

ORDINANCE NO. 071513B

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

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "Zoning Code" or the "Zoning Ordinance") previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 *et seq.*, as amended.

**SECTION 1. DECLARATION**

It is hereby ordained by the Town Council (the "Council") of the Town of Fishers, Indiana (the "Town") that the text of the Zoning Ordinance and the Official Zoning Map (the "Zone Map") of the Town, which accompanies and is part of the Zoning Code, are hereby amended as follows:

That the Zoning Classification of the real estate described in what is attached hereto and incorporated herein by this reference as Exhibit "A" (the "Real Estate") is hereby zoned Planned Unit Development - Residential ("PUD-R) per the terms and conditions of this Steeplechase PUD.

**SECTION 2. COMMITMENTS** A copy of the commitments given in connection with this Steeplechase PUD are attached hereto and incorporated herein by reference as Exhibit 5 (the "Commitments").

**SECTION 3. PURPOSE AND INTENT**

The purpose and intent of the Steeplechase PUD is to provide an innovative residential development that promotes creativity and flexibility in the development of the Real Estate. To the extent that the development, architectural, landscaping, and sign standards specified in this Steeplechase PUD conflict with or address the same subject matter as the development, architectural and landscaping standards in the Zoning Ordinance, the development, architectural and landscaping standards specified in this Steeplechase PUD and in the Commitments replace and supersede any such standards specified in the Zoning Ordinance. Matters not covered by this Steeplechase PUD shall be governed by the terms, conditions, and provisions of the Town of Fishers, Indiana, Zoning Ordinance in existence on December 31, 2005.

This Steeplechase PUD replaces and supersedes Ordinance No. 020606 in its entirety.

**SECTION 4. EXHIBITS**

- A. **Exhibit 1** - Attached hereto and incorporated herein by reference as Exhibit 1 is the legal description of the Real Estate.

- B. **Exhibit 2** - Attached hereto and incorporated herein by reference as Exhibit 2 is the district map (the "District Map") allocating the Real Estate into District 1, District 2, and District 3 (collectively the "Districts").
- C. **Exhibit 3** - Attached hereto and incorporated herein by reference as Exhibit 3 is the residential development standards matrix (the "Development Standards Matrix") corresponding to the Districts.
- D. **Exhibit 4** - Attached hereto and incorporated herein by reference as Exhibit 4 is a list of accepted trees (the "Accepted Tree List").
- E. **Exhibit 5** - Attached hereto and incorporated herein by reference as Exhibit 5 are the "Commitments".

### **SECTION 5. DEFINITIONS**

In addition to definitions found elsewhere in this Steeplechase PUD, the following definitions shall apply throughout this Steeplechase PUD;

- A. **Association.** The term "Association" shall mean and refer to a non-profit corporation established by the Developer per the terms of the Declaration. There may be more than one Association with respect to all or part of the Property, as determined by the Developer in the Developer's sole discretion.
- B. **Declaration.** The term "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be more than one (I) Declaration, as determined by the Developer in the Developer's sole discretion.
- C. **Developer.** The term Developer shall mean and refer to Reserve at Steeplechase, LLC, or its successors and assigns.
- D. **Frontage Road.** The term "Frontage Road" shall mean and refer to a street internal to the Real Estate which is (i) adjacent to a Perimeter Street and (ii) is designed to permit the front elevation of a Residence to face a Perimeter Street.
- E. **Perimeter Street.** The term "Perimeter Street" shall mean and refer to a Georgia Road, Cyntheanne Road, Florida Road, 96<sup>th</sup> Street, and/or 104<sup>th</sup> Street.
- F. **Residence.** The term "Residence" shall mean and refer to a detached single-family residence.
- G. **Steeplechase.** The residential community to be developed on the Real Estate per this Steeplechase PUD.

## **SECTION 6. RESIDENTIAL LAND USE**

Single Family Residences and other related and accessory residential land uses are permitted in District 1, District 2, and District 3.

## **SECTION 7. RESIDENTIAL DEVELOPMENT AND ARCHITECTURAL STANDARDS**

The standards applicable to District 1, District 2, and District 3 shall be as specified in the Development Standards Matrix and further as specified below:

- A. A standard landscaping package shall be included with each Residence sold. All lots shall be planted with at least two (2) deciduous trees and/or evergreen trees, and a minimum of eleven (11) shrubs. Each deciduous tree shall be of at least two-inch caliper at planting, as measured twelve (12) inches from the ground, and each evergreen at least six (6) feet in height at planting. All such trees shall be selected from the (i) Approved Species List specified in the Landscape Regulations of the Zoning Ordinance or (ii) what is set forth in the Acceptable Tree List.
- B. All lots shall have a minimum depth of one hundred feet (100').
- C. Corner lots shall be deemed to have two (2) front yards; therefore, the front yard landscaping and fencing requirements apply to both street frontages on corner lots.
- D. All Residences shall have at least a two (2) car garage. The garage may be either a front-loaded garage, a side-loaded garage, or a rear-loaded garage. Any three (3) car driveway must taper to a maximum of sixteen (16) feet wide at the lot line.

## **SECTION 8. STREET TREES**

Street trees shall be planted on both sides of all streets internal to the development, except in those areas in which the Town of Fishers Subdivision Control Ordinance prohibits fences, walls, hedges, trees, or shrubs. The number of required street trees shall be the quotient equal to (i) the total lineal length of those segments of internal streets in which street trees are required to be planted, divided by (ii) fifty feet (50'). Street trees shall be placed approximately forty feet (40') to sixty feet (60') on center, except in areas where utility regulations prohibit the placement of street trees. The planting strip shall be the area between the street and the sidewalk, and shall be a minimum of 4 feet in width (the "Planting Strip"). Street trees shall have a minimum caliper of two inches (2") at planting, as measured 12 inches (12") from the ground. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Tree List. If, by reason of utility regulations, all of the required street trees cannot be planted within the Planting Strip, then there shall be planted, within a common area or the Perimeter Area (defined in Section 10 below) within the Real Estate, street trees equal in number to (i) the required street trees minus (ii) both the number of street trees that are actually planted within the Planting Strip and the Perimeter Area Surplus, as defined in Section 10 below.

## **SECTION 9. ADDITIONAL STREET STANDARDS**

The following additional street standards shall apply to all Streets internal to all Districts:

- A. All collector streets shall be thirty-two feet (32') in width, from back of curb to back of curb.
- B. All non-collector streets shall be twenty-six feet (26') in width, from back of curb to back of curb; provided, however, that Frontage Roads shall be only twenty-two feet (22') from

back of curb to back or curb.

- C. No driveway shall be located within twenty-five feet (25') of the intersection of two street lines. For purposes of this subsection, driveways shall not be deemed to include the flared base of the driveway located at the intersection to the street
- D. Encroachments of driveways into side yards and utility and drainage easements contained therein are permitted; however, the Developer will include in the Declaration, a notice that homeowners shall be responsible for the maintenance, repair, and replacement of any driveways damaged or destroyed in connection with the repair, maintenance, or replacement of any drainage or utility easement or infrastructure contained therein.
- E. All internal streets shall be permitted to be constructed with a minimum radius of one-hundred twenty-five (125) feet.
- F. With respect to internal streets with Residences on only one (1) side of the street, sidewalks shall be required only on the side of the street on which the Residences are located.

#### **SECTION 10. PERIMETER AREA**

A perimeter landscape area (the "Perimeter Area"), satisfying the following requirements, shall be required:

- A. The Perimeter Area shall be a minimum of twenty feet (20') in width and shall be required only along those areas of the Real Estate that are adjacent to the segments of Perimeter Streets beside which there *are* no Frontage Roads;
- B. The Perimeter Area shall not overlap with any easements which prohibit the placement of landscape materials;
- C. Within the Perimeter Area, twelve (12) trees shall be planted per one hundred (100) lineal feet. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Trees List. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. For the purpose of calculating the street tree credit in Section 8 above, the term "Perimeter Area Surplus" shall mean and refer to the difference between (i) the number of trees required to be planted under this Section 10(C) and (ii) the number of trees which would be planted in the Perimeter Area if only six (6) trees per one hundred (100) lineal feet were planted.
- D. The trees planted within the Perimeter Area shall be at least fifty percent (50%) evergreen trees, and shall be planted in clusters or, irregular patterns.
- E. The above landscaping shall be combined with either fencing or mounding as described below:
  - 1. Any development perimeter fences shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic metals that simulate natural materials shall also be permitted. Fences shall be at least thirty-six inches (36") in height, but not over seventy-two inches (72") in height
  - 2. Mounds shall be combined with plant material, as described above, and may

include fencing. All mounds shall be a minimum of three feet (3') in height. The maximum side slope shall not exceed a three-to-one (3:1) ratio. Engineering design requirements shall determine the set back from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are permitted.

3. All Perimeter Areas shall be located within a common area and shall not be part of a lot.

#### **SECTION 11. MULTI-USE PATHS**

A multipurpose path, constructed of asphalt and eight (8) feet in width, shall be installed by the Developer along those segments of the Perimeter Streets adjacent to the Real Estate,

#### **SECTION 12. IMPACT FEES AND OPEN SPACE**

The Developer shall be entitled to and shall receive a credit toward any road impact fees, owed by reason of the development of the Real Estate pursuant to the Steeplechase PUD, in an amount equal to all costs and expenses incurred by the Developer in effecting the connection of Georgia Road and Florida Road. Further, per the Commitments, the Developer is dedicating to the Town, for use as a fire station, a portion of the Real Estate not to exceed one (1) acre in size. Said dedication notwithstanding, the portion of the Real Estate so dedicated shall continue to count toward open space within Steeplechase.

#### **SECTION 13. EXISTING USES AND STRUCTURES**

Notwithstanding anything to the contrary in this Steeplechase PUD, any parcel or portion of the Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Steeplechase PUD, along with any structures existing on the date of the enactment of this Steeplechase PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Steeplechase PUD.

#### **SECTION 14. PROCEDURES**

The adoption of this ordinance and the subsequent consideration of any detailed and final development plan shall be consistent and pursuant to the provisions of the Planned Unit Development Committee and the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District. Any requirements not specified by this Steeplechase PUD Ordinance shall be subject to Chapters 151.064 R3 Residential District of the Town of Fishers Code of Land Use Ordinances.

The petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by Department of Development staff. In addition, the petitioner shall:

- A. Meet with staff to discuss the project;
- B. Meet with the PUD Committee to present preliminary plans and drawings for the project; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;
- C. Submit preliminary elevations and lighting along with material samples, color boards and other materials which further illustrate the project to the PUD committee; and
- D. Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project.

**SECTION 15. APPROVAL**

This Steeplechase PUD 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.



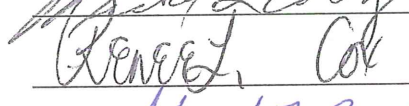
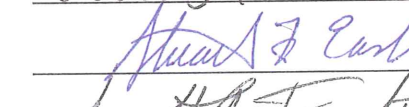
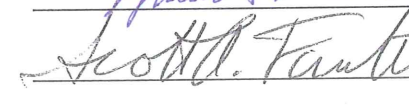
ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 21<sup>ST</sup> Day of OCTOBER, 2013.

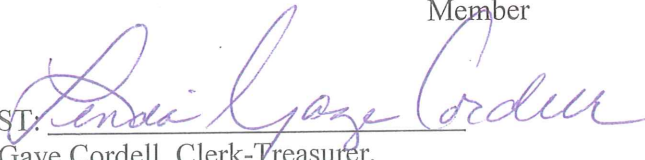
**THE TOWN COUNCIL OF THE TOWN OF FISHERS,  
HAMILTON COUNTY, INDIANA**

AYE

NAY

BY:

 John W. Weingardt, \_\_\_\_\_  
President  
C. Pete Peterson, \_\_\_\_\_  
Vice President  
 Michael Colby, \_\_\_\_\_  
Member  
 Renee Cox, \_\_\_\_\_  
Member  
 Stuart F. Easley, \_\_\_\_\_  
Member  
 Scott A. Faultless, \_\_\_\_\_  
Member  
David C. George, \_\_\_\_\_  
Member

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

DATE: 10/21/13

**Ordinance No. 071513B**

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 96<sup>th</sup> Street, Suite 600  
Indianapolis, Indiana 46240. (317) 569-9600.

## EXHIBIT 1

### Legal Description

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

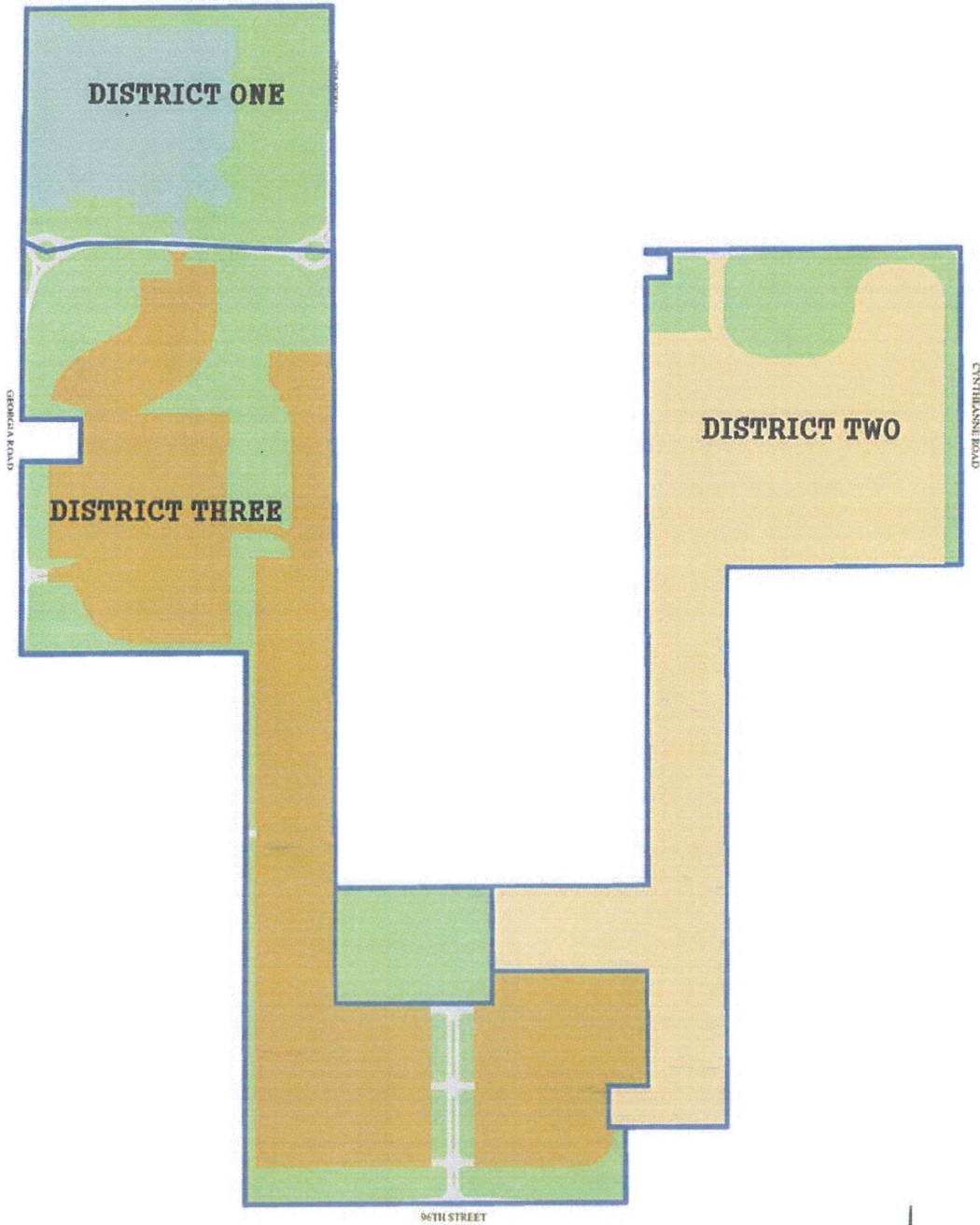
Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds East 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Northwest corner of said Southeast Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.58 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104<sup>th</sup> Street; thence North 89 degrees 23 minutes 09 seconds East along said centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder's Office; thence

South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.



EXHIBIT 2



**EXHIBIT 3**

**Reserve at Steeplechase Development Standards Matrix**

District	Gross Acres	Open Space Acres	Open Percent	Max SF Homes	Density	Min. S.F. Ranch / 2 St.	Min. Lot Width	Front Yard	Rear Yard	Side Yard Min./Agg.	Bldg. Height	Zoning District
1	29.72	12.31	41%	33	1.11	2400/3200	100'	35'	30'	0' / 20'	35'	R2
2	68.81	12.33	18%	133	1.93	2000/2800	90'	25'	20'	0' / 20'	35'	R2
3	98.74	27.93	28%	186	1.88	1850/2600	80'	25'	20'	0' / 20'	35'	R2
<b>Overall</b>	<b>197.27</b>	<b>52.57</b>	<b>27%</b>	<b>352</b>	<b>1.78</b>							

**Notes:**

The acreages and units within each District are approximate and may change with final engineering. Variation within each District is permitted up to 10%; however, the maximum density per district, overall density (1.78) and maximum number of homes (352) shall remain the same.

## EXHIBIT 4

### Accepted Tree List for The Reserve at Steeplechase PUD

PLANT TYPE	BOTANICAL NAME	COMMON NAME
	* In addition to those listed as acceptable in Fishers Ordinance Number 080403C	
DECIDUOUS TREES		
	<i>Acer campestre</i>	HEDGE MAPLE
	<i>Acer ginnala</i>	AMUR MAPLE
	<i>Acer ginnala</i> 'Flame'	FLAME AMUR MAPLE
	<i>Acer grandidentatum</i> 'Schmidt'	ROCKY MOUNTAIN GLOW MAPLE
	<i>Acer nigrum</i> 'Greencolumn'	GREENCOLUMN BLACK MAPLE
	<i>Acer rubrum</i> 'Northwood'	NORTHWOOD RED MAPLE
	<i>Acer rubrum</i> 'Franksred'	RED SUNSET RED MAPLE
	<i>Acer saccharum</i> 'Legacy'	LEGACY SUGAR MAPLE
	<i>Acer saccharum</i> 'Majesty'	MAJESTY SUGAR MAPLE
	<i>Liquidambar styraciflua</i> 'Moraine'	MORAIN SWEETGUM
	<i>Quercus</i> x 'Long'	REGAL PRINCE OAK
	<i>Ulmus japonica</i> x <i>wilsoniana</i> 'Morton'	ACCOLADE ELM
	<i>Ulmus</i> 'Frontier'	FRONTIER ELM
	<i>Ulmus</i> 'Patriot'	PATRIOT ELM
	<i>Gymnocladus dioica</i> (native species)	Kentucky Coffeetree
	<i>Ginkgo biloba</i> (male trees only)	Ginkgo
	<i>Zelkova serrata</i>	Japanese Zelkova
	<i>Ostrya virginiana</i> (native species)	American Hophornbeam
	<i>Cercidiphyllum japonicum</i>	Katsura Tree
	<i>Nyssa sylvatica</i> (native species)	Black Gum
EVERGREEN TREES:		
	<i>Abies balsamea phanerolepis</i>	CANAAN FIR
	<i>Chamaecyparis nootkatensis</i> 'Pendula'	WEeping NOOTKA FALSE CYPRESS
	<i>Picea densata</i>	BLACK HILLS SPRUCE
	<i>Picea glauca</i>	WHITE SPRUCE
	<i>Picea pungens glauca</i> 'Bizon Blue'	BIZON BLUE COLORADO SPRUCE
	<i>Picea pungens</i> 'Hoopsi'	HOOPSI SPRUCE
	<i>Pinus flexilis</i>	VANDERWOLF LIMBER PINE
	<i>Pinus heldreichii leucodermis</i>	BOSNIAN PINE
	<i>Pseudotsuga menziesii</i>	DOUGLAS FIR

## EXHIBIT 4 (Continued)

### APPROVED STREET TREES (summary)

Trees not found on this list are prohibited without a permit from the Town of Fishers Street Tree Board or its designee. Reference: Tree Care Ordinance 012208C.

\* HSE Sewer Utility approved street trees with separation requirements

<u>Scientific Name</u>	<u>Common Name</u>	<u>Size</u>	<u>Height/Spread/Rate</u>
<i>Acer campestre</i>	<b>Hedge Maple</b> cv. 'Elegant', 'Elsrijk', 'Evelyn'	Medium	35'/25'/slow
<i>Acer ginnala</i>	<b>Amur Maple</b>	Small	20'/20'/fast
<i>Acer griseum</i>	<b>Paperbark Maple*</b> cv. 'Ginzam'	Small	25'/20'/medium
<i>Acer rubrum</i>	<b>Red Maple*</b> cv. 'Columnare', 'Red Sunset', 'October Glory'	Large	60'/40'/medium/fast
<i>Acer saccharum</i>	<b>Sugar Maple</b>	Large	75'/50'/slow/medium
<i>Acer tartaricum</i>	<b>Tartarian Maple</b>	Small	20'/20'/medium
<i>Amelanchier arborea</i>	<b>Downy Serviceberry</b>	Medium	25'/25'/medium
<i>Amelanchier x grandiflora</i>	<b>'Autumn Brilliance' Apple Serviceberry</b>	Small	25'/20'/slow
<i>Carpinus caroliniana</i>	<b>American Hornbeam</b>	Medium	30'/30'/slow
<i>Cercis canadensis</i>	<b>Eastern Redbud</b>	Small	20'/20'/medium
<i>Cornus alternifolia</i>	<b>Pagoda Dogwood</b>	Small	25'/25'/medium
<i>Cornus mas</i>	<b>Corneliancherry Dogwood</b>	Small	25'/20'/medium
<i>Ginkgo biloba</i>	<b>'Autumn Gold' Ginkgo*</b> cv. 'Princeton Sentry', 'Fairmount', 'Fastigiata'	Large	50'/35'/slow
<i>Gleditsia triacanthos inermis</i>	<b>Thornless Honeylocust</b> cv. 'Moraine', 'Imperial', 'Shademaster', 'Skyline'	Large	60'/50'/fast
<i>Gymnocladus dioicus</i>	<b>'Stately Manor' Kentucky Coffeetree</b>	Large	70'/40'/medium
<i>Liquidambar styraciflua</i>	<b>'Rotundiloba' Sweetgum</b>	Large	70'/45'/medium
<i>Maackia amurensis</i>	<b>Armur Maackia</b>	Medium	30'/30'/slow
<i>Ostrya virginiana</i>	<b>Eastern Hophornbeam</b>	Medium	45'/40'/slow
<i>Platanus x acerifolia</i>	<b>'Columbia' London Planetree</b> cv. 'Liberty', 'Yarwood', 'Bloodgood'	Medium	50'/50'/medium
<i>Quercus acutissima</i>	<b>Sawtooth Oak</b>	Large	60'/60'/medium/fast
<i>Quercus imbricaria</i>	<b>Shingle Oak</b>	Large	60'/50'/medium
<i>Quercus rubra</i>	<b>Northern Red Oak*</b>	Large	75'/45'/fast
<i>Syringa reticulata</i>	<b>'Ivory Silk' Japanese Tree Lilac</b> cv. 'Summer Snow'	Small	25'/15'/medium
<i>Tilia cordata</i>	<b>Littleleaf Linden</b> cv. 'Greenspire', 'Chancellor', 'Corinthian'	Large	50'/40'/medium
<i>Tilia tomentosa</i>	<b>Silver Linden</b> cv. 'Green Mountain', 'Satin Shadow', 'Sterling', 'Wandell'	Large	50'/40'/fast
<i>Zelkova serrata</i>	<b>Japanese Zelkova</b>	Large	80'/75'/medium

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HAMILTON County Recorder IN  
Recorded as Presented

**MODIFIED COMMITMENTS CONCERNING THE USE  
AND DEVELOPMENT OF REAL ESTATE.**

On April 28<sup>th</sup>, 2006, Reserve at Steeplechase, LLC (“Steeplechase”), executed certain Commitments Concerning the Use and Development of Real Estate in connection with the approval of the Steeplechase Planned Unit Development District, Town of Fishers, Indiana Ordinance No. 020606 (the “Commitments”). The Commitments applied to the real estate described on the attached Exhibit A (the “Steeplechase Real Estate”).

RH of Indiana LP and M/I Homes of Indiana LP petitioned to modify the Commitments with respect to the Steeplechase Real Estate. The Town of Fishers Plan Commission held a public hearing on this petition on September 10, 2013. Following the public hearing, the Plan Commission approved these Modified Commitments Concerning the Use and Development of Real Estate (the “Modified Commitments”), which replaced the Commitments in their entirety.

On August 12, 2014, the Plan Commission held a public hearing on M/I Homes of Indiana LP’s request to make inapplicable the commitments set forth in the Modified Commitments to the real estate described on the attached Exhibit D (the “District 1 Real Estate”), as part of a PUD Text Amendment (see Section 1.01 Declaration, second paragraph of Ordinance No. 072114A), and forwarded a favorable recommendation to the Town Council on that request. On October 20, 2014, the Town Council approved Ordinance No. 072114A, which made inapplicable the commitments set forth in the Modified Commitments to the District 1 Real Estate. To aid in the application of these Modified Commitments, all references to District 1 have been crossed out and the District 1 Real Estate has been excluded from the Steeplechase Real Estate described in Exhibit A.

**Section 1. Cross Reference.** These Modified Commitments are made in connection with approvals obtained under Docket Number 7-TA-13, Ordinance Number 071513B, and as amended by Docket Number 6-TA-14, and Ordinance No. 072114A.

**Section 2. Exhibits.** The following exhibits are attached hereto and incorporated herein by reference:

Exhibit A. Attached hereto and incorporated herein by reference as Exhibit A is the legal description of the real estate (the "Real Estate");

Exhibit B. Attached hereto and incorporated herein by reference as Exhibit B is the district map (the "District Map") which apportions the Real Estate into District 2, and District 3 (collectively the "Districts");

Exhibit C. [omitted intentionally]; and

Exhibit D. Attached hereto and incorporated herein by reference as Exhibit D is the architectural styles gallery (the “Architectural Styles Gallery”), which includes visual examples of architectural features described in Section 5(D).

**Section 3. Definitions.** Different words and terms are defined throughout these

Commitments and, further, the following definitions shall apply throughout these Commitments:

- A. Architectural Review Committee. The term "Architectural Review Committee" shall mean and refer to the committee, established by the Developer in the Declaration, to review and approve or deny requests for architectural approval.
- B. Association. The term "Association" shall mean and refer to a non-profit corporation established by the Developer per the terms of the Declaration. There may be more than one Association with respect to all or part of the Property, as determined by the Developer in the Developer's sole discretion.
- C. Declaration. The term "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be more than one (1) Declaration, as determined by the Developer in the Developer's sole discretion.
- D. Developer. The term "Developer" shall mean and refer to The Reserve at Steeplechase, LLC, and its successors and assigns.
- E. Masonry. The term "Masonry" shall mean and refer to (i) brick, limestone, natural stone, cultured stone, or other similar building material or a combination of the same, bonded together with mortar to form a wall, buttress, or similar mass and (ii) WS and stucco.
- F. Residence. The term "Residence" shall mean and refer to a detached single-family residence that is not attached to another single-family residence.
- G. Town. The term "Town" shall mean and refer to the Town of Fishers, Indiana.
- H. City. The term "City" shall mean and refer to the City of Fishers, Indiana (effective January 1, 2015).

**Section 4. Commitments Applicable to All Residential Districts.** The following commitments are applicable to District 2 and District 3:

- A. The colors utilized for exterior building materials, other than brick and stone, shall feature a base color with natural tones and subtle hues, and may be accented with brighter, more intense or complimentary contrasting tones.
- B. All fences shall be subject to review and approval by the Architectural Review Committee, shall be black in color, and shall be either wrought iron or some other metal, such as aluminum, but wrought iron in appearance.
- C. Mini barns are prohibited.
- D. Uniform mailboxes shall be used for each Residence.
- E. The roofs on all primary structures shall be at a pitch of 6 vertical to 12 horizontal (6:12); provided, however, that ancillary roofs may have a lesser pitch.
- F. All residences shall have either (i) a dusk to dawn garage-mounted coach light or (ii) a dusk to dawn yard light.
- G. Identical residences shall not be located adjacent to or directly across from each other.
- H. Side load or courtyard entry garages shall have at least two (2) windows located on the

front elevation of the garage.

- I. Front loading garages protruding more than eight (8) feet shall contain a window on the side of the garage closest to the entry.

**Section 5. Commitments Applicable to District 2 and 3.**

- A. The permitted exterior building material shall be Masonry, wood, or hardi-plank or similar type siding. Vinyl siding is not permitted.
- B. Basements.
  1. A minimum of eighty-five percent (85%) of the homes in District 2 shall have basements.
  2. A minimum of seventy-five percent (75%) of the homes in District 3 shall have basements.
  3. Ranch-style homes without a basement shall include a minimum of 2,200 square feet of living area.
  4. All homes on lots adjacent to the Boulders shall include a basement.
- C. Each Residence must have both: (i) either (a) a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof or (b) an architectural style that lends itself to the use of less masonry (e.g., Craftsman, Greek Revival, Prairie, Tudor or Italianate) and include a minimum of three (3) features from the applicable "Architectural Styles" list outlined below in Section 5(D) and illustrated in Exhibit D; and (ii) a total of four (4) points from the list of "Architectural Features" outlined below in Section 5(E).
- D. Architectural Styles
  - Craftsman
    - Covered Porch
    - Tapered Columns w/ brick or stone base
    - Corbel Brackets
    - Brick or Stone Wainscot
    - Gabled or Shed Roof Dormer
    - Decorative Gable Brace Details
    - Angled or Extended Window Mantels
  - Greek Revival
    - Pent Roof on Gables
    - Shake Accent Siding
    - Four Pane Windows
    - 6" Wood Trimmed Windows w/ mantels and sills (non-brick area)
    - Minimum 8" x 8" Wood Porch Columns (opt. brick or stone base)

- Minimum 10” Frieze Boards
- Prairie
- Low Pitched Hip Roofs on Front Elements
  - Minimum 18” Overhang Eaves
  - Limestone Window Headers (Masonry Areas)
  - Brackets at Overhangs
  - Top Half of Upper Story Emphasized on Front Elevation
- Tudor
- Half-timbered Gables and/or Front Wall Surfaces
  - Board and Batten Front Facing Gables
  - Minimum 10/12 Roof Pitch (Front Facing Gables)
  - Covered Porch w/ Decorative Columns
  - Keystones over Doors/Windows
  - Decorative Gable Brace Details
- Italianate
- Corbels in Front Facing Gables
  - Eyebrow Returns on Gables
  - Arched Mantels on Windows (Non-brick areas)
  - Covered Porch
  - Specialty Porch Columns w/ Decorative Trim
  - Limestone Headers on Windows (Brick Areas)
  - Four Pane Windows
  - Minimum 10” Frieze Boards

#### E. Architectural Features

1. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
2. Veranda/balcony or patio with minimum dimensions of 10' x 10';
3. Reverse gable;
4. Two (2) or more roof planes visible from the front of the Dwelling (2 points);
5. Decorative garage doors or windows in garage doors;
6. A separate overhead door per car for each garage bay;
7. No garage doors facing and parallel to the street (2 points);
8. Masonry on one hundred percent (100%) of the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof (2 points);
9. At least four feet (4') of relief at one or more points along the front elevation;



10. Full first-floor Masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof;
  11. Sunroom, screened porch, or breakfast nook;
  12. Transom windows;
  13. Bay window;
  14. Two or more dormers;
  15. Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, and bay windows;
  16. Hip roof;
  17. More than two (2) Masonry materials on the front elevation;
  18. Brick detailing, either multiple quoins or other features such as arches, keystones, etc.;
  19. Architectural treatments on gable ends;
  20. Covered stoop/steps with a connection pathway from sidewalk;
  21. Architecturally treated entrances for Residences without a front porch;
  22. At least two feet (2') of relief at two (2) or more points along the front elevation;
  23. Architecturally enhanced/articulated trim moldings such as fipons above windows;
  24. Decorative shutters on front of Residence;
  25. Decorative front door or side lights;
  26. Decorative columns composed of wood or glass;
  27. Garage service door; and
  28. Overhangs of 8" or more (2 points).
- F. It is anticipated that two (2) model homes shall be constructed for marketing purposes within District 2, and that two (2) model homes shall be constructed for marketing purposes within District 3. All model homes shall include a basement.
1. One of the model homes in District 2 must exceed 3200 square feet of living area. In the event that a second model home is constructed in District 2 and is less than 3200 square feet of living area, said second model home must include a finished basement.
  2. One of the model homes in District 3 must exceed 2800 square feet of living area.

In the event that a second model home is constructed in District 3 and is less than 2800 square feet of living area, said second model home must include a finished basement.

- G. Fence Row. A fence row of trees currently exists on the Real Estate along and within 5' of the border between the Real Estate and the Boulders neighborhood (the "Fence Row"). During grading and construction of the lots adjacent to the Fence Row, no trees shall be removed from the Fence Row except in areas where drainage, utilities, street connections or other infrastructure will be installed.

**Section 6. Amenity Area Commitments.** The Developer shall install the following within an amenity area located within District 3 and shall install such other improvements as the Developer shall determine in its sole discretion, all of which shall hereafter be referred to as the Improvements:

- A. One swimming pool of a minimum size of 1,800 square feet;
- B. One wading pool of a minimum size of 140 square feet;
- C. One pool house with restroom facilities;
- D. One basketball court;
- E. One playground containing playground equipment appropriate for preschool children through wade school children.

The Improvements shall be of a type, location, size, design, configuration, architecture, and composition determined by the Developer in the Developer's sole discretion.

**Section 7. Binding on Successors.** These Commitments are binding on the Owner of the Real Estate, each subsequent Owner of the Real Estate, and each other person acquiring an interest in the Real Estate, unless modified or terminated by the Plan Commission. These Commitments may be modified or terminated only by a decision of the Plan Commission after a public hearing wherein notice as provided by the rules of the Plan Commission has been made. The provisions of this Section 8 notwithstanding, these Commitments shall terminate as to any part or parts of the Real Estate hereafter reclassified (rezoned) on the City's Official Zone Map.

**Section 8. Effective Date.** The Commitments contained herein shall be effective upon the occurrence of all of the following events:

- A. The adoption of an ordinance by the Town Council of Fishers, Indiana, assigning the requested Steeplechase PUD classification to the Real Estate;
- B. The acquisition of the Real Estate by the Developer or its successors and assigns; and
- C. The commencement of the development of the Real Estate in accordance with the assignment of the requested Steeplechase PUD classification.

**Section 10. Recording.** The undersigned hereby authorizes the Secretary of the Plan Commission to record these Commitments in the Office of the Recorder of Hamilton County, Indiana.

**Section 11. Enforcement.** These Commitments may be enforced by the Plan Commission and the Common Council of Fishers, Indiana and any property owner within or immediately

adjacent to the Real Estate.

IN WITNESS WHEREOF, M/I HOMES OF INDIANA, LP and RH OF INDIANA, LP, has caused these Commitments to be executed as of the date first written above.

**RH OF INDIANA LP**

By: *Kenneth E. Windler*  
Printed: KENNETH E. WINDLER  
Title: ASSISTANT VP  
Date: 6-8-15

**M/I HOMES OF INDIANA LP**

By: *Cliff White*  
Printed: Cliff White  
Title: Area President  
Date: 6/25/15

STATE OF INDIANA        )  
  )SS:  
COUNTY OF MARION    )

*Before me, a Notary Public in and for said County and State, personally appeared Kenneth E. Windler, the Asst VP of RH of Indiana LP, owner of the real estate who in such capacity acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

Witness my hand and Notarial Seal this  
8 day of June, 2015

Wanda Wooldridge  
Notary Public

Wanda Wooldridge  
Printed Name of Notary Public

My Commission expires: 8-27-22

My County of Residence: Hamilton



STATE OF INDIANA     )  
  )SS:  
COUNTY OF MARION    )

Before me, a Notary Public in and for said County and State, personally appeared Cliff White, the Area President of M/I Homes of Indiana LP, owner of the real estate who in such capacity acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.



Cassie Braughton  
Notary Public, State of Indiana  
My Commission Expires 8/20/2015  
County of Residence: Putnam

Witness my hand and Notarial Seal this  
25 day of June, 2015

Cassie Braughton  
Notary Public

Cassie Braughton  
Printed Name of Notary Public

My Commission expires: 8/20/2015

My County of Residence: Putnam

Date: July 10, 2015

[Signature]  
Printed: Warren Harling  
President, Town of Fishers Plan Commission

[Signature]  
Printed: Adam Zaklikowski, AICP  
Secretary, City of Fishers Plan Commission

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Faegre Baker Daniels, LLP  
600 East 96<sup>th</sup> Street, Suite 600, Indianapolis, Indiana 46240, (317) 569-9600

**EXHIBIT A**  
Of Real Estate (Districts 2 and 3)

**Legal Description**

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds East 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Northwest corner of said Southeast Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.58 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104<sup>th</sup> Street; thence North 89 degrees 23 minutes 09 seconds East along said centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder's Office; thence

South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.

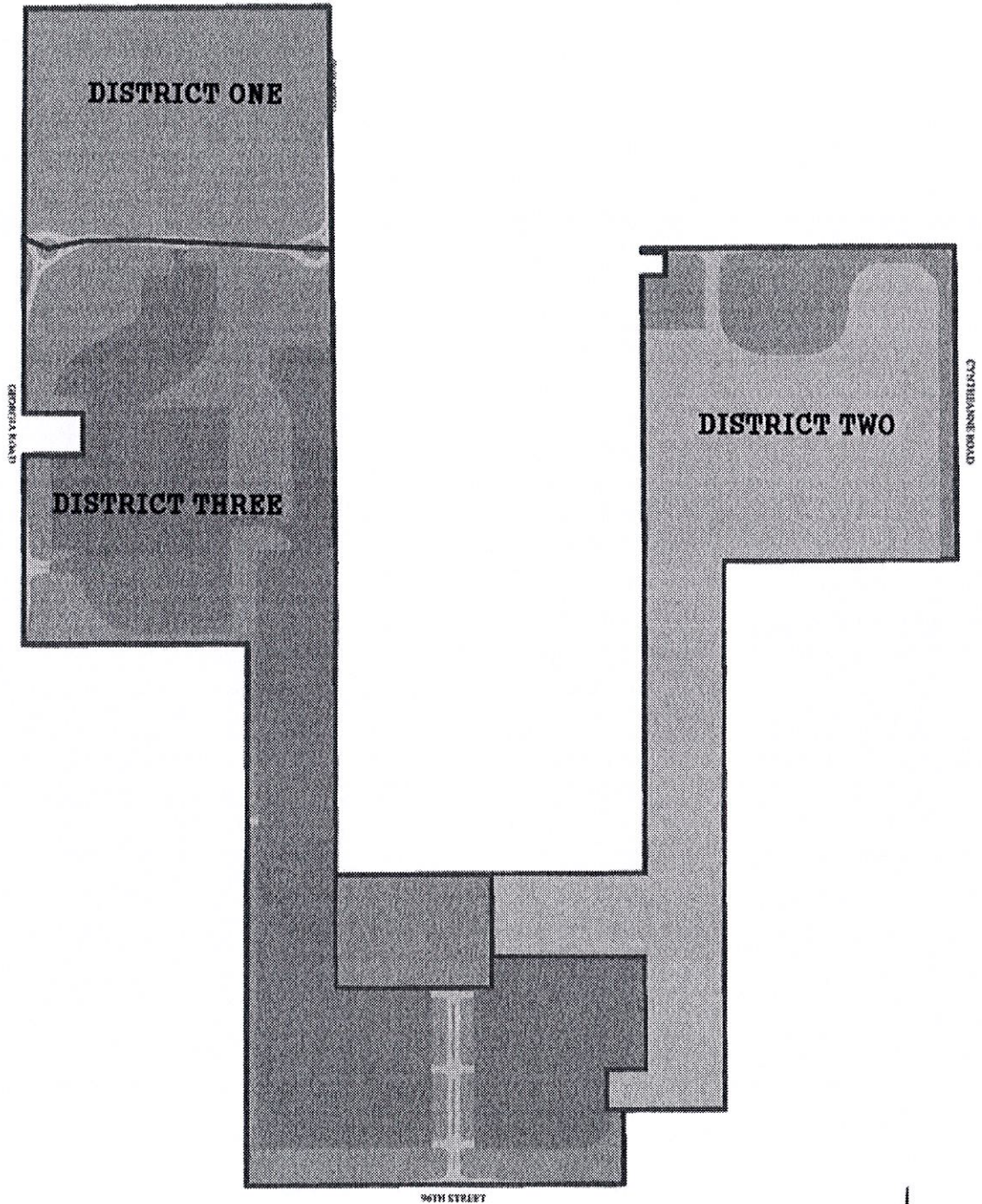
EXCEPT:

A part of Northwest Quarter of the Northeast Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 7, said point being marked by railroad spike found in place; thence North 00 degrees 08 minutes 05 seconds East 969.81 feet; thence North 89 degrees 22 minutes 55 seconds East 1,287.63 feet; thence South 00 degrees 53 minutes 16 seconds East 1,031.11 feet; thence North 87 degrees 55 minutes 26 seconds West 1,306.64 feet to the place of beginning, containing 29.776 acres, more or less.

**EXHIBIT B**

**\*Area shown as "District 1" not a part of these Modified Commitments**



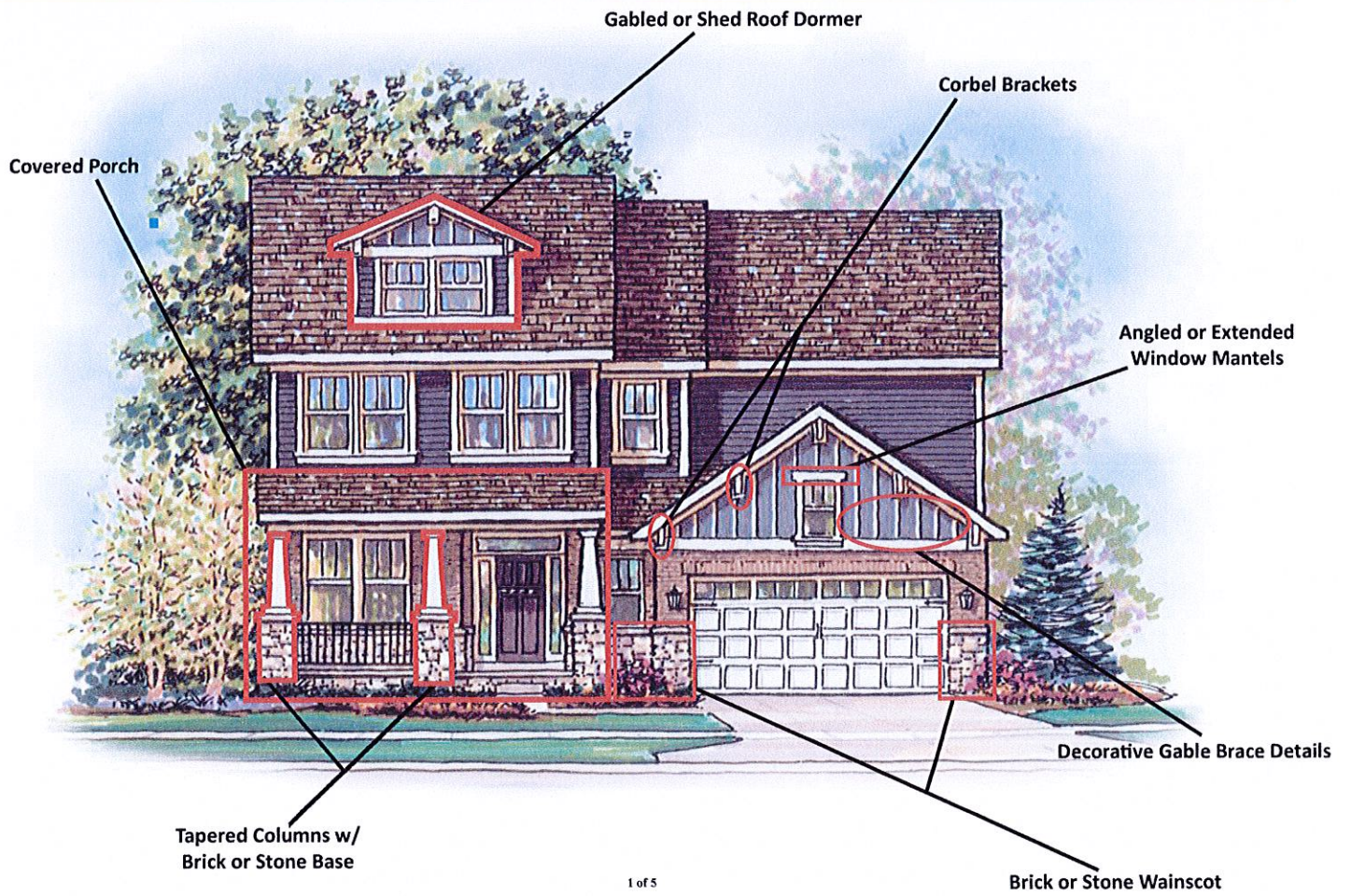
**EXHIBIT C**  
**[Omitted intentionally]**



**EXHIBIT D**

**Architectural Styles Gallery**

# CRAFTSMAN

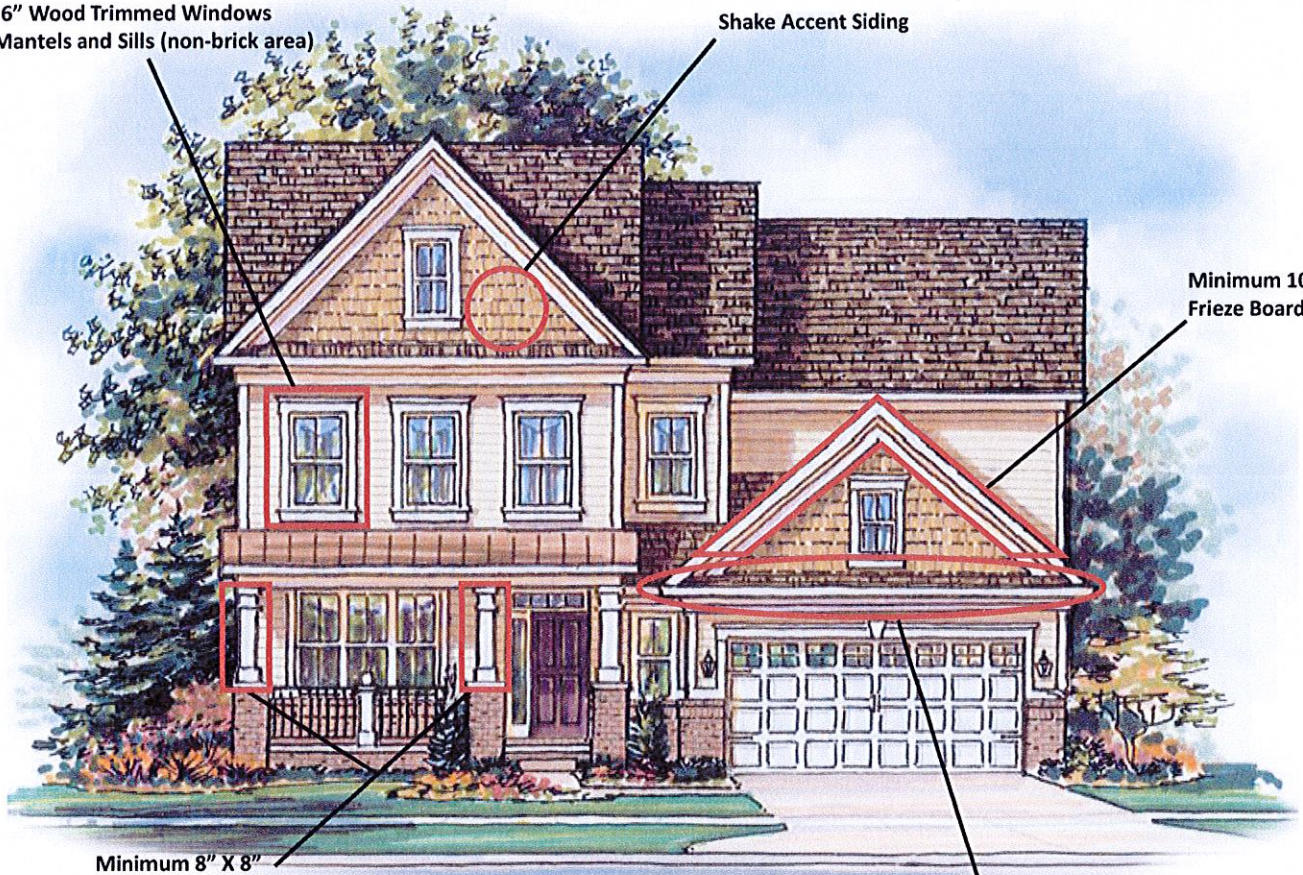


# GREEK REVIVAL

Four Pane Windows &  
6" Wood Trimmed Windows  
w/ Mantels and Sills (non-brick area)

Shake Accent Siding

Minimum 10"  
Frieze Boards



Minimum 8" X 8"  
Wood Porch Columns  
(opt. brick or stone base)

Pent Roof on Gables

EXHIBIT D - ARCHITECTURAL STYLES GALLERY

PRAIRIE

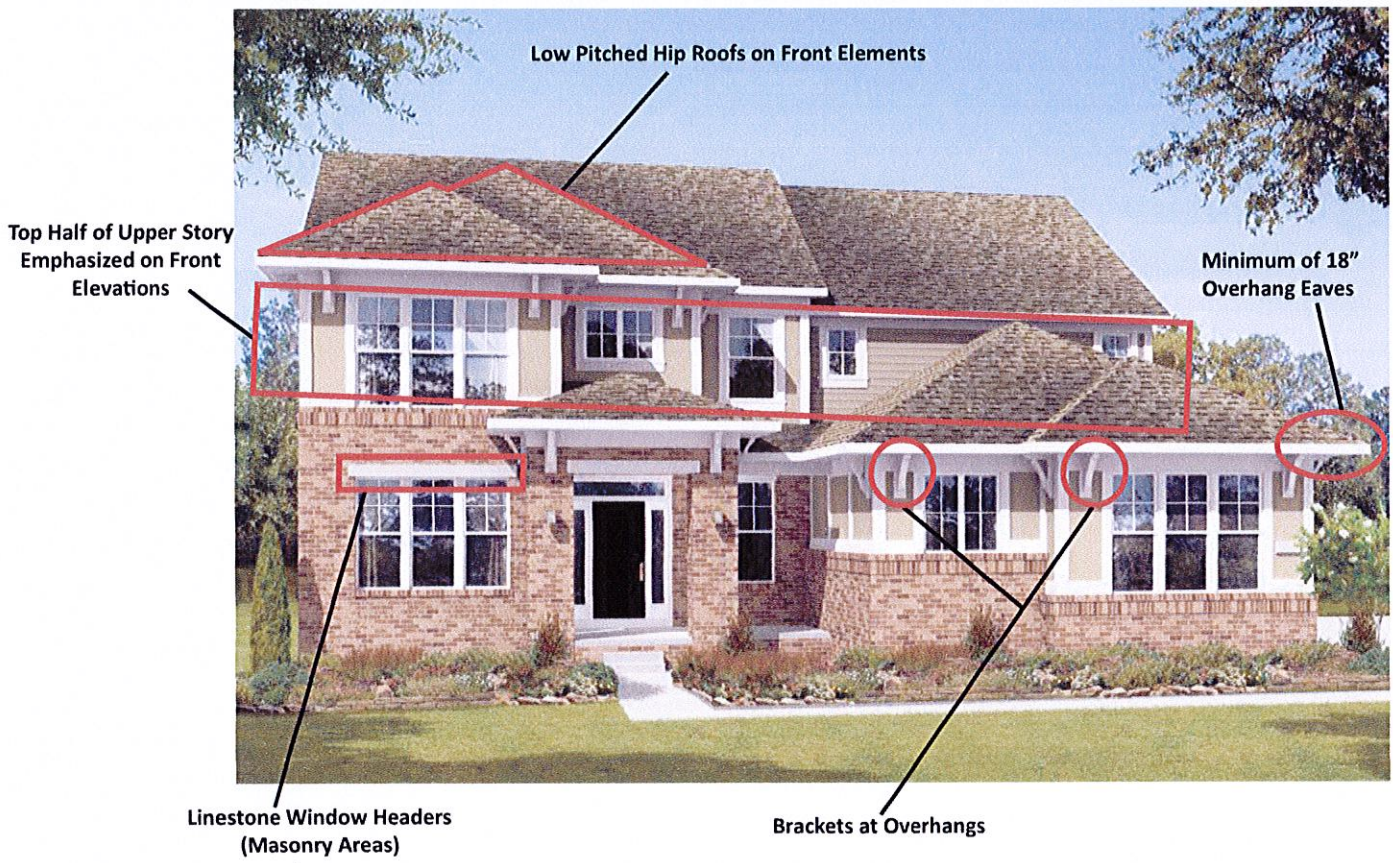


EXHIBIT D - ARCHITECTURAL STYLES GALLERY

TUDOR

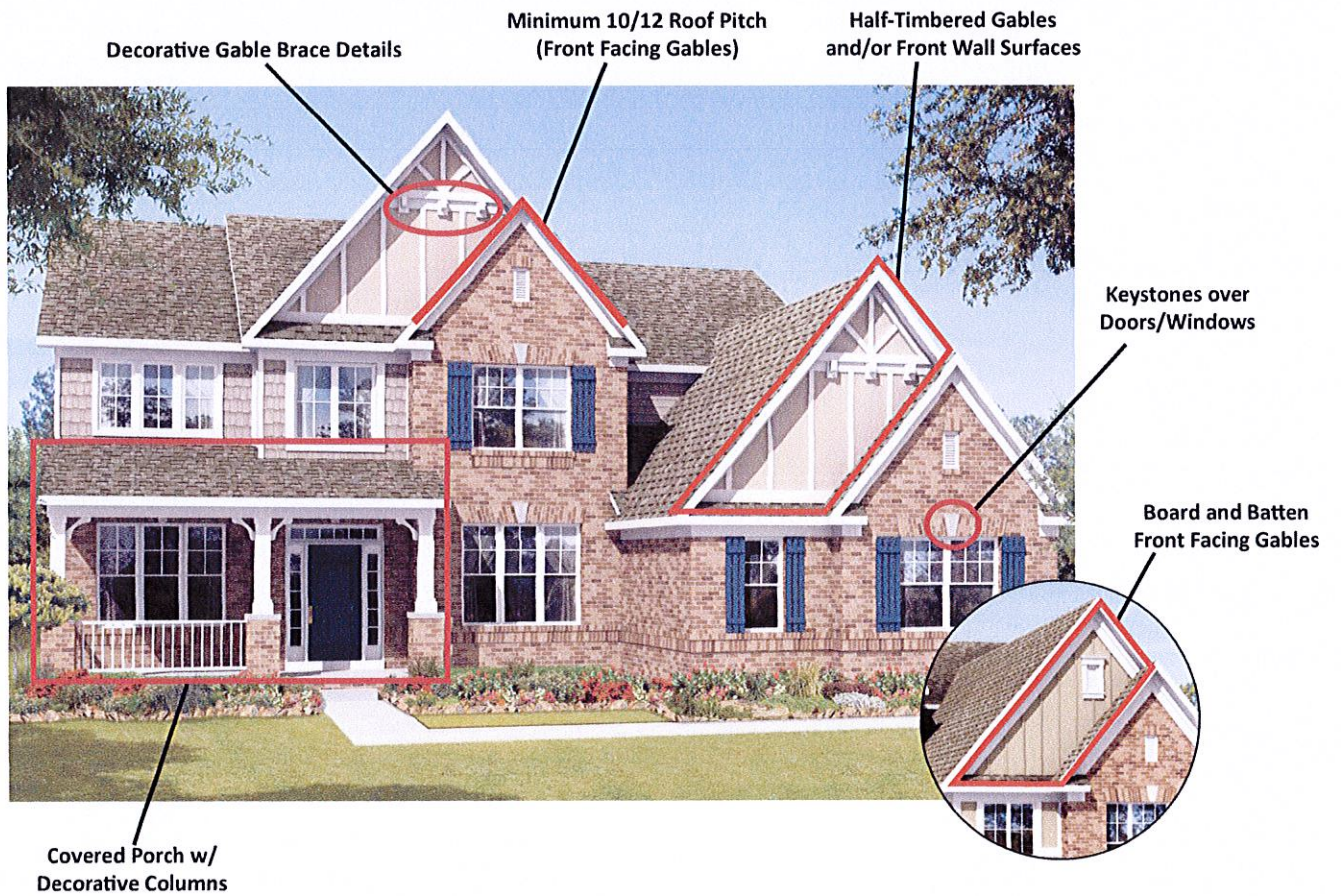


EXHIBIT D - ARCHITECTURAL STYLES GALLERY

ITALIANATE

