

ORDINANCE NO. 121503E  
AN ORDINANCE AMENDING THE TEXT OF  
THE AVALON PUD  
ORDINANCE NOS. 020303 AND 021803G  
OF FISHERS, INDIANA

THIS ORDINANCE AMENDS AVALON PUD ORDINANCE NUMBERS 020303 AND 021803G (collectively, the "Avalon PUD Ordinances") AS FOLLOWS:

1. The fourth sentence of SECTION 6(A)(14) of each of the Avalon PUD Ordinances is hereby deleted, in its entirety, and replaced and superseded by the following:

The term "Siding" shall mean any reference to vinyl siding and/or Hardi Plank or similar concrete like board. With respect to Siding, the following standard shall apply:

- a. Any two (2) adjacent residences located on the same side of the street shall be permitted to have the same color of Siding only if (i) each such residence has brick on at least 50% of the area of the front elevation, excluding windows, doors, garage doors, accompanying frames and any other openings and (ii) the color of the brick on one such residence is not identical to the color of the brick on the other such residence; provided, however, that no more than three (3) consecutive residences located on the same side of the street shall have the same color of Siding; and
- b. There shall be compliance with the monotony code attached hereto and made a part hereof as Exhibit "A".

2. The development standards matrix attached as Exhibit "C" (the "Development Standards Matrix"), to each of the Avalon PUD Ordinances is hereby amended, to qualify the rear yard set back for Districts C1 and C2, as follows:.

- (a) A sun room, screened-in porch, or deck shall be permitted to encroach into the 25 foot rear yard set back, but by no more than 5 feet. For purposes of this paragraph 2, a "sun room" shall mean and refer to a room other than a living room, dining room, laundry room, or bedroom;
- (b) No more than 75% of the residences located within Districts C1 and C2 shall have sun rooms, screened-in porches, or decks which encroach into the 25 foot rear year set back;
- (c) The encroachment by any residence into the 25 foot rear yard set back shall not exceed 20 feet in width; and

(d) The densities in the Development Standards Matrix corresponding to Districts C1 and C2 shall not be increased by reason of this reduction in rear yard set back.

3. The Avalon PUD Ordinances, as hereby amended, shall remain in full force and effect.

(Signature page follows)

ADOPTED BY THE Town Council of the Town of Fishers, Indiana on this 19<sup>th</sup> day of April, 2004.

THE TOWN COUNCIL OF FISHERS, HAMILTON COUNTY, INDIANA

BY: Scott A. Faultless ~~AYE~~ NAY  
 Scott A. Faultless, \_\_\_\_\_  
 President

Timothy O. Lima \_\_\_\_\_  
 Timothy O. Lima, \_\_\_\_\_  
 Vice President

Stuart F. Easley \_\_\_\_\_  
 Stuart F. Easley, \_\_\_\_\_  
 Member

Eileen N. Pritchard \_\_\_\_\_  
 Eileen N. Pritchard, \_\_\_\_\_  
 Member

David George \_\_\_\_\_  
 David George, \_\_\_\_\_  
 Member

Daniel E. Henke \_\_\_\_\_  
 Daniel E. Henke, \_\_\_\_\_  
 Member

Charles P. White \_\_\_\_\_  
 Charles P. White, \_\_\_\_\_  
 Member

ATTEST Linda Gaye Cordell DATE: April 19, 2004  
 Linda Gaye Cordell, Clerk-Treasurer, Town of Fishers, Indiana

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

This Document Prepared By:  
 Charles D. Frankenberger  
 NELSON & FRANKENBERGER  
 3105 E. 98<sup>th</sup> Street, Suite 170  
 Indianapolis, IN 46280

## EXPLANATION

Pulte Homes is the owner of approximately 421 acres of real estate located on the northeast corner of 126<sup>th</sup> Street and Olio Road and commonly known as Avalon. Per the terms of a PUD Ordinance enacted on the 2nd day of June, 2003, Pulte is developing Avalon into a residential community. In this regard, Pulte is desirous of changing the text of two provisions within the PUD Ordinance; namely:

1. Text Amendment One. The fourth sentence of Section 6(A)(14) of the PUD Ordinance now prohibits two adjacent homes on the same side of the street from having the same color of exterior siding. That sentence of the PUD Ordinance is underscored on what is included in this brochure as Exhibit 3. Pulte is requesting that this sentence be modified so as to prohibit two adjacent residences on the same side of the street from having the same color of exterior brick. This will permit a greater diversity; and
  
2. Text Amendment Two. With respect to the empty-nester product to be built in Districts C1 and C2, the development standards matrix for the Avalon PUD Ordinance, included as Exhibit 4, provides for rear yard set backs of 25 feet. In order to permit larger residences, Pulte is requesting that this rear yard set back be reduced to 20 feet.

Included as Exhibit 2 is the approved concept plan for the Avalon PUD Ordinance. This concept plan allocates the real estate into different districts corresponding to the development standards matrix. Text Amendment One will affect the area highlighted in yellow, and Text Amendment Two will affect the area cross-hatched and also highlighted.

We look forward to introducing this to Town Council on Monday, December 15, 2003, and to Plan Commission on Tuesday, January 13, 2004.

Respectfully submitted,

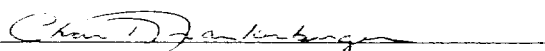
  
Charles D. Frankenberger



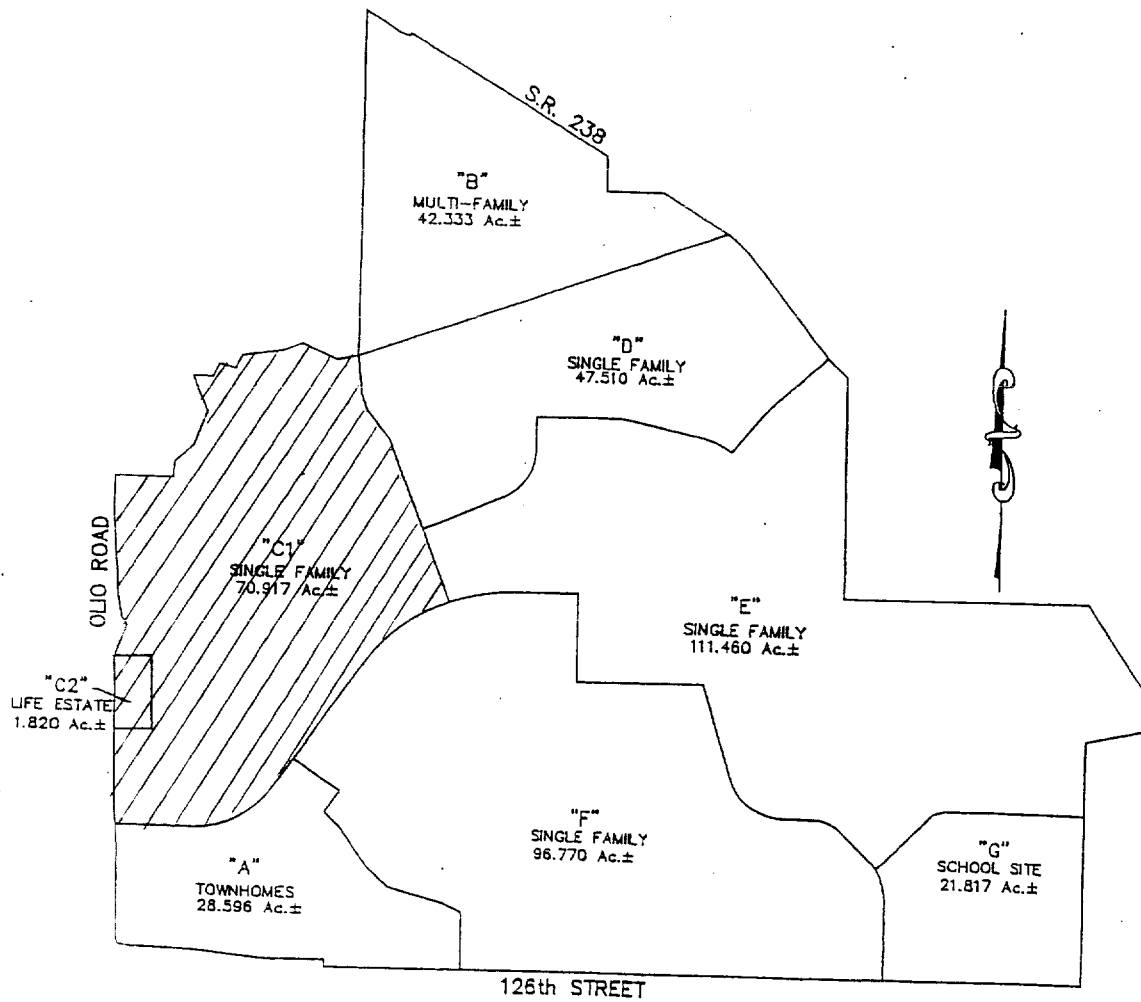
EXHIBIT "B"

CONSULTING ENGINEERS  
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(317) 849-5935 • 1-800-728-6917 • FAX: (317) 849-5942  
DIR: 44930 X-FILE: 44930 SUB-FILE: DISTRICT MAP

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from the ground. Each light shall have shielding to direct light downward in order to minimize light spillover.

- (6) Cul-de-sac islands shall be landscaped with plant material.
- (7) All residences shall have a minimum two-car garage.
- (8) Lot coverage shall not exceed forty-five (45) percent and shall include buildings, parking areas and all other impervious surfaces.
- (9) All lots shall have a minimum depth of one hundred ten (110) feet.
- (10) 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.
- (11) Side load or courtyard entry garages shall have two (2) windows located on the front elevation of the garage.
- (12) Front loading garages protruding more than eight (8) feet shall also contain a window on the side of the garage closest to the entry. Residences which are on lots more than sixty-five (65) feet in width and which have a front-loading garage that protrudes in front of the first floor facade shall have a front facade which, including the garage, shall be equal to or greater than forty (40) feet wide.
- (13) A third car garage may be added to residences. The third car garage entrance must be recessed a minimum of two (2) feet from the two (2) car garage door. Any three (3) car driveway must taper to a maximum of sixteen (16) feet wide at the lot line.
- \* (14) Like model residences on the same side of the street shall be separated by at least one (1) lot. No like model elevations shall be directly across the street from one another. For purposes of this determination, (i) any particular residence shall have only one (1) residence directly across the street from it and (ii) any two (2) residences which are directly across the street from each other shall be the two (2) residences which, if not separated by a street, would have the greatest area of overlapping front elevations.  
No two (2) adjacent residences on the same side of the street shall have the same exterior siding color.
- (15) In order to achieve any of the following, one (1) driveway may serve two (2) residences, but not more than two (2) residences:
  - a. Remove garage entrances from the street; and/or
  - b. Provide distinctive open space opportunities; and/or
  - c. Take advantage of unique topography
- (16) Residences with either (i) brick on at least fifty (50) percent of the area of the front façade (windows, doors, garage doors, accompanying frames and any other opening are excluded from calculations of the area) or (ii) a covered front porch, with railings, of at least eight feet in width and four feet in depth or a minimum of thirty-two (32) square feet, shall have at least two (2) of the following significant architectural design features. Residences with neither (i) fifty (50) percent brick on the area of the front facade (windows, doors, garage doors, accompanying frames and any other opening are excluded from calculations of the area) nor (ii) a front porch of the preceding dimensions shall have a combination of four (4) or more of the following features.
  - a. A reverse gable peak;
  - b. A covered front porch, with railings on front and side, of at least eight (8) feet in width and four (4) feet in depth or a minimum of thirty-two (32) square feet;
  - c. A thirty-two (32) inch brick or stone plinth with water table on all sides;

Avalon Development Standards Matrix

District	Land Use Type	Permitted Land Use	Open Space Acreage <sup>1</sup>	Density <sup>1</sup>	Square Feet Per Residential Unit (Min.)	Lot Width (Min.)	Front Setbacks				Rear Setback <sup>4</sup>	Side Setback (Min.)	Bldg. Ht. (Max.)
							Internal Public Street <sup>3</sup>	Oto Road (Min.)	126th Street (Min.)	SR 238 (Min.)			
A	Single-family attached/Multi-family (for sale)	R6	28.6	8.7	800 sq. ft. single story 1000 sq. ft. multi-story	n/a	5' min 15' max	20'	20'	n/a	n/a	(see note 4)	35'
B	Single-family attached/Multi-family (for sale)	R6	42.3	4.4	800 sq. ft. single story 1000 sq. ft. multi-story	n/a	5' min 15' max	n/a	n/a	n/a	n/a	(see note 4)	35'
C1	Single-family detached	R3-C	70.9	2.5	1300 sq. ft. single story 1800 sq. ft. multi-story	52'	25' Bldg.	25'	25'	n/a	n/a	* 25'	35'
C2	Single-family detached	R3-C	1.8	2.2	1300 sq. ft. single story 1800 sq. ft. multi-story	52'	25' Bldg.	25'	25'	n/a	n/a	* 25'	35'
D	Single-family detached	R3-C	47.5	1.7	1500 sq. ft. single story 2200 sq. ft. multi-story	80'	25' Bldg.	n/a	n/a	n/a	n/a	25'	35'
E	Single-family detached	R3-C	111.5	2.3	1400 sq. ft. single story 1900 sq. ft. multi-story	70'	25' Bldg.	n/a	n/a	n/a	n/a	25'	35'
F	Single-family detached	R3-C	96.8	3.0	1400 sq. ft. single story 1600 sq. ft. multi-story	60'	25' Bldg.	n/a	n/a	n/a	n/a	25'	35'
G	Single-family detached/School	R3-C	21.8	0	1400 sq. ft. single story 1900 sq. ft. multi-story	70'	25' Bldg.	n/a	n/a	n/a	n/a	25'	35'
TOTALS <sup>1</sup>			421.3	101.8	1250	2.97							

Notes:

- 1) 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 (3.2), and total units (1250) shall remain the same.
- 2) Rear-yard setbacks shall exist outside of any landscape easements.
- 3) Distance shown is a Minimum unless otherwise specified.
- 4) In Districts A and B: for buildings with equal to or less than 4 units, buildings must be separated by 15'; for buildings with more than 4 units, buildings must be separated by 20'.