

**SANDSTONE/GRAY EAGLE (PART)
ORDINANCE NO. 100996B**

AN ORDINANCE AMENDING THE ZONING ORDINANCES 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:

SECTION 1. DECLARATION

That this ordinance hereby repeals and replaces the previous planned development district for Sandstone / Gray Eagle PD, Ordinance Number 100594A, and that the Zone Map, identified as OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated November 3, 1980, which accompanies and is a part of the Zoning Ordinances of the Town of Fishers, Indiana, as amended, is hereby changed as follows:

That the zoning classification of the following described real estate is hereby designated as PD.

(Real Estate is described in Exhibit "A" attached hereto)

That the text of the Fishers Zoning Ordinance, Ordinance Number 110380 is amended as it applies to the real estate described above, in the particulars described in Section 2-9 inclusive of this ordinance.

SECTION 2. LAND USE

All uses described in Residential Districts A, RR, R-1, R-2, R-3, R-3C, R-4, R-4C, R5, R-5C, and C-2 except automobile service stations of Chapter 2 of the Fishers Zoning Ordinance, Ordinance No. 110380 shall be permitted in this PD district. The arrangement and location of the parcels that comprise this PD district are depicted in Exhibit "B" attached hereto. The permitted land uses and development standards for parcels within this PD district are set forth in the Development Guidelines attached hereto as Exhibit "C".

SECTION 3. PURPOSE

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and the attributes of the real estate between Interstate Highway 69 and Geist Reservoir, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire Town.

(A) Statement of Purpose

- (1) To encourage a more creative approach in land and building site planning.
- (2) To encourage an efficient, aesthetic and desirable use of open space.
- (3) To promote variety in the physical development pattern of the community.
- (4) To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of Fishers, Indiana.

(5) To permit special consideration of property with unique features, such as unusual topography, landscape amenities, and size and shape.

(6) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

SECTION 4. APPLICABILITY

(A) The provisions of this section shall apply only to the tract of land herein described, provided.

(B) The basic land unit of this PD District is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire Planned Development may be designated.

(1) A proposed Development Plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed.

(2) Before approval of a Preliminary Development Plan, a detailed determination of land use intensity shall be declared, and the Commission shall make a finding that said intensity is consistent with the Land Use Plan of current adoption and the best interest of the entire Town and surrounding areas.

SECTION 5. PROCEDURE

The authorization of a Development Plan shall be subject to the procedures expressed herein.

(A) Copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for review and approval.

(1) Proposed dimensioned layout to scale of any streets, geographic areas and other elements basic to the proposed use in relationship to site conditions.

(2) Proposed locations, amounts and types of uses within the area proposed to be developed.

(3) Proposed plan for handling vehicular traffic, sewage disposal, drainage, water supply site perimeter treatment and other pertinent development features.

(4) The preliminary plan may be an approximate drawing but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.

(5) The plan shall show the boundary lines of the subject area and land uses proposed and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. The plan shall show names of owners of parcels adjoining the boundary of the plan.

(6) An enumeration of covenants, in general terms, proposed to be made a part of the Planned Development.

(7) A statement expressing the order and estimated time of development.

(B) Application for approval of the Preliminary Development Plan shall be submitted to the Commission with sufficient copies of the preliminary plan and any other desired supporting

documents at a regular meeting of the Commission as a petition for Amendment to the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Development Plan" and be signed by the President and Secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.

(C) The approved Preliminary Development Plan shall then be certified to the Town Council for adoption as a "PD" Planned Development District pursuant to the laws governing amendment of zoning codes.

(D) Upon adoption by the Town Council, the approved Preliminary Development Plan shall be forwarded to a committee consisting of: (1) a representative of the Town Board; (2) Plan Commission Chairman; and (3) Director of Department of Development, which shall thereafter exercise continuing jurisdiction. The committee shall conduct its business under the title of Fishers Planned Development Committee. Approval by a majority of the committee is sufficient for the conduct of any committee business. Before any development takes place, the committee shall approve a final detailed site plan specifying the exact location, composition, and detailed engineering features of all lots, drainage, sewage, water supply facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditioned upon a finding by the committee that the detailed site plan is consistent with the approved Preliminary Development Plan. The approved final detailed site plan shall be stamped "Approved Final Detailed Development Plan" and be signed by any two members of the committee, and one copy shall be permanently retained in the office of the Commission. Approval of the final Detailed Development Plan shall constitute approval of the developmental standards contained within the covenants to be recorded with each phase of the development. The Town by its Code Enforcement officer, as designated by ordinance, shall enforce compliance with the development standards as contained in the covenants.

(1) Approval of a detailed site plan for all of the real estate shall be obtained within twelve years after adoption of the Town Council of the Preliminary Development Plan, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest. All or an appropriate part of the Development Plan may be undertaken in sections or phases.

(2) An "Approved Final Detailed Development Plan" may mean and be designated the same as a Secondary Plat.

(3) A refusal by the Committee to approve a detailed final site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.

(4) In the event that approval of a final detailed site plan is not obtained within the twelve year period or an approved extension of time, the Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned to a category adopted by the Town Council as an amendment to the Zoning Ordinance.

(E) The petitioner may develop the property involved in phases. The petitioner may submit to the committee partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved final detailed site plans for an entire Planned Development Plan.

(F) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the committee shall handle such matters in accordance with its regular procedures and in accordance with law.

(G) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the committee.

(H) In the exercise of its continuing jurisdiction, the Committee may from time to time modify the approved Final Detailed Development Plan in a manner consistent with the approved Preliminary Development Plan to allow for changed circumstances and conditions unforeseen at the time or original approval.

(I) All development shall be in conformity with the approved detailed Development Plan. In the exercise of its continuing jurisdiction, the Committee shall take cognizance of any material deviations from the approved Detailed Development Plan and take appropriate enforcement action.

(J) Approval by the Committee shall expire after a period of twelve (12) years from the approval of a Final Detailed Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements including streets, walkways and utility installations in which instance an extension of time may be granted by the Committee.

(K) All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of a Final Detailed Development Plan.

SECTION 6. ABANDONMENT OR EXPIRATION

Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved final detailed Development Plan for twenty-four (24) consecutive months, or upon the expiration of twelve (12) years from the approval by the Commission of a Preliminary Detailed Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate.

SECTION 7. RECORDING

An approved Final Detailed Development Plan and modifications thereof shall be recorded in the appropriate plat books in the office of the Hamilton County Recorder within two (2) years after approval by the committee.

SECTION 8. COVENANTS AND MAINTENANCE

(A) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Planned Development and shall set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interest of the Town, and in such event, the Town shall take those remedial steps provided for in

such provisions.

(B) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive Plan. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified final detailed site plan for such land consistent with the approved Preliminary Development Plan. Such modified final detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Development Plan.

(C) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in the Planned Development. Such development standards may include, but are not limited to, requirements as to the following:

- (1) Lot area;
- (2) Floor area;
- (3) Ratios of floor space to land area;
- (4) Area in which structures may be built ("Buildable area"), including areas for cluster type development without lot lines.
- (5) Setback lines and minimum yards;
- (6) Building separations;
- (7) Height of structures;
- (8) Signs;
- (9) Off-street parking and loading space;
- (10) Design standards;
- (11) Phasing of development.

(D) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance.

(E) Adequate provision shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Development Plan, and in such instance, legal assurance shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(F) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiary thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(G) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

SECTION 9. LIMITATION OF REZONING

The Plan Commission shall not initiate any amendments to the Zoning Code concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Development Plan, and proceeding in accordance with the time requirements imposed herein.

This ordinance shall be in full force and effect from and after its passage.

PASSED by the Town Council of the Town of Fishers, Indiana, on the 23 day of October, 1996.

TOWN COUNCIL, TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

By: Walter F. Kelly /s/
Walter F. Kelly, President

By: Timothy O. Lima /s/
Timothy O. Lima, Member

By: James P. Roederer /s/
James P. Roederer, Member

By: Scott A. Faultless /s/
Scott A. Faultless, Member

By: Roy G. Holland /s/
Roy G. Holland, Member

By: Stuart F. Easley /s/
Stuart F. Easley, Member

By: Deborah H. Heckart /s/
Deborah H. Heckart, Member

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

This instrument prepared by Douglas B. Floyd, Attorney at Law, 970 Logan Street, Noblesville, Indiana 46060.

EXHIBIT A

Gray Eagle
Land Description

A part of the East Half of the Northeast Quarter, Section 34 and part of Section 35, both in Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 34; thence South 00 degrees 02 minutes 07 seconds East (an astronomic bearing based on the Indiana State Plane Coordinate System, East Zone (NAD 1983)) along the West line of the Northeast Quarter of said Northeast Quarter a distance of 1311.00 feet; thence North 89 degrees 25 minutes 19 seconds East parallel with the North line of said quarter quarter section a distance of

1276.08 feet to a point 50.00 feet west of the East line of said Section 34, said point being the Northeast corner of a tract of land conveyed to Shonkwiler by Warranty Deed recorded as Inst. No. 8628560 in the Office of the Hamilton County Recorder; thence South 00 degrees 02 minutes 53 seconds East along the East line of said Shonkwiler tract and parallel with the East line of said Section 34 a distance of 580.00 feet to the Southeast corner of said Shonkwiler; thence South 89 degrees 25 minutes 19 seconds West parallel with the North line of said Section 34 a distance of 1276.21 feet to the West line of the East Half of the Northeast Quarter of said Section 34; thence South 00 degrees 02 minutes 07 seconds East along said West line 770.87 feet to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 34; thence North 89 degrees 36 minutes 37 seconds East along the South line of said quarter quarter section 1325.91 feet to the East Quarter Corner of said Section 34, said point also being the West Quarter Corner of Section 35; thence South 00 degrees 09 minutes 07 seconds East along the West line of the Northwest Quarter of the Southwest Quarter of said Section 35, a distance of 1331.58 feet to the Southwest corner of said quarter quarter section; thence North 89 degrees 29 minutes 46 seconds East along the South line of said quarter quarter section a distance of 1317.08 feet to the Southeast corner of said quarter quarter section; thence South 00 degrees 11 minutes 55 seconds East along the West line of the Southeast Quarter of the Southwest Quarter of said Section 35 a distance of 1112.90 feet to the Northwest corner of a tract of land conveyed to Wadsworth by Deed Record 313 page 175 as recorded in the Office of the Hamilton County Recorder, the following two (2) calls being along the Northerly and Easterly sides of said Wadsworth tract; thence North 89 degrees 33 minutes 14 seconds East parallel with the South line of the Southwest Quarter of said Section 35, a distance of 131.80 feet; thence South 00 degrees 30 minutes 40 seconds East 220.01 feet to the South line of said quarter section; thence North 89 degrees 33 minutes 14 seconds East along the South line of said Southwest Quarter a distance of 580.06 feet (580.90 feet by deed) to the Southwest corner of a tract of land conveyed to Concannon by Deed Record 359 page 795 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 26 minutes 46 seconds West along the West line of said Concannon tract 220.00 feet to the Northwest corner thereof; thence North 89 degrees 33 minutes 14 seconds East 330.00 feet to the Northeast corner of a tract of land conveyed to Williamson and recorded as Deed Record 297 page 2 in the Office of the Hamilton County Recorder; thence South 00 degrees 26 minutes 46 seconds East along the East line of Williamson 220.00 feet to the South line said Southwest Quarter; thence North 89 degrees 33 minutes 14 seconds East along said South line 50.00 feet to the Southwest corner of a tract of land conveyed to Floyd by Deed Record 221 page 285 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 26 minutes 46 seconds West along the West line of said Floyd tract 220.00 feet to the Northwest corner thereof; thence North 89 degrees 33 minutes 14 seconds East 225.87 feet to the East line of the Southwest Quarter of said Section 35, said point being the Northeast corner of a tract of land conveyed to Haines and recorded as Deed Record 295 page 584 in the Office of the Hamilton County Recorder; thence North 00 degrees 14 minutes 43 seconds West along the East line of said Southwest Quarter a distance of 1114.23 feet to the Northeast corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 30 minutes 54 seconds East along the South line of the Northwest Quarter of the Southeast Quarter of said Section 35 a distance of 1320.29 feet to the Southeast corner of said quarter quarter section; thence North 00 degrees 16 minutes 25 seconds West along the East line of said quarter quarter section 1190.80 feet to the Northwesterly corner of a tract of land conveyed to the Hamilton Southeastern Schools by Inst. No. 9112973 and recorded in the Office of the Hamilton County Recorder, the following two (2) calls being along the Westerly and Northerly sides of said Hamilton Southeastern School tract: thence North 89 degrees 26 minutes 17 seconds East 582.86 feet; thence North 00 degrees 21 minutes 37 seconds West 615.37 feet; thence North 89 degrees 25 minutes 55 seconds East 737.00 feet to the East line of the Northeast Quarter of said Section 35; thence North 00 degrees 21 minutes 37 seconds West along said East line 866.90 feet to the North line of the South Half of said Northeast Quarter; thence South 89 degrees 22 minutes

21 seconds West 1810.11 feet to the centerline of Mud Creek, the following eleven (11) calls being along the centerline Mud Creek; thence North 35 degrees 00 minutes 21 seconds East 56.80 feet; thence North 42 degrees 13 minutes 24 seconds East 33.97 feet; thence North 41 degrees 14 minutes 34 seconds East 276.96 feet; thence North 29 degrees 06 minutes 39 seconds West 83.24 feet; thence North 68 degrees 34 minutes 19 seconds East 208.93 feet; thence North 04 degrees 23 minutes 16 seconds East 324. 13 feet; thence North 33 degrees 17 minutes 45 seconds West 101.24 feet; thence North 00 degrees 57 minutes 07 seconds East 256.07 feet; thence North 44 degrees 41 minutes 00 seconds West 57.28 feet; thence North 17 degrees 05 minutes 23 seconds West 73.08 feet; thence North 22 degrees 16 minutes 13 seconds East 147.06 feet to the North line of the Northeast Quarter of said Section 35; thence South 89 degrees 18 minutes 24 seconds West along said North line 352.69 feet to the Northeast corner of a tract of land conveyed to Albertson by Deed Record 300 page 694 and recorded in the Office of the Hamilton County Recorder, the following three (3) calls being along the Easterly, Southerly and Westerly sides of said Albertson tract; thence South 00 degrees 28 minutes 06 seconds East 190.00 feet; thence South 89 degrees 18 minutes 24 seconds West 311.01 feet; thence North 00 degrees 28 minutes 06 seconds West 190.00 feet to the North line of said Northeast Quarter and being the Northwesterly corner of said Albertson tract; thence South 89 degrees 18 minutes 24 seconds West along said North line 60.00 feet to the Northeasterly corner of a tract of land conveyed to Maclean Landscape, Inc. by Inst. No. 9535755 as recorded in the Office of the Hamilton County Recorder, the following three (3) calls being along the Easterly, Southerly and Westerly sides of said Mclean tract; thence South 00 degrees 28 minutes 06 seconds East 484.24 feet; thence South 89 degrees 18 minutes 24 seconds West 444.90 feet; thence North 00 degrees 14 minutes 43 seconds West 484.25 feet to the Northwest corner of said Mclean tract and also being the North line of said Northeast Quarter; thence South 89 degrees 18 minutes 24 seconds West along said North line 25.00 feet to the Northwest corner of the Northeast Quarter of said Section 35; thence South 89 degrees 23 minutes 30 seconds West along the North line of the Northwest Quarter of said Section 35 a distance of 2622.84 feet to the Northwest corner of said Section 35; thence South 89 degrees 25 minutes 19 seconds West along the North line of the East Half of the Northeast Quarter of above said Section 34 a distance of 1325.35 feet to the point of beginning.

ALSO that part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 35; thence North 89 degrees 33 minutes 14 seconds East (bearings are based on the Indiana State Plane Coordinate System, East Zone) along the South line of said Southwest Quarter a distance of 165.00 feet to the Point of Beginning; thence North 00 degrees 09 minutes 07 seconds West parallel with the west line of said Southwest Quarter a distance of 396.00 feet; thence South 89 degrees 33 minutes 14 seconds West parallel with the south line of said Southwest Quarter a distance of 165.00 feet to the West line of said Southwest Quarter; thence North 00 degrees 09 minutes 07 seconds West along said West line 935.39 feet to the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence North 89 degrees 29 minutes 46 seconds East along the North line of the Southwest Quarter of said Southwest Quarter a distance of 1317.08 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence South 00 degrees 11 minutes 55 seconds East along said East line 1068.90 feet; thence South 89 degrees 33 minutes 14 seconds West parallel with the South line of said Southwest Quarter a distance of 165.00 feet; thence South 00 degrees 11 minutes 55 seconds East parallel with the East line of the Southwest Quarter of said Southwest Quarter a distance of 264.00 feet to the South line of said Southwest Quarter; thence continue South 00 degrees 11 minutes 55 seconds East 25.00 feet more or less to the Southerly right-of-way for 116th Street; thence South 89 degrees 33 minutes 14 seconds West along said

Southerly right-of-way line, also being parallel with the South line of said Southwest Quarter a distance of 338.16 feet; thence North 00 degrees 26 minutes 46 seconds West 25.00 feet more or less to the South line of said Southwest Quarter; thence North 00 degrees 26 minutes 46 seconds West 408.38 feet; thence South 89 degrees 33 minutes 14 seconds West 160.00 feet; thence South 00 degrees 26 minutes 46 seconds West 408.38 feet to the South line of said Southwest Quarter; thence continue South 00 degrees 26 minutes 46 seconds West 25.00 feet more or less to the Southerly right-of-way for 116th Street; thence South 89 degrees 33 minutes 14 seconds West along said Southerly right-of-way line, also being parallel with the South line of said Southwest Quarter a distance of 490.00 feet; thence North 00 degrees 09 minutes 07 seconds West 25.00 feet to the Point of Beginning and containing 36.03 acres more or less.

ALSO that part of the East Half of the Southeast Quarter of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northwest corner of the East Half of the Southeast Quarter of said Section 34; thence North 89 degrees 36 minutes 37 seconds East along the North line of said Half Quarter Section 1325.91 feet to the East Quarter corner of said Section 34; thence South 00 degrees 09 minutes 07 seconds East along the East line of the Southeast Quarter of said Section 34, a distance of 987.76 feet; thence South 60 degrees 16 minutes 11 seconds West 136.27 feet; thence South 57 degrees 14 minutes 17 seconds West 500.29 feet; thence South 57 degrees 59 minutes 11 seconds West 498.42 feet; thence South 71 degrees 38 minutes 26 seconds West 85.03 feet; thence South 89 degrees 57 minutes 53 seconds West 285.14 feet to the West line of the East Half of said Southeast Quarter, said point being 1055.00 feet North 00 degrees 02 minutes 07 seconds West from the Southwest corner of said Half Quarter; thence North 00 degrees 02 minutes 07 seconds West along the West line of said Half Quarter a distance of 1608.23 feet to the Point of Beginning;

EXCEPT THEREFROM a tract of nine-tenths (9/10) acre, more or less, described as follows:

Beginning at a point 389.0 feet, south of the northwest corner of the northeast Quarter of the southeast quarter of Section 34, Township 18 North, Range 5 East; thence East parallel with the North line of said Southeast Quarter a distance of 300 feet; thence South parallel with the West line of said Southeast Quarter a distance 130.6 feet; thence West parallel with said North line 300 feet to the West line of said Southeast Quarter; thence North on and along said West line 130.6 feet to the point of beginning.

Sandstone Northwest Land Description

A part of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at a Brass plug in a cast iron monument box at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 34; thence South 89 degrees 36 minutes 31 seconds West (an astronomic bearing) along the South line of the Southeast Quarter of said Section 34 a distance of 1314.52 feet to a PK Nail found marking the Southwest corner of the Southeast Quarter of said Section 34; thence South 89 degrees 40 minutes 44 seconds West along the South line of the Southwest Quarter of said Section 34 a distance of 361.04 feet to a PK Nail set this survey and being the Southeasterly corner of a tract of land conveyed to Donald and Sandra Meyers by Warranty Deed recorded as Inst. No. 92-47475 in the Office of the Hamilton County

Recorder, the following two (2) calls being along the Easterly and Northerly sides of said Meyers tract; thence North 01 degrees 54 minutes 01 seconds West 342.36 feet (339.54 feet by deed) to a 5/8 inch iron pin with a cap marked "Benchmark" found marking the Northeast corner of said Meyers tract; thence South 89 degrees 57 minutes 25 seconds West 292.33 feet (292.49 feet by deed) to a 5/8 inch iron pin with a cap marked "Benchmark" found marking the Northwest corner of said Meyers tract, said point being in the West line of the East Half of the Southeast Quarter of the Southwest Quarter of said Section 34; thence North 00 degrees 09 minutes 39 seconds West along said West line 988.19 feet to a 5/8 inch iron pin with a plastic cap set this survey marking the Northwest corner of the East Half of the Southeast Quarter of the Southwest Quarter of said Section 34; thence South 89 degrees 41 minutes 52 seconds West along the South line of the Northeast Quarter of the Southwest Quarter of said Section 34 a distance of 663.94 feet to a 5/8 inch iron pin with a plastic cap set this survey marking the Southwest corner of said quarter quarter section; thence North 00 degrees 10 minutes 06 seconds West along the West line said quarter quarter section a distance of 1329.59 feet to a 5/8 inch iron pin with a plastic cap set this survey marking the Northwest corner of said quarter quarter section; thence South 89 degrees 36 minutes 37 seconds West along the South line of the Southwest corner of the Northwest Quarter of said Section 34 a distance of 1328.23 feet to a stone found with an "X" cut on top marking the Southwest corner of the Northwest Quarter of said Section 34; thence North 00 degrees 02 minutes 11 seconds West along the West line of the Northwest Quarter of said Section 34 a distance of 1324.76 feet to a 5/8 inch iron pin with a plastic cap set this survey marking the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 34; thence North 89 degrees 31 minutes 23 seconds East along the North line of said quarter quarter section and also the North line of the Southeast Quarter of the Northwest Quarter of said Section 34 a distance of 2653.78 feet to 5/8 inch iron pin with a plastic cap set this survey marking the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 34; thence North 89 degrees 31 minutes 01 seconds East along the North line of said quarter quarter section a distance of 1322.76 feet to a PK Nail set this survey marking the Northeast corner of said quarter quarter section; thence South 00 degrees 02 minutes 07 seconds East along the East line of said quarter quarter section 1330.95 feet to the Southeast corner of said quarter quarter section; thence South 00 degrees 02 minutes 07 seconds East along the East line of the Northwest Quarter and the Southwest Quarter of the Southeast Quarter of said Section 34, a distance of 2663.23 feet to the point of beginning.

Sandstone Southeast Land Description

Part of the Northwest Quarter of Section 2 and part of the Northeast Quarter of Section 3 both in Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

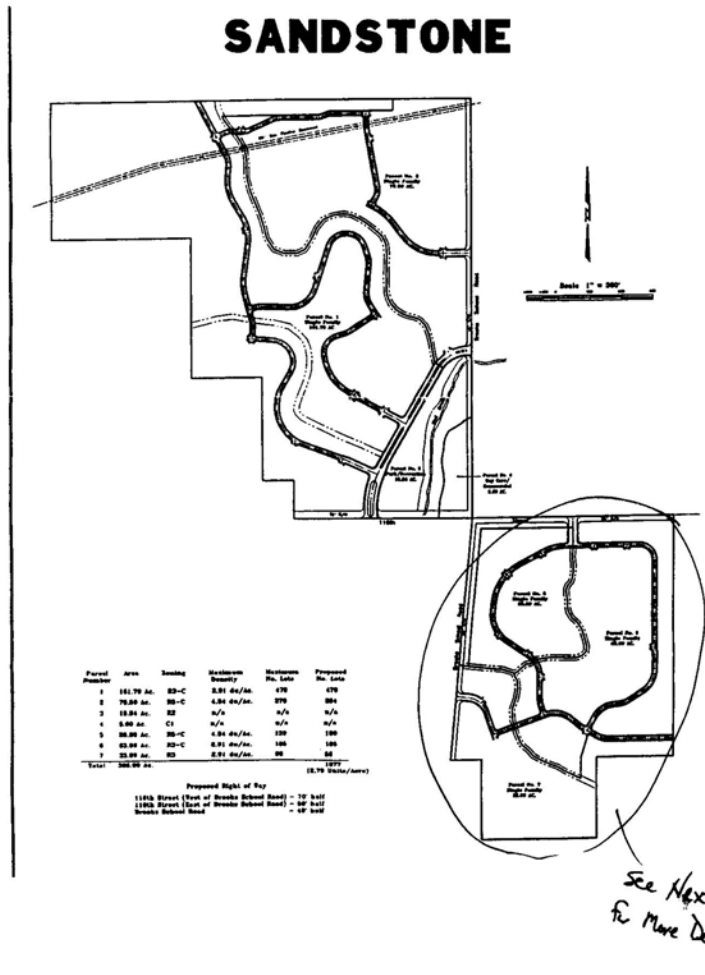
Beginning at the Northeast corner of the Northeast Quarter of said Section 3, said point also being the Northwest corner of the Northwest Quarter of said Section 2; thence South 89 degrees 36 minutes 31 seconds West (bearings are based upon the Indiana State Plane Coordinate System, East Zone) along the North line of said Northeast Quarter a distance of 1194.60 feet; thence South 05 degrees 22 minutes 03 seconds West 2313.88 feet to the Northwesterly corner of Lot 6 in the unrecorded plat of Holly Hills Addition and described in Deed Record 304, page 316 as recorded in the Office of the Hamilton County Recorder; thence North 89 degrees 27 minutes 24 seconds East parallel with the South line of said Northwest Quarter a distance of 299.99 feet to the Northeast corner of said Lot 6; thence South 00 degrees 22 minutes 13 seconds West along the Easterly line of said unrecorded plat of Holly Hills Addition and also along the Easterly line of the Plat of Welsh's Minor Subdivision as recorded in Plat Book 8, page 149, a distance of 780.00 feet to the South line of said Northeast Quarter; thence North 89 degrees 27 minutes 24 seconds East along said South

line a distance of 1096.23 feet to a stone found marking the Southeast corner of said Northeast Quarter; thence North 00 degrees 22 minutes 13 seconds East along the East line of said Northeast Quarter a distance of 791.10 feet to a Northwesterly corner of the Plat of Breakwater Subdivision as recorded in Plat Cabinet No. 1, Slide No. 152; thence North 89 degrees 33 minutes 58 seconds East parallel with the North line of the Northwest Quarter of said Section 2, a distance of 729.07 feet; thence North 00 degrees 22 minutes 13 seconds East parallel with the West line of said Northwest Quarter a distance of 2287.50 feet to the North line of said Northwest Quarter; thence South 89 degrees 33 minutes 58 seconds West along said North line 588.75 feet to the Southeast corner of Section 34, Township 18 North, Range 5 East of the Second Principal Meridian; thence South 89 degrees 36 minutes 31 seconds West 140.32 feet to the point of beginning.

Ordinance No. 100996B

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LAND USE PLAN FOR SANDSTONE



Revised 3/02

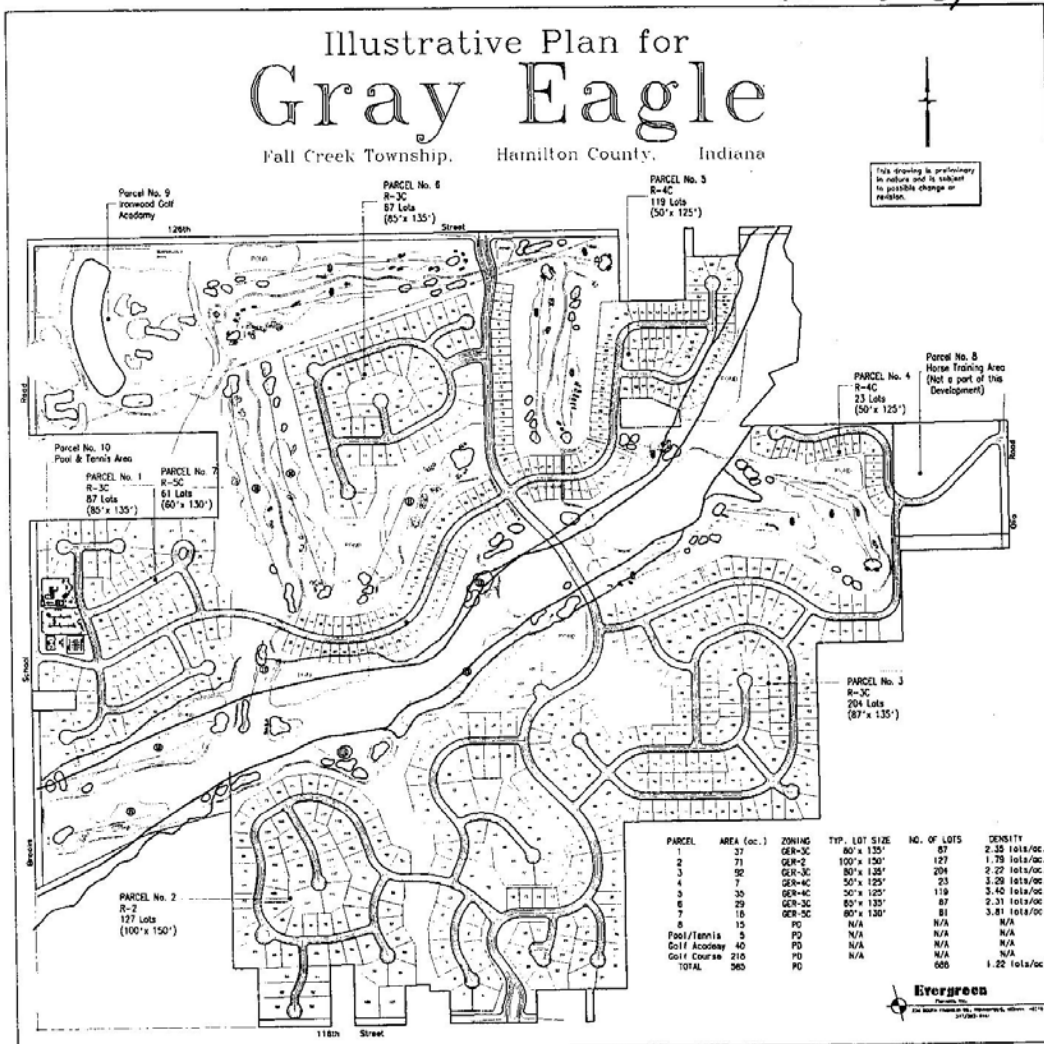


EXHIBIT "C"

Development Guidelines
Sandstone/Gray Eagle Planned Unit Development
Fishers, Indiana
October 1996

I. STATEMENT OF PURPOSE AND INTENT

Sandstone/Gray Eagle is a planned community. While its primary focus is residential, both the recreational and environmental components play an integral part in creating a unique living environment.

The Sandstone/Gray Eagle development standards are intended to carry out the goals of this planned community. They are written to ensure a unified, quality development. Through creativity in design, sensitivity to the natural characteristics of the site and compatibility of land uses, a commitment is made to the future of the community.

The following principles will be used in guiding development towards a planned community which can respond to changing market conditions.

- *Encouraging FLEXIBILITY in site design with respect to building spacing, heights and density of buildings, open space, street widths and parking.
- *Allowing a variety of CREATIVE SOLUTIONS to project design that may not be possible through the strict application of the local zoning and subdivision regulations.
- *Encouraging a mixed-use, MASTER PLANNED community providing for residential, recreational, and community services.
- *Encouraging INNOVATIONS in land use that result in the availability of attractive development opportunities.
- *Maximizing the UNIQUE physical features of Sandstone/Gray Eagle.
- *Creating development patterns and project design that further the GOALS and POLICIES of the local governmental agencies.
- *Providing appropriate TRANSITIONS between land uses while encouraging an overall community focus.
- *Providing FLEXIBILITY for both land use type and density to be TRANSFERRED between parcels.

II. AUTHORITY

AUTHORITY

These standards shall apply to all property contained within Sandstone/Gray Eagle Planned Development. The regulations and requirements shall become the governing standards for review, approval, and modification of all development activities occurring on The Sandstone/Gray Eagle site.

Provisions of this guide shall prevail and govern the development of The Sandstone/Gray Eagle, superseding existing zoning and subdivision ordinances. The subdivision and zoning ordinances and regulations of the appropriate governmental entity shall apply where the provisions of this guide do not address a specific subject, or where the plan commission or council provides changes.

III. LAND USE STANDARDS

There are four primary land use categories within the Sandstone/Gray Eagle conceptual Planned Unit Development:

<u>USE</u>	<u>AREA</u>	<u>% TOTAL</u>	<u>SANDSTONE PARCELS</u>	<u>GRAY EAGLE PARCELS</u>
Residential	684.36 Ac.	80.0%	1, 2, 5-7	1-7
Community Services	19.24 Ac.	2.0%	3	10
Golf Course/Horse Training	241.7 Ac.	25.4%		8, 9, 11, 12
Commercial	5.6 Ac.	0.6%	4	
TOTAL	950.9 Ac.	100%		

* Includes surface area of open water bodies

A. DEVELOPMENT DENSITY

Transfer of densities is permitted between parcels for flexibility purposes. When all residential parcel densities are added together, this total shall not be greater than 2001 dwelling units. The density permitted on any parcel is a gross overall density. The maximum density per parcel and the total of 2001 dwelling units for the Sandstone/Gray Eagle development shall not be exceeded without a formal amendment to the Planned Development. Modifications of ten percent (10%) to parcel boundaries shall be permitted when final design is determined.

Development density maximums shall be determined on a parcel by parcel basis as specified in the following pages. Individual residential land use parcels shall be categorized into five (5) different development density classifications that are approximately equivalent to the following Fishers zoning classifications: R-1, R-2, R-3, R-3C, and R-5C, shall have the following maximum gross development densities, expressed in terms of the number of Dwelling Units (DU) per gross acre (AC):

	<u>Equivalent Zoning</u>		<u>Density</u>
-	R-1	-	2.00 units DU/AC
-	R-2	-	2.50 units DU/AC
-	R-3	-	2.91 units DU/AC
-	R-3C	-	2.91 units DU/AC
-	R-5C	-	4.84 units DU/AC
-	Overall Project 2.1 DU per acre		

For the purposes of predicting population size and maintaining public service capacities within the Sandstone/Gray Eagle PD, the maximum number of lots in this PD district and in each parcel of the PD district will be limited. The overall PD district shall be divided into three separate sub-districts, as defined below:

SANDSTONE NORTHWEST - Sandstone Parcels 1-4

SANDSTONE SOUTHEAST - Sandstone Parcels 5-7

GREY EAGLE - Gray Eagle Parcels 1-12

Development densities as set forth in Table I for each individual parcel shall determine the maximum number of lots for the individual residential parcels. However, the maximum number of lots for each sub-district shall *not* be equal to the aggregate of the maximum number of lots for each parcel. Instead, there shall be a maximum number of lots allowed for each sub-district, as shown in Table I. The maximum number of lots for the sub-districts are as follows:

SANDSTONE NORTHWEST - 808 lots maximum

SANDSTONE SOUTHEAST - 343 lots maximum

GREY EAGLE - 850 lots maximum

If one or more of the individual parcels that form each subdistrict reaches its maximum development density, then the density of another parcel or other parcels may have to be reduced to keep the total number of lots from exceeding the maximum number established herein.

TABLE I - Land Use Data

Land Use Data: Gray Eagle Sub-district

PARCEL NUMBER	AREA	ZONING	LAND USE	MAX DENSITY (Units / acre)	Maximum Number of Lots
1	37.8	R3-C	Single Family	2.91	109
2	7	R1	Single Family	2	14
2	36.7	R3	Single Family	2.91	106
2	45.4	R2	Single Family	2.5	113
3	87.5	R3-C	Single Family	2.91	254
4	20	R2	Single Family	2.5	50
5	31.8	R4-C	Single Family	3.48	110
6	21.8	R3-C	Single Family	2.91	63
7	31.8	R2	Single Family	2.5	79
8	15	A	Horse Training Area	n/a	n/a
9	40.7	R2	Golf Academy	n/a	n/a
10	3.4	R2	Pool and Tennis	n/a	n/a
11	127	R2	Golf Course	n/a	n/a
12	20.9	R2	Golf Course	n/a	n/a

13	38.1	R2	Golf Course	n/a	n/a
Totals:	564.9				
The old Maximum number of units (690) will increase to (850) due to the addition of new real estate.					

Land Use Data: Sandstone Northwest Sub-district

PARCEL NUMBER	AREA	ZONING	LAND USE	MAX DENSITY (Units / acre)	Maximum Number of Lots
1	161.79	R3-C	Single Family	2.91	470
2	76.59	R5-C	Single Family	4.84	370
3	15.84	R2	Park	n/a	n/a
4	5.6	C-1	Professional Office	n/a	n/a
Totals:	259.82				
The old and new Maximum number of units will remain at 808.					

Land Use Data: Sandstone Southeast Sub-district

PARCEL NUMBER	AREA	ZONING	LAND USE	MAX DENSITY (Units / acre)	Maximum Number of Lots
5	28.8	R5-C	Single Family	4.84	139
6	63.69	R3-C	Single Family	2.91	185
7	33.69	R3	Single Family	2.91	98
Totals:	126.18				
The old and new maximum number of units will remain at 343.					

Land Use Data: Overall Development

	AREA	ZONING	LAND USE	*MAX DENSITY (Units / acre)	Maximum Number of Lots
Totals:	950.9			2.1	2001

* Same gross density as original PD Ordinance.

B. RESIDENTIAL DEVELOPMENT STANDARDS

The following Tables shall establish certain developmental standards for the construction of improvements for the residential parcels within the Sandstone/Gray Eagle Planned Development. Minimum lot sizes, minimum lot widths, and maximum lot coverage will not be regulated, but will be determined by the parcel development density and setback requirements. Reference to Fishers Zoning Classifications are used to describe landuse and identify generally equivalent development standards. When there is a conflict with the existing or amended zoning code, the Planned Development developmental standards shall rule.

TABLE II - SANDSTONE

DEVELOPMENTAL STANDARD	SSR-5C	SSR-3C	SSR-3	SSR-2
Front Yard Setback				
Local	25'	25'	25'	30'
Collector	30'	30'	30'	35'
Side Yard Setback	*6'	6'	7'	8'
Aggregate	12'			
Minimum Building Separation	12'			
Rear Yard Setback	25'	30'	30'	40'
10% Deviation	2.5'	3'	3'	4'
Minimum Lot Frontage (Measured at Right-of-Way)	20'	20'	20'	20'
Minimum Lot Width (Measured at Building Setback Line)	None	None	90'	100'
Maximum Building Height				
Primary	35'	35'	35'	35'
Accessory	25'	25'	25'	25'
Minimum Floor Area				
1-story	1,200	1,400	1,400	1,500
2-story	1,500	1,800	1,800	1,800
(Excluding garages, porches, etc.)				
Off-street Parking Spaces	2	2	2	2

*Zero lot line (ZLL) development may be allowed in these density classifications. If ZLL development is proposed, the minimum side yard setback is 0'.

TABLE III - GREY EAGLE

DEVELOPMENTAL STANDARD	GER-5C	GER-3C	GER-3	GER-2
Front Yard Setback				

Local Collector	25' 30'	25' 30'	25' 30'	30' 35'
Side Yard Setback Aggregate Minimum Building Separation	*6' 12' 12'	6'	7'	8'
Rear Yard Setback 10% Deviation	25' 2.5'	30' 3'	30' 3'	40' 4'
Minimum Lot Frontage (Measured at Right-of-Way)	20'	20'	20'	20'
Minimum Lot Width (Measured at Building Setback Line)	None	None	90'	100'
Maximum Building Height Primary Accessory	35' 25'	35' 25'	35' 25'	35' 25'
Minimum Floor Area 1-story 2-story (Excluding garages, porches, etc.)	1,200 1,500	1,400 1,800	1,400 1,800	1,500 1,800
Off-street Parking Spaces	2	2	2	2

*Zero lot line (ZLL) development may be allowed in these density classifications. If ZLL development is proposed, the minimum side yard setback is 0'.

All improvements on lots within individual parcels must adhere to the Development Standards specified in Tables II and III, except as follows:

- up to thirty-three percent (33 %) of the lots within any individual parcel may be allowed to deviate from any or all of the Front Yard, Side Yard, Rear Yard Setback, and minimum lot width requirements listed in Tables II and III by the amount allowed in the Tables (approximately 10%).
- Deviations from the setback requirements shall only apply to dwelling units including garages. Once a lot is recorded as having a setback deviation, it shall be recorded as one of the lots that constitute 33 % of the lots in the parcel that are allowed such deviation. When the 33% figure is reached, no additional setback deviations shall be allowed for additional lots.

C. ZERO LOT LINE DEVELOPMENT

Zero lot line (ZLL) development may be allowed within the R-5C and R-3C density classifications. Secondary development plans for ZLL development shall be reviewed and approved by the PD Committee. If ZLL development is desired by the developer, then all lots within a designated parcel must be laid out with the appropriate dwelling unit separations. If ZLL development is proposed, then dwelling units within ZLL areas shall not be allowed to have windows on exterior walls that lie within the required side yard setback (as set forth in Tables II and III) from a property line.

Where a ZLL development directly abuts a lower density residential area (i.e., is not separated by a roadway, golf course or water body, etc.), transitional landscaping and screening techniques shall be employed to buffer the visual impact of the higher density area. A minimum perimeter setback of 20' shall also be required in such instances, regardless of whether the ZLL perimeter is a side or rear yard.

