

**HAWKS LANDING
ORDINANCE NO. 031703**

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

THIS ORDINANCE #031703 (the "Hawks Landing PUD") IS AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA, DATED NOVEMBER 3, 1980. Ordinance No. 110380, as amended (the "Zoning Ordinance"), which Zoning Ordinance includes the Comprehensive Plan - Chapter 151, as amended (the "Zoning Code");

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 reference as Exhibit "A" (the "Real Estate") is hereby zoned PUD-R per the terms of this Hawks Landing PUD.

SECTION 2. PURPOSE AND INTENT.

The purpose and intent of the Hawks Landing PUD is to provide an innovative residential use development which promotes creativity and flexibility in the development of the Real Estate.

SECTION 3. EFFECTIVE DATE.

The Effective Date of this PUD Ordinance shall be the date upon which the Annexation Ordinance annexing the Real Estate to the Town becomes effective as specified in Indiana Code 36-4-3-7.

SECTION 4. LAND USE.

Detached single family residential use is a permitted use under this Hawks Landing PUD.

SECTION 5. PRELIMINARY DEVELOPMENT PLAN.

The Preliminary Development Plan is attached hereto and incorporated herein by reference as Exhibit "B" (the "Preliminary Development Plan"). The Preliminary Development Plan is conceptual and preliminary in nature and is subject to revision in the procedures specified in Section 6 below.

SECTION 6. CROSS-REFERENCE.

Commitments made in connection with this Hawks Landing PUD were filed under Docket Number 5-IZ-03.

SECTION 7. STREET TREES AND GARAGES.

1. Streets shall have sidewalks and street trees on both sides of the street. All street trees shall be placed, approximately 40 feet to 60 feet on center, in a planting strip between the street and the sidewalks. The planting strip shall be a minimum of four feet wide. All street

trees shall be a minimum of two inch caliper, as measured 12 inches from the ground. All street trees shall be deciduous and selected from the Town of Fishers approved List of Recommended Species.

2. Front-loaded garages protruding more than eight feet shall contain a window on the side facing the entry to the residence. Front-loaded garages protruding more than 12 feet shall contain two windows on the side facing the entry to the residence.

SECTION 8. DEVELOPMENTAL STANDARDS.

The following development standards shall apply to the development of the Real Estate:

1. Maximum Number of Lots: 34
2. Minimum Front Yard Set Back: 25 feet
3. Side Yard Set Back Aggregate: Lots shall have either (i) a minimum side yard of six feet or (ii) a minimum aggregate side yard of 12 feet and a minimum building separation of 12 feet
4. Minimum Rear Yard Set Back: 20 feet
5. Minimum Lot Frontage, measured at right-of-way: 30 feet
6. Maximum Building Height for primary structure: 35 feet
7. Maximum Building Height for accessory structure: 25 feet
8. Minimum Floor Area, exclusive of garages and porches, shall be (i) 1,500 square feet for a single story residence and (ii) 1,800 square feet for a two story residence.

SECTION 9. PROCEDURES.

The adoption of this Hawks Landing PUD 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 process as set forth in Section 151.072 Planned Unit Development District (the "PUD Procedures"). The petitioner shall follow all PUD Procedures. In addition, the petitioner shall:

1. Meet with staff to discuss the project;
2. Meet with the PUD Committee to present preliminary plans and drawings for the project and for architectural review for compliance with this Sand Creek Farms PUD and the corresponding written commitments; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;
3. Submit material samples, color boards and other materials which further illustrate the project to the PUD Committee;
4. Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project;

5. A fee for PUD architectural review shall be established as no less than \$200 and may be amended as part of the Town Fee Structure Ordinance.

SECTION 10. APPROVAL.

This Hawks Landing PUD Ordinance 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 19th day of May, 2003.

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

AYE

NAY

BY:

Scott A. Faultless /s/ Scott A. Faultless,
President

Timothy O. Lima /s/ Timothy O. Lima,
Vice President

_____ Stuart F. Easley,
Member

David George /s/ David George,
Member

Dan E. Henke /s/ Dan E. Henke,
Member

_____ Eileen Pritchard,
Member

Charles P. White /s/ Charles P. White,
Member

ATTEST:

Linda Gaye Cordell /s/
Linda Gaye Cordell
Clerk-Treasurer
Town of Fishers, Indiana

DATE: _____

Approved by: Douglas E. Church: Church, Church, Hittle & Antrim, Town Attorney

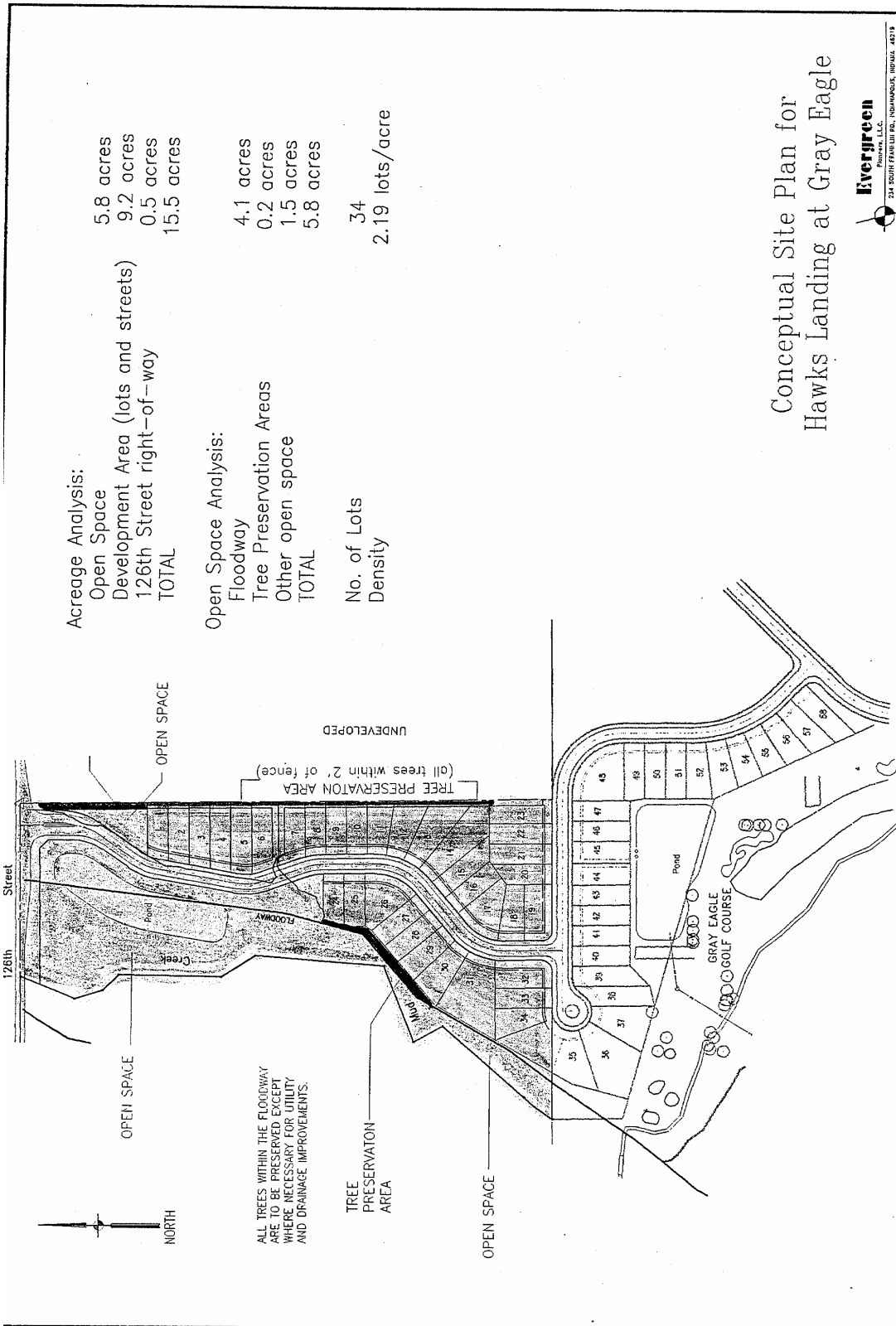
Prepared by. Charles D. Frankenberg, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, IN 46280, (317) 844-0106.

EXHIBIT "A"

Legal Description of Real Estate

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 South 89 degrees 41 minutes 50 seconds West 1008 feet from the Northeast corner thereof, thence South 00 degrees 34 minutes 04 seconds along an existing fence 334.00 feet, thence South 00 degrees 10 minutes 15 seconds West along an existing fence 1002.28 feet to a point on the South line of the North half of said Northeast quarter, thence South 89 degrees 44 minutes 28 seconds West along said South line 796.00 feet to point in the centerline of Mud Creek, thence along said centerline the following 11 courses, North 35 degrees 23 minutes 47 seconds East 57.47 feet, thence North 42 degrees 36 minutes 50 seconds East 33.97 feet, thence North 41 degrees 38 minutes 00 seconds East 276.96 feet, thence North 28 degrees 43 minutes 13 seconds West 83.24 feet, thence North 68 degrees 57 minutes 45 seconds East 208.93 feet, thence North 04 degrees 46 minutes 42 seconds East 324.13 feet, thence North 32 degrees 54 minutes 19 seconds West 101.24 feet, thence North 01 degrees 20 minutes 33 seconds East 256.07 feet, thence North 44 degrees 17 minutes 34 seconds West 57.28 feet, thence North 16 degrees 41 minutes 57 seconds West 73.08 feet, thence North 22 degrees 39 minutes 39 seconds East 147.06 feet to a point on the North line of said quarter, thence North 89 degrees 41 minutes 50 seconds East 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.



Acreege Analysis:

Open Space 5.8 acres
 Development Area (lots and streets) 9.2 acres
 126th Street right-of-way 0.5 acres
TOTAL 15.5 acres

Open Space Analysis:

Floodway 4.1 acres
 Tree Preservation Areas 0.2 acres
 Other open space 1.5 acres
TOTAL 5.8 acres

No. of Lots 34
 Density 2.19 lots/acre

ALL TREES WITHIN THE FLOODWAY ARE TO BE PRESERVED EXCEPT WHERE NECESSARY FOR UTILITY AND DRAINAGE IMPROVEMENTS.

**Conceptual Site Plan for
 Hawks Landing at Gray Eagle**

