

ORDINANCE NO. 040703

**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 ORDINANCE - 1980, ORDINANCE NO. 110380, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

SECTION 1. DECLARATION

That the text of the Zoning Code of the Town of Fishers, Indiana, Ordinance No. 110380, 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, are hereby amended as follows:

That the Zoning Classification of the following described Real Estate is hereby zoned as PUD-R and this ordinance shall hereinafter be referred to as the Sunny Meadows Farm PUD Ordinance:

SEE "EXHIBIT 1" ATTACHED HERETO.

SECTION 2. PURPOSE AND INTENT

The purpose and intent of this PUD-R is to provide an innovative residential development which promotes creativity and flexibility in the development of the Real Estate

SECTION 3. LAND USE

All uses of the R-3 zoning classification are permitted.

SECTION 4. DEVELOPMENT STANDARDS.

Except as varied by the development standards set out in the Development Guidelines, attached hereto as "Exhibit 2" and adopted as part of this ordinance, the development standards shall be the same as the standards set out in Section 151.064 R3 Residential District of the Zoning Code.

SECTION 5. CONCEPTUAL DEVELOPMENT PLAN.

The concept plan is attached hereto as "Exhibit 3" and is adopted as part of this ordinance.

SECTION 6. OTHER REQUIREMENTS.

Any other requirements not specified by this PUD Ordinance shall be subject to Section 151.064 R3 Residential District.

SECTION 7. PROCEDURES.

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 Section 151.072 Planned Unit Development District.

SECTION 8. APPROVAL

This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

SECTION 9. WRITTEN COMMITMENTS

A copy of the Commitments Concerning the Use and Development of Real Estate, attached hereto as Exhibit 4, must be recorded with the Hamilton County Recorder's office upon approval of this PUD District, and a verification of the recorded document must be submitted to the Department of Development and the Clerk-Treasurer.

IN WITNESS WHEREOF, Estridge Development Company, an Indiana corporation, has caused this commitment to be executed as of the _____ day of _____, 2003.

Estridge Development Company

By: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____, of Estridge Development Company, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this _____ day of _____, 2003.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

Prepared by: Steven D. Hardin, Attorney at Law, Bingham McHale, LLP, 970 Logan Street, Noblesville, IN 46060, (317)776-8650.

Exhibit A

LEGAL DESCRIPTION

The North Half of the Northwest Quarter of Section 34, Township 18 North, Range 5 East, Fall Creek Township, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said Northwest Quarter; thence North 89 degrees 25 minutes 52 seconds East along the north line of said Northwest Quarter a distance of 2651.15 feet to the Northeast corner of said Northwest Quarter; thence South 00 degrees 09 minutes 37 seconds East along the east line of said Northwest Quarter a distance of 1328.62 feet to the Southeast corner of said North Half; thence South 89 degrees 30 minutes 54 seconds West along the south line of said North Half a distance of 2653.80 feet to the Southwest corner of said North Half; thence North 00 degrees 02 minutes 40 seconds West along the west line of said Northwest Quarter a distance of 1324.76 feet to the **Point of Beginning**, containing, 80.783 acres, more or less.

Development Guidelines

Maximum Lots	199
Minimum Lot Area	9100 square feet
Minimum Lot Width at the building set back line	<p>Lots to the west of the entrance as shown on the concept plan: 85'</p> <p>Lots to the east of the entrance as shown on the concept plan: 70'</p>
Minimum Lot Depth	130'
Front Yard Setback	25'
Side Yard Setback	<p>6'</p> <p>12' building separation</p> <p>12' total setback per lot</p>
Rear Yard Setback	30'
Minimum Lot Frontage (Measured at Right of Way)	20'
Minimum Floor Area	
1-story	1,400
2-story	1,800
(excluding garages, porches, etc.)	
Maximum lot coverage (excluding sidewalks and driveway)	35%
Maximum Building Height	
Primary	35'
Accessory	25'
Off-street Parking Spaces	2
Open Space (includes the open space and amenity area as depicted on the concept plan)	8 +/- acres

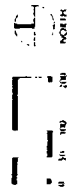
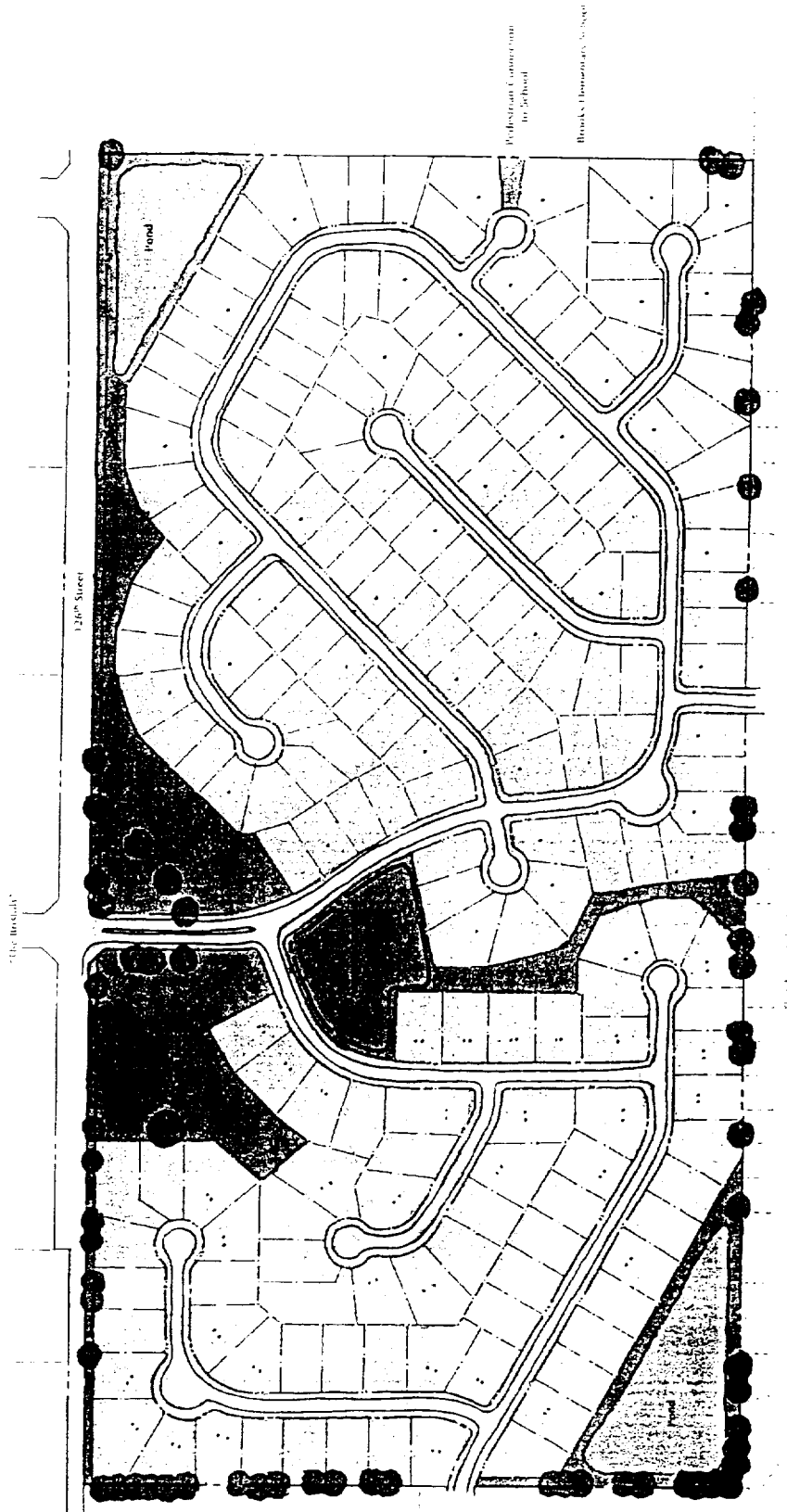
SUNNY MEADOWS

PREPARED BY
ESTRIDGE DEVELOPMENT COMPANY, INC.
 12000 N. W. 25th St., Suite 100
 Miami, Florida 33187
 PHONE: (305) 555-1234
 FAX: (305) 555-5678
 E-MAIL: info@estragedevelopment.com

May 5, 2003

Resider	54.82 ac (69%)	700 Series:	90' x 135' avg	34 lots
Road R.O.W.	11.63 ac (14%)		85' x 135' avg	34 lots
				68 lots
Ponds	4.15 ac (5%)	600 Series:	82' x 130' avg	39 lots
20' Buffer along 126 th Street	1.15 ac (1%)		70' x 130' avg	92 lots
Amenity Area	1.65 ac (2%)			131 lots
Open Space	6.60 ac (9%)			
Total Size	+/- 80.00 ac	Total		199 lots

2.49 D.U./AC (12,000 SF/Lot average)



CONCEPT L

**COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE**

Estridge Development Company (the "Developer") makes the following commitments to the Fishers Advisory Plan Commission (the "Commission") regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

See Exhibit A attached hereto.

Section 2. Docket No.: 4-R-03

Section 3. Statement of Commitments:

- A. Street Trees. Streets shall have street trees on both sides of the street. Street trees shall be placed on average between 40 - 60 feet on center in a planting strip between the street and the sidewalk. The planting strip shall be a minimum of four feet wide. Trees shall be a minimum of two (2) inch caliper, as measured twelve (12) inches from the ground. Trees shall be deciduous and selected from the Town's approved List of Recommended Species.

- B. Architectural Commitments. The homes will be built to meet or exceed the architectural character of the homes in the neighboring Sandstone Lakes and/or Sandstone Woods subdivisions, including the following:
 - 1. Roof Pitch Requirements.
 - i. All homes in the community shall feature at least a 6/12 primary roof pitch.

 - 2. Landscaping Requirements
 - i. A minimum of fifteen foundation plantings in front of home.
 - ii. One 2" caliper tree located in the front yard (outside of planting beds).

 - 3. Miscellaneous Requirements
 - i. All driveways to be concrete
 - ii. Public sidewalks on all lots
 - ii. Uniform dusk to dawn carriage or yard lights as determined by the developer
 - iii. Uniform mailboxes as determined by the developer

4. Fences. All fences require prior approval by the neighborhood's architectural review committee. No chain link or metal fences with the exception of wrought iron are allowed, except around the swimming pool, athletic facilities and other amenity areas. All fences along 126th Street will be of the same design and material.
5. Exterior Construction. A minimum of 65 homes will at least be comparable to the homes in the existing Sandstone Woods neighborhood (including exteriors of either brick, stone, wood, Hardiplank and/or other similar non-vinyl material). These homes will be located to the west of the entrance as shown on the concept plan attached to the Sunny Meadows Farm PUD Ordinance as Exhibit 3. The remaining homes will, at a minimum, be comparable to the homes in the existing Sandstone Lakes neighborhood (including exteriors of either brick, stone, wood, Hardiplank and/or heavy gauge vinyl (.04 in.)).

Section 4. Binding Effect

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

B. These commitments may be modified or terminated only by a decision of the Fishers Town Council following a public hearing held by the Fishers Plan Commission wherein notice has been given as provided by the Plan Commission's rules.

Section 5. Effective Date

The commitments contained herein shall be effective upon adoption of the Sunny Meadows Farm PUD Ordinance by the Town Council of Fishers, Indiana assigning the PUD-R zoning classification to the real estate identified in Docket No. 4-R-03.

Section 6. Recording

The undersigned hereby authorizes the Secretary of the Commission to record these commitments in the Office of the Recorder of Hamilton County, Indiana.

Section 7. Enforcement

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

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 2nd day of June, 2003.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

BY:

Scott Faultless

Scott Faultless,
President

Timothy O. Lima

Timothy O. Lima,
~~Vice President~~
or bid

Stuart F. Easley

Stuart F. Easley,
~~Member~~
Vice President

Eileen N. Pritchard

Eileen N. Pritchard,
Member

Dan E. Henke

Dan E. Henke,
Member

Charles P. White

Charles P. White,
Member

David C. George

David George
Member

ATTEST

Linda Gaye Cordell
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana

Approved by: Douglas D. Church, Esq.
Church, Church, Hittle and Antrim
Town Attorney

Prepared by: Steven D. Hardin, Esq.
Bingham McHale LLP
970 Logan Street
Noblesville, IN 46060

Development Standards Comparison

	Sunny Meadows Farm PUD	R-3 Standard
Maximum Lots	199	No limit (202 + lots possible)
Minimum Lot Area	9100 square feet	12,000 square feet
Minimum Lot Width at the building set back line	Lots to the west of the entrance as shown on the concept plan: 85' Lots to the east of the entrance as shown on the concept plan: 70'	90'
Minimum Lot Depth	130'	120'
Front Yard Setback	25'	30'
Side Yard Setback	6' 12' building separation 12' total setback per lot	10'
Rear Yard Setback	30'	30
Minimum Lot Frontage (Measured at Right of Way)	20'	
Minimum Floor Area 1-story 2-story (excluding garages, porches, etc.)	1,400 1,800	1,400 1,800
Maximum lot coverage (excluding sidewalks and driveway)	35%	35%
Maximum Building Height Primary Accessory	35' 25'	35' 25'
Off-street Parking Spaces	2	2
Open Space (includes the open space and amenity area as depicted on the concept plan)	8 +/- acres	None required
Architectural Commitments	Yes	None required
Street Trees	Yes	None required