

ORDINANCE NO. \_\_\_\_\_

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 – 2006, ORDINANCE NO. 090605A, AS AMENDED, AND ORDINANCE 090704B IS HEREBY AMENDED AS FOLLOWS:

**SECTION 1. DECLARATION.**

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 090605A, and the Official Zoning Map, Town of Fishers, Indiana, dated November 3, 1980, which accompanies and is part of the Zoning Code of the Town of Fishers, Indiana, as amended, and Ordinance 090704B are hereby amended as follows:

That the Zoning Classification of the following described real estate is hereby zoned as Planned Unit Development – Mixed (“PUD-M”) also to be further defined and referred to herein as the “**The Marina I L.P. PUD-M**”.

THE LEGAL DESCRIPTION OF THE REAL ESTATE IS ATTACHED HERETO,  
INCORPORATED HEREIN AND MARKED AS “**EXHIBIT A**”

**SECTION 2. PURPOSE AND INTENT.**

The purpose and intent of The Marina I L.P. Planned Unit Development is to provide for a mixture of uses on the 242 acres of real estate located adjacent to the southwest and southeast corners of Geist Reservoir and the Olio Road bridge structure.

The uses permitted within the PUD district shall be residential, condominium, office, and other listed commercial uses. The PUD real estate will be divided into two (2) major concept plans depicted on “**Exhibit B – Concept Plan**” (West Concept Plan and East Concept Plan). The West Concept Plan on the west side of Olio Road is intended for R-2 single-family use and single-family condominiums. The East Concept Plan on the east side of Olio Road is reserved for retail and other commercial uses and R-2 single-family uses.

The adoption of the Concept Plan does not constitute final approval of any detailed or final development plans and further approval of detailed or final development plans is subject to the development standards set forth by this PUD Ordinance and the procedures defined in the Ordinance including, but not limited to Section 14 below.

To the extent that the development standards specified in the PUD including, but not limited to: architectural; landscaping; parking; roadway; lighting; lot frontage; cul-de-sac length; and roadway standards conflict with or address the same subject matter as the Town's Unified Development Ordinance, the development standards specified in the PUD Ordinance shall replace and supersede any such standards.

The subject matters not governed by this PUD Ordinance shall be governed by the terms, conditions, and provisions of the Town of Fishers Unified Development Ordinance, as amended.

It is the intent that if the development of the commercial structures depicted on the East Concept Plan (Exhibit B) would be in conflict with any development standards specified in the Unified Development Ordinance and/or the Subdivision Ordinance which would preclude their development, the written development standards contained in this PUD Ordinance would control.

The commercial structures are depicted for demonstrative purposes on the East Concept Plan and consist of four (4) buildings; two buildings consisting of 6,000 square feet, one building of 3,000 square feet, and one building on the eastern portion of the East Concept Plan of 9,000 square feet. These commercial structures, while depicted on the East Concept Plan in the above-mentioned square footages, may be modified and constructed with different square footages as long as the total square footage on the East Concept Plan does not exceed 24,000 square feet.

It is the intent that if the development of the condominium structures depicted on the West Concept Plan, which for demonstrative purposes is drawn on **Exhibit G**, would be in conflict with any written development standard contained in the Unified Development Ordinance and/or the Subdivision Ordinance which would preclude their development, the written development standards contained in this PUD Ordinance would control.

### **SECTION 3. LAND USE.**

The Marina I L.P. PUD-M is divided into two (2) Concept Plans, both contained on **Exhibit B**. The permitted land uses for Concept Plans are described below:

#### **A. West Concept Plan Permitted Uses:**

Permitted Uses in West Concept Plan shall consist of:

1. The single-family homes will be covered by the R-2 zone district standards except as modified by the PUD. The single-family condominium units will be governed by the provisions of the M-2 residential zone district standards except as modified by the PUD.

#### **B. East Concept Plan Permitted Uses:**

Permitted Uses in East Concept Plan shall consist of:

1. R-2 zone district standard, except as modified by the PUD.
2. Any and all uses described in the C-2 zone district with the following included uses not described in the C-2 zone district:
  - a. Bar/Nightclub/Tavern/Restaurant;
  - b. Commercial Boat Marina;
  - c. Boat Marina Accessory Uses;
  - d. Commercial Boat Launching;
  - e. Boat Parking;
  - f. Boat Marina Sales of Boat Accessories;
  - g. Boat Storage in described area;
  - h. Utility Use (private or public);
  - i. There exists one Wireless Telecommunication Facility with its existing appurtenances and structures which are in existence and will continue to be located on the PUD real estate.

C. Additional Accessory Uses and Structures in All Areas. Accessory buildings and structures, based on staff determinations, will be submitted to the PUD Committee pursuant to Section 14. Other accessory buildings and structures may be constructed if the staff determines they are in full compliance with the intent of the PUD Ordinance.

#### **SECTION 4. DEVELOPMENT STANDARDS.**

The following development standards apply to the PUD:

A. West Concept Plan:

##### **Residential (West):**

1. The development standards for the residential uses will be the R-2 standards in the Fishers Unified Development Ordinance, subject to the following modifications:
  - (i) Front yard setback: 30 feet;
  - (ii) Side yard setback: 10 feet;
  - (iii) Rear yard setback: 20 feet;
  - (iv) Minimum aggregate side yard: 20 feet;
  - (v) Bufferyard and open space standards of the Fishers Unified Development Ordinance do not apply, except as modified by this PUD;
  - (vi) The lot frontage variances defined on lots identified in **Exhibit F**.

### Condominiums (West):

2. The Condominiums shall be governed by the M-2 multi-family residential district standards subject to the following modifications:
  - (i) Front setback to hard surface or parking area 10 feet
  - (ii) There shall be no minimum project area;
  - (iii) There shall be a minimum building separation of 30 feet between condo building structures;
  - (iv) There shall be no minimum front setback except a 30 foot setback from Olio Road;
  - (v) The project shall have a minimum of 30 foot bufferyard and setback between condo project and the residential uses to the south;
  - (vi) The project shall have a minimum of 20 foot bufferyard and setback from Geist Reservoir on the west;
  - (vii) There shall be a 20 foot bufferyard and setback from Geist Reservoir on the north;
  - (viii) There shall be a 30 foot bufferyard from the right-of-way of Olio Road on the east;
  - (ix) There shall be a front setback of 10 feet from the front of the condominiums to the parking lot.

### Single-Family Condominium Development Standards

The single-family condominium Concept Plan reflects the intent to develop four (4) condominium buildings as depicted on Exhibit G.

- (i) Each condominium building shall contain no more than 24,050 square feet of living area.
- (ii) Each condominium building will contain underground parking. The parking garage will be below ground from the perspective of the front elevation of the condominium building. The front elevation shall be defined as: the front elevation of the north building will be the south side; the front elevation of the west building will be the east side; the front elevation of the south building will be the north side; and the front elevation of the east building will be the west side. The parking garage will be open to the lower grade on sides and rear.
- (iii) Condominium Building Heights. The condominium buildings will not exceed forty (40) feet as measured from front ground elevation to mid-point between the eave and top of ridge.
- (iv) Minimum Square Footage of Living Area. one bedroom – 850 sq. ft.; two bedrooms – 1,100 sq. ft.; three bedrooms – 1,300.00 sq. ft.
- (v) Architectural Standards. The architectural design shall be as depicted on Exhibit G. The condominium buildings shall have a roofline as depicted in **Exhibit G**, with a minimum 5/12 pitch and architectural shingles.

- (vi) Building Material. The condominium buildings shall be constructed of brick or stone. The lower level of the condominium structures will be constructed of cast-in-place concrete. The cast-in-place concrete shall be finished and have an appearance of either stone or brick. In addition, accent areas and porch areas may consist of wood or concrete simulated wood products.

All other provisions of the Unified Development Ordinance which conflict with these development standards are hereby superseded.

B. East Concept Plan:

**Residential (East):**

1. The development standards that will apply to the East Concept Plan are R-2 in the Fishers Unified Ordinance, subject to the following modifications:
  - (i) Front yard setback shall be 30 feet;
  - (ii) Side yard setback shall be 10 feet;
  - (iii) Rear yard setback shall be 20 feet;
  - (iv) Minimum aggregate side yard shall be 20 feet;
  - (v) Lot frontage variances defined on **Exhibit F**;
  - (vi) Bufferyard and open space standards of the Fishers Unified Development Ordinance do not apply, except as modified by this PUD.

**Commercial (East):**

2. The development standards that will apply to the Commercial area will be the following:
  - (i) The development standards described in the C-3 zone district of the Fishers Unified Ordinance with the following C-3 development standards, subject to the following modifications:
    - (a) No minimum lot frontage;
    - (b) Open Space requirement of the Unified Development Ordinance do not apply;
    - (c) Bufferyard and setback standards required from public or private right-of-way do not apply;
    - (d) Parking space requirements are defined and described on **Parking Exhibit E**;
    - (e) Landscape standard requirements are defined and described on **Landscape Exhibit D**.
    - (f) 10 foot front setback from either parking isles or parking spaces.

- (g) Building separation distance of a minimum of 20 feet.
  - (h) Maximum height of commercial structures of 35 feet.
  - (i) There shall be no commercial leased boat docks on the East Concept Plan.
- (ii) The following development standards shall apply to the utility use depicted on the Concept Plan:
    - (a) Maximum height to be set by the PUD Committee after review of the proposed utility structures and any apparatus to the proposed landscape screen between the utility use and the residential use;
    - (b) Structures shall be setback a minimum of twenty (20) feet from the forty (40) foot perimeter bufferyard surrounding utility use on the Concept Plan.
  - (iii) The following development standards apply to boat storage use depicted on the Concept Plan:
    - (a) The boat storage use shall be located inside the 40 foot perimeter bufferyard. The boats will be stored on boat trailers and/or 18 in. tall styrofoam blocks. The boats will not be stored in buildings or elevated rack systems.

**SECTION 5. ARCHITECTURAL DESIGN STANDARDS FOR COMMERCIAL USES, RESTAURANT, CONDOMINIUMS AND BOAT MARINA.**

In order to make a uniform and architecturally compatible development of the restaurant, retail area and boat marina areas on the Concept Plan and to make it compatible with existing surrounding residential areas, the following architectural standards shall apply to the retail, boat marina, and condominium buildings depicted on the East and West Concept Plans:

1. Compatibility – The structures and uses on the East Concept Plan shall be similar to the following descriptive **Exhibit C**. The structures and uses on the West Concept Plan condominium area will be similar to the following descriptive **Exhibit G**. These exhibits are photographic descriptions of structures and is meant to be used for an illustration of proposed architecture standards including substantial compliance with roof pitch and design elements. The structures within the individual PUD shall be constructed with similar design materials and substantially compatible architecture.
2. The following additional architectural standards apply to the commercial structures located on the East Concept Plan:

- A. Exterior Materials, Commercial Buildings East. The finished façade on the following construction materials shall be used in the commercial buildings located on the East Concept Plan. The finished façade of the commercial buildings excluding doors, accent features, windows, roofing and soffits shall be constructed of brick, stone, concrete based wood siding, natural cedar or comparable materials.
- B. Exterior Materials, Condominiums West. The following architectural standards apply to the condominium structures located on the West Concept Plan:
  - (i) Exterior Materials Condos West: The finished façade of the condominium buildings, excluding windows, doors, roofing and soffit shall be constructed of brick, stone or fieldstone. The lower levels and ends of the condominium structures will be constructed of cast-in-place concrete. The condominium buildings will have wood on the balcony areas.
- C. Mechanical Equipment – All mechanical equipment, including: HVAC systems; pedestals for telephone, electric or cable service; television antenna; or, satellite dish antenna, whether ground or roof mounted, shall be screened by buildings, ornamental fences / walls, architectural screens, parapet walls or landscaping to provide screening in the elevation view from all sides of the building served.
- D. Trash Enclosures – all dumpster locations and trash compactors shall be enclosed by a masonry enclosure that complements the architecture of the building, an opaque gate and softened by landscaping.

## **SECTION 6. LANDSCAPING.**

The development standards of the PUD landscaping are defined and substantially depicted for demonstrative purposes on the landscape exhibit, said exhibit incorporated herein, made a part hereof and marked as “**Landscape Exhibit D**”. The Fishers Unified Development Ordinance requirements for landscaping apply to the development in this PUD except in the following instances:

- A. The areas of landscape planting that have been removed from the interior of the Boat Marina parking lot and are placed on the exterior of the parking lot as described on Landscape Exhibit D. The planting requirements on the exterior of the Boat Marina will comply with the requirements of the Unified Development Ordinance in connection with landscaping.
- B. The bufferyards located on lots on the west side of Olio Road and depicted on Landscape Exhibit D will contain no residential fencing. There shall be no requirement of the construction of interior landscape islands in the Boat Marina parking area as is reflected for demonstrative purposes on Landscape Exhibit D.

- C. The 20 and 30 foot bufferyards shall meet the Unified Development Ordinance small bufferyard requirements and the 40 foot bufferyards shall meet the Unified Development Ordinance medium bufferyard standards.

The Landscape Exhibit D depicts, in addition, the following items: forty (40) foot bufferyards with moundings six (6) feet in height (however on the east side of the Concept Plan, within the forty (40) foot bufferyard, the mound shall be eight (8) feet in height); twenty (20) foot bufferyard landscape area adjacent to Olio Road; and a forty (40) foot landscape bufferyard adjacent to Olio Road west side.

A. Street Trees.

All streets within The Marina I L.P. PUD-M shall be landscaped in accordance with the applicable regulations set forth below:

1. Street Trees shall be required pursuant to the Unified Development Ordinance.
  - a. The commercial, condominium, and residential use area described on the landscape plan in connection with property that abuts Olio Road shall have a minimum of one (1) canopy deciduous or evergreen tree per sixty (60) feet of property that is contiguous to the roadway. The trees may be installed in the bufferyard landscape areas.

B. Multi-Purpose Paths.

The PUD will have constructed multi-purpose paths on parallel east and west sides of Olio Road constructed and installed by the Hamilton County Highway Department. The PUD real estate will have multi-purpose pathways on the East Concept Plan linking the retail and boat marina areas with the Olio Road multi-purpose path.

The West side PUD residential and single-family condo uses will have access through sidewalks and dedicated roadways to the multi-purpose path located on the west side of Olio Road. The condo structures shall be interconnected by sidewalks.

**SECTION 7. LIGHTING.**

The residential area will comply with the lighting standards of the Unified Development Ordinance.

The lighting plan will be implemented on the West Concept Plan (condo) and the commercial area on the East Concept Plan will contain the following development standards. The lighting plan will incorporate uniformity in light fixture style and design and shall be decorative and compatible to the architecture of the commercial project on the East Concept Plan and condo project on the West Concept Plan.



The following light standards shall apply to all lighting in the PUD with the exception of residential areas.

- A. Site lighting plans shall include the layout, spread and intensity of all site lighting, including:
  - 1. Parking lot and service / storage area lighting;
  - 2. Architectural display lighting;
  - 3. Security lighting;
  - 4. Pedestrian way lighting; and,
  - 5. Landscape lighting.
  
- B. The height of light standards in the retail area and the boat marina area shall not exceed:
  - 1. Twenty-five (25) feet above grade.
  
- C. Light Fixtures for all Parking Areas and Service Areas:
  - 1. That all free-standing and wall-mounted outdoor light fixtures used to illuminate a surface parking, service area, or commercial structure shall be utilized full cutoff fixtures so as to preclude light spillage to adjacent residential uses.
  
- D. Light levels shall not exceed the following standards:
  - 1. Residential: .5 ft. candles at property line or concept line.
  - 2. Commercial: 2.0 ft. candles at property line or concept line.

**SECTION 8. PARKING STANDARDS.**

The development standards in connection with parking and depicted for demonstrative purposes on the Parking Exhibit which is incorporated herein, made a part hereof and marked as “**Parking Exhibit E**”, are as follows.

These parking development standards replace the parking requirements of the Unified Development Ordinance.

The parking spaces are defined and numbered in the Parking Exhibit on the East Concept Plan. The Parking Exhibit supersedes the requirements of the Unified Development Ordinance as to development standards for parking.

Condo Parking:	140 spaces
Boat/Trailer Parking	222 spaces
Retail Parking	109 spaces

Conv. Store/Bait Shop	9 spaces
Restaurant	95 spaces

A cross-easement for parking will be in place between the 9,000 square foot restaurant and the boat marina. The cross-easement is applicable to these particular uses based upon the fact that they have peak demands at opposite AM and PM times.

**SECTION 9. CONDOMINIUM PARKING STANDARDS.**

The development standards in connection with parking for the condominiums are depicted on, for demonstrative purposes, the Parking Exhibit which is incorporated herein, made a part hereof and marked as “**Parking Exhibit E**”. The development standards are as follows.

The condominium parking standards shall be the following:

- (i) one bedroom unit – one parking space;
- (ii) two and three bedroom units - 2 parking spaces.

It is the intention to provide all condominium units with underground parking however, some units may have surface parking which will be identified on the surface. There will be additional surface parking spaces created for invitees, visitors and guests of the condominium owners’ units. This parking development standard for condominiums supersedes the requirements of the Unified Development Ordinance as to development standards for parking.

**SECTION 10. OPEN SPACE.** Based upon the unique characteristics of the PUD, the strict standards of the Open Space requirements in the Fishers Unified Development Ordinance will not be applicable. The Concept Plan reflects substantial areas of bufferyard and ±123 acres of the PUD will become part of Geist Reservoir.

**SECTION 11. ROADWAY DESIGN.** The right-of-way and roadway design standards are substantially reflected in the attached Roadway Exhibit marked as “**Roadway Exhibit F**”. However, the Roadway Exhibit F is to be used for demonstrative purposes only. The following development standards apply to the roadway and right-of-way design standards.

The public roadways will be in compliance with Unified Development Ordinance in connection with the 52 foot right-of-way, 32 feet of pavement and also as to the requirements of construction standards with respect to the installation of the roadways.

The private roadways will be located where depicted on Roadway Exhibit F and will be in compliance with the Unified Development Ordinance in connection with construction standards as to their composition. However, the private roads will be blocks 24 feet in width with actual pavement being 20 feet back-to-back curb. The roadways that are depicted in the condominium use area will remain private and are described and depicted in Exhibit G.

The above roadway system that is substantially for demonstrative purposes depicted on Roadway Exhibit F is not in compliance with certain Unified Development Ordinance requirements for length of cul-de-sac and radius requirements and if there is a conflict between the Unified

Development Ordinance and the PUD, the PUD development standards shall control. The cul-de-sac radiuses and turnaround areas will be required to be in compliance with the Unified Development Ordinance standards that are in place on the date of the adoption of this Ordinance.

**SECTION 12. LOT FRONTAGES.** The roadway standards described in the attached Roadway Exhibit are for demonstrative purposes only, however the roadway system standards are designed to be substantially in compliance with the following development standards and reflected for demonstrative purposes on “**Roadway Exhibit F**”. The lot frontages will be in compliance with the Unified Development Ordinance of 50 feet except those described on **Roadway Exhibit F**.

**SECTION 13. LIVING SPACE.** The residential R-2 section of single-family homes in the PUD shall have minimum square footages as follows:

Ranch: 2,400 square feet of living space  
Two-Story: 2,600 square feet of living space

These standards will be incorporated into the Declaration of Restrictions which the Developer will record prior to the sale of single-family homes to be developed on the residential lots.

**SECTION 14. CONDOMINIUM RESTRICTIONS.**

A. The condominiums will be individually owned single-family homes regulated by the Indiana Horizontal Property Act. The Declaration which will be recorded and regulate ownership and use of the condominiums will contain language which restricts an owner or entity that owns two (2) or more condominium units from leasing them to third parties.

B. Each condominium unit will be restricted to no more than one (1) boat dock per unit.

**SECTION 15. SIGNS.**

Signs for the Marina PUD shall comply with the following regulations: Fishers Sign Ordinance, as amended.

**SECTION 16. PROCEDURES.**

- A. 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 process as set forth in Article 4 of the Unified Development Ordinance.
- B. All projects shall be approved by the 116<sup>th</sup> and Olio PUD Committee. The PUD Committee will have architectural discretion and flexibility over design requirements.

Development plans shall comply with the standards set forth in this Ordinance, and the character of the development shall be substantially consistent with the *Architectural*

Concept Exhibit, attached hereto as “**Exhibit C**” and “**Exhibit G**”, subject to reasonably modifications due to engineering, development and market conditions. If any illustrative design or standard featured in the exhibits conflict with this PUD Ordinance, then the standards of this PUD Ordinance shall apply.

C. Petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by the Department of Development Staff. In addition, Petitioner shall comply with the following procedures:

1. Petitioner shall have a pre-filing meeting with Staff to discuss any detailed development plan prior to filing for approval.
2. Petitioner shall meet with the PUD Committee to present preliminary plans and drawings for the proposed development. Preliminary plans shall include material samples, color boards and other materials which further illustrate the project to the PUD Committee.
3. The PUD Committee shall review the preliminary plans and drawings and shall make a recommendation to the Plan Commission.
4. Petitioner shall meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for each phase of development within the project prior to the issuance of a structural building permit.
5. A fee for PUD Architectural Review shall be established as not less than \$200.00, which fee may be amended as part of the Town Fee Structure Ordinance. The fee shall be paid at the time of making application to the PUD Committee.

#### **SECTION 17. CONFLICT.**

In the event of a conflict between a development standard or other regulation of the Town of Fishers which is referenced in this Ordinance and a regulation specifically identified in this Ordinance, the regulation specifically identified in this Ordinance shall control.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this day 7<sup>th</sup> day of ~~August~~, 2010.

*Sept*

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

<u><i>Scott A. Faultless</i></u>	AYE	Scott A. Faultless, President	NAY	_____
<u><i>David C. George</i></u>		David C. George, Vice President		_____
<u><i>Stuart F. Easley</i></u>		Stuart F. Easley, Member		_____
<u><i>Eileen N. Pritchard</i></u>		Eileen N. Pritchard, Member		_____
<u><i>Charles P. White</i></u>		Charles P. White, Member		_____
<u><i>Daniel E. Henke</i></u>		Daniel E. Henke, Member		_____
<u><i>Arthur J. Levine</i></u>		Arthur J. Levine, Member		_____

ATTEST: *Linda Gaye Cordell*  
 Linda Gaye Cordell, Clerk-Treasurer,  
 The Town of Fishers, Indiana  
 041210

Land Description  
IMI – North of Canal Place  
(Part of D.R. 322, Pg. 573-574)

A part of the land described in a Warranty Deed per Deed Record 322, page 573 as recorded in the Office of the Recorder of Hamilton County Indiana and also being a part of the West Half of Section 1, Township 17 North, Range 5 East, Fall Creek Township, in Hamilton County, Indiana, described as follows:

Commencing at the Southwest corner of said Section 1 said corner being located North 00 degrees 23 minutes 03 seconds East 2619.57 feet from the Southeast corner of the Northeast Quarter of Section 11, Township 17 North, Range 5 East (basis of bearings is the record plat of The Springs of Cambridge Section Four); thence along the approximate centerline of Olio Road, North 00 degrees 58 minutes 22 seconds East 688.01 feet to the Northwest corner of Canal Place – Section One as per Secondary Plat thereof recorded as Instrument No. 200000024054 in Plat Cabinet 2, Slide 433 in the Office of the Recorder of Hamilton County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 01 minutes 38 seconds East 236 feet, more or less, to the West shore line of a pond as established when Geist Reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level)[the next 29 courses are recited for mathematical closure, with the actual boundary being along the Westerly, Southerly and Easterly shore of said pond as defined herein];(1) thence South 21 degrees 21 minutes 03 seconds East 51.26 feet;(2) thence South 16 degrees 16 minutes 44 seconds East 46.13 feet;(3) thence South 00 degrees 36 minutes 30 seconds East 47.95 feet;(4) thence South 27 degrees 13 minutes 29 seconds East 47.98 feet;(5) thence South 17 degrees 32 minutes 24 seconds East 36.20 feet;(6) thence South 78 degrees 05 minutes 20 seconds East 113.77 feet;(7) thence South 89 degrees 26 minutes 34 seconds East 88.98 feet;(8) thence North 78 degrees 58 minutes 45 seconds East 67.20 feet;(9) thence North 43 degrees 38 minutes 31 seconds East 12.91 feet; (10) thence North 07 degrees 09 minutes 34 seconds East 23.37 feet;(11) thence North 44 degrees 50 minutes 20 seconds East 78.05 feet;(12) thence North 60 degrees 00 minutes 53 seconds East 47.93 feet;(13) thence North 44 degrees 33 minutes 26 seconds East 14.09 feet;(14) thence North 16 degrees 16 minutes 53 seconds East 54.16 feet;(15) thence North 10 degrees 22 minutes 51 seconds East 48.62 feet;(16) thence North 31 degrees 09 minutes 21 seconds East 52.53 feet;(17) thence North 47 degrees 17 minutes 24 seconds East 13.04 feet to the Southwestern corner of Canal Place – Section Two as per Secondary Plat thereof recorded as Instrument No. 200400012292 in Plat Cabinet 3, Slide 355 in said Recorder's Office;(18) thence continuing North 47 degrees 17 minutes 24 seconds East 23.51 feet;(19) thence North 22 degrees 59 minutes 58 seconds East 34.76 feet;(20) thence North 05 degrees 03 minutes 43 seconds East 60.49 feet; (21) thence North 00 degrees 13 minutes 03 seconds East 48.45 feet;(22) thence North 04 degrees 04 minutes 40 seconds West 51.51 feet;(23) thence North 73 degrees 34 minutes 56 seconds West 46.27 feet;(24) thence North 72 degrees 40 minutes 59 seconds West 25.95 feet;(25) thence North 53 degrees 29 minutes 36 seconds West 37.49 feet;(26) thence North 26 degrees 44 minutes 29 seconds West 39.78 feet;(27) thence North 15

degrees 54 minutes 16 seconds East 31.91 feet; (28) thence North 62 degrees 35 minutes 04 seconds West 23.20 feet; (29) thence North 18 degrees 25 minutes 19 seconds West 43.26 feet to the South bank of a canal connecting said pond with said Geist Reservoir as established when said Reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level) [the next six courses are recited for mathematical closure, with the actual boundary being along the Southerly shore of said canal as defined herein];(1) thence North 23 degrees 41 minutes 24 seconds East 22.50 feet;(2) thence North 60 degrees 33 minutes 12 seconds East 22.56 feet;(3) thence North 74 degrees 22 minutes 28 seconds East 74.83 feet; (4) thence North 69 degrees 37 minutes 31 seconds East 176.48 feet;(5) thence North 62 degrees 21 minutes 30 seconds East 122.95 feet;(6) thence North 70 degrees 08 minutes 50 seconds East 53.09 feet to the East line of said land described in Deed Record 322, page 573; thence along said East line, North 00 degrees 00 minutes 27 seconds East 1022 feet, more or less, to the shoreline of Geist Reservoir as established when said Reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level); thence to the left Northerly and Westerly along the meandering shore line to a point on a line which is parallel with and 40 feet East of the center line of the South approach road to "Oil Well Road Bridge", (commonly known as Olio Road); thence South 00 degrees 47 minutes 08 seconds East along the aforesaid parallel line 600 feet, more or less, to a point on a line which crosses the center line of said South approach road perpendicularly at a point 600 feet South from the face of the South abutment of said "Oil Well Road Bridge"; thence South 89 degrees 22 minutes 52 seconds West along said perpendicular line 40.00 feet to said point on said centerline, which point is on a non-tangent curve having a radius of 991.62 feet, the radius point of which bears South 89 degrees 22 minutes 52 seconds West; thence Southerly along said curve 335.76 feet to a point which bears South 71 degrees 13 minutes 08 seconds East from said radius point; thence South 18 degrees 46 minutes 52 seconds West 413.95 feet to a curve having a radius of 1250.00 feet, the radius point of which bears South 71 degrees 13 minutes 08 seconds East; thence Southerly along said curve 388.52 feet to a point which bears North 89 degrees 01 minutes 38 seconds West from said radius point; thence South 00 degrees 58 minutes 22 seconds West 718.27 feet to the Point of Beginning, containing 45 acres, more or less.

Except that part of the above described tract conveyed to Hamilton County by Warranty Deed recorded as Instrument No. 9909937588 in said Recorder's Office, containing 3.46 acres, more or less.

ALSO (from Inst. 9020709)

Part of the Southwest Quarter of Section 1, Township 17 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at a stone marking the Southwest corner of said Quarter Section; thence North 85 degrees 15 minutes 15 seconds East (bearing based on data from Global Positioning System data circa 1989, NAD 1983) and along the South line of the said Quarter Section and along a Southerly line of land conveyed to Irving Materials, Inc., by

deed recorded September 24, 1980 in Deed Record 322, page 573 in the Office of the Recorder of Hamilton County, Indiana, [1076.57 feet]; thence North 00 degrees 00 minutes 08 seconds West along an Easterly line of the said conveyed to Irving Materials, Inc., 1499.70 feet to the Place of Beginning; thence continue North 00 degrees 00 minutes 08 seconds West along the Easterly line of the said land 700.00 feet; thence North 89 degrees 59 minutes 52 seconds East 292.47 feet; thence South 00 degrees 00 minutes 08 seconds East 700.00 feet; thence South 89 degrees 59 minutes 52 seconds West 292.42 feet to the place of beginning.



**LAND DESCRIPTION**  
IMI West PUD Zoning

Part of the West Half of Section 1; part of the Northeast, Southeast and Southwest Quarter of Section 2; part of the North Half of the Northeast and Northwest Quarter of Section 11; all in Township 17 North, Range 5 East of the Second Principal Meridian, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 11; thence South 89 degrees 51 minutes 23 seconds West (basis of bearings State Plane Grid North) along the North line of the said Northeast Quarter 133.13 feet to the Southwest corner of Brooks Cemetery and the Point of Beginning of this description; thence continuing South 89 degrees 51 minutes 23 seconds West along the said North line 242 feet, more or less, to the shoreline of a lake (gravel pit), as located on May 20, 2005, with the water level thereof at an elevation of 785.0 feet above mean sea level (said lake being the Northerly boundary of proposed Springs of Cambridge, Sections Nine and Ten); thence Southerly, Southwesterly, Westerly, Northwesterly, and Northerly along the meandering shoreline of said lake 4,300 feet, more or less, to the shoreline of Geist Reservoir, as established when said reservoir is full (with the water level thereof at an elevation of 785.0 feet above mean sea level); thence Northeasterly along the meandering shoreline of said Geist Reservoir 4,400 feet, more or less, to the West right of way line of Olio Road per Warranty Deed recorded as Instrument #9909937587 in the Office of the Recorder of Hamilton County, Indiana (the next three courses are along said West right of way line); 1) thence South 00 degrees 37 minutes 08 seconds East 300 feet, more or less, to a curve to the right having a radius of 941.62 feet; 2) thence Southwesterly along said curve 318.83 feet and being subtended by a long chord having a bearing of South 09 degrees 04 minutes 52 seconds West and a length of 317.31 feet; 3) thence South 18 degrees 46 minutes 52 seconds West 228.07 feet to the South line of a tract of land described in Instrument #90-20710 in said Recorder's Office; thence North 88 degrees 49 minutes 12 seconds West along the said South line 21.67 feet to the West right of way line of Olio Road per Warranty Deed recorded as Instrument #9909937588 in said Recorder's Office (the next seven courses are along said West right of way line); 1) thence South 19 degrees 14 minutes 16 seconds West 261.10 feet; thence Southwesterly 221.37 feet along an arc to the left and having a radius of 1377.95 feet and subtended by a long chord having a bearing of South 14 degrees 38 minutes 07 seconds West and a length of 221.14 feet; 3) thence South 07 degrees 08 minutes 11 seconds West 221.21 feet; 4) thence South 00 degrees 51 minutes 04 seconds West 281.62 feet; 5) thence Southeasterly 335.40 feet along an arc to the left and having a radius of 3353.02 feet and subtended by a long chord having a bearing of South 02 degrees 00 minutes 52 seconds East and a length of 335.26 feet; 6) thence South 04 degrees 52 minutes 48 seconds East 316.54 feet; 7) thence South 00 degrees 58 minutes 22 seconds West 234.57 feet to the North line of Brooks Cemetery; thence South 85 degrees 34 minutes 08 seconds West along the said North line 73.44 feet to the Northwest corner thereof; thence South 00 degrees 58 minutes 22 seconds West along the West line of said Brooks Cemetery 128.02 feet to the point of beginning, containing 173.5 acres, more or less.

Subject to all legal easements and rights of way.

Excepting therefrom the following described 4.5 acre tract:

**LAND DESCRIPTION**

(Future Residential - Northwesterly Rim Area between Lot 46 & Condos)

Part of the East Half of Section 2, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Section 2, said corner lies North 00 degrees 23 minutes 03 seconds East (basis of bearings State Plane Grid North) 2619.57 feet from the Southeast corner of the Northeast Quarter of Section 11, Township 17 North, Range 5 East; thence North 45 degrees 47 minutes 43 seconds West 2645.69 feet to the Point of Beginning; thence North 34 degrees 01 minutes 13 seconds West 71 feet, more or less, to the shoreline of Geist Reservoir as established when said reservoir is full (with the water level thereof at an elevation of 785.0 feet above mean sea level); thence Northeasterly along said meandering shoreline 2,000 feet, more or less, to a point which bears North 03 degrees 27 minutes 35 seconds West 2743 feet, more or less, from the aforesaid Southeast corner of said Section 2; thence South 03 degrees 10 minutes 27 seconds West 149 feet, more or less, to the shoreline of a future lake (a gravel pit to be conveyed to the Consolidated City of Indianapolis, Marion County, Indiana, through its Department of Waterworks) with the water level thereof at an elevation of 785.0 feet above mean sea level; thence Southwesterly along the meandering shoreline of said future lake 1980 feet, more or less, to the point of beginning, containing 4.5 acres, more or less.

The Marina Limited Partnership  
Part of Exhibit 'D' in Inst. No. 86-29715  
(North of Canal Place – Section Two)

A part of the land described in a Warranty Deed (under Exhibit 'D') to The Marina Limited Partnership per Instrument No. 86-29715 as recorded in the Office of the Recorder of Hamilton County Indiana and also being a part of the South Half of Section 1, Township 17 North, Range 5 East, Fall Creek Township, in Hamilton County, Indiana, described as follows:

Commencing at the Southwest corner of said Section 1 said corner being located North 00 degrees 23 minutes 03 seconds East 2619.57 feet from the Southeast corner of the Northeast Quarter of Section 11, Township 17 North, Range 5 East (basis of bearings is the record plat of The Springs of Cambridge Section Four); thence along the approximate centerline of Olio Road, North 00 degrees 58 minutes 22 seconds East 688.01 feet to the Northwest corner of Canal Place – Section One as per Secondary Plat thereof recorded as Instrument No. 200000024054 in Plat Cabinet 2, Slide 433 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 01 minutes 38 seconds East 236 feet, more or less, to the West shore line of a pond as established when Geist Reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level)[the next 29 courses are recited for mathematical closure, with the actual boundary being along the Westerly, Southerly and Easterly shore of said pond as defined herein];(1) thence South 21 degrees 21 minutes 03 seconds East 51.26 feet;(2) thence South 16 degrees 16 minutes 44 seconds East 46.13 feet;(3) thence South 00 degrees 36 minutes 30 seconds East 47.95 feet;(4) thence South 27 degrees 13 minutes 29 seconds East 47.98 feet;(5) thence South 17 degrees 32 minutes 24 seconds East 36.20 feet;(6) thence South 78 degrees 05 minutes 20 seconds East 113.77 feet;(7) thence South 89 degrees 26 minutes 34 seconds East 88.98 feet;(8) thence North 78 degrees 58 minutes 45 seconds East 67.20 feet;(9) thence North 43 degrees 38 minutes 31 seconds East 12.91 feet; (10) thence North 07 degrees 09 minutes 34 seconds East 23.37 feet;(11) thence North 44 degrees 50 minutes 20 seconds East 78.05 feet;(12) thence North 60 degrees 00 minutes 53 seconds East 47.93 feet;(13) thence North 44 degrees 33 minutes 26 seconds East 14.09 feet;(14) thence North 16 degrees 16 minutes 53 seconds East 54.16 feet;(15) thence North 10 degrees 22 minutes 51 seconds East 48.62 feet;(16) thence North 31 degrees 09 minutes 21 seconds East 52.53 feet;(17) thence North 47 degrees 17 minutes 24 seconds East 13.04 feet to the Southwestern corner of Canal Place – Section Two as per Secondary Plat thereof recorded as Instrument No. 200400012292 in Plat Cabinet 3, Slide 355 in said Recorder's Office;(18) thence continuing North 47 degrees 17 minutes 24 seconds East 23.51 feet;(19) thence North 22 degrees 59 minutes 58 seconds East 34.76 feet;(20) thence North 05 degrees 03 minutes 43 seconds East 60.49 feet; (21) thence North 00 degrees 13 minutes 03 seconds East 48.45 feet;(22) thence North 04 degrees 04 minutes 40 seconds West 51.51 feet;(23) thence North 73 degrees 34 minutes 56 seconds West 46.27 feet;(24) thence North 72 degrees 40 minutes 59 seconds West 25.95 feet;(25) thence North 53

degrees 29 minutes 36 seconds West 37.49 feet;(26) thence North 26 degrees 44 minutes 29 seconds West 39.78 feet;(27) thence North 15 degrees 54 minutes 16 seconds East 31.91 feet; (28) thence North 62 degrees 35 minutes 04 seconds West 23.20 feet; (29) thence North 18 degrees 25 minutes 19 seconds West 43.26 feet to the South bank of a canal connecting said pond with said Geist Reservoir as established when said Reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level) [the next 26 courses are recited for mathematical closure, with the actual boundary being along the Southerly shore of said canal as defined herein];(1) thence North 23 degrees 41 minutes 24 seconds East 22.50 feet;(2) thence North 60 degrees 33 minutes 12 seconds East 22.56 feet;(3) thence North 74 degrees 22 minutes 28 seconds East 74.83 feet; (4) thence North 69 degrees 37 minutes 31 seconds East 176.48 feet;(5) thence North 62 degrees 21 minutes 30 seconds East 122.95 feet;(6) thence North 70 degrees 08 minutes 50 seconds East 53.09 feet to the West line of said land described in Exhibit 'D' of Instrument No. 86-29715 and the POINT OF BEGINNING;(8) thence continue North 70 degrees 08 minutes 50 seconds East 138.17 feet;(8) thence South 88 degrees 35 minutes 08 seconds East 61.52 feet;(9) thence South 78 degrees 41 minutes 24 seconds East 21.22 feet;(10) thence North 82 degrees 22 minutes 36 seconds East 26.19 feet;(11) thence South 65 degrees 13 minutes 54 seconds East 46.75 feet;(12) thence South 80 degrees 56 minutes 18 seconds East 30.91 feet;(13) thence North 85 degrees 55 minutes 51 seconds East 112.40 feet;(14) thence North 68 degrees 26 minutes 08 seconds East 70.53 feet;(15) thence North 57 degrees 19 minutes 08 seconds East 131.66 feet;(16) thence North 46 degrees 26 minutes 12 seconds East 226.21 feet;(17) thence North 42 degrees 00 minutes 26 seconds East 108.68 feet;(18) thence North 41 degrees 03 minutes 53 seconds East 113.58 feet;(19) thence North 38 degrees 31 minutes 15 seconds East 165.88 feet;(20) thence North 33 degrees 54 minutes 52 seconds East 87.95 feet;(21) thence North 23 degrees 59 minutes 26 seconds East 182.18 feet;(22) thence North 29 degrees 48 minutes 26 seconds East 191.86 feet;(23) thence North 43 degrees 18 minutes 47 seconds East 52.64 feet;(24) thence North 32 degrees 21 minutes 45 seconds East 50.36 feet;(25) thence North 16 degrees 20 minutes 27 seconds East 108.89 feet;(26) thence North 00 degrees 41 minutes 25 seconds West 145 feet, more or less, to the South shore line of Geist Reservoir as established when said reservoir is full (with the water level thereof being at an elevation of 785.0 feet above mean sea level); thence in a Westerly direction along the meandering shore line to the West line of said land described in Exhibit 'D' of Instrument No. 86-29715 and the East line of land described in Deed Record 322, page 573 in said Recorder's Office; thence along said line, South 00 degrees 00 minutes 27 seconds West 1022 feet, more or less, to the Point of Beginning, containing 28 acres, more or less.

Except that part of the above described tract conveyed to Irving Materials, Inc., by Warranty Deed recorded as Instrument No. 90-20709 in said Recorder's Office, containing 4.70 acres, more or less.

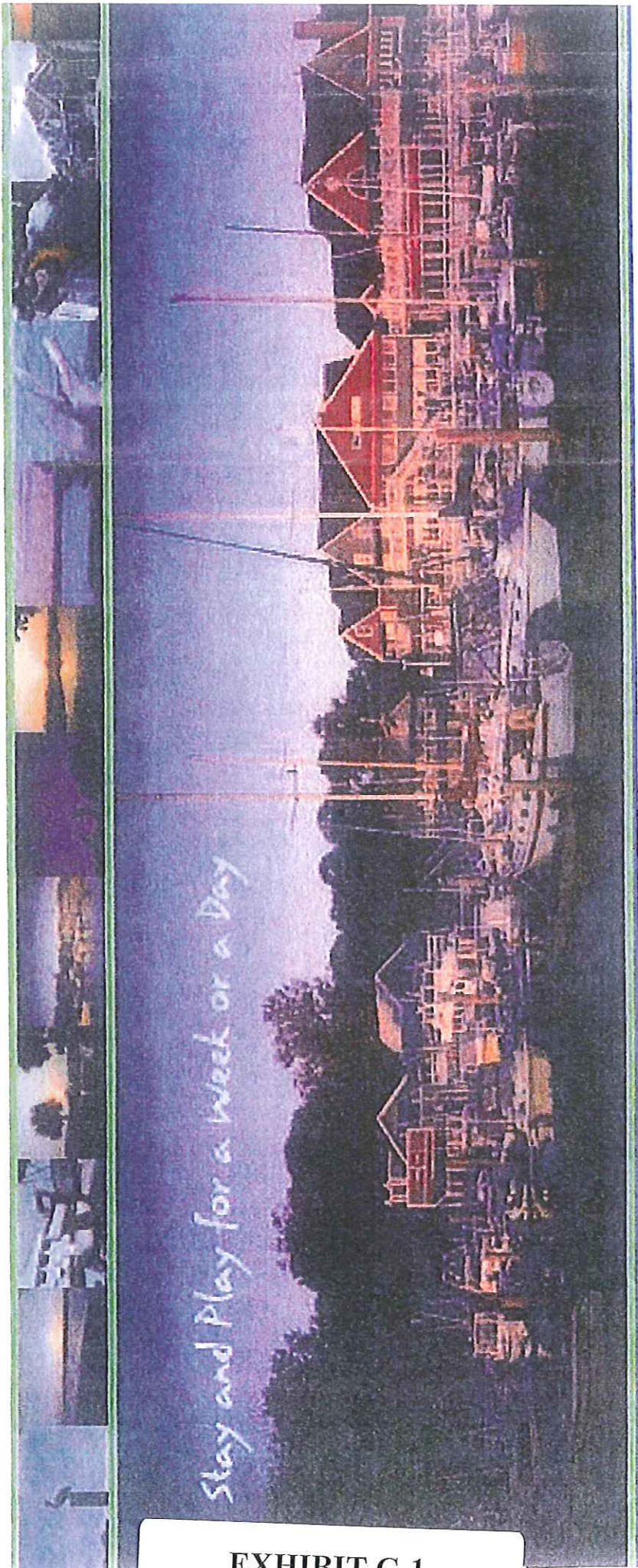
**DEVELOPMENT CHARACTERISTICS**  
 LINEAL FEET OF SIDEWALK = 18,025 +/-  
 LINEAL FEET OF STREET = 9,515 +/-  
 MULTI-PURPOSE PATHS ALONG OJIB RD. = 4,000 +/-  
 BUFFER AREA = 3.7 AC +/-  
 AREA OF WATER TO BECOME PART  
 OF GEIST RESERVOIR = 123.0 AC +/-  
 TOTAL RESIDENTIAL LOTS = 172



COMPOSITE DEVELOPMENT  
 GEIST RESERVOIR

**cripe**  
 Architects - Engineers  
 960510-30000

**EXHIBIT B**



*Stay and Play for a Week or a Day*

EXHIBIT C-1

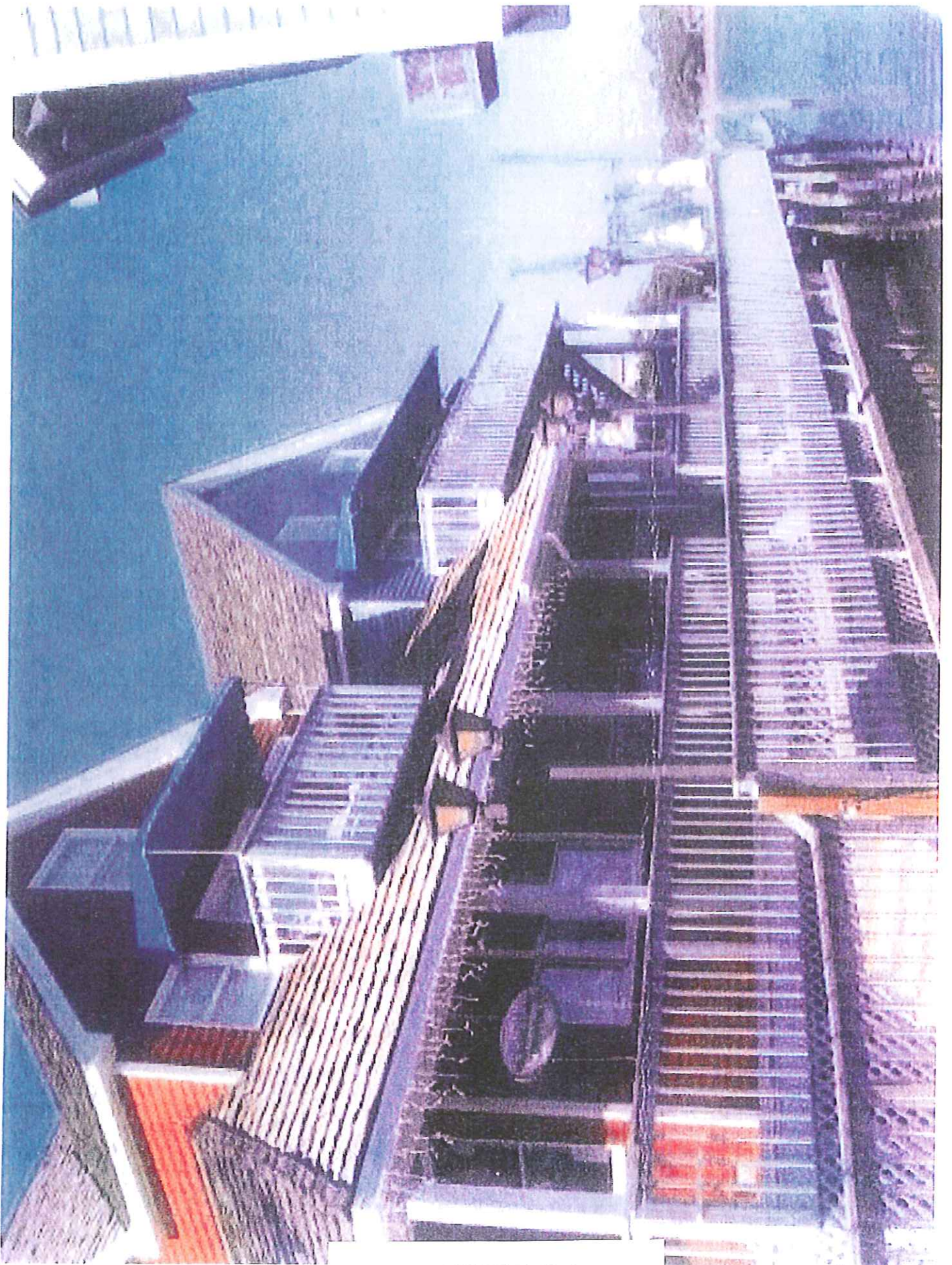


EXHIBIT C-2



EXHIBIT C-3





EXHIBIT C-4

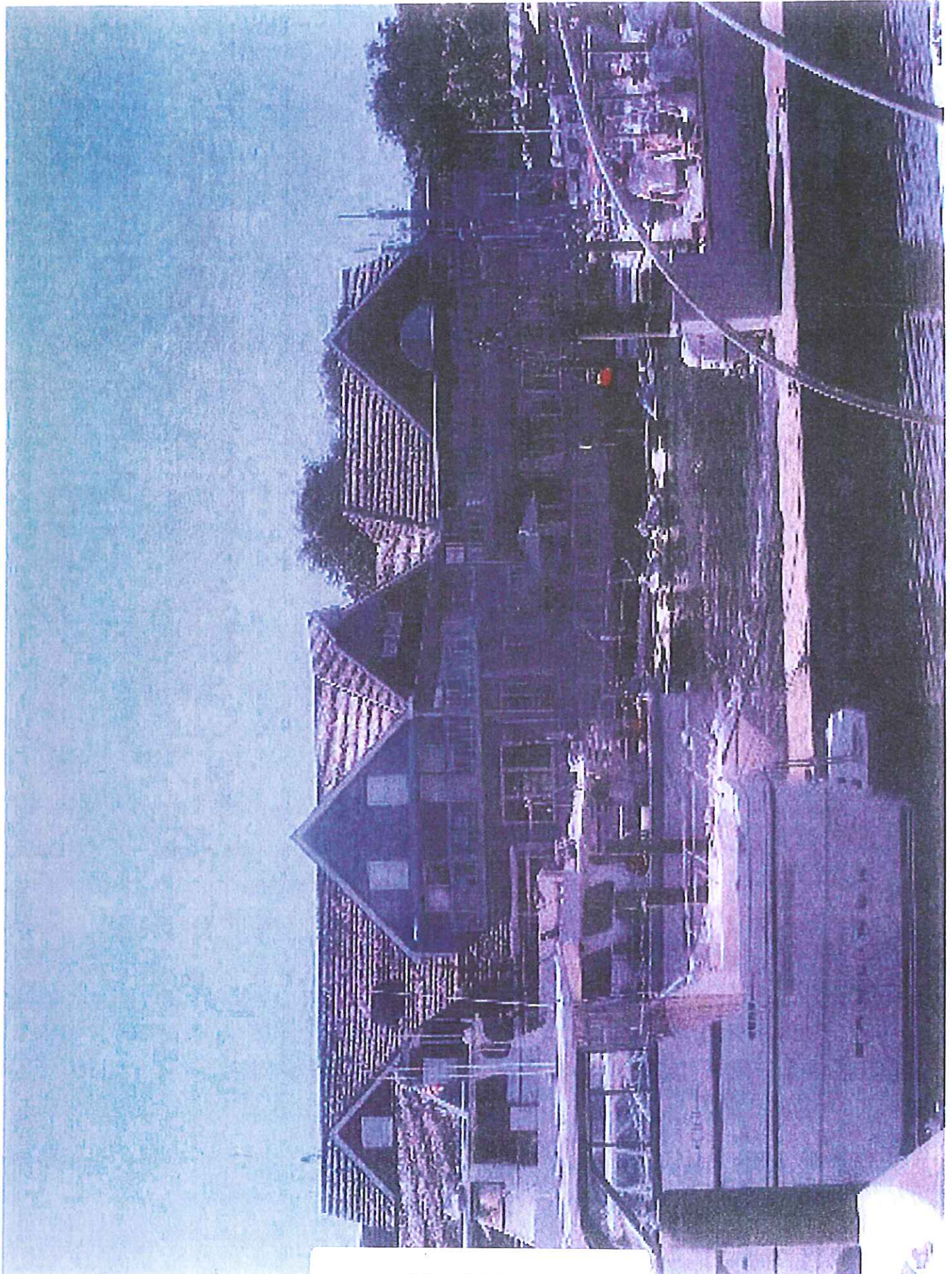


EXHIBIT C-5



**LANDSCAPE CHARACTERISTICS**

BUFFER AREA



LANDSCAPE CHARACTERISTICS - WEST

GEIST RESERVOIR

08-06-10

**EXHIBIT D-1**

LANDSCAPE CHARACTERISTICS

BUFFER AREA



LANDSCAPE CHARACTERISTICS - EAST  
GEIST RESERVOIR

03.26.10

EXHIBIT D-2



**PARKING CHARACTERISTICS**  
 CONDO TENANT PARKING = 177 SPACES



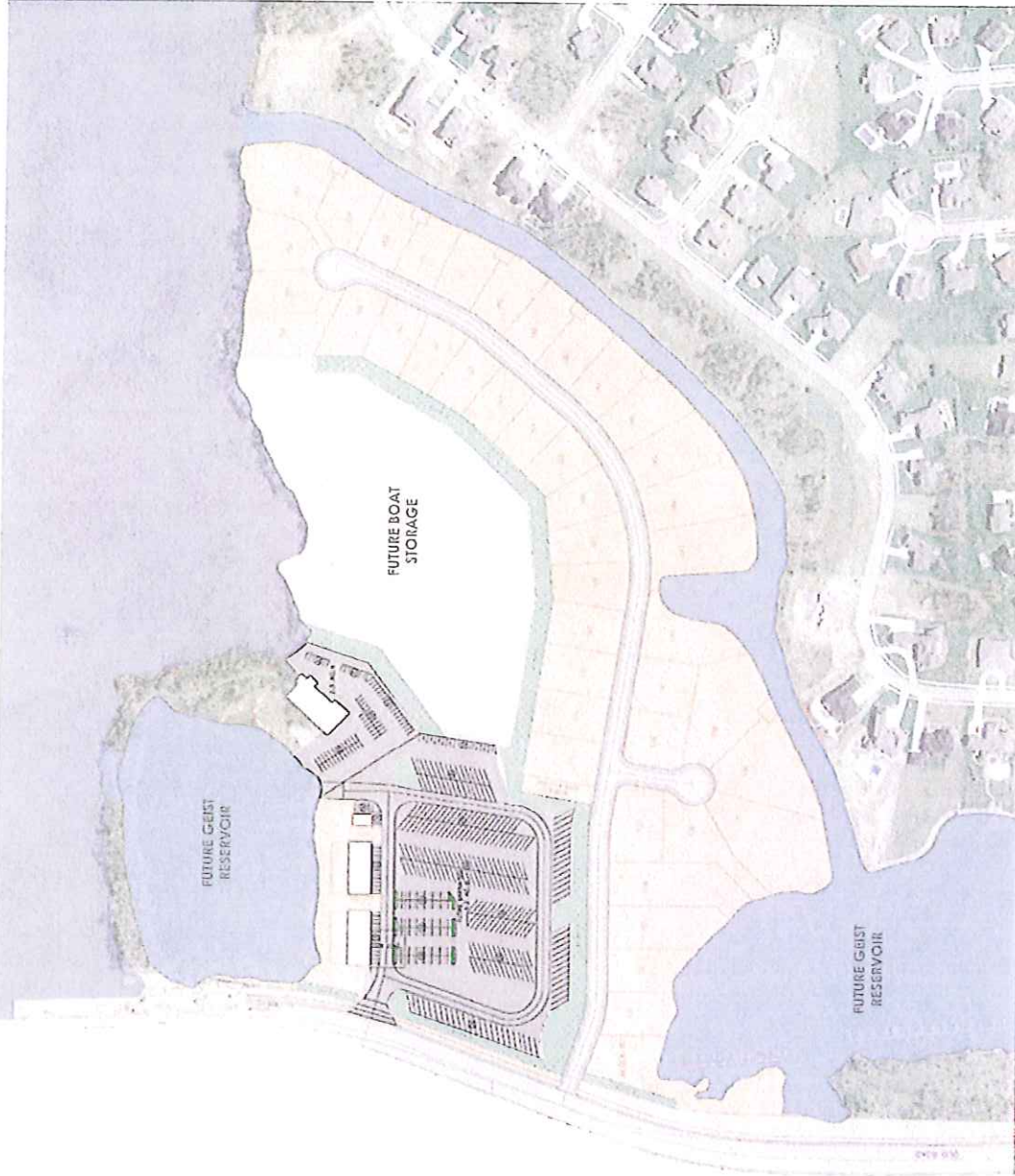
PARKING CHARACTERISTICS - WEST  
 GEIST RESERVOIR

08-06-10

**EXHIBIT E-1**

**PARKING CHARACTERISTICS**

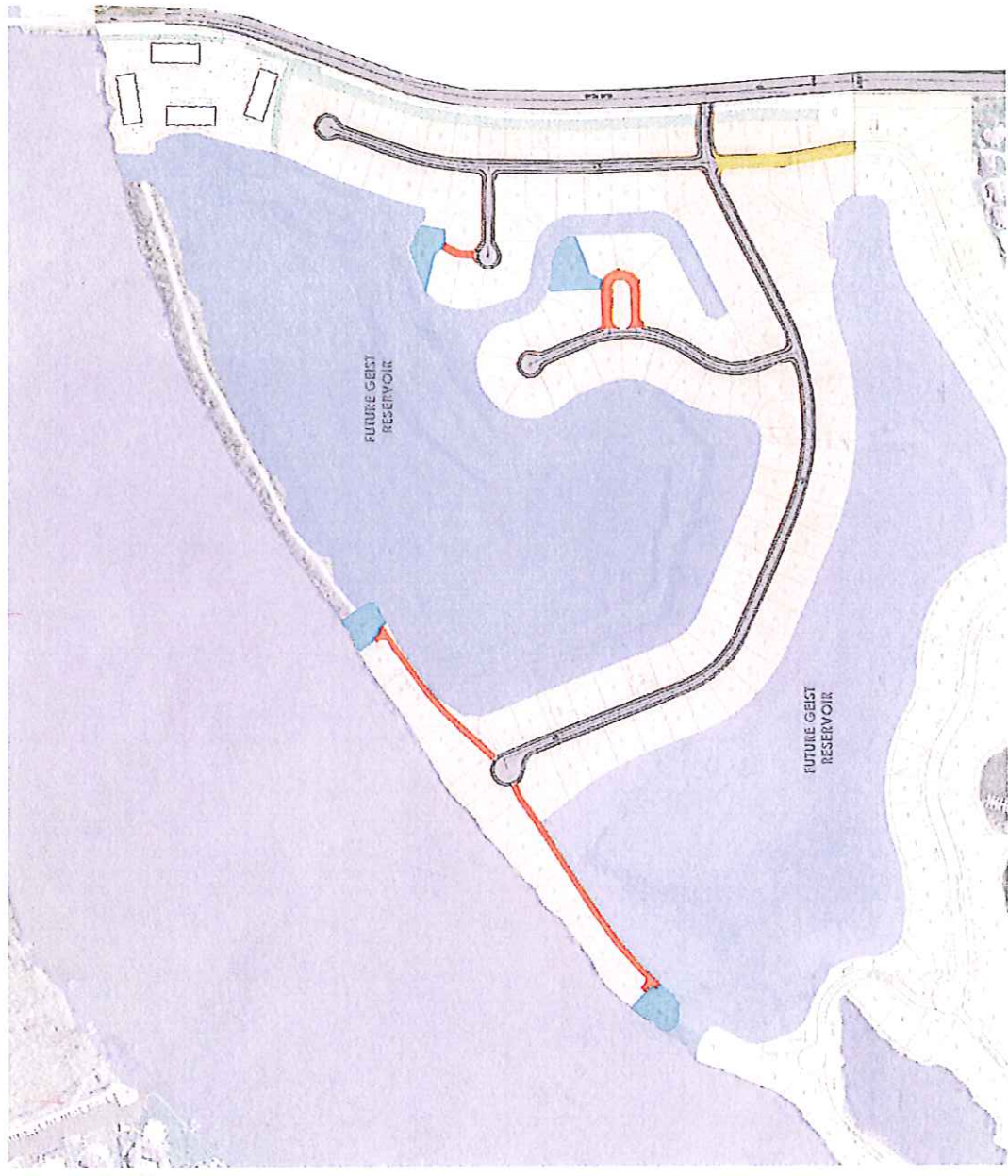
- BOAT/TRAILER PARKING = 222 SPACES
- RESTAURANT PARKING = 100 SPACES
- CONV. STORE / BAIT SHOP = 15 SPACES
- RESTAURANT PARKING = 95 SPACES



**PARKING CHARACTERISTICS - EAST  
GEIST RESERVOIR**

03.26.10

**EXHIBIT E-2**



**ROADWAY CHARACTERISTICS**

- PUBLIC ROADWAYS**
- PRIVATE ROADWAYS  
2,188 LF**
- NON CONFORMING ROADWAY - VARIANCE  
942 LF**
- NON CONFORMING LOT FRONTAGE - VARIANCE**



**ROADWAY CHARACTERISTICS - WEST ROADS  
GEIST RESERVOIR**

08-06-10

**EXHIBIT F-1**

**ROADWAY CHARACTERISTICS**

PUBLIC ROADWAYS



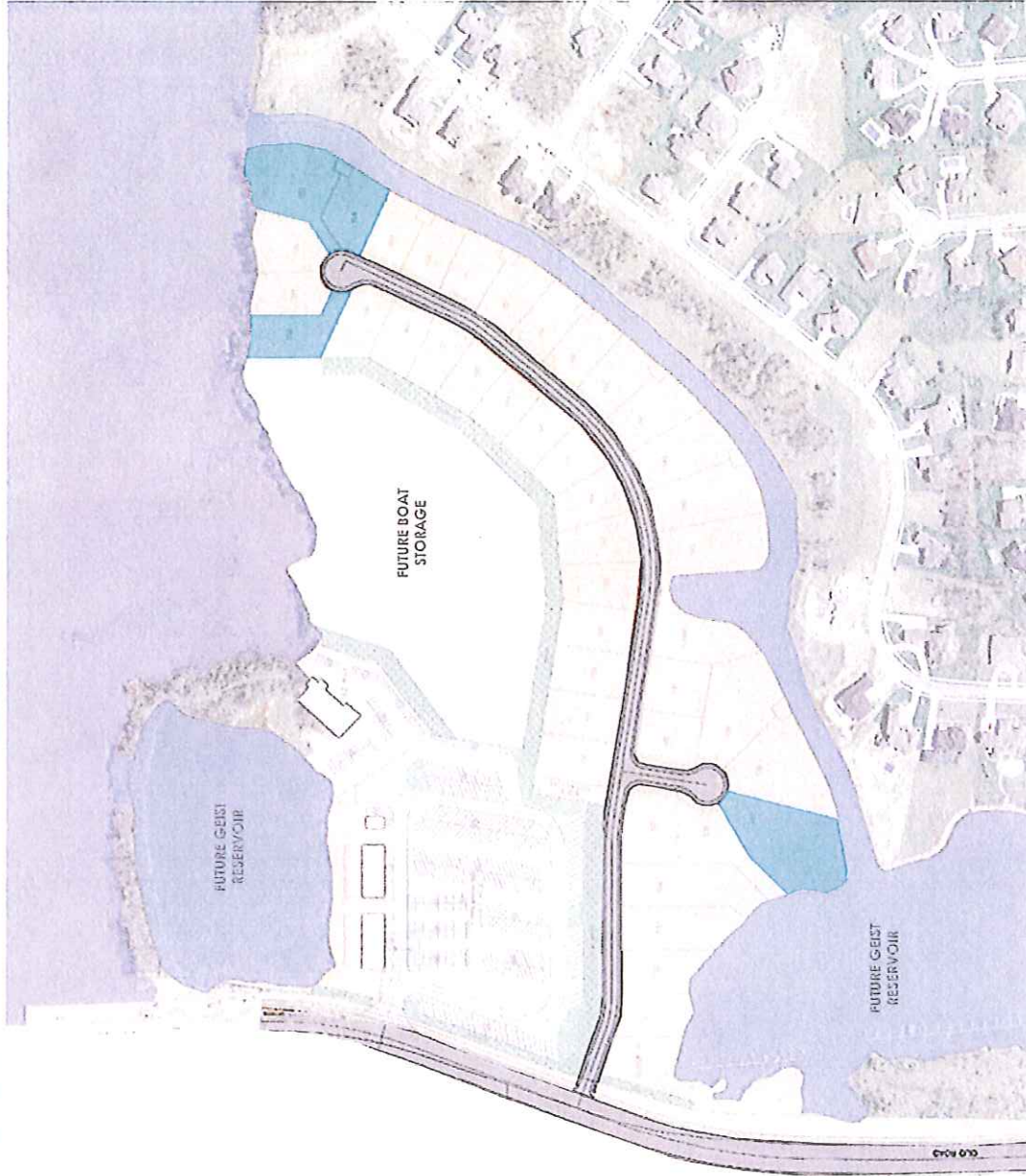
PRIVATE ROADWAYS



NON CONFORMING ROADWAY - VARIANCE



NON CONFORMING LOT FRONTAGE - VARIANCE



**EXHIBIT F-2**







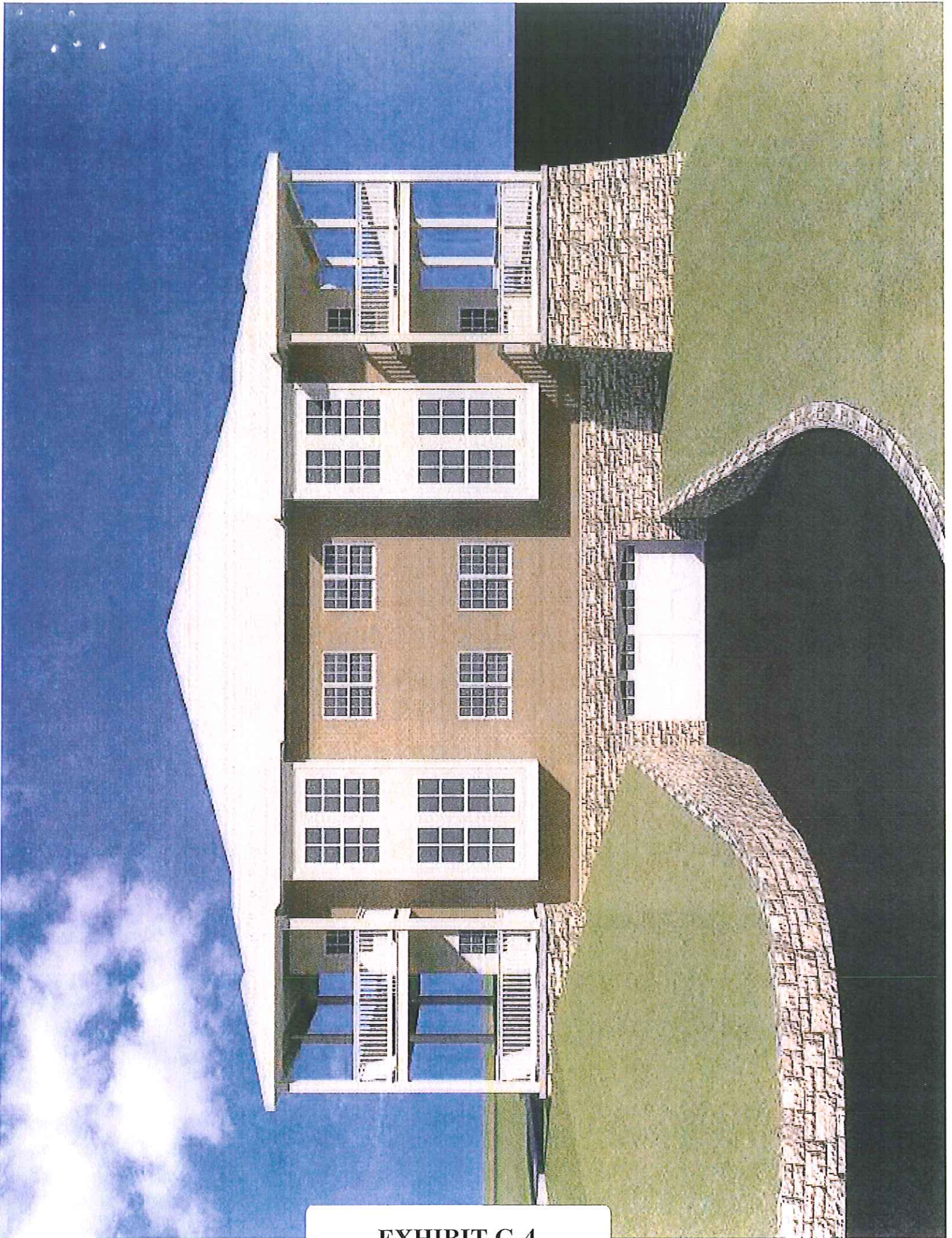
EXHIBIT G-1



**EXHIBIT G-2**



EXHIBIT G-3



**EXHIBIT G-4**

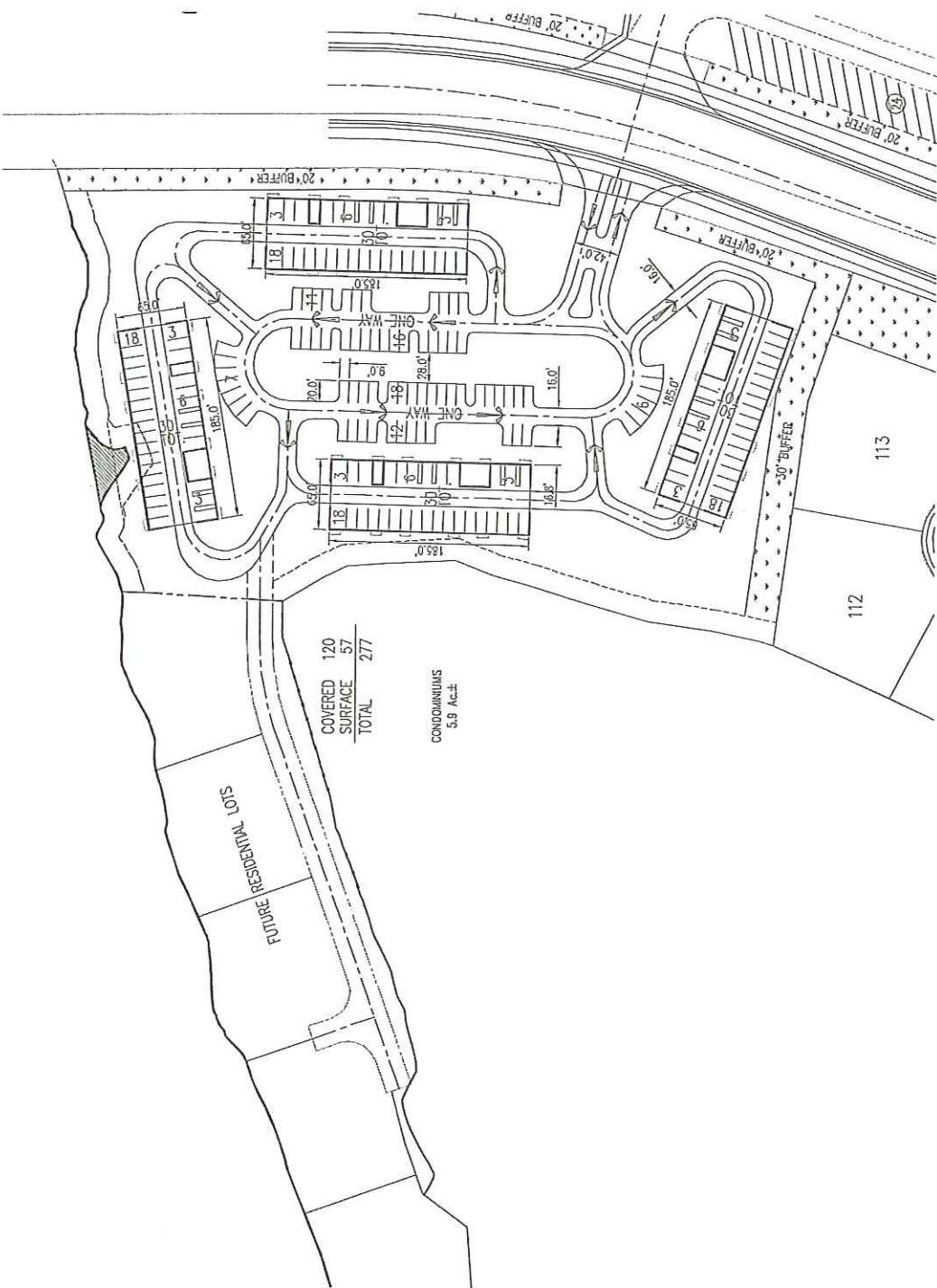


EXHIBIT G-5

1.2  
3 3 0



EXHIBIT G-6



COVERED	120
SURFACE	57
<b>TOTAL</b>	<b>277</b>

CONDOMINIUMS  
5.9 AC±

**SITE PLAN**

GEIST MARINA CONDOS

07/15/10

0960510-30000