

THE BOULDERS

ORDINANCE NO. 061807 A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS INDIANA – 1980

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

SECTION 1. DECLARATION

Whereas the Town of Fishers has established the criteria for creating Planned Unit Development districts; and

Whereas the Planned Unit Development – Residential (PUD-R) was established to provide for the development of mixed zoning densities under a common classification; and

Whereas the PUD-R was established to provide for innovative approaches to meet the demands of the housing market:

Therefore, The Town of Fishers, Indiana, hereby established the PUD-R for the Real Estate defined in exhibit "A".

SECTION 2. DEVELOPMENT STANDARDS

The Project is to be known as The Boulders and shall be developed substantially as depicted on the attached development plan defined in Exhibit "B". The Project shall be developed into three residential subsections and two park sections under the following development standards;

The Villas The Villas section shall be named "Prescott of Fishers" and the text of the subdivision identification sign for Prescott shall contain "of Fishers". The maximum number of homes permitted in the Villas section shall be forty-six. The homes in the Villas shall be custom-built of wood frame with masonry and wood exterior siding. No pre-fabricated wall sections shall be used during the construction process. The Villas shall be built from construction plans drawn specifically for each particular lot such that no two Villa homes shall be identical. At least sixty percent (excluding doors and window) of the exterior of the homes shall be brick or stone, masonry veneer. All homes in the Prescott shall have decorative garage doors.. All of the home in the Villas

shall have concrete driveways and every home shall have a front yard sprinkler system installed.

The following standards shall apply to the Villas;

Street width, back of curb	30 feet
Front yard setback	25 feet
Side-yard setback	6 feet
Rear yard setback	25 feet
Living area	2400 square ft.
Off-street parking	2 spaces
Building height	35 feet
Street trees planted at forty feet separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The Grand The Grand section shall be named "Ravinia of Fishers" and the text of the subdivision identification sign for Ravinia shall contain "of Fishers". The maximum number of homes permitted in the Grand section shall be fifty-seven (57). The homes in the Grand shall be custom-built of wood frame with masonry and wood exterior siding. No pre-fabricated wall sections shall be used during the construction process. The homes shall be built from construction plans drawn specifically for each particular lot such that no two Grand homes shall be identical. No garages in the Grand shall front-load but every garage shall side-load, rear load, angle load or be courtyard in design. Every home shall have a concrete driveway and every home shall have a sprinkler system in the front yard. No fireplace chase shall have a wood or siding exterior but must be either masonry or an EFS or similar type product. The following standards shall apply to the Grand;

Street width, back of curb	30 feet
Front yard setback	40 feet
Side-yard setback	10 feet minimum, 40' aggregate
Rear yard setback	30 feet
Living area	3200 square ft.
Off-street parking	2 spaces
Building height	35 feet
Street trees planted at fifty feet separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The Estates The maximum number of homes permitted in the Estates section shall be one hundred and sixty (160). No Estates home shall be permitted to have a rear yard facing 104th Street unless said rear yard is a minimum of three hundred feet from 104th Street. Each home within the Estates shall have a minimum of fifty-percent masonry on the front elevation (excluding window and doors). Each home within the Estates shall have a concrete driveway. The following standards shall apply to the Estates:

Street width, back of curb	30 feet
Front yard setback	25 feet
Side-yard setback	5 feet with a minimum of 20 feet between buildings
Rear yard setback	25 feet
Living area	2400 square ft.
Off-street parking	2 spaces
Building height	35 feet
Street trees planted a fifty-foot separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The homes to be marketed within The Estates shall be limited to the following plans as designed, marketed and built by Ryland Homes of Indiana;

- The Harrington, 2,401 square feet, 2 and ½ car garage, courtyard style
- The Kessler, 2,522 square feet, 3 car garage, side-load only
- The Hawthorne, 2,769 square feet, 3 gar garage, side-load only
- The Carrington, 2,462 square feet, 3 car garage, side-load only
- The Penhurst, 3,122 square feet 3 car garage side-load
- The Southill, 3,220 square feet, 3 car garage, side-load
- The Pembroke, 3,350 square feet, 3 car garage side-load
- The Shenandoah, 3,904 square feet, 3 car garage, side-load

These plans shall be filed with the Town of Fishers Department of Development and no other plans shall be permitted to be constructed with the Estates unless such plans are approved by the PUD Committee of the Town of Fishers Plan Commission.

It is anticipated that two model homes shall constructed for marketing purposes within the Estates. One of these models must exceed three thousand square feet (3,000). In the event that the second model is less than three thousand square feet (3,000), said model must display a finished basement.

The Parks Two parks shall be incorporated within The Boulders. One shall be comprised of the community swimming pool to be available for use by all of the residents of The Boulders. This park shall be located at the northeast corner of the Estates section. In addition to the swimming pool, a bathhouse, playground, basketball court, soccer goal and volleyball court shall be constructed for use by the residents of the Boulders. The second park shall be located at the southeast corner of 104th Street and Florida Road. It is designed to be dedicated to the Town of Fishers for a combination of structured, organized activities to be developed in conjunction with the additional property west of The Boulders.

SECTION THREE PROCEDURES


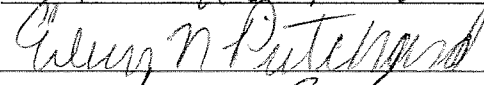



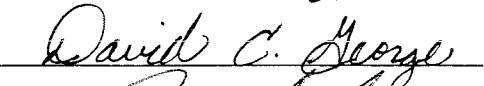
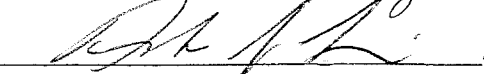
The PUD Committee shall govern and enforce this Ordinance as defined in Land Use Ordinance 151.072, Planned Unit Development District (PUD).

SECTION FOUR APPROVAL

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Fishers, Indiana. All provisions or parts thereof in conflict herewith are hereby released.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana this 6th day of August, 2007

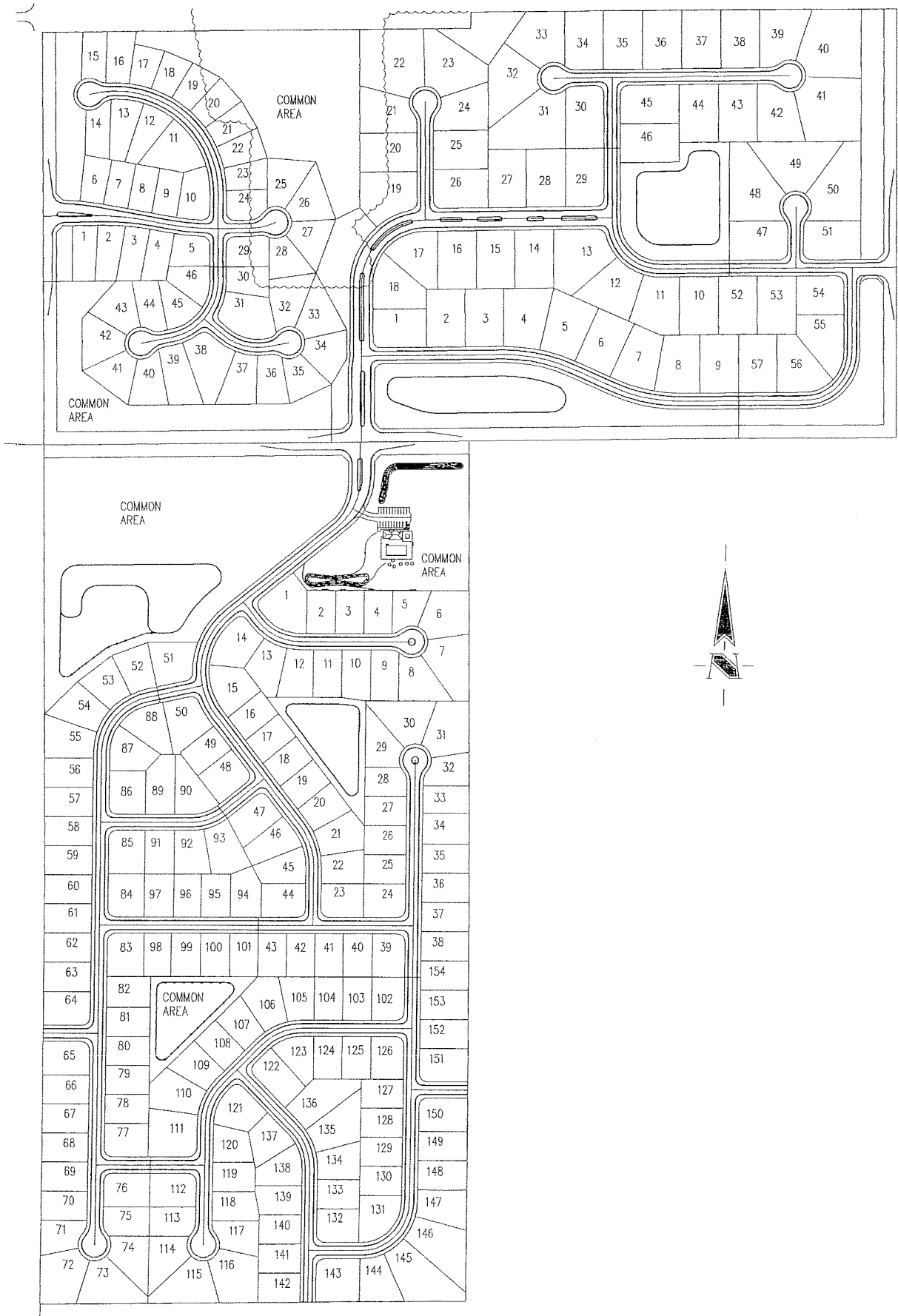
THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA

AYE	NAY
	
_____	_____
Scott Faultless	_____
President	
	
_____	_____
Eileen N. Pritchard	_____
Vice President	
	
_____	_____
Stuart F. Easley	_____
	
_____	_____
Daniel E. Henke	_____
	
_____	_____
Charles P. White	_____
	
_____	_____
David C. George	_____
	
_____	_____
Arthur J. Levine	_____

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

Date: 8-6-07
Approved by: Douglas D. Church – Town Attorney

EXHIBIT "B"



THE BOULDERS

ORDINANCE NO. 051903C

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

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Whereas the Planned Unit Development - Residential (PUD-R) was established to provide for the development of mixed zoning densities under a common classification; and

Whereas the PUD-R was established to provide for innovative approaches to meet the demands of the housing market;

Therefore, The Town of Fishers, Indiana, hereby establishes the PUD-R for the Real Estate defined in Exhibit "A".

SECTION 2. DEVELOPMENT STANDARDS

The Project is to be known as The Boulders and shall be developed substantially as depicted on the attached development plan defined in Exhibit "B". The Project shall be developed into three residential subsections and two park sections under the following development standards;

The Villas The maximum number of homes permitted in the Villas section shall be forty-six. The homes in the Villas shall be custom-built of wood frame with masonry and wood exterior siding. No pre-fabricated wall sections shall be used during the construction process. The Villas shall be built from construction plans drawn specifically for each particular lot such that no two Villa homes shall be identical. At least sixty percent (excluding doors and windows) of the exterior of the homes shall be brick or stone, masonry veneer. A minimum of fifty percent of the homes in the Villas shall have side-load or courtyard style garages. All of the homes in the Villas shall have concrete driveways and every home shall have a front yard sprinkler system installed.

The following standards shall apply to the Villas;

Street width, back of curb	30 feet
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Living area	2400 square feet
Off-street parking	2 spaces
Building height	35 feet
Street trees planted at forty feet separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The Grand The maximum number of homes permitted in the Grand section shall be fifty-seven. The homes in the Grand shall be custom-built of wood frame with masonry and wood exterior siding. No pre-fabricated wall sections shall be used during the construction process. The Grand shall be built from construction plans drawn specifically for each particular lot such that no two Grand homes shall be identical. No garages in the Grand shall front-load but every garage shall side-load, rear load, angle load or be courtyard in design. Every home shall have a concrete driveway and every home shall have a sprinkler system in the front yard. No fireplace chase shall have a wood or siding exterior but must be either masonry or an EFS or similar type product. The following standards shall apply to the Grand;

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Living area	3200 square feet
Off-street parking	2 spaces
Building height	35 feet
Street trees planted at fifty feet separation	
No accessory buildings	
No vinyl siding	
Front yard dusk to dawn light	

The Estates The maximum number of homes permitted in the Estates section shall be one hundred and sixty. No Estates home shall be permitted to have a rear yard facing 104th Street unless said rear yard is a minimum of three hundred feet from 104th Street. Each home within the Estates shall have a minimum of fifty-percent masonry on the front elevation (excluding windows and doors). Each home within the Estates shall have a concrete driveway. The following standards shall apply to the Estates;

Street width, back of curb	30 feet
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Side-yard setback	10 feet 20 Feet <i>MC</i>
Rear yard setback	25 feet
Living area	2400 square feet
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Building height	35 feet
Street trees planted at fifty feet separation	
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- The Hawthorne, 3 car garage side-load
- The Penhurst, 3 car garage side-load
- The Southill, 3 car garage side-load
- The Pembroke, 3 car garage side-load

These plans shall be filed with the Town of Fishers Department of Development and no other plans shall be permitted to be constructed with the Estates unless such plans are approved by the Town of Fishers Plan Commission.

It is anticipated that two model homes shall be constructed for marketing purposes within the Estates. One of these models must exceed three thousand square feet. In the event that the second model is less than three thousand square feet, said model must display a finished basement.

The Parks Two parks shall be incorporated within The Boulders. One shall be comprised of a community swimming pool to be available for use by all of the residents of The Boulders. This park shall be located at the northeast corner of the Estates section. In addition to the swimming pool, a bathhouse, playground, basketball court, soccer goal and volleyball court shall be constructed for use by the residents of The Boulders. The second park shall be located at the southeast corner of 104th Street and Florida Road. It is designed to be dedicated to the Town of Fishers for a combination of structured, organized activities to be developed in conjunction with the additional property west of The Boulders.

SECTION THREE PROCEDURES

The PUD Committee shall govern and enforce this Ordinance as defined in Land Use Ordinance 151.072, Planned Unit Development District (PUD).

SECTION FOUR APPROVAL

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Fishers, Indiana. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana this 20 day of Oct, 2003.

THE TOWN COUNCIL OF THE TOWN OF FISHERS, INDIANA

BY:	<u>Scott A. Faultless</u>	AYE	_____	NAY
	Scott A. Faultless		_____	
	Stuart F. Easley		_____	
	Stuart F. Easley		_____	
	Vice-President		_____	
	Timothy O. Lima		_____	
	Timothy O. Lima		_____	
	Aileen N. Pritchard		_____	
	Aileen N. Pritchard		_____	
	Daniel E. Henke		_____	
	Daniel E. Henke		_____	
	Charles P. White		_____	
	Charles P. White		_____	
	David C. George		_____	
	David C. George		_____	

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

DATE: 10-20-03

Approved by: Douglas D. Church - Town Attorney

ORDINANCE #051903

EXHIBIT "A"

Land Description
9.4 Acre Tract

A part of the North Half of the Northeast Quarter of Section 7, Township 17 North Range 6 East, begin more particularly described as follows:

Commencing at the northeast corner of said northeast quarter; thence South 00 degrees 35 minutes 13 seconds East along the east line of the northeast quarter of said quarter section a distance of 1327.51 feet to the southeast corner of said quarter-quarter section; thence South 89 degrees 23 minutes 33 minutes West along the south line of the aforesaid half quarter section a distance of 2646.06 feet to the southwest corner of the northwest quarter of said quarter section; thence North 00 degrees 52 minutes 31 seconds West along the west line of said quarter-quarter section a distance of 641.21 feet to the **Point of Beginning**; thence North 89 degrees 28 minutes 13 seconds East parallel with the north line of said quarter-quarter section a distance of 639.91 feet; thence North 00 degrees 52 minutes 31 seconds West parallel with said west line a distance of 639.91 feet to a point on the south line of Parcel 3 of a tract of land described in Instrument Number 2002-17430, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 28 minutes 13 seconds West along the south line of said Parcel 3 a distance of 639.91 feet to the southwest corner of said Parcel 3 point also being on said west line; thence South 00 degrees 52 minutes 31 seconds East along said west line a distance of 639.91 feet to the **Point of Beginning**, containing 9.40 acres, more or less.

ALSO: The entire widths of rights-of-way of Florida Road and 104th Street that are contiguous to the real estate described hereinabove.

ORDINANCE #051903A

EXHIBIT "A"

**Land Description
Remaining Tract**

A part of the North Half of the Northeast Quarter of Section 7, Township 17 North Range 6 East, begin more particularly described as follows:

Beginning at the northeast corner of said northeast quarter; thence South 00 degrees 35 minutes 13 seconds East along the east line of the northeast quarter of said quarter section a distance of 1327.51 feet to the southeast corner of said quarter-quarter section; thence South 89 degrees 23 minutes 33 minutes West along the south line of the aforesaid half quarter section a distance of 2646.06 feet to the southwest corner of the northwest quarter of said quarter section; thence North 00 degrees 52 minutes 31 seconds West along the west line of said quarter-quarter section a distance of 641.21 feet; thence North 89 degrees 28 minutes 13 seconds East parallel with the north line of said quarter-quarter section a distance of 639.91 feet; thence North 00 degrees 52 minutes 31 seconds West parallel with said west line a distance of 639.91 feet to a point on the south line of Parcel 3 of a tract of land described in Instrument Number 2002-17430, recorded in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 28 minutes 13 seconds East along the south line of Parcels 3, 5 and 6 of said tract a distance of 693.40 feet to the southeast corner of Parcel 6 of said tract; thence North 00 degrees 33 minutes 51 seconds West along the east line of Parcel 6 of said tract a distance of 50.00 feet to the north line of the northeast quarter of said quarter section; thence North 89 degrees 28 minutes 13 seconds East along said north line a distance of 1319.18 feet to the **Point of Beginning**, containing 69.92 acres, more or less.

ALSO: The entire widths of rights-of-way of Cyntheanne Road and 104th Street that are contiguous to the real estate described hereinabove.