscaped with trees (which shall have a minimum clear trunk height of 5 feet) shrubs, ground cover or other authorized landscaping material, not to exceed 2 1/2 feet in height. The total number of trees shall not be less than 1 for each 100 square feet or fraction thereof of required interior landscaped area.

(b) Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. In other vehicular use areas where the strict application of this subsection will seriously limit the function of said area, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements. The front of a vehicle may encroach upon any interior landscaped area when said area is at least 3 1/2 feet in depth per abutting parking space and protected by wheel stops or curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space.

(c) I-69 Frontage Greenbelt. Any land use within this PD district that abuts I-69 shall be required to maintain a minimum 30-foot wide greenbelt along said frontage. The greenbelt must be placed between any building or structure erected within the PD district and the right-of-way of I-69, and may fall within the required setback. At least 20% of the area of said greenbelt shall be planted with a variety of native deciduous and evergreen trees and shrubs. The remainder of the greenbelt area shall be planted with grass or a suitable ground cover.

(3) EXISTING PLANT MATERIAL. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the agency charged with the issuance of building permits may adjust the application of the

above mentioned standards to allow credit for such plant material if, in its opinion, such an adjustment is in keeping with and will preserve the intent of this Ordinance. Owners of Property within this PD district shall be required to maintain such landscaping as is necessary to meet the minimum standards of this Ordinance and the Zoning Code of the Town of Fishers.

(a) Tree Preservation Buffer Along Railroad. In addition to such landscaping as may be necessary for the development of any part of Parcel 1, there is hereby defined a strip of land at least thirty feet (30') in width along the entire western side of Parcel 1 as a "Tree Preservation Buffer." The Tree Preservation Buffer shall extend from the northerly right-of-way line of 106th Street to the southern edge of Parcel 4 (the park) parallel with and contiguous to the Norfolk and Southern Railroad right-of-way. Said Buffer shall be established to preserve and maintain the existing trees within the Buffer. Additional plantings may be added within the Tree Preservation Buffer, but no substantial removal of the existing vegetation shall be undertaken without prior review and approval by the Plan Commission.

(4) LANDSCAPE PLAN APPROVAL. Detailed Development Plans shall include landscaping plans for any property located within the PD District designated by this Ordinance. Such plans shall be further reviewed at Final Development Plan stage by the PD committee to determine compliance with requirements specified herein. Landscape plans included in the Detailed Development Plans shall include the following:

- (a) Landscaping materials, natural and artificial;
 - (1) location and spacing of existing and proposed plant materials;
 - (2) types of materials identified by botanical and common names and listed on a plant material schedule, with method of transplant specified; all trees to be removed should be noted;
 - (3) size of materials, in diameter and height, at installation and at maturity;
- (b) Proposed treatment of all ground surfaces (paving, turf, and grading);
- (c) Quantity of each of the planting and artificial materials to be used, and
- (d) Methods of protecting landscaped areas.

SECTION 8. SIGNAGE AND LIGHTING

Following are Signage and Lighting standards and guidelines that are unique to the Lantern Pointe PUD district. Any standard governing signage and lighting not listed herein shall be determined by the provisions of the Sign Code of the Town of Fishers and the Zoning Code of the Town of Fishers, as amended.

(1) LIGHTING

(a) Lighting Design. All free-standing light standards used for roadway illumination along public right-of-ways, with the exception of I-69, shall reasonably conform to the specifications of the light standards for the Town of Fishers Municipal Complex.

(b) Maximum Height. The maximum height for light standards in this PUD district

shall be 25 feet.

(c) Lighting Review. Architectural review guidelines shall be established by the Developer of the real estate within the district requiring the prior review of any exterior lighting to be installed within the PUD district. Said architectural guidelines shall create consistency and continuity of lighting design throughout the district and shall include requirements for, without limitation, color, quality, design, intensity, size, and type of lighting fixtures and standards. The PD Committee shall review exterior lighting as part of its Final Development Plan review for individual uses within the district.

(2) SIGNAGE

(a) Sign Design. All identification and directional signs within the development shall be designed to blend together and share basic design elements. Use of similar colors, forms and architectural materials shall be encouraged to create a design vocabulary that will tie together the signs within the district.

(b) Wall/Parapet Signs. No sign mounted over two stories in height above grade shall be allowed to be affixed to a wall or parapet if the wall or parapet directly faces a residential land use on or abutting the northerly or westerly part of the site.

(c) Sign Review. Architectural review guidelines shall be established by the Developer of the real estate within the district requiring the prior review by the Developer of any signage to be installed within the PUD district. Said architectural guidelines shall create consistency and continuity of signage throughout the district and shall include the review of, without limitation, color, construction materials, quality, design, typography, size, and type of illumination. The PD Committee shall review exterior signage as part of its Final Development plan review for individual uses within the district.

SECTION 9. PROCEDURE

(1) ADOPTION AND ONGOING ADMINISTRATION. The adoption of this ordinance and the subsequent consideration of any Detailed or Final Development Plan and the ongoing administration of the PUD-M District established herein shall be done pursuant to the provisions of the Planned Unit Development Zoning Process as set forth in Section 151.072 of the Zoning Code of the Town of Fishers, as amended.

(2) COVENANTS. Covenants, Condition & Restrictions shall be submitted by the Developer for review by the Plan Commission at the same time as the first Detailed Development Plan for the site. Any amendment of said Covenants, Condition & Restrictions shall be required to be reviewed by the Plan Commission prior to their recording by any owner of real estate in the district authorized to execute such an amendment.

SECTION 10. EFFECTIVE DATE

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

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 10th day of December, 1997.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

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
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

Exhibit "A"

Parcel I:

A part of Section 1, Township 17 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the aforementioned Section 1; thence East on or along the South line of Section 1, 131.16 feet to a point; thence North parallel with the West line of the aforementioned Quarter Section 26.0 feet to the point of beginning of this description; thence South 38 degrees 29 minutes 27 seconds West 1003.14 feet to a point; thence North 27 degrees 09 minutes 57 seconds East 3,032.62 feet to a point; thence North 88 degrees 49 minutes 27 seconds East 1,758.48 feet to a point; thence South 0 degrees 23 minutes 30 seconds East 12.85 feet to a point; thence South 28 degrees 39 minutes 30 seconds East 154.85 feet to a point; thence South 60 degrees 20 minutes 30 seconds East 120.99 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 16.0 feet to a point; thence South 37 degrees 46 minutes 23 seconds West 374.21 feet to a point; thence South 14 degrees 32 minutes 45 seconds West 237.70 feet to a point; thence South 29 degrees 10 minutes 00 seconds West 1,500.00 feet to a point; thence South 40 degrees 28 minutes 36 seconds West 203.96 feet to a point; thence South 69 degrees 50 minutes 48 seconds West 182.09 feet to a point; thence South 88 degrees 24 minutes 30 seconds West 686.00 feet to a point; thence South 40 degrees 02 minutes 31 seconds West 301.04 feet to a point; thence South 1 degree 35 minutes 30 seconds East 145.00 feet to a point; thence South 71 degrees 46 minutes 27 seconds West 118.98 feet to the point of beginning.

Excepting land described as follows:

Part of the Southeast Quarter of Section 1, Township 17 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

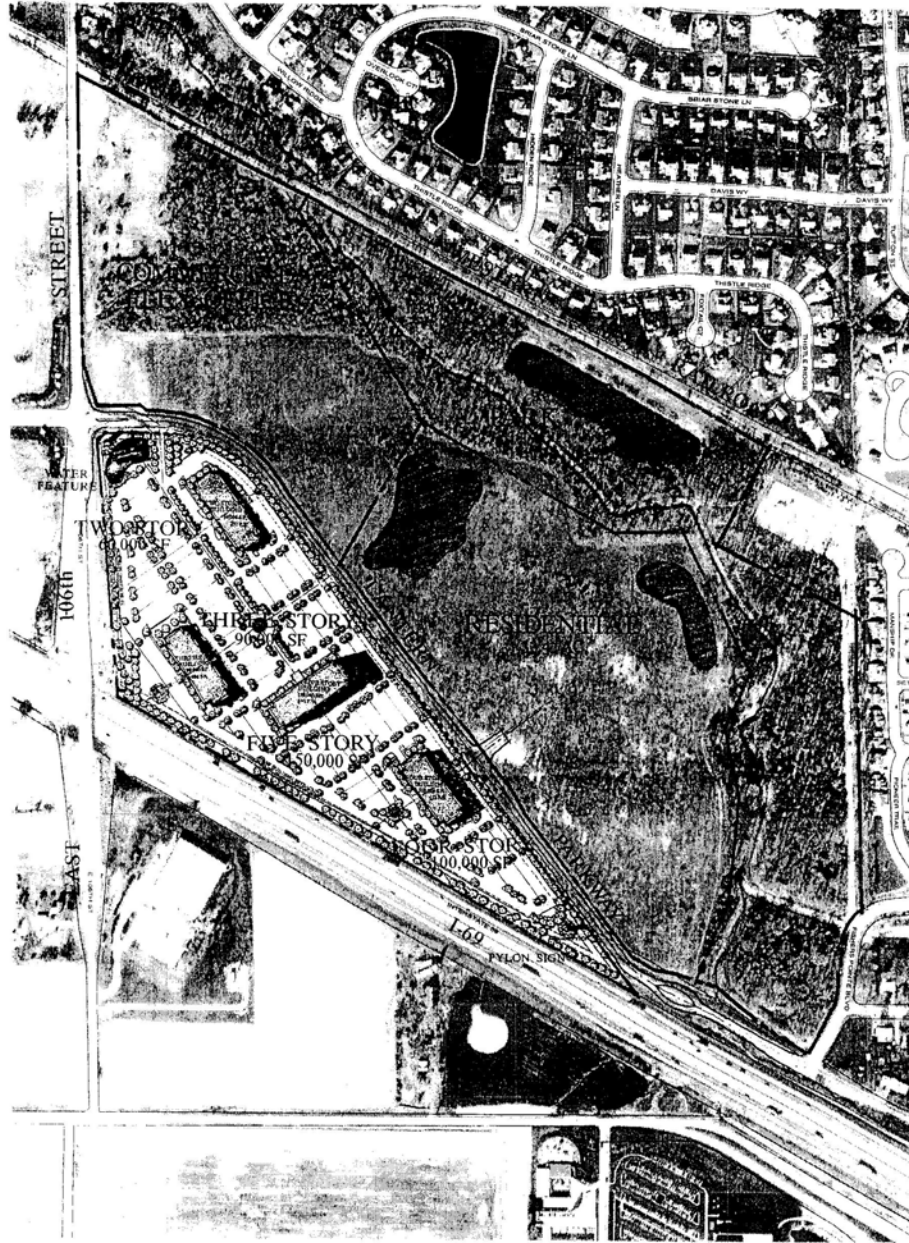
Commencing at the Northeast corner of said Quarter Section; thence South 88 degrees 34 minutes 20 seconds West (assumed bearing) on and along the North line of said Quarter Section a distance of 1781.45 feet to the point of beginning of the herein described real estate; thence South 27 degrees 36 minutes 24 seconds West parallel with the centerline of the Norfolk & Western Railroad a distance of 544.28 feet; thence North 62 degrees 23 minutes 36 seconds West 350.00 feet to the Easterly right-of-way of said railroad; thence North 27 degrees 36 minutes 24 seconds East on and along said right-of-way a distance of 350.00 feet to the North line of said Quarter; thence North 88 degrees 34 minutes 20 seconds East on and along said North line 400.31 feet to the point of beginning.

Parcel II:

A part of Section 1, Township 17 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the aforementioned Section 1; thence East on and along the South line of Section 1, 345.16 feet to a point; thence North parallel with the West line of the aforementioned Quarter Section 54.00 feet to the point of beginning of this description; thence North 18 degrees 32 minutes 41 seconds East 191.72 feet to a point; thence North 69 degrees 01 minutes 26 seconds East 286.23 feet to a point; thence South 89 degrees 50 minutes 42 seconds East 680.16 feet to the point; thence South 29 degrees 10 minutes 00 seconds West 213.00 feet to a point; thence South 84 degrees 01 minutes 13 seconds West 908.55 feet to the point of beginning.

Including that portion of the right-of-way of Fishers School Road (a.k.a. Lantern Road) that is contiguous to the above described Parcels I and II.



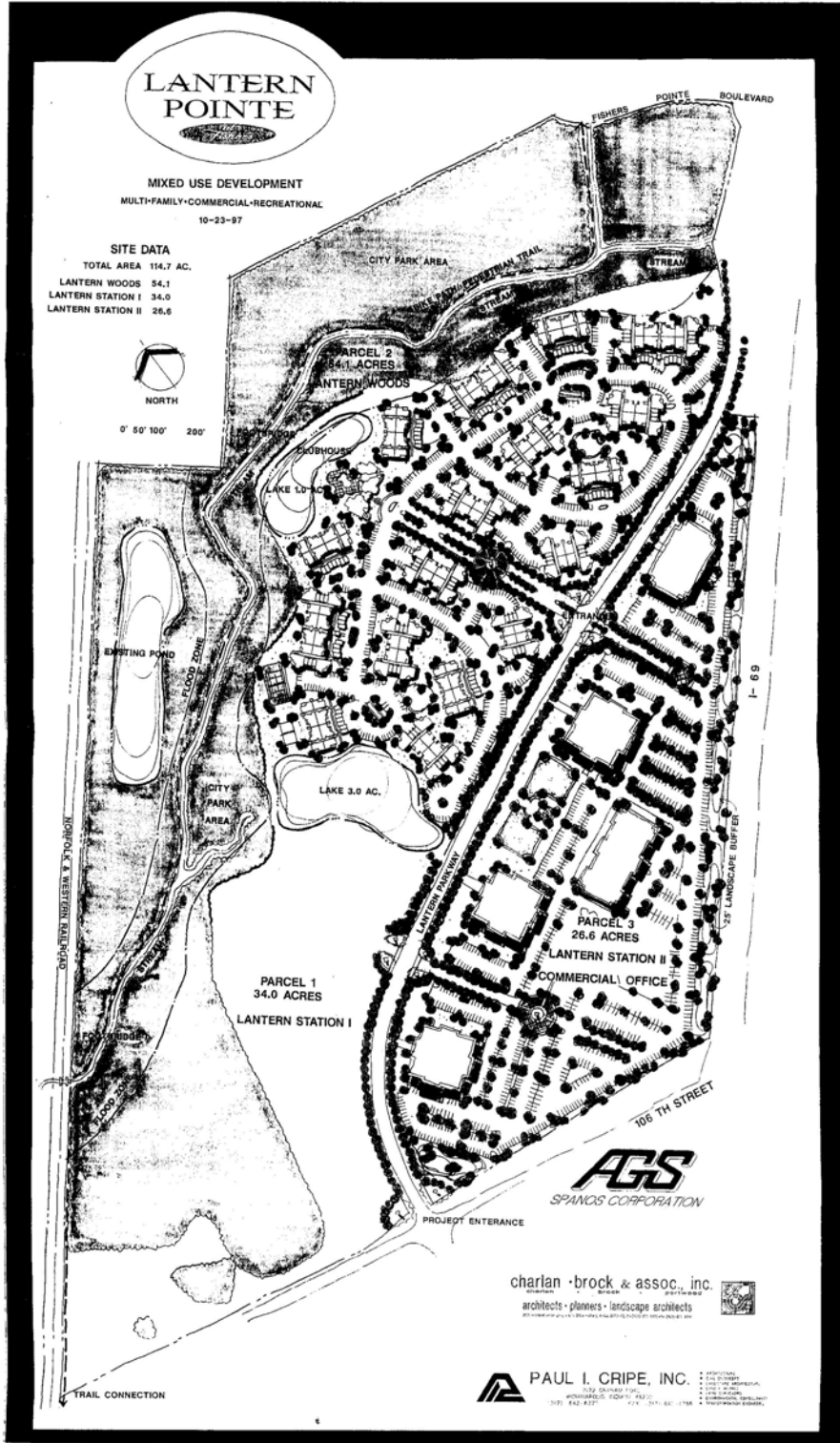
LANTERN POINTE

TrammellCrowCompany

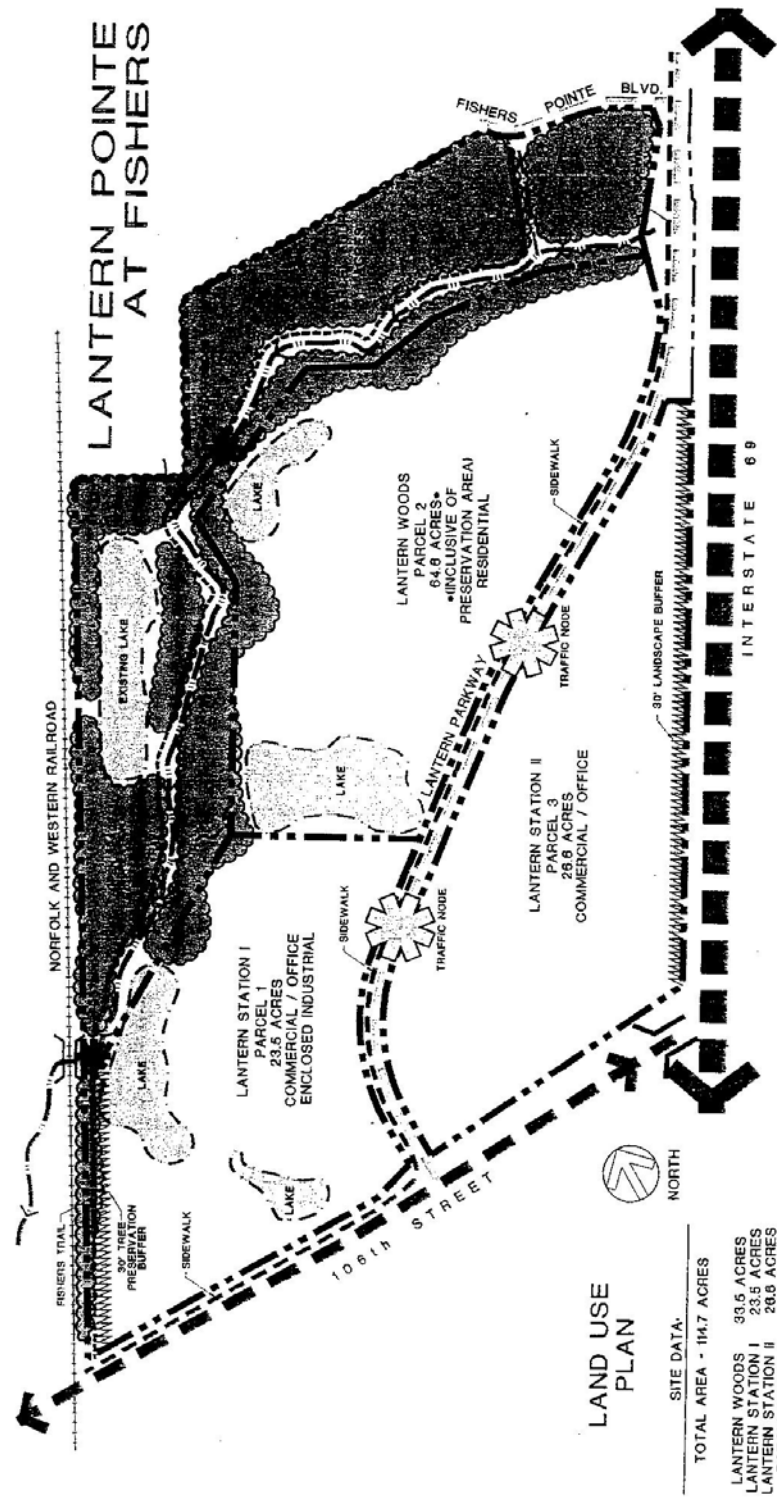
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Ord. # 110597F



LAND USE PLAN

SITE DATA

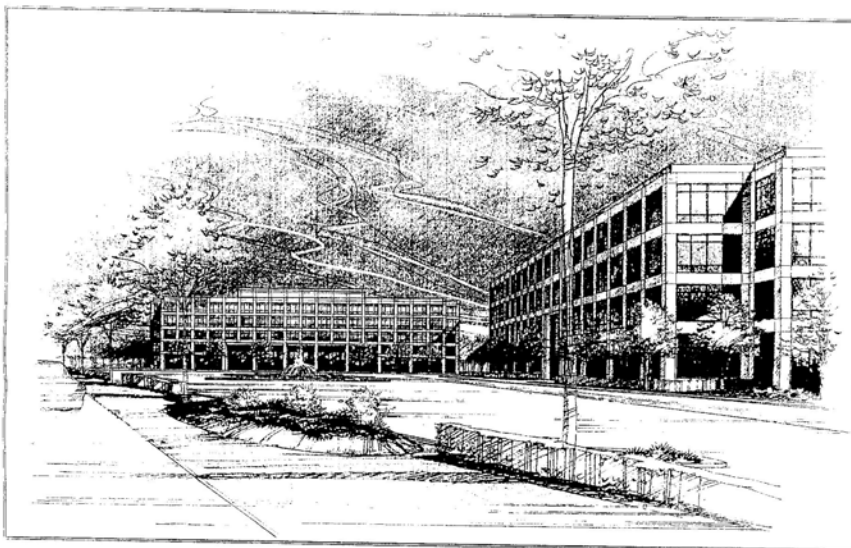
TOTAL AREA	114.7 ACRES
LANERN WOODS	33.5 ACRES
LANERN STATION I	23.5 ACRES
LANERN STATION II	28.8 ACRES
PARCEL FOUR	31.1 ACRES

PAUL I. CRIFE, INC.
 11220 W. BOBBINGO, CORK, INDIANA 46033
 (317) 254-1211 FAX: (317) 254-1246
REGISTERED PROFESSIONAL ARCHITECTS AND PLANNERS

chatman · brock & assoc., inc.
 ARCHITECTS · PLANNERS · LANDSCAPE ARCHITECTS
REGISTERED PROFESSIONAL ARCHITECTS AND PLANNERS

THE SPANOS COMPANIES
 11411 W. BOBBINGO, CORK, INDIANA, CA 95037
 TELEPHONE: (209) 478-2700 FAX: (209) 463-2582

EXHIBIT B



View From North



LANTERN POINTE

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ord.# 110597F