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Petitioner
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Indianapolis, Indiana 46240
telephone. 317.569.9600
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Proposed Ordinance & Commitments
Marked to show changes from Original PUD Ordinance & Commitments

Tab 4
Original PUD & Commitments
In 2006, the Town Council approved the Steeplechase PUD Ordinance, which rezoned to PUD-R approximately 197.2 acres, located at the intersection of 104th Street and Florida Road. In addition to the PUD Ordinance’s use, development, and architectural standards, the Steeplechase PUD Ordinance also incorporated a set of Commitments Concerning the Use and Development of Real Estate (the “Commitments”). The original developer and builder no longer are involved in this development, and now, seven (7) years later, RH of Indiana, LP ("Ryland") and M/I Homes, are preparing to develop Steeplechase. As part of the development, they respectfully request a modification of two (2) provisions of the Commitments affecting Districts 2 and 3 (both located south of 104th Street); no changes to District 1 (located north of 104th Street)\(^1\) or the bulk or density standards are proposed.

Attached at Tab 4 is the 2006 Ordinance and the incorporated Commitments. The updated Ordinance and Commitments are highlighted at Tab 3. The Commitments are located at Exhibit 5 of the Ordinance. Ryland and M/I believe the changes are necessary to respond to market changes and the evolution of market preferences and will allow them to offer homes in a variety of appealing architectural styles while still maintaining a high level of quality.

In addition, the Department of Community Development suggested that, as part of this update process, Ryland and M/I: (i) update the concept plan and acreage matrix to reflect the Town’s preferred realignment of Georgia Road/104th Street/Florida Road (Exhibits 2 and 3); (ii) update the permitted tree list to reflect the Town’s current approved list (Exhibit 4); and (iv) illustrate the historical architectural style features (Exhibit D of the Commitments). As suggested, Ryland and M/I have incorporated these updates.

Plan Commission.
At the August 13, 2013, Plan Commission public hearing, several neighbors expressed concern related to the proposed amendment to the basement requirement. Following that initial hearing, Ryland and M/I worked closely with the nearby neighbors to address their concerns. When the parties reached an agreement, the commitments were revised to incorporate the agreed-upon terms and conditions. At the September 10, 2013 Plan Commission public hearing, there was no remonstrance, and the neighbor representative spoke in favor of the revised proposal. The Plan Commission then voted unanimously to forward the proposal to the Town Council with a favorable recommendation.

Ryland and M/I now respectfully request approval of the updated Ordinance. Thank you for your consideration.

\(^1\)Ryland and M/I withdrew a proposed District 1 amendment after first reading.
Context Map
Fishers, IN

Georgia Road
104th Street
Cyntheanne Road
96th Street

0 1,000 Feet

AERIAL LOCATION EXHIBIT
STEEPLECHASE PUD
ORDINANCE NO. 071513B

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

THIS ORDINANCE 020606 (the "Steeplechase PUD") IS AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA, DATED NOVEMBER 3, 1980 — Ordinance No. 110380, as amended (the "Zoning Ordinance"), which Zoning Ordinance includes the Comprehensive Plan — Chapter 150, as amended (the "Comprehensive Plan") and the Zoning Code, Chapter 151, as amended (the "Zoning Code"); This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "Zoning Code" or the "Zoning Ordinance") previously enacted by the Town of Fishers pursuant to its authority under the laws of the State of Indiana, IC 36-7-4 et seq., as amended.

SECTION 1. DECLARATION

It is hereby ordained by the Town Council (the "Council") of the Town of Fishers, Indiana (the "Town") that the text of the Zoning Ordinance and the Official Zoning Map (the "Zone Map") of the Town, which accompanies and is part of the Zoning Code, are hereby amended as follows:

That the Zoning Classification of the real estate described in what is attached hereto and incorporated herein by this reference as Exhibit "A" (the "Real Estate") is hereby zoned Planned Unit Development - Residential ("PUD-R") per the terms and conditions of this Steeplechase PUD.

SECTION 2. COMMITMENTS

A copy of the commitments given in connection with this Steeplechase PUD are attached hereto and incorporated herein by reference as Exhibit 5 (the "Commitments").

SECTION 3. PURPOSE AND INTENT

The purpose and intent of the Steeplechase PUD is to provide an innovative residential development that promotes creativity and flexibility in the development of the Real Estate. To the extent that the development, architectural, landscaping, and sign standards specified in this Steeplechase PUD conflict with or address the same subject matter as the development, architectural and landscaping standards in the Zoning Ordinance, the development, architectural and landscaping standards specified in this Steeplechase PUD and in the Commitments replace and supersede any such standards specified in the Zoning Ordinance. Matters not covered by this Steeplechase PUD shall be governed by the terms, conditions, and provisions of the Town of Fishers, Indiana, Zoning Ordinance in existence on December 31, 2005.

This Steeplechase PUD replaces and supersedes Ordinance No. 020606 in its entirety.

SECTION 4. EXHIBITS

A. Exhibit 1 - Attached hereto and incorporated herein by reference as Exhibit 1 is the legal description of the Real Estate.
B. **Exhibit 2** - Attached hereto and incorporated herein by reference as Exhibit 2 is the district map (the "District Map") allocating the Real Estate into District 1, District 2, and District 3 (collectively the "Districts").

C. **Exhibit 3** - Attached hereto and incorporated herein by reference as Exhibit 3 is the residential development standards matrix (the "Development Standards Matrix") corresponding to the Districts.

D. **Exhibit 4** - Attached hereto and incorporated herein by reference as Exhibit 4 is a list of accepted trees (the "Accepted Tree List").

E. **Exhibit 5** - Attached hereto and incorporated herein by reference as Exhibit 5 are the "Commitments".

**SECTION 5. DEFINITIONS**

In addition to definitions found elsewhere in this Steeplechase PUD, the following definitions shall apply throughout this Steeplechase PUD;

A. **Association.** The term "Association" shall mean and refer to a non-profit corporation established by the Developer per the terms of the Declaration. There may be more than one Association with respect to all or part of the Property, as determined by the Developer in the Developer's sole discretion.

B. **Declaration.** The term "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be more than one (1) Declaration, as determined by the Developer in the Developer's sole discretion.

C. **Developer.** The term Developer shall mean and refer to Reserve at Steeplechase, LLC, or its successors and assigns.

D. **Frontage Road.** The term "Frontage Road" shall mean and refer to a street internal to the Real Estate which is (i) adjacent to a Perimeter Street and (ii) is designed to permit the front elevation of a Residence to face a Perimeter Street.

E. **Perimeter Street.** The term "Perimeter Street" shall mean and refer to a Georgia Road, Cyntheanne Road, Florida Road, 96th Street, and/or 104th Street.

F. **Residence.** The term "Residence" shall mean and refer to a detached single-family residence.

G. **Steeplechase.** The residential community to be developed on the Real Estate per this Steeplechase PUD.
SECTION 6. RESIDENTIAL LAND USE

Single Family Residences and other related and accessory residential land uses are permitted in District 1, District 2, and District 3.

SECTION 7. RESIDENTIAL DEVELOPMENT AND ARCHITECTURAL STANDARDS

The standards applicable to District 1, District 2, and District 3 shall be as specified in the Development Standards Matrix and further as specified below:

A. A standard landscaping package shall be included with each Residence sold. All lots shall be planted with at least two (2) deciduous trees and/or evergreen trees, and a minimum of eleven (11) shrubs. Each deciduous tree shall be of at least two-inch caliper at planting, as measured twelve (12) inches from the ground, and each evergreen at least six (6) feet in height at planting. All such trees shall be selected from the (i) Approved Species List specified in the Landscape Regulations of the Zoning Ordinance or (ii) what is set forth in the Acceptable Tree List.

B. All lots shall have a minimum depth of one hundred feet (100').

C. Corner lots shall be deemed to have two (2) front yards; therefore, the front yard landscaping and fencing requirements apply to both street frontages on corner lots.

D. All Residences shall have at least a two (2) car garage. The garage may be either a front-loaded garage, a side-loaded garage, or a rear-loaded garage. Any three (3) car driveway must taper to a maximum of sixteen (16) feet wide at the lot line.

SECTION 8. STREET TREES

Street trees shall be planted on both sides of all streets internal to the development, except in those areas in which the Town of Fishers Subdivision Control Ordinance prohibits fences, walls, hedges, trees, or shrubs. The number of required street trees shall be the quotient equal to (i) the total lineal length of those segments of internal streets in which street trees are required to be planted, divided by (ii) fifty feet (50'). Street trees shall be placed approximately forty feet (40') to sixty feet (60') on center, except in areas where utility regulations prohibit the placement of street trees. The planting strip shall be the area between the street and the sidewalk, and shall be a minimum of 4 feet in width (the "Planting Strip"). Street trees shall have a minimum caliper of two inches (2") at planting, as measured 12 inches (12") from the ground. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Tree List. If, by reason of utility regulations, all of the required street trees cannot be planted within the Planting Strip, then there shall be planted, within a common area or the Perimeter Area (defined in Section 10 below) within the Real Estate, street trees equal in number to (i) the required street trees minus (ii) both the number of street trees that are actually planted within the Planting Strip and the Perimeter Area Surplus, as defined in Section 10 below.

SECTION 9. ADDITIONAL STREET STANDARDS

The following additional street standards shall apply to all Streets internals to all Districts:

A. All collector streets shall be thirty-two feet (32') in width, from back of curb to back of curb.

B. All non-collector streets shall be twenty-six feet (26') in width, from back of curb to back of curb; provided, however, that Frontage Roads shall be only twenty-two feet (22') from
back of curb to back or curb.

C. No driveway shall be located within twenty-five feet (25') of the intersection of two street lines. For purposes of this subsection, driveways shall not be deemed to include the flared base of the driveway located at the intersection to the street.

D. Encroachments of driveways into side yards and utility and drainage easements contained therein are permitted; however, the Developer will include in the Declaration, a notice that homeowners shall be responsible for the maintenance, repair, and replacement of any driveways damaged or destroyed in connection with the repair, maintenance, or replacement of any drainage or utility easement or infrastructure contained therein.

E. All internal streets shall be permitted to be constructed with a minimum radius of one-hundred twenty-five (125) feet.

F. With respect to internal streets with Residences on only one (1) side of the street, sidewalks shall be required only on the side of the street on which the Residences are located.

SECTION 10. PERIMETER AREA

A perimeter landscape area (the "Perimeter Area"), satisfying the following requirements, shall be required:

A. The Perimeter Area shall be a minimum of twenty feet (20') in width and shall be required only along those areas of the Real Estate that are adjacent to the segments of Perimeter Streets beside which there are no Frontage Roads;

B. The Perimeter Area shall not overlap with any easements which prohibit the placement of landscape materials;

C. Within the Perimeter Area, twelve (12) trees shall be planted per one hundred (100) lineal feet. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Trees List. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. For the purpose of calculating the street tree credit in Section 8 above, the term "Perimeter Area Surplus" shall mean and refer to the difference between (i) the number of trees required to be planted under this Section 10(C) and (ii) the number of trees which would be planted in the Perimeter Area if only six (6) trees per one hundred (100) lineal feet were planted.

D. The trees planted within the Perimeter Area shall be at least fifty percent (50%) evergreen trees, and shall be planted in clusters or, irregular patterns.

E. The above landscaping shall be combined with either fencing or mounding as described below:

1. Any development perimeter fences shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic metals that simulate natural materials shall also be permitted. Fences shall be at least thirty-six inches (36") in height, but not over seventy-two inches (72") in height.

2. Mounds shall be combined with plant material, as described above, and may
include fencing. All mounds shall be a minimum of three feet (3') in height. The maximum side slope shall not exceed a three-to-one (3:1) ratio. Engineering design requirements shall determine the set back from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are permitted.

3. All Perimeter Areas shall be located within a common area and shall not be part of a lot.

SECTION 11. MULTI-USE PATHS

A multipurpose path, constructed of asphalt and eight (8) feet in width, shall be installed by the Developer along those segments of the Perimeter Streets adjacent to the Real Estate.

SECTION 12. IMPACT FEES AND OPEN SPACE

The Developer shall be entitled to and shall receive a credit toward any road impact fees, owed by reason of the development of the Real Estate pursuant to the Steeplechase PUD, in an amount equal to all costs and expenses incurred by the Developer in effecting the connection of Georgia Road and Florida Road. Further, per the Commitments, the Developer is dedicating to the Town, for use as a fire station, a portion of the Real Estate not to exceed one (1) acre in size. Said dedication notwithstanding, the portion of the Real Estate so dedicated shall continue to count toward open space within Steeplechase.

SECTION 13. EXISTING USES AND STRUCTURES

Notwithstanding anything to the contrary in this Steeplechase PUD, any parcel or portion of the Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Steeplechase PUD, along with any structures existing on the date of the enactment of this Steeplechase PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Steeplechase PUD.

SECTION 14. 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 Committee and the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District. Any requirements not specified by this Steeplechase PUD Ordinance shall be subject to Chapters 151.064 R3 Residential District of the Town of Fishers Code of Land Use Ordinances.

The petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by Department of Development staff. In addition, the petitioner shall:

A. Meet with staff to discuss the project;

B. Meet with the PUD Committee to present preliminary plans and drawings for the project; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;

C. Submit preliminary elevations and lighting along with material samples, color boards and other materials which further illustrate the project to the PUD committee; and

D. Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project.
SECTION 15. APPROVAL

This Steeplechase PUD shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this ____ Day of ____________________, 2013.

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

AYE       NAY

BY:

__________________________________________ John W. Weingardt, __________________________
              President
__________________________________________ C. Pete Peterson, __________________________
              Vice President
__________________________________________ Michael Colby, ____________________________
              Member
__________________________________________ Renee Cox, ________________________________
              Member
__________________________________________ Stuart F. Easley, ____________________________
              Member
__________________________________________ Scott A. Faultless, __________________________
              Member
__________________________________________ David C. George, __________________________
              Member

ATTEST: _______________________________        DATE: __________
Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 071513B

Approved by: Douglas D. Church, Esq., Church, Church, Hittle and Antrim. Town Attorney
Prepared by: Steven D. Hardin, Esq.
Faegre Baker Daniels, LLP, 600 East 96th Street, Suite 600
Indianapolis, Indiana 46240. (317) 569-9600.
EXHIBIT 1

Legal Description

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds East 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Northwest corner of said Southwest Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.58 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104th Street; thence North 89 degrees 23 minutes 09 seconds East along said centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder’s Office; thence
South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.
### EXHIBIT 3

**Reserve at Steeplechase Development Standards Matrix**

<table>
<thead>
<tr>
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<td>1</td>
<td>262.28 29.72</td>
<td>8.91 12.31</td>
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<td>33</td>
<td>1.26 1.11</td>
<td>2400/3200</td>
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<td>2</td>
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<td>3</td>
<td>99.69 27.93</td>
<td>25.07 27.93</td>
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<td>1.86 1.88</td>
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<td>20'</td>
<td>0' / 20'</td>
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<td>Overall</td>
<td>197.27 53.67</td>
<td>52.57 27.93</td>
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<td>352</td>
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</tbody>
</table>

**Notes:**
The acreages and units within each District are approximate and may change with final engineering. Variation within each District is permitted up to 10%; however, the maximum density per district, overall density (1.78) and maximum number of homes (352) shall remain the same.
## EXHIBIT 4

Accepted Tree List for The Reserve at Steeplechase PUD

<table>
<thead>
<tr>
<th>PLANT TYPE</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
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<tbody>
<tr>
<td>DECIDUOUS TREES</td>
<td></td>
<td></td>
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<tr>
<td>Acer campestre</td>
<td>HEDGE MAPLE</td>
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<td>Acer ginnala</td>
<td>AMUR MAPLE</td>
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<tr>
<td>Acer ginnala 'Flame'</td>
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<td>FLAME AMUR MAPLE</td>
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<td>Acer grandidentatum 'Schmidt'</td>
<td></td>
<td>ROCKY MOUNTAIN GLOW MAPLE</td>
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<tr>
<td>Acer nigrum 'Greencolumn'</td>
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<td>GREENCOLUMN BLACK MAPLE</td>
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<tr>
<td>Acer rubrum 'Northwood'</td>
<td></td>
<td>NORTHWOOD RED MAPLE</td>
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<tr>
<td>Acer rubrum 'Franksred'</td>
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<td>RED SUNSET RED MAPLE</td>
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<td>Acer saccharum 'Legacy'</td>
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<td>LEGACY SUGAR MAPLE</td>
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<td>Liquidambar styraciflua 'Moraine'</td>
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<td>MORAIN SWEETGUM</td>
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<td>Quercus x 'Long'</td>
<td>REGAL PRINCE OAK</td>
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<td>Ulmus japonica x wilsoniana 'Morton'</td>
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<td>ACCOLADE ELM</td>
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<td>Ulmus 'Frontier'</td>
<td>FRONTIER ELM</td>
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<td>Gymnocladus dioicus (native species)</td>
<td>Kentucky Coffeetree</td>
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<td>Ginkgo biloba (male trees only)</td>
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<td>Japanese Zelkova</td>
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<td>Ostrya virginiana (native species)</td>
<td>American Hophornbeam</td>
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<td>Cercidiphyllum japonicum</td>
<td>Katsura Tree</td>
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<td>Nyssa sylvatica (native species)</td>
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<td>EVERGREEN TREES:</td>
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<td>Abies balsamea planerolepis</td>
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<td>WEEPING NOOTKA FALSE CYPRESS</td>
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<td>BOSNIAN PINE</td>
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<tr>
<td>Pseudotsuga menziesii</td>
<td>DOUGLAS FIR</td>
<td></td>
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Page 1 of 2
**APPROVED STREET TREES (summary)**

Trees not found on this list are prohibited without a permit from the Town of Fishers Street Tree Board or its designee. Reference: Tree Care Ordinance 012208C.

*HSE Sewer Utility approved street trees with separation requirements*

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Height/Spread/Rate</th>
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<tbody>
<tr>
<td>Acer campestre</td>
<td>Hedge Maple</td>
<td>Medium</td>
<td>35/25/slow</td>
</tr>
<tr>
<td>cv. 'Elegant', 'Elsrijk', 'Evelyn'</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur Maple</td>
<td>Small</td>
<td>20/20/fast</td>
</tr>
<tr>
<td>Acer griseum</td>
<td>Paperbark Maple*</td>
<td>Small</td>
<td>25/20/medium</td>
</tr>
<tr>
<td>cv. 'Ginzan'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acer rubrum</td>
<td>Red Maple*</td>
<td>Large</td>
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</tr>
<tr>
<td>cv. 'Columbaret', 'Red Sunset*', 'October Glory*'</td>
<td></td>
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<tr>
<td>Acer saccharum</td>
<td>Sugar Maple</td>
<td>Large</td>
<td>75/50/slow/medium</td>
</tr>
<tr>
<td>Acer tartaricum</td>
<td>Tartarian Maple</td>
<td>Small</td>
<td>20/20/medium</td>
</tr>
<tr>
<td>Amelanchier arborea</td>
<td>Downy Serviceberry</td>
<td>Medium</td>
<td>25/25/medium</td>
</tr>
<tr>
<td>Amelanchier x grandiflora</td>
<td>'Autumn Brilliance' Apple Serviceberry</td>
<td>Small</td>
<td>25/20/low</td>
</tr>
<tr>
<td>Carpinus caroliniana</td>
<td>American Hornbeam</td>
<td>Medium</td>
<td>30/30/slow</td>
</tr>
<tr>
<td>Cercis canadensis</td>
<td>Eastern Redbud</td>
<td>Small</td>
<td>20/20/medium</td>
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<tr>
<td>Cornus alternifolia</td>
<td>Pagoda Dogwood</td>
<td>Small</td>
<td>25/25/medium</td>
</tr>
<tr>
<td>Cornus mas</td>
<td>Corneliancherry Dogwood</td>
<td>Small</td>
<td>25/20/medium</td>
</tr>
<tr>
<td>Ginkgo biloba</td>
<td>'Autumn Gold' Ginkgo*</td>
<td>Large</td>
<td>50/35/slow</td>
</tr>
<tr>
<td>cv. 'Princeton Sentry*', 'Fairmount*', 'Fastigiate'</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gleditsia triacanthos inermis</td>
<td>Thornless Honeylocust</td>
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<td>60/50/fast</td>
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<tr>
<td>cv. 'Moraine', 'Imperial*', 'Shademaster*', 'Skyline'</td>
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<tr>
<td>Gymnocladus dioicus</td>
<td>'Stately Manor' Kentucky Coffee tree</td>
<td>Large</td>
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<tr>
<td>Liquidambar styraciflua</td>
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<td>Ostrya virginiana</td>
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<td>45/40/low</td>
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<td>'Columbia' London Planetree</td>
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<td>50/50/medium</td>
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<td>Quercus acutissima</td>
<td>Sawtooth Oak</td>
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<td>60/60/medium/fast</td>
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<td>Quercus imbricana</td>
<td>Shingle Oak</td>
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<td>60/50/medium</td>
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<td>75/45/fast</td>
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<td>Syringa relicitate</td>
<td>'Ivory Silk' Japanese Tree Lilac</td>
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<td>cv. 'Summer Snow'</td>
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<td></td>
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<tr>
<td>Tilia cordata</td>
<td>Littleleaf Linden</td>
<td>Large</td>
<td>50/40/medium</td>
</tr>
<tr>
<td>cv. 'Grensprey*', 'Chancellor*', 'Corinthian*'</td>
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<td></td>
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<tr>
<td>Tilia tomentosa</td>
<td>Silver Linden</td>
<td>Large</td>
<td>50/40/fast</td>
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<tr>
<td>cv. 'Green Mountain', 'Satin Shadow'</td>
<td>'Sterling', 'Wandel'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zelkova serrata</td>
<td>Japanese Zelkova</td>
<td>Large</td>
<td>80/75/medium</td>
</tr>
</tbody>
</table>
EXHIBIT 5

MODIFIED COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE.

On April 28th, 2006, Reserve at Steeplechase, LLC (“Steeplechase”), executed certain
Commitments Concerning the Use and Development of Real Estate in connection with the
approval of the Steeplechase Planned Unit Development District, Ordinance No. 020606 (the
“Commitments”). The Commitments applied to the real estate described on the attached Exhibit
A (the “Steeplechase Real Estate”).

RH of Indiana LP and M/I Homes of Indiana LP now have petitioned to modify the
Commitments with respect to the Steeplechase Real Estate. The Plan Commission held a public
hearing on this petition on September 10, 2013. Following the public hearing, the Plan
Commission now hereby approves these Modified Commitments Concerning the Use and
Development of Real Estate (the “Modified Commitments”), which replace the Commitments in
their entirety.

Section 1. Cross Reference. These Modified Commitments are made in connection with
approvals obtained under Docket Number 7-TA-13, and Ordinance Number 071513B.

Section 2. Exhibits. The following exhibits are attached hereto and incorporated herein by
reference:

Exhibit A. Attached hereto and incorporated herein by reference as Exhibit A is the legal
description of the real estate (the "Real Estate");

Exhibit B. Attached hereto and incorporated herein by reference as Exhibit B is the
district map (the "District Map") which apportions the Real Estate into Districts 1,
District 2, and District 3 (collectively the "Districts");

Exhibit C. Attached hereto and incorporated herein by reference as Exhibit C is the
development standards matrix (the "Development Standards Matrix") which specifies the
development standards applicable to each of the Districts; and

Exhibit D. Attached hereto and incorporated herein by reference as Exhibit D is the
architectural styles gallery (the “Architectural Styles Gallery”), which includes visual
examples of architectural features described in Section 6(D).

Section 3. Definitions. Different words and terms are defined throughout these
Commitments and, further, the following definitions shall apply throughout these Commitments:

A. Architectural Review Committee. The term "Architectural Review Committee" shall
mean and refer to the committee, established by the Developer in the Declaration, to
review and approve or deny requests for architectural approval.

B. Association. The term "Association" shall mean and refer to a non-profit corporation
established by the Developer per the terms of the Declaration. There may be more than
one Association with respect to all or part of the Property, as determined by the
Developer in the Developer's sole discretion.

C. Declaration. The term "Declaration" shall mean and refer to the Declaration of
Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and
recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be
more than one (1) Declaration, as determined by the Developer in the Developer's sole discretion.

D. **Developer.** The term "Developer" shall mean and refer to The Reserve at Steeplechase, LLC, and its successors and assigns.

E. **Fire Station Parcel.** The term "Fire Station Parcel" shall mean and refer to a portion of the Real Estate, not to exceed one (1) acre in size and to be located in the northwest corner of District 3, in the area generally depicted on the District Map. The exact size and location of the Fire Station Parcel shall later be mutually determined by the Town and the Developer.

E. **Masonry.** The term "Masonry" shall mean and refer to (i) brick, limestone, natural stone, cultured stone, or other similar building material or a combination of the same, bonded together with mortar to form a wall, buttress, or similar mass and (ii) WS and stucco.

F. **Residence.** The term "Residence" shall mean and refer to a detached single-family residence that is not attached to another single-family residence.

G. **Town.** The term "Town" shall mean and refer to the Town of Fishers, Indiana.

**Section 4. Commitments Applicable to All Residential Districts.** The following commitments are applicable to District 1, District 2, and District 3:

A. The colors utilized for exterior building materials, other than brick and stone, shall feature a base color with natural tones and subtle hues, and may be accented with brighter, more intense or complimentary contrasting tones.

B. All fences shall be subject to review and approval by the Architectural Review Committee, shall be black in color, and shall be either wrought iron or some other metal, such as aluminum, but wrought iron in appearance.

C. Mini barns are prohibited.

D. Uniform mailboxes shall be used for each Residence.

E. The roofs on all primary structures shall be at a pitch of 6 vertical to 12 horizontal (6:12); provided, however, that ancillary roofs may have a lesser pitch.

F. All residences shall have either (i) a dusk to dawn garage-mounted coach light or (ii) a dusk to dawn yard light.

G. Identical residences shall not be located adjacent to or directly across from each other.

H. Side load or courtyard entry garages shall have at least two (2) windows located on the front elevation of the garage.

I. Front loading garages protruding more than eight (8) feet shall contain a window on the side of the garage closest to the entry.

**Section 5. Commitments Applicable to District 1.** The following shall apply to Residences constructed in District:

A. All homes shall be custom-built of wood frame. All Residences shall be built from construction plans drawn specifically for each particular lot so that no two residences shall be identical.
B. Permitted exterior building materials, excluding doors, garage doors, windows, and roofs, shall be Masonry, wood, or hardi-plank or similar type siding.

C. All residences shall have a three (3) car garage.

D. Every residence shall have a concrete driveway.

E. All residences shall have an automatic irrigation system in the front yard.

F. The exterior building materials on all fireplace chases on the exterior of a Residence shall be Masonry; provided, however, that interior or direct vent fireplaces shall not require masonry exteriors.

Section 6. Commitments Applicable to District 2 and 3.

A. The permitted exterior building material shall be Masonry, wood, or hardi-plank or similar type siding. Vinyl siding is not permitted.

B. Each Residence shall have a basement. Basements.
   1. A minimum of eighty-five percent (85%) of the homes in District 2 shall have basements.
   2. A minimum of seventy-five percent (75%) of the homes in District 3 shall have basements.
   3. Ranch-style homes without a basement shall include a minimum of 2,200 square feet of living area.
   4. All homes on lots adjacent to the Boulders shall include a basement.

C. Each Residence must have both: (i) either (a) a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof or (b) an architectural style that lends itself to the use of less masonry (e.g., Craftsman, Greek Revival, Prairie, Tudor or Italianate) and include a minimum of three (3) features from the applicable “Architectural Styles” list outlined below in Section 6(D) and illustrated in Exhibit D; and (ii) a total of four (4) points from the list of "Architectural Features" outlined immediately below in Section 6(E).

D. Architectural Styles
   Craftsman
   • Covered Porch
   • Tapered Columns w/ brick or stone base
   • Corbel Brackets
   • Brick or Stone Wainscot
   • Gabled or Shed Roof Dormer
   • Decorative Gable Brace Details
• Angled or Extended Window Mantels

Greek Revival
• Pent Roof on Gables
• Shake Accent Siding
• Four Pane Windows
• 6” Wood Trimmed Windows w/ mantels and sills (non-brick area)
• Minimum 8” x 8” Wood Porch Columns (opt. brick or stone base)
• Minimum 10” Frieze Boards

Prairie
• Low Pitched Hip Roofs on Front Elements
• Minimum 18” Overhang Eaves
• Limestone Window Headers (Masonry Areas)
• Brackets at Overhangs
• Top Half of Upper Story Emphasized on Front Elevation

Tudor
• Half-timbered Gables and/or Front Wall Surfaces
• Board and Batten Front Facing Gables
• Minimum 10/12 Roof Pitch (Front Facing Gables)
• Covered Porch w/ Decorative Columns
• Keystones over Doors/Windows
• Decorative Gable Brace Details

Italianate
• Corbels in Front Facing Gables
• Eyebrow Returns on Gables
• Arched Mantels on Windows (Non-brick areas)
• Covered Porch
• Specialty Porch Columns w/ Decorative Trim
• Limestone Headers on Windows (Brick Areas)
• Four Pane Windows
• Minimum 10” Frieze Boards

E. Architectural Features
1. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);
2. Veranda/balcony or patio with minimum dimensions of 10' x 10';
3. Reverse gable;
4. Two (2) or more roof planes visible from the front of the Dwelling (2 points);
6. Decorative garage doors or windows in garage doors;
7. A separate overhead door per car for each garage bay;
8. No garage doors facing and parallel to the street (2 points);
9. Masonry on one hundred percent (100%) of the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows,
and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof (2 points);

10. At least four feet (4') of relief at one or more points along the front elevation;

11. Full first-floor Masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the facade that are above roofing materials and would thus require brick to be laid above the roof;

12. Sunroom, screened porch, or breakfast nook;

13. Transom windows;

14. Bay window;

15. Two or more dormers;

16. Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, and bay windows;

17. Hip roof;

18. More than two (2) Masonry materials on the front elevation;

19. Brick detailing, either multiple quoins or other features such as arches, keystones, etc.;

20. Architectural treatments on gable ends;

21. Covered stoop/steps with a connection pathway from sidewalk;

22. Architecturally treated entrances for Residences without a front porch;

23. At least two feet (2') of relief at two (2) or more points along the front elevation;

24. Architecturally enhanced/articulated trim moldings such as fipons above windows;

25. Decorative shutters on front of Residence;

26. Decorative front door or side lights;

27. Decorative columns composed of wood or glass;

28. Garage service door; and

29. Overhangs of 8" or more (2 points).

F. It is anticipated that two (2) model homes shall be constructed for marketing purposes within District 2, and that two (2) model homes shall be constructed for marketing purposes within District 3. All model homes shall include a basement.
1. One of the model homes in District 2 must exceed 3200 square feet of living area. In the event that a second model home is constructed in District 2 and is less than 3200 square feet of living area, said second model home must include a finished basement.

2. One of the model homes in District 3 must exceed 2800 square feet of living area. In the event that a second model home is constructed in District 3 and is less than 2800 square feet of living area, said second model home must include a finished basement.

G. Fence Row. A fence row of trees currently exists on the Real Estate along and within 5’ of the border between the Real Estate and the Boulders neighborhood (the “Fence Row”). During grading and construction of the lots adjacent to the Fence Row, no trees shall be removed from the Fence Row except in areas where drainage, utilities, street connections or other infrastructure will be installed.

Section 7. Amenity Area Commitments. The Developer shall install the following within an amenity area located within District 3 and shall install such other improvements as the Developer shall determine in its sole discretion, all of which shall hereafter be referred to as the Improvements:

A. One swimming pool of a minimum size of 1,800 square feet;
B. One wading pool of a minimum size of 140 square feet;
C. One pool house with restroom facilities;
D. One basketball court;
E. One playground containing playground equipment appropriate for preschool children through wade school children.

The Improvements shall be of a type, location, size, design, configuration, architecture, and composition determined by the Developer in the Developer's sole discretion.

Section 8. Dedication of Land. Within sixty (60) days of the effective date specified below in Section 10 of these Commitments, the Developer shall dedicate to the Town the Fire Station Parcel for use as a fire station.

Section 9. Binding on Successors. These Commitments are binding on the Owner of the Real Estate, each subsequent Owner of the Real Estate, and each other person acquiring an interest in the Real Estate, unless modified or terminated by the Commission. These Commitments may be modified or terminated only by a decision of the Plan Commission after a public hearing wherein notice as provided by the rules of the Plan Commission has been made. The provisions of this Section 8 notwithstanding, these Commitments shall terminate as to any part or parts of the Real Estate hereafter reclassified (rezoned) on the Town's Official Zone Map.

Section 10. Effective Date. The Commitments contained herein shall be effective upon the occurrence of all of the following events:

A. The adoption of an ordinance by the Town Council of Fishers, Indiana, assigning the
requested Steeple Chase PUD classification to the Real Estate;

B. The acquisition of the Real Estate by the Developer or its successors and assigns; and

C. The commencement of the development of the Real Estate in accordance with the assignment of the requested Steeplechase PUD classification.

Section 11.10. **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 11.11. **Enforcement.** These Commitments may be enforced by the Commission and the Town Council of Fishers, Indiana and any property owner within or immediately adjacent to the Real Estate.

IN WITNESS WHEREOF, M/I HOMES OF INDIANA, LP and RH OF INDIANA, LP, has caused these Commitments to be executed as of the date first written above.

<table>
<thead>
<tr>
<th>RH OF INDIANA LP</th>
<th>M/I HOMES OF INDIANA LP</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Printed:</td>
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</tr>
<tr>
<td>Title:</td>
<td>Title:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

STATE OF INDIANA )
COUNTY OF MARION )

Borderline, a Notary Public in and for said County and State, personally appeared ____________________________, the ____________________________, of RH of Indiana LP, owner of the real estate who in such capacity acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

_______ day of ____________________, 20____

____________________________________
Notary Public

____________________________________
Printed Name of Notary Public

My Commission expires: __________________________

My County of Residence: __________________________
STATE OF INDIANA 

COUNTY OF MARION 

Before me, a Notary Public in and for said County and State, personally appeared __________________________, the _____________________________ of M/I Homes of Indiana LP, owner of the real estate who in such capacity acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

________ day of _____________________, 20______

_____________________________________________
Notary Public

_____________________________________________
Printed Name of Notary Public

My Commission expires: __________________________

My County of Residence: _______________________

Date: __________________________, 2013

_____________________________
Printed: Warren Harling
President, Town of Fishers Plan Commission

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Faegre Baker Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240, (317) 569-9600
EXHIBIT A

Legal Description

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds West 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Southeast corner of said Southeast Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.38 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104th Street; thence North 89 degrees 23 minutes 09 seconds East along said centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder’s Office; thence
South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.
# EXHIBIT C

## Reserve at Steeplechase Development Standards Matrix

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Acres</th>
<th>Open Space Acres</th>
<th>Open Percent</th>
<th>Max SF Homes</th>
<th>Density</th>
<th>Min. S.F. Ranch / 2 SL</th>
<th>Min. Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard Min./Agg.</th>
<th>Bldg. Height</th>
<th>Zoning District</th>
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<td>29.72</td>
<td>34.41%</td>
<td>33</td>
<td>1.26</td>
<td>2400/3200</td>
<td>100'</td>
<td>35'</td>
<td>30'</td>
<td>0' / 20'</td>
<td>35'</td>
<td>R2</td>
</tr>
<tr>
<td>2</td>
<td>71.12</td>
<td>68.81</td>
<td>21.48%</td>
<td>133</td>
<td>1.87</td>
<td>2000/2800</td>
<td>90'</td>
<td>25'</td>
<td>20'</td>
<td>0' / 20'</td>
<td>35'</td>
<td>R2</td>
</tr>
<tr>
<td>3</td>
<td>99.89</td>
<td>27.93</td>
<td>20.28%</td>
<td>186</td>
<td>1.86</td>
<td>1850/2600</td>
<td>80'</td>
<td>25'</td>
<td>20'</td>
<td>0' / 20'</td>
<td>35'</td>
<td>R2</td>
</tr>
<tr>
<td>Overall</td>
<td>197.27</td>
<td>53.67</td>
<td>27%</td>
<td>352</td>
<td>1.78</td>
<td></td>
<td></td>
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</tbody>
</table>

**Notes:**
The acreages and units within each District are approximate and may change with final engineering. Variation within each District is permitted up to 10%; however, the maximum density per district, overall density (1.78) and maximum number of homes (352) shall remain the same.
CRAFTSMAN

- Gabled or Shed Roof Dormer
- Corbel Brackets
- Angled or Extended Window Mantels
- Decorative Gable Brace Details
- Covered Porch
- Tapered Columns w/ Brick or Stone Base
- Brick or Stone Wainscot
GREEK REVIVAL

- Four Pane Windows & 6” Wood Trimmed Windows w/ Mantels and Sills (non-brick area)
- Shake Accent Siding
- Minimum 8” X 8” Wood Porch Columns (opt. brick or stone base)
- Pent Roof on Gables
- Minimum 10” Frieze Boards
PRAIRIE

- Low Pitched Hip Roofs on Front Elements
- Top Half of Upper Story Emphasized on Front Elevations
- Linestone Window Headers (Masonry Areas)
- Minimum of 18” Overhang Eaves
- Brackets at Overhangs
EXHIBIT D - ARCHITECTURAL STYLES GALLERY

TUDOR

Decorative Gable Brace Details

Minimum 10/12 Roof Pitch (Front Facing Gables)

Half-Timbered Gables and/or Front Wall Surfaces

Keystones over Doors/Windows

Board and Batten Front Facing Gables

Covered Porch w/ Decorative Columns
ITALIANATE

- Corbels in Front Facing Gables
- Arched Mantels on Windows (Non-brick Areas)
- Four Pane Windows
- Covered Porch
- Specialty Porch Columns w/ Decorative Trim
- Minimum 10” Frieze Boards
- Eyebrow Returns on Gables
- Limestone Headers on Windows (Brick Area)
ORDINANCE NO. 020606

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF FISHERS, INDIANA - 1980
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</table>
ORDINANCE NO. 020606

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

THIS ORDINANCE 020606 (the “Steeplechase PUD”) IS AN ORDINANCE AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA, DATED NOVEMBER 3, 1980 - Ordinance No. 110380, as amended (the “Zoning Ordinance”), which Zoning Ordinance includes the Comprehensive Plan – Chapter 150, as amended (the “Comprehensive Plan”) and the Zoning Code, Chapter 151, as amended (the “Zoning Code”);

SECTION 1. DECLARATION

It is hereby ordained by the Town Council (the “Council”) of the Town of Fishers, Indiana (the “Town”) that the text of the Zoning Ordinance and the Official Zoning Map (the “Zone Map”) of the Town, which accompanies and is part of the Zoning Code, are hereby amended as follows:

That the Zoning Classification of the real estate described in what is attached hereto and incorporated herein by this reference as Exhibit “A” (the “Real Estate”) is hereby zoned Planned Unit Development - Residential (“PUD-R) per the terms and conditions of this Steeplechase PUD.

SECTION 2. COMMITMENTS. A copy of the commitments given in connection with this Steeplechase PUD are attached hereto and incorporated herein by reference as Exhibit E (the “Commitments”).

SECTION 3. PURPOSE AND INTENT

The purpose and intent of the Steeplechase PUD is to provide an innovative residential development that promotes creativity and flexibility in the development of the Real Estate. To the extent that the development, architectural, landscaping, and sign standards specified in this Steeplechase PUD conflict with or address the same subject matter as the development, architectural and landscaping standards in the Zoning Ordinance, the development, architectural and landscaping standards specified in this Steeplechase PUD and in the Commitments replace and supersede any such standards specified in the Zoning Ordinance. Matters not covered by this Steeplechase PUD shall be governed by the terms, conditions, and provisions of the Town of Fishers, Indiana, Zoning Ordinance in existence on December 31, 2005.

SECTION 4. EXHIBITS

A. Exhibit 1 – Attached hereto and incorporated herein by reference as Exhibit 1 is the legal description of the Real Estate.
B. **Exhibit 2** - Attached hereto and incorporated herein by reference as Exhibit 2 is the district map (the "District Map") allocating the Real Estate into District 1, District 2, and District 3 (collectively the "Districts").

C. **Exhibit 3** - Attached hereto and incorporated herein by reference as Exhibit 3 is the residential development standards matrix (the "Development Standards Matrix") corresponding to the Districts.

D. **Exhibit 4** - Attached hereto and incorporated herein by reference as Exhibit 4 is a list of accepted trees (the "Accepted Tree List").

E. **Exhibit 5** - Attached hereto and incorporated herein by reference as Exhibit 5 are the "Commitments".

**SECTION 5. DEFINITIONS**

In addition to definitions found elsewhere in this Steeplechase PUD, the following definitions shall apply throughout this Steeplechase PUD:

A. **Association.** The term "Association" shall mean and refer to a non-profit corporation established by the Developer per the terms of the Declaration. There may be more than one Association with respect to all or part of the Property, as determined by the Developer in the Developer's sole discretion.

B. **Declaration.** The term "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be more than one (1) Declaration, as determined by the Developer in the Developer's sole discretion.

C. **Developer.** The term Developer shall mean and refer to Reserve at Steeplechase, LLC, or its successors and assigns.

D. **Frontage Road.** The term "Frontage Road" shall mean and refer to a street internal to the Real Estate which is (i) adjacent to a Perimeter Street and (ii) is designed to permit the front elevation of a Residence to face a Perimeter Street.

E. **Perimeter Street.** The term "Perimeter Street" shall mean and refer to a Georgia Road, Cyntheanne Road, Florida Road, 96th Street, and/or 104th Street.

F. **Residence.** The term "Residence" shall mean and refer to a detached single-family residence.

G. **Steeplechase.** The residential community to be developed on the Real Estate per this Steeplechase PUD.
SECTION 6. RESIDENTIAL LAND USE

Single Family Residences and other related and accessory residential land uses are permitted in District 1, District 2, and District 3.

SECTION 7. RESIDENTIAL DEVELOPMENT AND ARCHITECTURAL STANDARDS

The standards applicable to District 1, District 2, and District 3 shall be as specified in the Development Standards Matrix and further as specified below:

A. A standard landscaping package shall be included with each Residence sold. All lots shall be planted with at least two (2) deciduous trees and/or evergreen trees, and a minimum of eleven (11) shrubs. Each deciduous tree shall be of at least two-inch caliper at planting, as measured twelve (12) inches from the ground, and each evergreen at least six (6) feet in height at planting. All such trees shall be selected from the (i) Approved Species List specified in the Landscape Regulations of the Zoning Ordinance or (ii) what is set forth in the Acceptable Tree List.

B. All lots shall have a minimum depth of one hundred feet (100’).

C. Corner lots shall be deemed to have two (2) front yards; therefore, the front yard landscaping and fencing requirements apply to both street frontages on corner lots.

D. All Residences shall have at least a two (2) car garage. The garage may be either a front-loaded garage, a side-loaded garage, or a rear-loaded garage. Any three (3) car driveway must taper to a maximum of sixteen (16) feet wide at the lot line.

SECTION 8. STREET TREES.

Street trees shall be planted on both sides of all streets internal to the development, except in those areas in which the Town of Fishers Subdivision Control Ordinance prohibits fences, walls, hedges, trees, or shrubs. The number of required street trees shall be the quotient equal to (i) the total lineal length of those segments of internal streets in which street trees are required to be planted, divided by (ii) fifty feet (50’). Street trees shall be placed approximately forty feet (40’) to sixty feet (60’) on center, except in areas where utility regulations prohibit the placement of street trees. The planting strip shall be the area between the street and the sidewalk, and shall be a minimum of 4 feet in width (the “Planting Strip”). Street trees shall have a minimum caliper of two inches (2”) at planting, as measured 12 inches (12”) from the ground. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Tree List. If, by reason of utility regulations, all of the required street trees cannot be planted within the Planting Strip, then there shall be planted, within a common area or the Perimeter Area (defined in Section 10 below)
within the Real Estate, street trees equal in number to (i) the required street trees minus (ii) both the number of street trees that are actually planted within the Planting Strip and the Perimeter Area Surplus, as defined in Section 10 below.

SECTION 9. ADDITIONAL STREET STANDARDS. The following additional street standards shall apply to all Streets internals to all Districts:

A. All collector streets shall be thirty-two feet (32’) in width, from back of curb to back of curb.

B. All non-collector streets shall be twenty-six feet (26’) in width, from back of curb to back of curb; provided, however, that Frontage Roads shall be only twenty-two feet (22’) from back of curb to back or curb.

C. No driveway shall be located within twenty-five feet (25’) of the intersection of two street lines. For purposes of this subsection, driveways shall not be deemed to include the flared base of the driveway located at the intersection to the street.

D. Encroachments of driveways into side yards and utility and drainage easements contained therein are permitted; however, the Developer will include in the Declaration, a notice that homeowners shall be responsible for the maintenance, repair, and replacement of any driveways damaged or destroyed in connection with the repair, maintenance, or replacement of any drainage or utility easement or infrastructure contained therein.

E. All internal streets shall be permitted to be constructed with a minimum radius of one-hundred twenty-five (125) feet.

F. With respect to internal streets with Residences on only one (1) side of the street, sidewalks shall be required only on the side of the street on which the Residences are located.

SECTION 10. PERIMETER AREA.

A perimeter landscape area (the “Perimeter Area”), satisfying the following requirements, shall be required:

A. The Perimeter Area shall be a minimum of twenty feet (20’) in width and shall be required only along those areas of the Real Estate that are adjacent to the segments of Perimeter Streets beside which there are no Frontage Roads;

B. The Perimeter Area shall not overlap with any easements which prohibit the placement of landscape materials;
C. Within the Perimeter Area, twelve (12) trees shall be planted per one hundred (100) lineal feet. All such trees shall be selected from the Approved Species List specified in the Landscape Regulations of the Zoning Ordinance and/or the Accepted Trees List. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. For the purpose of calculating the street tree credit in Section 8 above, the term “Perimeter Area Surplus” shall mean and refer to the difference between (i) the number of trees required to be planted under this Section 10(C) and (ii) the number of trees which would be planted in the Perimeter Area if only six (6) trees per one hundred (100) lineal feet were planted.

D. The trees planted within the Perimeter Area shall be at least fifty percent (50%) evergreen trees, and shall be planted in clusters or irregular patterns.

E. The above landscaping shall be combined with either fencing or mounding as described below:

1. Any development perimeter fences shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic metals that simulate natural materials shall also be permitted. Fences shall be at least thirty-six inches (36") in height, but not over seventy-two inches (72") in height.

2. Mounds shall be combined with plant material, as described above, and may include fencing. All mounds shall be a minimum of three feet (3') in height. The maximum side slope shall not exceed a three-to-one (3:1) ratio. Engineering design requirements shall determine the set back from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are permitted.

3. All Perimeter Areas shall be located within a common area and shall not be part of a lot.

SECTION 11. MULTI-USE PATHS

A multipurpose path, constructed of asphalt and eight (8) feet in width, shall be installed by the Developer along those segments of the Perimeter Streets adjacent to the Real Estate.

SECTION 12. IMPACT FEES AND OPEN SPACE.

The Developer shall be entitled to and shall receive a credit toward any road impact fees, owed by reason of the development of the Real Estate pursuant to the Steeplechase PUD, in an amount equal to all costs and expenses incurred by the Developer in effecting the connection of Georgia Road and Florida Road. Further, per the Commitments, the Developer is dedicating to the Town, for use as a fire station, a portion of the Real Estate
not to exceed one (1) acre in size. Said dedication notwithstanding, the portion of the Real Estate so dedicated shall continue to count toward open space within Steeplechase.

**SECTION 13. EXISTING USES AND STRUCTURES**

Notwithstanding anything to the contrary in this Steeplechase PUD, any parcel or portion of the Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Steeplechase PUD, along with any structures existing on the date of the enactment of this Steeplechase PUD, may continue and shall be permitted until the commencement of development of that parcel per the terms of this Steeplechase PUD.

**SECTION 14. 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 Committee and the Planned Unit Development process as set forth in Section 151.072 Planned Unit Development District. Any requirements not specified by this Steeplechase PUD Ordinance shall be subject to Chapters 151.064 R3 Residential District of the Town of Fishers Code of Land Use Ordinances.

The petitioner shall follow all Procedures for Detailed Development Plan Approval, provided by Department of Development staff. In addition, the petitioner shall:

A. Meet with staff to discuss the project;

B. Meet with the PUD Committee to present preliminary plans and drawings for the project; the PUD Committee will review the preliminary plans and drawings and will make a recommendation to the Plan Commission;

C. Submit preliminary elevations and lighting along with material samples, color boards and other materials which further illustrate the project to the PUD committee; and

D. Meet with the PUD Committee for review of the final detailed development plan and approval of final plans and drawings for the project.

**SECTION 15. APPROVAL**

This Steeplechase PUD shall be in full force and effect from and after its passage by the Town Council. All provisions or parts thereof in conflict herewith are hereby repealed.
ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 15th day of May, 2006.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY:  

Scott A. Faultless,  
President  
Eileen N. Pritchard,  
Vice President  
Stuart F. Easley,  
Member  
Arthur J. Levine,  
Member  
Daniel E. Henke,  
Member  
Charles P. White,  
Member  
David C. George,  
Member  

NAY

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

DATE: 5-1-06

Approved by: Douglas D. Church: Church, Church, Hittle, and Antrim - Town Attorney
EXHIBIT 1

Legal Description

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds East 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Northwest corner of said Southeast Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.58 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104th Street; thence North 89 degrees 23 minutes 09 seconds East along the centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder's Office; thence
South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.
EXHIBIT 2:
DISTRICT MAP

DISTRICT ONE:
- Gross Area = 26.23 AC
- Right-of-Way = 8.62 AC
- Open Space = 8.91 AC (34%)
- Number of Lots = 100
- Gross Density = 1.24 U/AC

DISTRICT TWO:
- Gross Area = 71.69 AC
- Right-of-Way = 2.37 AC
- Open Space = 14.89 AC (21%)
- Number of Lots = 202
- Gross Density = 1.67 U/AC

PUD CONCEPT:
- Gross Area = 197.27 AC
- Right-of-Way = 11.81 AC
- Common Area = 53.67 AC (27%)
- Number Lots = 352
- Gross Density = 1.78 U/AC
## Reserve at Steeplechase Development Standards Matrix

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Acres</th>
<th>Open Space Acres</th>
<th>Open Percent</th>
<th>Max SF Homes</th>
<th>Density</th>
<th>Min. S.F. Ranch / 2 St.</th>
<th>Min Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard Min./Agg.</th>
<th>Bldg. Height</th>
<th>Zoning District</th>
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<tr>
<td>1</td>
<td>26.23</td>
<td>8.91</td>
<td>34%</td>
<td>33</td>
<td>1.26</td>
<td>2400/3200</td>
<td>100’</td>
<td>35’</td>
<td>30’</td>
<td>0’ / 20’</td>
<td>35’</td>
<td>R2</td>
</tr>
<tr>
<td>2</td>
<td>71.1</td>
<td>14.89</td>
<td>21%</td>
<td>133</td>
<td>1.87</td>
<td>2000/2800</td>
<td>90’</td>
<td>25’</td>
<td>20’</td>
<td>0’ / 20’</td>
<td>35’</td>
<td>R2</td>
</tr>
<tr>
<td>3</td>
<td>99.89</td>
<td>29.87</td>
<td>30%</td>
<td>186</td>
<td>1.86</td>
<td>1850/2600</td>
<td>80’</td>
<td>25’</td>
<td>20’</td>
<td>0’ / 20’”</td>
<td>35’</td>
<td>R2</td>
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<tr>
<td>Overall</td>
<td>197.27</td>
<td>53.67</td>
<td>27%</td>
<td>352</td>
<td>1.78</td>
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</table>

Notes:

The acreages and units within each District are approximate and may change with final engineering. Variation within each District is permitted up to 10%; however, the maximum density per district, overall density (1.78) and maximum number of homes (352) shall remain the same.
# Accepted Tree List for The Reserve at Steeplechase PUD

<table>
<thead>
<tr>
<th>PLANT TYPE</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
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<tr>
<td>DECIDUOUS TREES:</td>
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<tr>
<td>Acer campestre</td>
<td>HEDGE MAPLE</td>
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<td>Acer ginnala</td>
<td>AMUR MAPLE</td>
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<tr>
<td>Acer ginnala 'Flame'</td>
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<td>ROCKY MOUNTAIN GLOW MAPLE</td>
</tr>
<tr>
<td>Acer nigrum 'Greencolumn'</td>
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<td>GREENCOLUMN BLACK MAPLE</td>
</tr>
<tr>
<td>Acer platanoides 'Crimson Sentry'</td>
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<td>CRIMSON SENTRY MAPLE</td>
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<tr>
<td>Acer platanoides 'Emerald Lustre'</td>
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<td>EMERALD LUSTRE NORWAY MAPLE</td>
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<tr>
<td>Acer platanoides 'Emerald Queen'</td>
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<td>EMERALD QUEEN NORWAY MAPLE</td>
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<tr>
<td>Acer platanoides 'Royal Red'</td>
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<td>ROYAL RED NORWAY MAPLE</td>
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<tr>
<td>Acer platanoides 'Superform'</td>
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<td>SUPERFORM NORWAY MAPLE</td>
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<tr>
<td>Acer rubrum 'Northwood'</td>
<td></td>
<td>NORTHWOOD RED MAPLE</td>
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<tr>
<td>Acer rubrum 'Franksred'</td>
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<td>RED SUNSET RED MAPLE</td>
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<tr>
<td>Acer saccharum 'Legacy'</td>
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<td>LEGACY SUGAR MAPLE</td>
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<td>Acer saccharum 'Majesty'</td>
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<td>MAJESTY SUGAR MAPLE</td>
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<td>Fraxinus americana 'Junqinger'</td>
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<td>AUTUMN PURPLE WHITE ASH</td>
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<td>Fraxinus pensylvanica 'Cimnzm'</td>
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<td>CIMMARON GREEN ASH</td>
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<td>Fraxinus pensylvanica lanceolata 'Patmore'</td>
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<td>PATMORE GREEN ASH</td>
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<tr>
<td>Liquidambar styraciflua 'Moraine'</td>
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<td>MORaine SWEETGUM</td>
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<tr>
<td>Quercus x 'Long'</td>
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<td>REGAL PRINCE OAK</td>
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<td>Ulmus japonica x wilsoniana 'Morton'</td>
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<td>ACCOLADE ELM</td>
</tr>
<tr>
<td>Ulmus 'Frontier'</td>
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<td>FRONTIER ELM</td>
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<tr>
<td>Ulmus 'Patriot'</td>
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<td>PATRIOT ELM</td>
</tr>
<tr>
<td>EVERGREEN TREES:</td>
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</tr>
<tr>
<td>Abies balsamea phanerolepis</td>
<td></td>
<td>CANAAN FIR</td>
</tr>
<tr>
<td>Chamaecyparis nootkatensis 'Pendula'</td>
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<td>WEEPING NOOTKA FALSE CYPRESS</td>
</tr>
<tr>
<td>Picea densata</td>
<td></td>
<td>BLACK HILLS SPRUCE</td>
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<tr>
<td>Picea glauca</td>
<td></td>
<td>WHITE SPRUCE</td>
</tr>
<tr>
<td>Picea pungens glauca 'Bizon Blue'</td>
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<td>BIZON BLUE COLORADO SPRUCE</td>
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<tr>
<td>Picea pungens 'Hoopsi'</td>
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<td>HOOPSI SPRUCE</td>
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<td>Pinus flexilis</td>
<td></td>
<td>VANDERWOLF LIMBER PINE</td>
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<tr>
<td>Pinus heldreichii leucoderms</td>
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<td>BOSNIAN PINE</td>
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<tr>
<td>Pseudotsuga menziesii</td>
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<td>DOUGLAS FIR</td>
</tr>
</tbody>
</table>
EXHIBIT 5

COMMITMENTS CONCERNING THE USE 
AND DEVELOPMENT OF REAL ESTATE

RESERVE AT STEEPLECHASE, LLC, (hereinafter "Steeplechase"), the owner and/or contract purchaser of the real estate located in Hamilton County, Indiana, and described in what is attached hereto and incorporated herein by referenced as Exhibit "A" (the "Real Estate"), makes the following Commitments (the "Commitments") to the Advisory Plan Commission of the Town of Fishers (the "Plan Commission") and the Town Council of the Town of Fishers, Indiana (the "Council").

Section 1. Cross Reference. These Commitments are made in connection with approvals obtained under Docket Number 1-R-06, and Ordinance Number 020606.

Section 2. Exhibits. The following exhibits are attached hereto and incorporated herein by reference:

Exhibit A. Attached hereto and incorporated herein by reference as Exhibit 1 is the legal description of the real estate (the "Real Estate");

Exhibit B. Attached hereto and incorporated herein by reference as Exhibit 2 is the district map (the "District Map") which apportions the Real Estate into Districts 1, District 2, and District 3 (collectively the "Districts");

Exhibit C. Attached hereto and incorporated herein by reference as Exhibit 3 is the development standards matrix (the "Development Standards Matrix") which specifies the development standards applicable to each of the Districts; and

Section 3. Definitions. Different words and terms are defined throughout these Commitments and, further, the following definitions shall apply throughout these Commitments:

A. Architectural Review Committee. The term "Architectural Review Committee" shall mean and refer to the committee, established by the Developer in the Declaration, to review and approve or deny requests for architectural approval.

B. Association. The term "Association" shall mean and refer to a non-profit corporation established by the Developer per the terms of the Declaration. There may be more than one Association with respect to all or part of the Property, as determined by the Developer in the Developer’s sole discretion.

C. Declaration. The term "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, and Restrictions applicable to all or some Districts prepared and recorded by the Developer with the Recorder of Hamilton County, Indiana. There may be more than one (1) Declaration, as determined by the Developer in the Developer’s sole discretion.
D. **Developer.** The term “Developer” shall mean and refer to The Reserve at Steeplechase, LLC, and its successors and assigns.

E. **Fire Station Parcel.** The term “Fire Station Parcel” shall mean and refer to a portion of the Real Estate, not to exceed one (1) acre in size and to be located in the northwest corner of District 3, in the area generally depicted on the District Map. The exact size and location of the Fire Station Parcel shall later be mutually determined by the Town and the Developer.

F. **Masonry.** The term “Masonry” shall mean and refer to (i) brick, limestone, natural stone, cultured stone, or other similar building material or a combination of the same, bonded together with mortar to form a wall, buttress, or similar mass and (ii) EIFS and stucco.

G. **Residence.** The term “Residence” shall mean and refer to a detached single-family residence that is not attached to another single-family residence.

H. **Town.** The term “Town” shall mean and refer to the Town of Fishers, Indiana.

**Section 4. Commitments Applicable to All Residential Districts.** The following commitments are applicable to District 1, District 2, and District 3:

A. The colors utilized for exterior building materials, other than brick and stone, shall feature a base color with natural tones and subtle hues, and may be accented with brighter, more intense or complimentary contrasting tones.

B. All fences shall be subject to review and approval by the Architectural Review Committee, shall be black in color, and shall be either wrought iron or some other metal, such as aluminum, but wrought iron in appearance.

C. Mini barns are prohibited.

D. Uniform mailboxes shall be used for each Residence.

E. The roofs on all primary structures shall be at a pitch of 6 vertical to 12 horizontal (6:12); provided, however, that ancillary roofs may have a lesser pitch.

F. All residences shall have either (i) a dusk to dawn garage-mounted coach light or (ii) a dusk to dawn yard light.

G. Identical residences shall not be located adjacent to or directly across from each other.

H. Side load or courtyard entry garages shall have at least two (2) windows located on the front elevation of the garage.

I. Front loading garages protruding more than eight (8) feet shall contain a window on the side of the garage closest to the entry.
Section 5. Commitments Applicable to District 1. The following shall apply to Residences constructed in District:

A. All homes shall be custom-built of wood frame. All Residences shall be built from construction plans drawn specifically for each particular lot so that no two residences shall be identical.

B. Permitted exterior building materials, excluding doors, garage doors, windows, and roofs, shall be Masonry, wood, or hardi-plank or similar type siding.

C. All residences shall have a three (3) car garage.

D. Every residence shall have a concrete driveway.

E. All residences shall have an automatic irrigation system in the front yard.

F. The exterior building materials on all fireplace chases on the exterior of a Residence shall be Masonry; provided, however, that interior or direct vent fireplaces shall not require masonry exteriors.

Section 6. Commitments Applicable to District 2 and 3.

A. The permitted exterior building material shall be Masonry, wood, or hardi-plank or similar type siding. Vinyl siding is not permitted.

B. Each Residence shall have a basement.

C. Each Residence must have both a minimum of fifty percent (50%) masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof, and a total of four (4) points from the list of “Architectural Features” outlined immediately below.

1. Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth: (2 points);

2. Veranda/balcony or patio with minimum dimensions of 10’ x 10’;

3. Reverse gable;

4. Two (2) or more roof planes visible from the front of the Dwelling (2 points);

5. Decorative garage doors or windows in garage doors;
6. A separate overhead door per car for each garage bay;

7. No garage doors facing and parallel to the street (2 points);

8. Masonry on one hundred percent (100%) of the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof (2 points);

9. At least four feet (4') of relief at one or more points along the front elevation;

10. Full first-floor Masonry on the front elevation, excluding doors, garage doors, windows, architectural features, cantilevered areas, bay windows, and any area that does not have a supporting foundation for the brick load including, without limitation, the small area above the garage door on some models, and any areas on the façade that are above roofing materials and would thus require brick to be laid above the roof;

11. Sunroom, screened porch, or breakfast nook;

12. Transom windows;

13. Bay window;

14. Two or more dormers;

15. Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, and bay windows;

16. Hip roof;

17. More than two (2) Masonry materials on the front elevation;

18. Brick detailing, either multiple quoins or other features such as arches, keystones, etc;

19. Architectural treatments on gable ends;

20. Covered stoop/steps with a connection pathway from sidewalk;

21. Architecturally treated entrances for Residences without a front porch;
22. At least two feet (2') of relief at two (2) or more points along the front elevation;

23. Architecturally enhanced/articulated trim moldings such as fipons above windows;

24. Decorative shutters on front of Residence;

25. Decorative front door or side lights;

26. Decorative columns composed of wood or glass

27. Garage service door; and

28. Overhangs of 8" or more (2 points).

D. It is anticipated that two (2) model homes shall be constructed for marketing purposes within District 2, and that two (2) model homes shall be constructed for marketing purposes within District 3.

1. One of the model homes in District 2 must exceed 3200 square feet of living area. In the event that a second model home is constructed in District 2 and is less than 3200 square feet of living area, said second model home must include a finished basement.

2. One of the model homes in District 3 must exceed 2800 square feet of living area. In the event that a second model home is constructed in District 3 and is less than 2800 square feet of living area, said second model home must include a finished basement.

Section 7. Amenity Area Commitments. The Developer shall install the following within an amenity area located within District 3 and shall install such other improvements as the Developer shall determine in its sole discretion, all of which shall hereafter be referred to as the Improvements:

A. One swimming pool of a minimum size of 1,800 square feet;

B. One wading pool of a minimum size of 140 square feet;

C. One pool house with restroom facilities;

D. One basketball court;

E. One playground containing playground equipment appropriate for preschool children through grade school children.
The Improvements shall be of a type, location, size, design, configuration, architecture, and composition determined by the Developer in the Developer's sole discretion.

Section 8. **Dedication of Land.** Within sixty (60) days of the effective date specified below in Section 10 of these Commitments, the Developer shall dedicate to the Town the Fire Station Parcel for use as a fire station.

Section 9. **Binding on Successors.** These Commitments are binding on the Owner of the Real Estate, each subsequent Owner of the Real Estate, and each other person acquiring an interest in the Real Estate, unless modified or terminated by the Commission. These Commitments may be modified or terminated only by a decision of the Plan Commission after a public hearing wherein notice as provided by the rules of the Plan Commission has been made. The provisions of this Section 8 notwithstanding, these Commitments shall terminate as to any part or parts of the Real Estate hereafter reclassified (rezoned) on the Town's Official Zone Map.

Section 10. **Effective Date.** The Commitments contained herein shall be effective upon the occurrence of all of the following events:

A. The adoption of an ordinance by the Town Council of Fishers, Indiana, assigning the requested Steeple Chase PUD classification to the Real Estate;

B. The acquisition of the Real Estate by the Developer or its successors and assigns; and

C. The commencement of the development of the Real Estate in accordance with the assignment of the requested Steeplechase PUD classification.

Section 11. **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 12. **Enforcement.** These Commitments may be enforced by the Commission and the Town Council of Fishers, Indiana and any property owner within or immediately adjacent to the Real Estate.

IN WITNESS WHEREOF, RESERVE AT STEEPLECHASE, LLC, has caused these Commitments to be executed as of the date first written above.

RESERVE AT STEEPLECHASE, LLC

By: PLATINUM PROPERTIES, LLC

By: [Signature]

Paul Rioux, Jr., President

Page 6 of 7
STATE OF INDIANA          )
COUNTY OF MARION          ) SS:

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Paul Riont, Jr., as President of Platinum Properties, LLC, an authorized member of the Reserve at Steeplechase, LLC, and having been duly sworn, acknowledged execution of the foregoing Commitments.

Witness my hand and Notarial Seal this 28th day of April, 2006.

My Commission Expires: ____________________________

Notary Public

Residing in __________ County

Prepared By: Charles D. Frankenberger, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, Indiana 46280 (317) 844-0106
EXHIBIT A

Legal Description

A part of the Southeast Quarter, a part of the Southwest Quarter, and a part of the Northwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter Section; thence South 89 degrees 31 minutes 27 seconds West along the South line of said Quarter Section a distance of 375.80 feet to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46 in the Office of the Recorder, Hamilton County, Indiana; thence along the centerline of said Electric Line Easement by the next three (3) courses; 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 16 minutes 36 seconds West along said West line 340.20 feet to the Southwest corner of the Southeast Quarter of said Northwest Quarter Section; thence North 00 degrees 13 minutes 35 seconds West along the West line of said Quarter-Quarter Section a distance of 462.89 feet; thence North 89 degrees 36 minutes 06 seconds East 250.00 feet; thence North 00 degrees 13 minutes 35 seconds West 170.00 feet; thence South 89 degrees 36 minutes 06 seconds West 250.00 feet to the aforesaid West line; thence North 00 degrees 13 minutes 35 seconds West along said West line 1,700.00 feet; thence North 89 degrees 07 minutes 06 seconds East 1,294.74 feet to the East line of the Southwest Quarter of the Northwest Quarter of said Section 7; thence South 00 degrees 50 minutes 43 seconds East along said East line 1,012.26 feet to the Northeast corner of the Southeast Quarter of the Northwest Quarter Section; thence South 00 degrees 50 minutes 43 seconds East along the East line of said Northwest Quarter 1,331.61 feet to the Northwest corner of said Southeast Quarter Section; thence South 00 degrees 16 minutes 27 seconds East along the West line of said Quarter Section a distance of 1,322.57 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 25 minutes 38 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.34 feet to the Northeast corner of said Quarter-Quarter Section; thence North 00 degrees 24 minutes 55 seconds West along the West line of the Northeast Quarter of said Quarter Section a distance of 1,325.58 feet to the Northwest corner of said Quarter-Quarter Section; thence North 00 degrees 43 minutes 14 seconds West 1,202.73 feet; thence North 89 degrees 16 minutes 46 seconds East 101.29 feet; thence North 00 degrees 36 minutes 51 seconds West 126.44 feet to the center line of 104th Street; thence North 89 degrees 23 minutes 09 seconds East along said centerline 1,221.52 feet to the Northeast corner of the Northeast Quarter of said Section; thence South 00 degrees 35 minutes 36 seconds East along the East line of said Quarter-Quarter Section 1,327.28 feet to the Northeast corner of the Southeast Quarter; thence South 89 degrees 17 minutes 46 seconds West along the North line of said Quarter-Quarter Section 987.87 feet to the northerly extension of the East line of the real estate described in Instrument Number 1996-16221 in said Recorder's Office; thence
South 00 degrees 24 minutes 15 seconds East along the northerly extension of said East line 2,337.67 feet to the Northeast corner of said real estate described in Instrument Number 1996-16221; thence along the northern and western boundary lines of said real estate described in Instrument Number 1996-16221 by the next two (2) courses; 1) South 89 degrees 33 minutes 28 seconds West parallel to the South line of said Quarter Section a distance of 427.74 feet; 2) South 00 degrees 24 minutes 15 seconds East 315.00 feet to the South line of said Quarter Section; thence South 89 degrees 33 minutes 28 seconds West along said South line 1,230.57 feet to the place of beginning, containing 197.254 acres, more or less.

This description has been prepared for zoning purposes only and is subject to change upon completion of an accurate boundary survey.
EXHIBIT B: DISTRICT MAP

DISTRICT ONE:
GROSS AREA = 26.23 AC
RIGHT-OF-WAY = 2.63 AC
OPEN SPACE = 8.91 AC (34%)
NUMBER OF LOTS (100%) = 33
GROSS DENSITY = 1.87 U/A

DISTRICT TWO:
GROSS AREA = 71.15 AC
RIGHT-OF-WAY = 2.37 AC
OPEN SPACE = 14.88 AC (21%)
NUMBER OF LOTS (95%) = 133
GROSS DENSITY = 1.87 U/A

PUD CONCEPT:
GROSS AREA = 197.27 AC
RIGHT-OF-WAY = 11.81 AC
COMMON AREA = 53.67 AC (27%)
NUMBER LOTS = 352
GROSS DENSITY = 1.78 U/A
## Reserve at Steeplechase Development Standards Matrix

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<tr>
<th>District</th>
<th>Gross Acres</th>
<th>Open Space Acres</th>
<th>Open Percent</th>
<th>Max SF Homes</th>
<th>Density</th>
<th>Min. S.F. Ranch / 2 St.</th>
<th>Min Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard Min./Agg.</th>
<th>Bldg. Height</th>
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<td>35'</td>
<td>R2</td>
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### Notes:

The acreages and units within each District are approximate and may change with final engineering. Variation within each District is permitted up to 10%; however, the maximum density per district, overall density (1.78) and maximum number of homes (352) shall remain the same.