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Jennifer Hayden
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Year
2017

LEGACY AT HUNTERS RUN PUD

City of Fishers
Planned Development
Ordinance
No. 121916E


LEGACY AT HUNTERS RUN PUD

1.01 Declaration, Purpose and Intent, and Permitted Uses

Declaration	Purpose and Intent	Permitted Uses
<p>Ordinance No. 121916E (this Ordinance") Adopted: _____</p> <p>The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 090605A, as amended, and the Official Zoning Map of the City of Fishers, Indiana, dated April, 2016, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:</p> <p>The zoning classification of the real estate legally described in Section 1.09 of this Ordinance (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Legacy at Hunters Run PUD."</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All previous PUD Ordinances and written commitments, and amendments thereto, applicable to the Real Estate are hereby repealed.</p> <p>If, after five (5) years from the date of approval of this Ordinance, construction in the form of grading, infrastructure, or other land alteration has not commenced, then the provisions set forth by this Ordinance shall be rescinded as applied to the Real Estate, and the R-2 Residential District shall govern the Real Estate.</p>	<p>The purpose of this PUD is to encourage improved design in the development of land by promoting greater flexibility in applying the UDO to the development of the Real Estate.</p>	<p>All uses described in the R-5 Residential District.</p>

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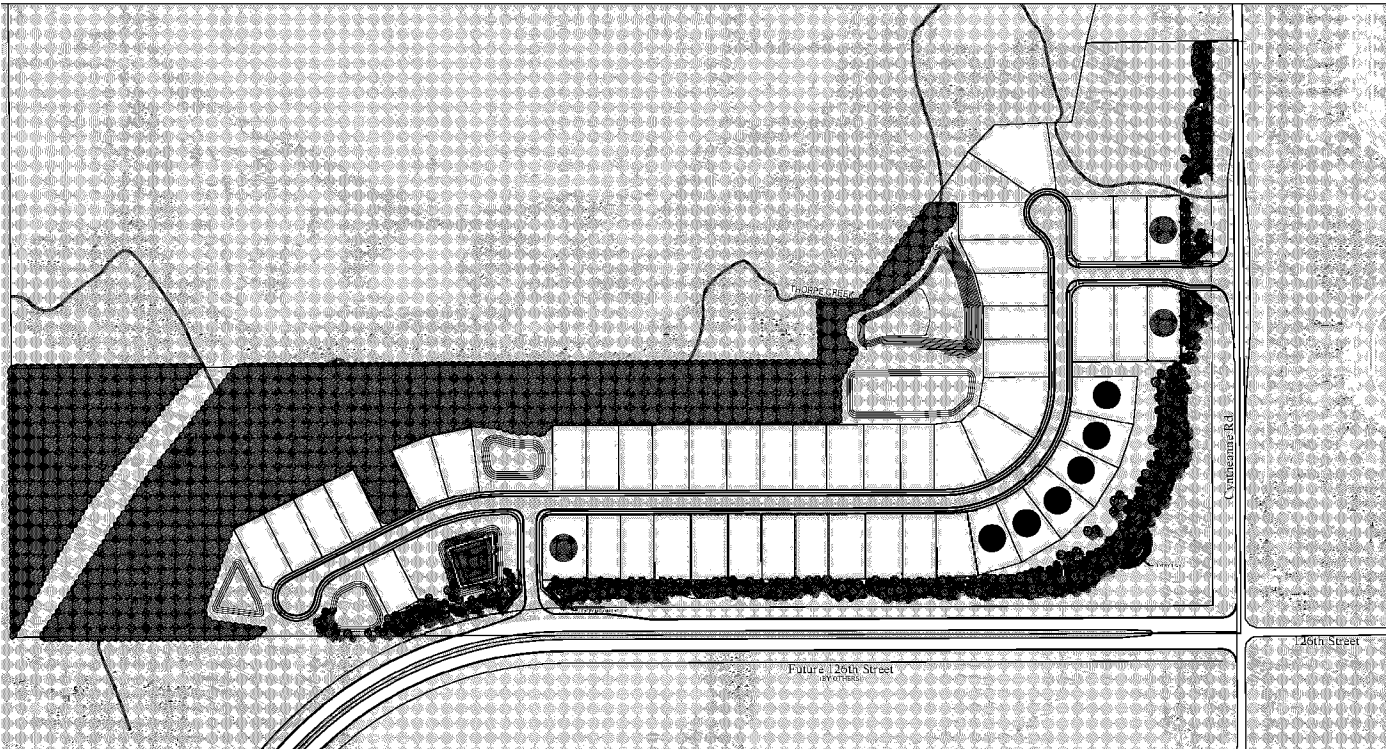
1.02 Applicability

- A. The standards of the UDO applicable to the  Residential District shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this Ordinance. "Article" cross-references of this Ordinance shall hereafter refer to the Article section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein shall have the meaning ascribed to them in the UDO. Pursuant to Article 4.02(F): Amendments to the Unified Development Ordinance, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Article 1.10: Basic Provisions: Transition Rules also shall apply to amendments.

1.03 Concept Plan

- A. The Concept Plan is hereby incorporated. The Real Estate's development plan may vary from the Concept Plan; however, per Article 9.17(A)(2)(a): Planned Unit Development District; General; Purpose & Intent, the Concept Plan provides the Plan Commission and City Council with a general vision for the development of the Real Estate. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.

Concept Plan Exhibit



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1.04 Development Standards

- A. Cross References: The regulations of *Article 05: Development Standards* shall apply, except as modified by this Ordinance.
- B. General Regulations: *Article 2.14: R5 Residential District Development Standards* shall apply, except as modified below:
 - (i) Minimum Lot Width at Building Line: Seventy-two feet (72')
 - (ii) Minimum Lot Area: Ten thousand and eighty square feet (10,080 ft²)
 - (iii) Minimum Front Setback: Twenty feet (20'), but there shall be a minimum two (2) foot offset for adjacent lots.
 - (iv) Minimum Side Setback: Seven feet (7')
 - ~~(v) Minimum Aggregate Side Setback: Fourteen feet (14')~~
 - (vi) Maximum Impervious Surface Coverage: Fifty percent (50%)
- C. Accessory Structure Standards (AS): shall apply. In addition, uniform mailboxes shall be required throughout the community.
- D. Architectural Design Standards (AD): shall apply, except as modified below:
 - (1) Approved Elevations
 - (i) The City's PUD Committee, at its January 4, 2017, meeting, reviewed and approved the set of home plans on file with the City's Community Development Department (the "Approved Elevations"). The Illustrative Architectural Exhibit, attached hereto as Exhibit A, is a sampling and general representation of the approved home elevations. The Approved Elevations are hereby incorporated and approved. All homes shall be substantially consistent with the Approved Elevations or otherwise comply with the standards set forth in this Ordinance. The Director of the Community Development Department, including his/her designees, shall review and approve home elevations at the time of filing of the Building Permit for compliance.
 - (ii) If a home elevation does not comply with Section 1.04(D)(1)(i), then the proposed home elevation(s) shall be submitted for review and approval by the PUD Committee. The PUD Committee's review of the home elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the PUD and the Approved Elevations.
 - (2) *Article 5.13 AD-01(A)(1)(b): Architectural Design; Single-Family Residential; Facade; Side and Rear Elevation* shall not apply; rather, the following shall apply:
 - (i) Dwellings on lots designated with a black circle on the Concept Plan shall incorporate two (2) or more of the following features: a) Facade offset (a minimum of 15' wide and 7' deep); b) masonry on all four sides, but, in all cases, a minimum three (3) foot wainscot; c) rear sun room; d) rear covered porch; e) rear pergola; f) additional rear exterior material; g) enhanced window treatment (window grids and trim a minimum of 5 1/2") on all four (4) sides of the home.
 - (ii) Dwellings on lots designated with a red circle on the Concept Plan shall incorporate a minimum three (3) foot wainscot on all four (4) sides.
 - (3) *Article 5.13 AD-01(A)(2): Architectural Design; Single-Family Residential; Facade; Exterior Material* shall apply; however, aluminum, stucco, heavy-gauge vinyl, and vinyl shall not be permitted as a siding material.
 - ~~(i) In addition, the exclusion of vinyl from a home shall qualify as one (1) point toward the Architectural Feature.~~
 - (ii) Homes shall have two (2) or more materials on the front facade.
 - (3) *Article 5.13 AD-01(A)(3): Architectural Design; Single-Family Residential; Facade; Architectural Features* shall apply. In addition, covered front porches or having three (3) or more materials on a facade shall qualify as one (1) point toward the Architectural Feature.
 - (4) *Article 5.13 AD-01(A)(4): Architectural Design; Single-Family Residential; Facade; Dimensions* shall not apply. Instead, the following shall apply:
 - (i) The garage door shall not exceed more than fifty (50) percent of the front facade width.

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- (5) *Article 5.13 AD-01(D): Architectural Design; Single-Family Residential; Automobile Storage*; shall apply. In addition, the following shall apply:
 - (i) Each garage shall include a minimum of an additional sixteen (16) feet of interior storage space.
 - (ii) Each garage shall include one (1) dawn to dusk coach light on each side of the garage door. Homes that have multiple garage doors shall not have coach lights between doors, but rather one (1) light on each outermost edge of the collective garage doors.
- (6) *Article 5.13 AD-01(D)(4): Architectural Design; Single-Family Residential; Automobile Storage; Garage-forward Design* shall apply. In addition, the following shall apply:
 - (i) Each garage door shall include windows substantially similar in quality and character as illustrated in the Garage Door Exhibit, attached hereto as Exhibit B.
- (7) All floor plans shall have a covered front entry porch.
- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply, except as modified below:
 - (1) *Article 5.24 ED-01(D)(1): Entrances and Driveways; General; Proximity* shall apply, except as modified below:
 - (i) No entrance or driveway shall be permitted to be installed within one hundred (100) feet of the right-of-way line of any intersecting street if along an arterial or collector road.
 - (2) In addition, all homes shall have concrete driveways.
- G. Environmental Standards (EN): shall apply.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.
- L. Home Occupation Standards (HO): shall apply.
- M. Landscaping Standards (LA): shall apply.
- N. Lighting Standards (LT): shall apply.
- O. Loading Standards (LD): shall apply.
- P. Lot Standards (LO): shall apply.
- Q. Outdoor Storage Standards (OS): shall apply.
- R. Parking Standards (PK): shall apply.
- S. Pedestrian Accessibility Standards (PA): shall apply.
- T. Performance Standards (PF): shall apply.
- U. Permanent Outdoor Display Area Standards (PD): shall apply.
- V. Property Identification Standards (PI): shall apply.
- W. Public Art Standards (PT): shall apply.
- X. Public Improvement Standards (PV): shall apply.
- Y. Setback Standards (SB): shall apply.
- Z. Sewer & Water Standards (SW): shall apply.
- AA. Sexually Oriented Business Standards (SX): shall apply.
- BB. Sign Standards (SG): shall apply.
- CC. Structure Quantity Standards (SQ): shall apply.
- DD. Telecommunication Facilities Standards (TC): shall apply.
- EE. Temporary Use/Structure Standards (TU): shall apply.
- FF. Use-specific Standards (US): shall apply.
- GG. Vision Clearance Standards (VC): shall apply.

1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.

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- D. Anti-monotony Standards (AM): shall not apply. Instead, the standards set forth in the Anti-Monotony Exhibit, attached hereto as Exhibit C, shall apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Density and Intensity Standards (DE): shall apply.
- I. Development Name Standards (DN): shall apply.
- J. Easement Standards (EA): shall apply.
- K. Erosion Control Standards (EC): shall apply.
- L. Floodplain Standards (FL): shall apply.
- M. Lot Establishment Standards (LT): shall apply; except as modified below:
 - (1) *Article 7.18 LE-01(B)(3): Lot Establishment Standards; Residential; Residential Lot Standards; Corner Lots*; shall not apply. Instead, the following shall apply:
 - (i) Residential corner lots shall be at least twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district.
- N. Mixed Use Development Standards (MU): shall apply.
- O. Monument & Marker Standards (MM): shall apply.
- P. On-street Parking Standards (OG): shall apply.
- Q. Open Space Standards (OP): shall apply, except as modified below:
 - (1) *Article 7.25 OP-01(A)(2): Open Space Standards; Residential; General; Site Features that Do Not Qualify as Open Space*; shall not apply. Instead, the following shall apply:
 - (i) Any unimproved areas of the Real Estate shall qualify as open space as permitted per Article 7.25 (C)(6) OP-01: Open Space Standards; Residential; Site Features that Qualify as Open Space; City Council-approved Open Space.
 - (2) In addition, programmed open space (i.e. community garden plots, community plazas, picnic areas, or any other planned open space) shall be included as an amenity. Residents within Legacy at Hunters Run shall be members of the Hunters Run homeowners association and will have access to the amenities within Hunters Run.
- R. Pedestrian Network Standards (PN): shall apply.
- S. Perimeter Landscaping Standards (PL): shall apply.
- T. Prerequisite Standards (PQ): shall apply.
- U. Storm Water Standards (SM): shall apply.
- V. Street & Right-of-way Standards (SR): shall apply, except as modified below:
 - (1) *Article 7.36 SR-01(C)(3): Street and Right-of-way Standards; Residential; Street Design Principles; Connectivity*; shall not apply.
- W. Street Lighting Standards (SL): shall apply.
- X. Street Name Standards (SN): shall apply.
- Y. Street Sign Standards (SS): shall apply.
- Z. Surety Standards (SY): shall apply.
- AA. Utility Standards (UT): shall apply.

1.06 Procedures

- A. The procedures set forth in *Article 9: Processes, Permits & Fees; Planned Unit Development* shall apply, as amended. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.
- B. If applicable, the Real Estate shall be assigned to the City's general PUD Committee (the "Committee") for architectural review.
- C. The Committee, if applicable, and the Mayor or Mayor's Designee shall have discretion and flexibility to consider and approve modifications pertaining to any development and design standards established or referenced by this Ordinance if the Committee or Mayor or Mayor's Designee determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance.

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1.08 Adoption

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

APPROVED by the Common Council of the City of Fishers this 20th day of March, 2017.

THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

AYE

NAY

David C. George

David C. George, President

[Signature]

Todd P. Zimmerman, Vice-President

[Signature]

C. Pete Peterson, Member

[Signature]

John W. Weingardt, Member

[Signature]

Eric Moeller, Member

[Signature]

Selina M. Stoller, Member

[Signature]

Richard W. Block, Member

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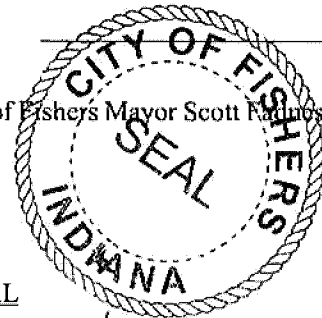
Cecilia C. Coble, Member

[Signature]

Brad DeReamer, Member

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 20th day of March, 2017, at 9 p.m.

ATTEST: Jennifer L. Kehl, City Clerk



MAYOR'S APPROVAL

[Signature] Scott A. Fadness, Mayor

3/20/2017 DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

Approved by: Chris Greisl, City of Fishers, City Attorney

Prepared by: Steven D. Hardin, Esq.,

Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.

In accordance with Indiana Code, I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Rex A. Ramage.

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1.09 Real Estate

A part of the Southeast Quarter of Section 30, Township 18 North, Range 6 East in Hamilton County, Indiana, being more particularly described as follows:

COMMENCING at the Southeast corner of the Southeast Quarter of Section 30, Township 18 North, Range 6 East, said point being marked by a Harrison Monument per County Surveyor reference ties; thence on the south line of said quarter section South 89 degrees 42 minutes 40 seconds West (Indiana State Plane Bearing System - East Zone), a distance of 40.00 feet to the POINT OF BEGINNING, said point also being the Southwest corner of land described in a right-of-way grant to the Town (now City) of Fishers per Instrument #2010052071 as recorded in the Office of the Hamilton County Indiana Recorder; thence North 00 degrees 16 minutes 27 seconds West parallel with the east line of said Quarter Section and along the west line of said Right-of-Way a distance of 284.02 feet; thence North 44 degrees 44 minutes 03 seconds East continuing along said Right-of-Way a distance of 56.56 feet to the aforesaid east line; thence North 00 degrees 16 minutes 27 seconds West along said east line a distance of 953.45 feet; thence South 88 degrees 46 minutes 35 seconds West a distance of 328.47 feet; thence South 10 degrees 16 minutes 00 seconds West a distance of 173.20 feet; thence South 87 degrees 46 minutes 34 seconds West a distance of 168.31 feet; thence South 43 degrees 37 minutes 06 seconds West a distance of 80.80 feet; thence South 35 degrees 48 minutes 58 seconds West a distance of 402.75 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 82.12 feet; thence South 00 degrees 22 minutes 09 seconds East a distance of 129.46 feet to the north line of a tract of land conveyed to Island Group, LLC described in Instrument #2016-16746; thence South 89 degrees 40 minutes 45 seconds West along said north line a distance of 1752.47 feet to the northeast corner of said tract; thence South 00 degrees 27 minutes 24 seconds East along the west line of said tract and west line of said Quarter Section a distance of 582.51 feet to a stone per County Surveyor's reference ties marking the Southwest Corner of said Quarter Section; thence North 89 degrees 42 minutes 40 seconds East along the south line of said Quarter Section a distance of 2614.09 feet to the POINT OF BEGINNING, containing 45.361 acres, more or less.

Exhibit A - Illustrative Architectural Exhibit



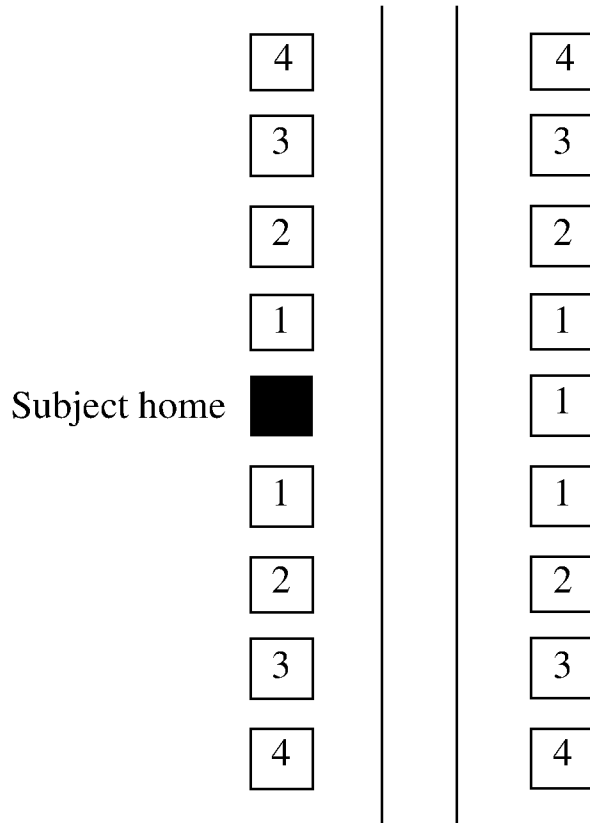
Exhibit A - Illustrative Architectural Exhibit



Exhibit B - Decorative Garage Door Exhibit



Exhibit C - Anti-Monotony Exhibit



- 1** Home cannot be of the same elevation of the same plan as the Subject home. Must be a different color package.
- 2** Home cannot be of the same elevation of the same plan as the Subject home. Cannot be the identical color package as the Subject home but may have the same brick.
- 3** Home may be of the same plan and elevation as the Subject home, but must be a different color package.
- 4** May be identical to Subject home.