

ORDINANCE NO. 080210

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA - 2006

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "UDO"), the Villages at Gray Eagle Planned Unit Development Ordinance No. 121503D, as amended by Ordinances No. 101804C and 030606C (collectively, the "Villages at Gray Eagle PUD"), the Hawks Landing Planned Unit Development Ordinance No. 031703A (the "Hawks Landing PUD"), and the Sandstone / Gray Eagle Planned Unit Development Ordinance No. 100996B, as amended by Ordinance No. 030600B (collectively, the "Gray Eagle PUD")(collectively, the "Original PUD Ordinances"), 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.

WHEREAS, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 5-TA-10 as required by law in regard to the application filed by Gray Eagle, LLC, Gray Eagle Partners, LLC and Camp Wright Investments, LLC (collectively, the "Developer") regarding the subject real estate described in Exhibit A attached hereto (the "Real Estate"); and,

WHEREAS, the Plan Commission at its September 14, 2010, meeting sent a favorable recommendation to the Town of Fishers Town Council by a vote of six (6) in favor, zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Original PUD Ordinances are hereby amended as follows:

Section 1. **Ordinance Intent.** This ordinance hereby amends the Original PUD Ordinances to adopt consistent and harmonious architectural design standards across all three abutting sections of the Hawks Landing / Gray Eagle development, each within separate planned unit developments. The single-family residential lots in each section are currently developed in accordance with the development standards of their respective planned unit development. Thus, this ordinance is not modifying those development standards; rather, it establishes compatible architectural design standards across all three planned unit developments for the vertical construction of the remaining single-family homes of the abutting sections.

Section 2. **Applicability of Amendment Ordinance.**

- 2.1 This ordinance shall hereafter be referred to as the Hawks Landing/Gray Eagle Amendment Ordinance (the "Amendment Ordinance").

- 2.2 This Amendment Ordinance only applies to those detached single-family homes on the Real Estate that begin construction after the date of the adoption of this Amendment Ordinance.
- 2.3 "Article" cross-references of this Amendment Ordinance shall hereafter refer to the Article section as specified and referenced in the UDO.
- 2.4 Terms capitalized in this Amendment Ordinance (other than specific identifiers such as the "Developer" and the "Real Estate") refer to defined terms in the UDO.
- 2.5 All other provisions of the Original PUD Ordinances shall remain in effect with the adoption of this Amendment Ordinance.
- 2.6 All provisions and representations of the Original PUD Ordinances that conflict with the provisions of this Amendment Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Amendment Ordinance.

Section 3. **Concept Plan.** The Concept Plan is hereby incorporated as Exhibit C. The Concept Plan is intended to provide the Plan Commission and Town Council with a general vision for the development of the Real Estate.

Section 4. **Architectural Design Standards.**

- 4.1 *Article 05.012 AD-01: Architectural Design; Single-family Residential*, attached hereto as Exhibit B, shall apply, with the modifications noted therein (the "Architectural Design Standards").
- 4.2 *Villages at Gray Eagle PUD*. The Architectural Design Standards hereby replace and supersede in their entirety the architectural standards and active adult features applicable to detached single-family dwellings (as permitted within Areas A and B) of the Villages at Gray Eagle PUD, including, but not limited to Section 5(C)(1) and Section 5(E) of the Villages at Gray Eagle PUD. In addition, Section 3 of the Villages at Gray Eagle PUD is hereby amended to replace "detached single-unit active adult dwellings" with "detached single-family dwellings".
- 4.3 *Hawks Landing PUD*. The Architectural Design Standards hereby replace and supersede in their entirety the architectural standards and active adult features applicable to the Hawks Landing PUD, including, but not limited to Section 6 and Section 7(2) of the Hawks Landing PUD.
- 4.4 *Gray Eagle PUD*. The Architectural Design Standards are hereby incorporated for those areas of the Real Estate within the Gray Eagle PUD.
- 4.5 *Minimum Floor Area*. The minimum floor area, exclusive of garages and porches, for detached single-family dwellings in those areas of the Real Estate within the Villages at Gray Eagle PUD and the Gray Eagle PUD shall be: (i)

fourteen hundred (1,400) square feet for one story dwellings; and (ii) eighteen hundred (1,800) square feet for two story dwellings.

Section 5. Hawks Landing Tree Conservation.

- 5.1 Trees within the floodway shown on Exhibit D shall be preserved and shall be removed only as necessary for public health, safety or welfare and the installation of utility and drainage infrastructure.
- 5.2 Trees within the areas identified on Exhibit D as "Tree Preservation Area" shall be removed only (i) as necessary for public health, safety and welfare and/or (ii) if not living. No portion of the wire fence located within the Tree Preservation Area along the eastern boundary of the Hawks Landing Real Estate may be removed unless immediately replaced with a black vinyl chain link fence.

Section 6. Landscaping.

6.1 Street Trees.

6.1.A Streets shall have sidewalks and street trees on both sides of the street. All street trees shall be placed, approximately forty (40) to sixty (60) feet on center, in a planting strip between the curb and the sidewalk if available. The planting strip shall be a minimum of four (4) feet wide (the "Planting Strip"). Within 100' of an intersection, trees may be planted back of sidewalk in order to maintain vision clearance of traffic control signs. Trees shall be deciduous and selected from the Town's approved List of Recommended Species. Street Trees shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground.

6.1.B Street Trees shall be planted in the Planting Strip in front of the Real Estate's existing homes (as constructed or partially constructed on the date of the adoption of this Amendment Ordinance) within six (6) months following the time a Street Tree is planted on a lot abutting an existing home's lot.

6.2 Lot and Foundation Plantings. *Article 05.040 LA-03(A) and (B): Landscaping Standards; Residential Subdivision Lot and Foundation Plantings* shall apply to the Real Estate. In addition, the following shall apply:

6.2.A Established Front Yards shall be sodded. Established Rear and Side Yards shall be hydro-seeded. For purposes of this standard, Corner Lots shall be deemed to have two Established Front Yards.

6.2.B Front yard irrigation systems shall be installed on lots numbered one (1) through thirty-four (34), as labeled on the Concept Plan.

Section 7. Commitments. The Hawks Landing PUD cross-referenced certain Commitments. Those Commitments have been terminated by action of the Plan Commission at its September 14, 2010, meeting; however, the commitments attached hereto as Exhibit E shall be recorded by the Developer.

Section 8. Approval. This Ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law.

ORDINANCE No. 080210 ADOPTED BY THE Town Council of the Town of Fishers, Indiana, this Eighteenth day of October, 2010.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE	NAY
BY: <u>Scott A. Faultless</u>	_____
<u>David C. George</u>	_____
_____	_____
<u>Stuart F. Easley</u>	_____
_____	_____
<u>Eileen N. Pritchard</u>	_____
_____	_____
<u>Daniel E. Henke</u>	_____
_____	_____
<u>Arthur J. Levine</u>	_____
_____	_____
<u>MICHAEL L. COLBY</u>	_____
_____	_____

ATTEST: Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 080210

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim, Town Attorney
Prepared by: Steven D. Hardin, Esq., Attorney at Law, Baker & Daniels, LLP
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240

HAWKS LANDING / GRAY EAGLE

GRAY EAGLE, LLC | GRAY EAGLE PARTNERS, LLC
CAMP WRIGHT INVESTMENTS, LLC



PRESENTED BY
BAKER & DANIELS

REQUEST FOR A PUD TEXT AMENDMENT
OCTOBER 18, 2010 TOWN COUNCIL THIRD READING

EXHIBIT A
Real Estate Description

Villages at Gray Eagle Planned Unit Development
Land Description

Part of the Northeast Quarter of Section 35, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and being described as follows: Commencing at the Northeast corner of the said Northeast Quarter; thence South 00 degrees 21 minutes 37 seconds East (bearings are based on the Indiana State Plane Coordinate System, East Zone and are referenced to a survey by Evergreen Planners, dated July 6, 1995 and recorded as Inst. No. 9615579 in the Office of the Hamilton County Recorder) along the East line of said Northeast Quarter a distance of 2204.05 feet to North line of a tract of land conveyed to the Fall Creek Township and described in Deed Record Book 142, page 337 as recorded in the Office of the Hamilton County Recorder and being the POINT OF BEGINNING; thence South 89 degrees 26 minutes 17 seconds West along said Northerly line a distance of 737.00 feet to a non tangent curve to the right from which the radius point bears South 86 degrees 32 minutes 58 seconds East; thence Northeasterly along said curve an arc distance of 108.78 feet; to a point from which the radius point bears South 45 degrees 00 minutes 00 seconds East, said curve having a radius of 150.00 feet; thence North 45 degrees 00 minutes 00 seconds East 4.85 feet to the Northerly line of a tract of land conveyed to Mays Property Management and described in Inst. No. 2001-9000 as recorded in the Office of the Hamilton County Recorder; thence South 89 degrees 26 minutes 17 seconds West along said Northerly line a distance of 79.70 feet to the a Northeasterly corner of said Mays Property Management tract; thence North 00 degrees 21 minutes 37 seconds West along the Easterly line of said Mays Property Management 766.01 feet to the North line of the South Half of said Northeast Quarter; thence North 89 degrees 22 minutes 21 seconds East along said North line 778.65 feet to the East line of said Northeast Quarter; thence South 00 degrees 21 minutes 37 seconds East along said East line 866.90 feet to the Point of Beginning and containing 15.378 acres more or less. Subject to the right of way for Olio Road.

ALSO INCLUDING: A part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana and being more particularly described as follows: Beginning at a point on the east line of the Northeast Quarter of Section 35, Township 18 North, Range 5 East, said point being South 00 degrees 00 minutes 00 seconds (assumed bearing) a distance of 1130.39 feet from the northeast corner thereof; thence South 00 degrees 00 minutes 00 seconds on and along said east line a distance of 206.61 feet to the southeast corner of the Northeast Quarter of the Northeast Quarter of Section 35, thence South 89 degrees 44 minutes 28 seconds West over and along the south line of said quarter-quarter a distance of 988.97 feet to the west line of the east half of the west half of said quarter-quarter; thence North 00 degrees 02 minutes 28 seconds East on and along said west line a distance of 205.85 feet; thence North 89 degrees 41 minutes 50 seconds East and parallel to the north line of said Northeast Quarter a distance of 988.82 feet to the point of beginning and containing 4.74 acres, subject to all legal easements and rights-of-way of record.

EXHIBIT A
Real Estate Description (cont.)

Hawks Landing Planned Unit Development
Land Description

A part of the North half of the Northeast quarter of Section 35, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northeast quarter of Section 35, Township 18 North, Range 5 East, said point being S 89°41'50" W 1008 feet from the Northeast corner thereof; thence S 00°34'04" along an existing fence 334.00 feet, thence S 00°10'15" W along an existing fence 1002.28 feet to a point on the South line of the North half of said Northeast quarter, thence S 89°44'28" W along said South line 796.00 feet to point in the centerline of Mud Creek, thence along said centerline the following eleven (11) courses, N 35°23'47" E 57.47 feet, thence N 42°36'50" E 33.97 feet, thence N 41°38'00" E 276.96 feet, thence N 28°43'13" W 83.24 feet, thence N 68°57'45" E 208.93 feet, thence N 04°46'42" E 324.13 feet, thence N 32°54'19" W 101.24 feet, thence N 01°20'33" E 256.07 feet, thence N 44°17'34" W 57.28 feet, thence N 16°41'57" W 73.08 feet, thence N 22°39'39" E 147.06 feet to a point on the North line of said quarter, thence N 89°41'50" E along said North line 433.35 feet to the point of beginning and containing 14.970 acres, subject to the right of way of 126th Street and all legal easements of record.

Gray Eagle Planned Unit Development
Portion of Hawks Landing Section 2A
Land Description

Part of the Northeast Quarter of Section 35, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and being described as follows:

Commencing at the Southeast corner of the said Northeast Quarter; thence North 00 degrees 21 minutes 37 seconds West (bearings are based on the Indiana State Plane Coordinate System, East Zone and are referenced to a survey by Evergreen Planners, dated July 6, 1995 and recorded as Inst. No. 9615579 in the Office of the Hamilton County Recorder) along the East line of said Northeast Quarter a distance of 470.25 feet to North line of a tract of land conveyed to the Fall Creek Township and described in Deed Record Book 142, page 337 as recorded in the Office of the Hamilton County Recorder; thence South 89 degrees 26 minutes 17 seconds West along said Northerly line a distance of 737.00 feet to the Northwest corner of a tract of land conveyed to Hamilton Southeastern Schools and described in Inst. No. 91-12973 as recorded in the Office of the Hamilton County Recorder and being the POINT OF BEGINNING; thence South 00 degrees 21 minutes 37 seconds East along the westerly line of said Hamilton Southeastern Schools 615.45 feet to a corner of said School tract; thence South 89 degrees 26 minutes 17 seconds West along a northerly line of said School tract 245.54 feet to a southeasterly

EXHIBIT A
Real Estate Description (cont.)

corner of The Links at Gray Eagle, Section 4, the plat of which is recorded as Inst. No. 200200052471, P.C. No. 3, Slide No. 17 in the Office of the Hamilton County Recorder; thence North 00 degrees 33 minutes 43 seconds West along the easterly line of said plat 195.00 feet; thence North 89 degrees 26 minutes 17 seconds East 46.66 feet to a tangent curve to the left and from which the radius point bears North 00 degrees 33 minutes 43 seconds West; thence easterly, northeasterly and northerly along said curve an arc distance of 195.91 feet to a point from which the radius point bears South 89 degrees 38 minutes 23 seconds West, said curve having a radius of 125.00 feet; thence North 00 degrees 21 minutes 37 seconds West 271.34 feet to a tangent curve to the right and from which the radius point bears North 89 degrees 38 minutes 23 seconds East; thence northerly along said curve an arc distance of 114.21 feet to a point from which the radius point bears South 57 degrees 38 minutes 31 seconds East, said curve having a radius of 200.00 feet; thence North 45 degrees 00 minutes 00 seconds East 197.44 feet; thence North 25 degrees 48 minutes 48 seconds West 158.85 feet; thence North 00 degrees 21 minutes 37 seconds West 92.32 feet; thence North 75 degrees 00 minutes 00 seconds West 841.84 feet; thence North 30 degrees 00 minutes 00 seconds East 207.52 feet to the North line of the South Half of the Northeast Quarter of said Section 35; thence North 89 degrees 22 minutes 21 seconds East along said North line 915.51 feet to the Northwest corner of a tract of land conveyed to Gray Eagle Partners, LLC and described in Inst. No. 200500004388 as recorded in the Office of the Recorder for Hamilton County; thence South 00 degrees 21 minutes 37 seconds East along the East line of said Gray Eagle Partners 766.01 feet to the Southwest corner thereof; thence North 89 degrees 26 minutes 17 seconds East along the South line of said Gray Eagle Partners 79.70 feet; thence South 45 degrees 00 minutes 00 seconds West 4.85 feet to a tangent curve to the left and from which the radius point bears South 45 degrees 00 minutes 00 seconds East; thence southwesterly and southerly along said curve an arc distance of 108.78 feet to the point from which the radius point bears South 86 degrees 32 minutes 58 seconds East, said curve having a radius of 150.00 feet; thence North 89 degrees 26 minutes 17 seconds East 9.67 feet to the Point of Beginning and containing 10.465 acres more or less.

Subject to all legal easements and rights of way of record.

Architectural Design Standards (AD)

5.012 AD-01: Architectural Design; Single-family Residential

Statement of Purpose: The implementation of various design standards is a catalyst to ensure quality construction for present and future developments.

This Architectural Design Standards section applies to the following zoning districts:

AG ER R1 R2 R3 R4 R5

A. Facade:

1. Masonry:

- a. Front Elevation: ~~One (1) of~~ The following standards must be met on the front elevation of every newly constructed single-family dwelling:
 - i. ~~Dwellings that shall have masonry~~ brick or stone on a minimum of fifty percent (50%) of the front facade, excluding doors, windows and other openings, and shall include architectural features from §A(3): *Architectural Features* sufficient to accumulate:
 - [a] One-story: Four (4) or more points;
 - [b] Two-story: Six (6) or more points.
 - ii. ~~Dwellings that have masonry on less than fifty percent (50%) on the front facade, excluding doors, windows and other openings, shall include architectural features from §A(3): *Architectural Features* sufficient to accumulate:~~
 - [a] One-story: Six (6) or more points;
 - [b] Two-story: Eight (8) or more points.
- b. Side and Rear Elevation: The side and rear façades of single-family dwellings that abut a ~~trail shown on the Transportation Plan, a park shown on the Parks Master Plan, or street~~ are established on corner lots or identified on the Concept Plan which ~~perimeter lots~~ shall meet either of the following standards:
 - i. At least thirty percent (30%) masonry as the exterior building material on the façade, excluding doors, windows and other openings, and contain at least one (1) architectural feature outlined in §A(3): *Architectural Features*; or (ii) the "Enhanced Elevation Standards" on the Concept Plan.
 - ii. ~~If the front elevation of the house conforms to §a(ii), the visible facade shall have a total of four (4) or more points from the list of architectural features outlined in §A(3): *Architectural Features*.~~

2. ~~Exterior Material:~~ All siding shall be masonry or, ~~wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, aluminum, EIFS, or heavy gauge vinyl (minimum of 0.042" gauge).~~ Lap siding shall have a maximum ten-inch (10") exposed board face. ~~Vinyl siding shall be nailed and not stapled to the side of the house.~~

3. *Architectural Features:* All features are worth one (1) point unless indicated otherwise.

a. Front Entry:

- i. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
- ii. Covered stoop/steps with a connection pathway from sidewalk;
- iii. Architecturally-treated entrances for dwellings without a front porch;
- iv. Decorative front door or side lights;

b. Roof:

- i. Hip roof;
- ii. Multiple gables on the front elevation;
- iii. Cross gable;
- iv. Architectural treatments on gable ends;
- v. Two (2) or more roof planes visible from the front of the dwelling: (2 points);
- vi. Two (2) or more dormers;

c. Garage:

- i. Decorative garage doors on front- or side-loading garages;
- ii. Windows in front- or side-loading garage doors;
- iii. A separate overhead door per car for each garage bay on front- or side-loading garages;
- iv. No front-loading garage: (2 points);

Architectural Design Standards (AD)

- d. Wall Planes:
 - i. At least a four-foot (4') deep offset at one (1) or more points along the front elevation;
 - ii. At least a two-foot (2') deep offset at two (2) or more points along the front elevation;
 - e. Masonry:
 - i. 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 masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require masonry to be laid above the roof);
 - ii. Masonry accent areas on one hundred percent (100%) of the front elevation, excluding openings and areas that will not support masonry;
 - iii. More than two (2) masonry materials on the front elevation;
 - iv. Masonry detailing (either multiple quoins or other features such as arches, keystones);
 - v. Fiber cement siding in all areas not covered by other masonry , excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the masonry load (including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require masonry to be laid above the roof);
 - f. Projections from the Façade Plane:
 - i. Veranda/balcony;
 - ii. Sunroom (2 points; perimeter and corner lots, only)(See §E(1): *Sunroom* for design requirements);
 - iii. Screened porch (perimeter and corner lots, only)(See §E(2): *Screened Porch* for design requirements);
 - iv. Breakfast nook;
 - v. Turret: (2 points);
 - g. Windows:
 - i. Transom window;
 - ii. Bay window;
 - iii. Decorative shutters on front elevation;
 - h. Architecturally enhanced/articulated trim moldings (such as sunburst louvers above windows);
 - i. Decorative columns composed of wood or glass.
4. *Dimensions*: A single-family dwelling façade shall comprise at least fifty percent (50%) of the total façade width. The garage door shall not exceed more than fifty percent (50%) of the façade width.
- B. Entries: Single-family dwelling entries shall have a presence toward the street and be accented with at least one (1) building-mounted light fixture.
- C. Roof:
1. *Minimum Pitch*: ~~5~~ 6 (vertical units):12 (horizontal units) for the pitch of the main roof
 2. *Materials*: ~~Quality roof materials such as tile, slate, cedar shake with fire protection, thirty-year asphalt shingles.~~ Dimensional asphalt or fiberglass shingles of a similar color shall be used on all structures.
 3. *Minimum Eave/Overhang Width*: All dwellings shall have eaves or overhangs a minimum of eight (8) inches deep on at least eighty percent (80%) of the roofline. Depth shall be determined prior to the installation of masonry.
- D. Automobile Storage:
1. *Minimum Garage Capacity*: Minimum two-car, attached garage required.
 2. *Garage Capacity of Three or More*: Every two (2) bays shall have a separate door and shall be recessed two (2) feet from the other bays.
 3. ~~*Minimum Garage Depth*: Twenty two (22) feet.~~

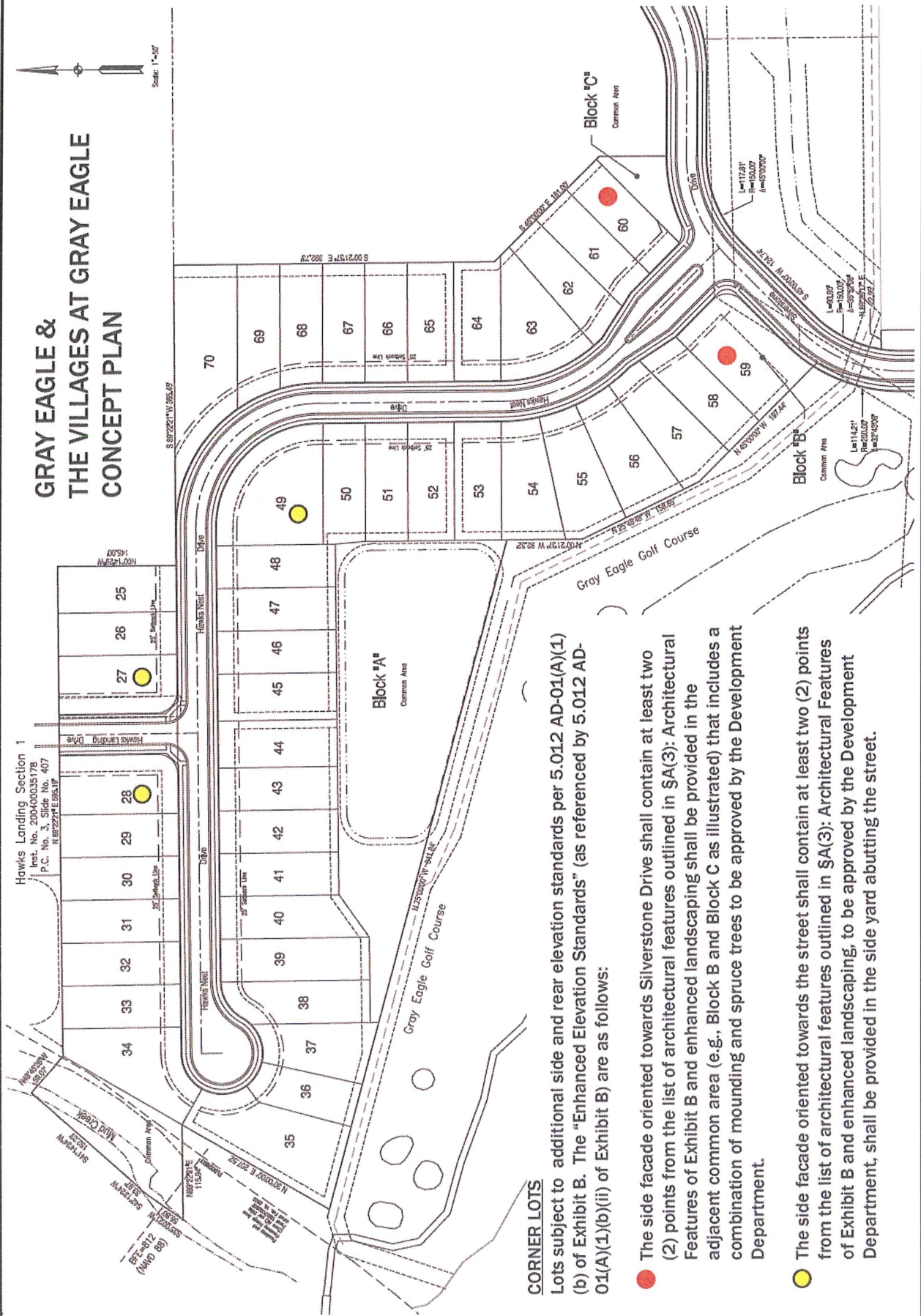
Architectural Design Standards (AD)

4. *Garage-forward Design*:
 - a. Front-loading garages that protrude between eight (8) and twelve (12) feet forward of the dwelling area shall have at least one (1) window installed in the garage wall that is perpendicular to the façade of the dwelling.
 - b. Front-loading garages that protrude between twelve (12) and sixteen (16) feet forward of the dwelling area shall have at least two (2) windows installed in the garage wall that is perpendicular to the façade of the dwelling.
 - c. Garages that protrude more than sixteen (16) feet shall be side-loaded and shall install a window that faces the street.
5. *Carport*: Where established, carports shall:
 - a. Be attached to the primary structure.
 - b. Be designed in keeping with the primary structure and the materials shall be compatible with those of the primary structure.
- E. Projections from the Façade Plane: In order to earn points under §A(3)(f): *Projections from the Façade Plane*, the feature must meet the following design requirements:
 1. *Sunroom*: The sunroom shall:
 - a. Be architecturally incorporated into the primary structure;
 - b. Be constructed of the same exterior material as the primary structure;
 - c. Have a glazing area in excess of forty percent (40%) of the gross area of the exterior walls;
 - d. Have a roof with a minimum pitch of 5 (vertical units):12 (horizontal units); and
 - e. Utilize the same roofing materials as the primary structure.
 2. *Screened Porch*: The screened porch shall:
 - a. Be architecturally incorporated into the primary structure;
 - b. Be constructed of the same exterior material as the primary structure;
 - c. Have a roof with a minimum pitch of 5 (vertical units):12 (horizontal units); and
 - d. Utilize the same roofing materials as the primary structure.
- F. Windows: Windows are required on all sides of the dwelling that are:
 1. Adjacent to a street; or
 2. Adjacent to a common area; or
 3. Not perpendicular to the street.
- ~~G. Model Homes:

 1. ~~*Cross Reference*: See also §TU: *Temporary Use/Structure Standards* for additional Model Home requirements.~~
 2. ~~*Minimum Floor Area*. Refer to *Article 02: Zoning Districts & Regulations* for the requirements of the specific zoning district.~~
 3. ~~*Largest Model*: If a builder produces more than one (1) model home at a time, then one (1) of the model homes shall be one of the two largest models offered in that development by that builder.~~
 4. ~~*Basement*. In projects where basements are offered and the builder produces more than one (1) model home at a time, at least fifty percent (50%) of the model homes shall include a basement.~~~~
- H. Dwellings shall have a limestone address block or a permanently fixed address plaque appropriate for the design of the home.
- I. Ceilings on the first floor of dwellings shall be a minimum of nine feet (9') tall.
- J. Mail boxes shall be of a uniform design throughout the Real Estate.
- K. All dwellings shall have dusk to dawn lights on both sides of the garage. Lights shall be on a photo cell with no override switch.
- L. All dwellings' windows shall include grids.
- M. Each home builder shall offer at least one (1) floor plan with a first floor master bedroom.

EXHIBIT C | CONCEPT PLAN

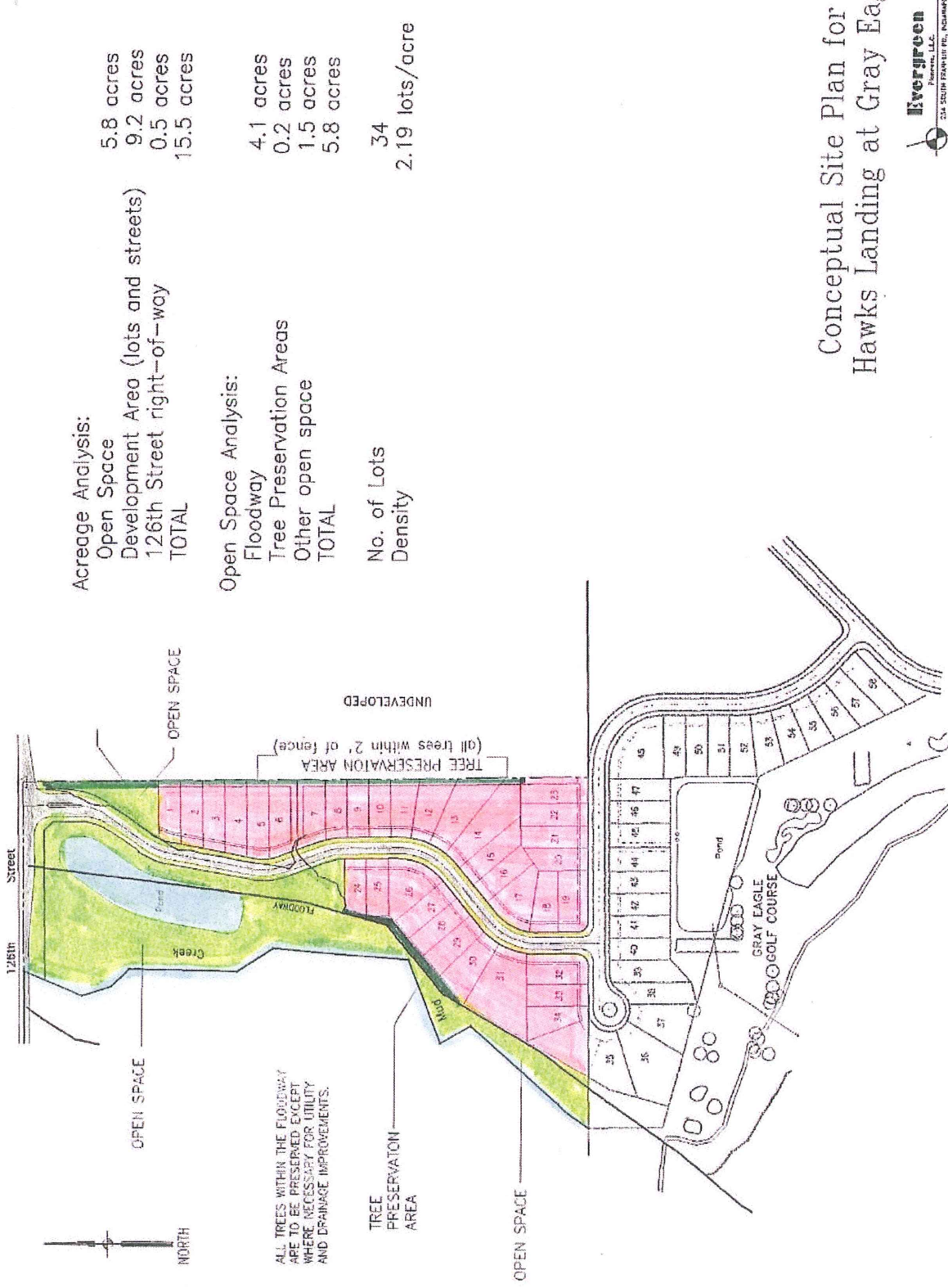
HAWKS LANDING / GRAY EAGLE



CORNER LOTS

- Lots subject to additional side and rear elevation standards per 5.012 AD-01(A)(1) (b) of Exhibit B. The "Enhanced Elevation Standards" (as referenced by 5.012 AD-01(A)(1)(b)(ii) of Exhibit B) are as follows:
- The side facade oriented towards Silverstone Drive shall contain at least two (2) points from the list of architectural features outlined in §A(3): Architectural Features of Exhibit B and enhanced landscaping shall be provided in the adjacent common area (e.g., Block B and Block C as illustrated) that includes a combination of mounding and spruce trees to be approved by the Development Department.
 - The side facade oriented towards the street shall contain at least two (2) points from the list of architectural features outlined in §A(3): Architectural Features of Exhibit B and enhanced landscaping, to be approved by the Development Department, shall be provided in the side yard abutting the street.

EXHIBIT D



Conceptual Site Plan for Hawks Landing at Gray Eagle

EXHIBIT E

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

Camp Wright Investments, LLC (the "Property Owner") makes the following commitments to the Fishers Town Council (the "Town Council") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. Description of Real Estate

The properties are commonly described as 12531 Hawks Landing Drive and 12428 Hawks Landing Drive located in Fishers, Hamilton County, Indiana, and more particularly described by the legal descriptions, attached hereto as Exhibit A (the "Real Estate"). As of the Effective Date, defined below, each property contained a partially completed home.

Section 2. Related Ordinance

These commitments are made in connection with the Town of Fishers Ordinance No. 080210 (the "Amendment Ordinance").

Section 3. Statement of Commitments

- A. If a home's roof shingles are replaced after the Effective Date, then the Property Owner shall replace the roof shingles to meet the standard set forth in Exhibit B, 05.012 AD-01(C)(2) of the Amendment Ordinance, attached hereto as Exhibit B.
- B. If a home's windows are replaced after the Effective Date, then the Property Owner shall replace the windows to meet the standard set forth in Exhibit B, 05.012 AD-01(L) of the Amendment Ordinance, attached hereto as Exhibit B.

Section 4. Binding Effect

- A. These commitments are binding upon the Property Owner, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated.

- B. These commitments may be modified or terminated only by a decision of the Fishers Town Council in accordance with the applicable rules and regulations.

Section 5. Effective Date

These commitments shall be effective on the date upon which the Town Council of Fishers, Indiana approves the Amendment Ordinance (the "Effective Date").

Section 6. Recording

The Property Owner shall record these commitments in the Office of the Recorder of Hamilton County, Indiana, within thirty (30) days of the Town Council's adoption of the Amendment Ordinance. The Property Owner shall deliver a copy of the recorded instrument to the Town of Fishers Department of Development prior to applying for any subsequent permits for the Real Estate.

Section 7. Enforcement

These commitments may be enforced by the Town of Fishers Plan Commission and by the Town Council of Fishers, Indiana.

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, Camp Wright Investments, LLC, an Indiana limited liability company, has caused this commitment to be executed as of the _____ day of October, 2010.

Camp Wright Investments, LLC

By: Gary Wright, its Managing Member

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Gary Wright, of Camp Wright Investments, LLC, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this _____ day of October, 2010.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

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, Baker & Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, IN 46240 (317) 569-9600

EXHIBIT A
REAL ESTATE

Lots numbered Four (4) and Twenty-two (22) in Hawks Landing at Gray Eagle, Section I, a subdivision in the Town of Fishers, Fall Creek Township, Hamilton County, Indiana, as per plat thereof recorded May 24, 2004, in Plat Cabinet 3, Slide 407, as Instrument No. 200400034178, as corrected by Affidavit of Scrivener's Error dated June 23, 2004, and recorded June 25, 2004, as Instrument No. 200400044116, in the Office of the Recorder of Hamilton County, Indiana.

EXHIBIT B
EXHIBIT B OF TOWN OF FISHERS
ORDINANCE NO. 080210