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ID: E2016015320  
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Date: 4/6/2016 Time: 4:18 PM

**ORDINANCE NO. 122115B**

**AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT  
ORDINANCE OF THE  
CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the text of the Unified Development Ordinance of the City of Fishers, Indiana, Ordinance No. 090605A (the "UDO") 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**

The text of the UDO and the Official Zoning Map of the City of Fishers, Indiana, which accompanies and is part of the UDO, as amended, are hereby amended as follows:

The following described Real Estate is hereby zoned as PUD-R and this ordinance shall hereinafter be referred to as the Vermillion PUD Ordinance:

SEE "EXHIBIT A" ATTACHED HERETO.

**SECTION 2. PURPOSE AND INTENT**

The purpose and intent of this Vermillion PUD Ordinance is to provide an innovative residential development that promotes creativity and flexibility in the development of the Real Estate and to provide for the housing needs of a broad spectrum of the Fishers housing market. Ordinance No. 071513A is repealed in its entirety, and this Vermillion PUD Ordinance replaces and supersedes Ordinance No. 071513A.

**SECTION 3. LAND USE**

Single family residential. Community market areas are established within the PUD to include varying lot sizes, common features and amenities to serve the needs of multiple home buying markets in a way which will fit harmoniously within the surrounding land uses and development patterns.

SECTION 4. CONCEPTUAL DEVELOPMENT PLAN

The Concept Plan, attached hereto as “Exhibit B”, is adopted as part of this ordinance. Adoption of the Concept Plan, however, does not constitute approval of any detailed and final development plans; such further approval is subject to the procedures set out in Section 7, below.

SECTION 5. DEVELOPMENT STANDARDS.

The development, landscaping and parking standards applicable to the Residential R-2 zoning district shall apply except as modified by this ordinance.

A. Overall PUD Acreage and Density Standards

Total Acreage: 338                      Maximum Number of Lots: 533

Maximum Density: 1.58

Minimum Common Areas/Parks/Conservation Areas: 115 acres

Area	A	B	C	D	E
Land Use Description	Active Adult/ Empty Nester	Single-Family Estate	Single-Family Custom	Single-Family	Single-Family
Maximum Number of Lots <sup>1</sup>	76	54	89	136	178
Acres (+/-) <sup>2</sup>	69.88	55.35	68.10	76.95	68.49
Minimum Lot Area SF	7,800	17,600	15,000	12,150	9,100
Minimum Lot Width at Building Line	65'	110'	100'	90' <sup>3</sup>	70'
Minimum Lot Depth	120'	160'	150'	135'	130'
Minimum Front Yard Setback	20'	30'	30'	30'	30'
Minimum Side Yard (each side/aggregate)	5'/10'	10'/30'	5'/25'	5'/20'	10'/20'
Minimum Rear Yard Setback	20'	30'	30'	30'	25'
Min. Living Area (2-story/1-story)	2,200/1,800	3,200/2,800	3,000/2,600	2,400/2,000	2,000/1,800
Building Height <sup>4</sup> (2-story/1-story)	35'/20'	35'/20'	35'/20'	35'/20'	35'/20'
Parking <sup>5</sup>	4 spaces	4 spaces	4 spaces	4 spaces	4 spaces
Street width (to back of curb) Collector Roads	32'	32'	32'	32'	32'
Street width (to back of curb) Non-Collector Residential Streets	26'	26'	26'	26'	26'
Street width (to back of curb) Frontage Road (Single Loaded)	22'	22'	22'	22'	22'
Connecticut Avenue	Developer will work with the City of Fishers Community Development Department to establish street width design standards for Connecticut Avenue with the goal to preserve the existing tree line to the extent possible.				

<sup>1</sup> Maximum number of lots may vary within each area by five percent (5%); however, the total maximum number of lots within the PUD will not be exceeded.

<sup>2</sup> Acreage may vary within each area by ten percent (10%).

<sup>3</sup> 85' minimum for up to twenty-five percent (25%) of the lots.

<sup>4</sup> Refers to maximum building height for primary/accessory structures.

<sup>5</sup> Refers to minimum off-street parking spaces and includes the number of spaces inside a garage and on a driveway.

B. Parkland Dedication

- 1) The City may elect to acquire the “Creekside Park” area anytime prior to approval of the detailed development plan. If the City does not make this election, then the floodplain within this area, approximately twenty (20) acres, shall be common area. If the City makes this election, then the area shall be dedicated to the City of Fishers for use as a passive nature park subject to park impact fee credits in an amount to be approved by the land owner and the City Council and set forth within an intent agreement. If the amount of the impact fee credit cannot be agreed upon, then the fair market value shall be determined by the appraised value determined by the average of three appraisals. The City and the land owner shall each select an appraiser and the two appraisers shall select the third appraiser. The City and the land owner shall share equally the appraisal costs.
- 2) The area identified as “Flat Fork Creek Area” (which includes the area west of the creek’s centerline and an area thirty feet (30’) east of the creek’s centerline) shall be common area. If the City acquires the property immediately west of this area, then this area shall be dedicated to the City of Fishers.

C. Trail Area

- 1) The City of Fishers shall have the right to send to the Owner of the Real Estate a written notice (the “Notice”) from the City that: (i) requests the Owner to grant the City the right to construct, use and maintain a public trail on the Real Estate within the area that is 30’ east and/or west of the Flat Fork Creek centerline (the “Trail Area”); (ii) includes a legal description and exhibit depicting the location of the Trail Area; and (iii) includes a form of right-of-way grant that reasonably reserves access and other uses in favor of the Owner (the “ROW Grant”). This provision is intended to provide the City with the option of installing some or all of the trail on the east and/or west side of the creek, but it also is the intention that the City shall endeavor to minimize any disturbance to the tree conservation area and topography located on the east side of the creek. As a result, and regardless of how the City acquires its interest in the Trail Area, the City shall use its best efforts to install improvements only on the west side of the Flat Fork Creek in order to conserve the trees and topography east of the Flat Fork Creek. Within sixty (60) days after the Owner’s receipt of the Notice, the City and the Owner shall approve the terms and conditions of the ROW Grant, and neither party shall withhold, condition or delay its approval unreasonably. Once the ROW Grant has been approved by both parties, then the Owner shall execute it and provide it to the City. The Owner, in its sole discretion, may elect to grant the City an easement instead of a right-of-way. The ROW or easement shall be granted to the City at no cost.

D. Tree Conservation Easement

- 1) A tree conservation easement (“Easement”) as approximately shown on the Tree Conservation Exhibit, attached hereto as “Exhibit C”, as “Conservation

Area” shall be recorded. Within the Easement, no trees with a diameter at breast height (“DBH”) in excess of six inches (6”) or evergreens eight feet (8’) or more in height (the “Protected Trees”) shall be removed unless the tree is damaged, diseased, dead, listed as Invasive and Poor Characteristic Species as per Ordinance 080403C or is required to be removed in order to comply with safety requirements of any governmental agency. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement under Ordinance 080403C. In addition, the clearing of woodlands as identified above and designated to be preserved shall be prohibited beyond one hundred feet (100’) from a dwelling so as not to disturb the existing understory habitat (shelter, food source) of the wildlife that may live or visit the woodlands. It is acknowledged that certain areas of the woodlands will not be appropriate for the Easement due to drainage and utility needs as will be identified at the time of the detailed development plan.

E. The street exit lane onto 101st Street shall be located so that it is not directly opposite an existing home on the south side of 101st Street.

F. Area “A” Active Adult & Empty Nester Design Standards

1) Architecture

- Masonry shall be defined as brick, stone, cultured stone, stucco, EFIS or similar materials;
- All homes shall have masonry, wood or other hardboard exterior siding; no vinyl siding shall be permitted; and

2) Landscaping

- Street Trees. All streets shall have street trees on both sides of the street. Street trees shall be planted a maximum of forty feet (40’) on center (except where restricted by utility regulations).
- All homes shall have sodded front and side yards. Rear yards shall be sodded or seeded.
- All homes shall have front yard sprinkler systems installed.

3) Garages

- Any third car garage must be offset from the primary two-car garage by a minimum of two feet (2’).

4) Additional Standards

- All driveways shall be concrete;
- Uniform dusk to dawn yard or coach lights as determined by the developer shall be required in the front yard;
- Uniform mailboxes as determined by the developer shall be required;
- No accessory structures and no outdoor play sets shall be permitted.
- Individual lot lawn maintenance and snow removal shall be offered as an option by the Homeowners Association.



## G. Area “B” Estate and Area “C” Custom Area Design Standards

### 1) Architecture

- All homes shall be built with masonry, wood, or hardboard exterior siding, no vinyl siding shall be permitted;
- The exterior chase of fireplaces shall be masonry (unless direct vent).
- All homes shall be built with basements or crawlspace, no slab foundations permitted (unless soils conditions on a lot are unsuitable for basement construction).

### 2) Garages

- No front-loading garages permitted (except third and fourth car garages that are set back a minimum of ten feet (10’) from primary front facade). All primary garages shall be side-load, rear-load, angle-load or courtyard style.
- Decorative garage doors shall be required on all front-loading garages.

### 3) Landscaping

- Street Trees. All streets shall have street trees on both sides of the street. Street trees shall be planted a maximum of fifty feet (50’) on center (except where restricted by utility regulations).
- All homes shall have sodded front and side yards. Rear yards shall be sodded or seeded.
- All homes shall have front yard sprinkler systems installed.

### 4) Additional Standards

- Dusk to dawn yard or coach lights as determined by the developer shall be required in the front yard.

## H. Area “D” Single Family Design Standards

### 1) Architecture

- All homes shall have masonry, wood or hardboard exterior siding, no vinyl siding shall be permitted;
- All homes shall have either:
  - (i) masonry on a minimum of fifty percent (50%) of the front elevation, not including doors, windows and other openings; or
  - (ii) four (4) of the bullet point items from one of the specific architectural style lists must be included on the front elevation of the home. The architectural style lists are attached hereto as Exhibit “D”; or
  - (iii) otherwise be approved by the City of Fishers PUD Committee, which approval shall be granted so long as the home elevation is substantially similar or greater in quality, character, and architectural detailing as the home elevations shown on Exhibit “D” (even though the elevation may reflect a different style).
- A minimum of seventy-five percent (75%) of homes shall be built with basements.

- 2) Landscaping
  - Street Trees. All streets shall have street trees on both sides of the street. Street trees shall be planted a maximum of fifty feet (50') on center (except where restricted by utility regulations).
  - All homes shall have sodded front and side yards. Rear yards shall be sodded or seeded.
- 3) Garages
  - No front-loading garages permitted (except third and fourth car garages that are set back a minimum of ten feet (10') from primary front facade). All primary garages shall be side-load, rear-load, angle-load or courtyard style.
  - Decorative garage doors with windows shall be required on all front-loading garages, as shown illustratively on Exhibit "F", attached hereto. Other decorative garage doors also shall be permitted as long as the garage doors are substantially similar or greater in quality, character, and architectural detailing as the decorative garage doors shown on Exhibit "F".
- 4) Additional Standards
  - All driveways shall be concrete;
  - Uniform dusk to dawn yard or coach lights as determined by the developer shall be required in the front yard;
  - Uniform mailboxes as determined by the developer shall be required;
  - No accessory structures shall be permitted.
  - Rear Yard Lights – Any home built on a home-site that is identified on Exhibit "G", attached hereto, shall utilize at least semi-cutoff luminaires for either freestanding or wall mounted rear yard lighting, and no flood lights shall be permitted. This requirement shall be included in the declaration of covenants and restrictions.
- 5) Model Homes
  - It is anticipated that two (2) model homes will be constructed for marketing purposes within this area. One (1) of these models must exceed three thousand (3,000) square feet.
- 6) Overhangs
  - All homes shall include the Overhang Feature, defined below in Section 5(J)(1).

## I. Area "E" Single Family Design Standards

- 1) Architecture
  - All homes shall have masonry, wood or hardboard exterior siding, no vinyl siding shall be permitted;
  - All homes shall have either:
    - (i) masonry on a minimum of fifty percent (50%) of the front elevation, not including doors, windows and other openings; or
    - (ii) four (4) of the bullet point items from one of the specific architectural style lists must be included on the front elevation of

the home. The architectural style lists are attached hereto as Exhibit “D”; or

- (iii)<sup>6</sup> otherwise be approved by the City of Fishers PUD Committee, which approval shall be granted so long as the home elevation is substantially similar or greater in quality, character, and architectural detailing as the home elevations shown on Exhibit “D” (even though the elevation may reflect a different style).

- A minimum of seventy-five percent (75%) of homes shall be built with basements.

2) Landscaping

- Street Trees. All streets shall have street trees on both sides of the street. Street trees shall be planted a maximum of fifty feet (50’) on center (except where restricted by utility regulations).
- All homes shall have sodded front and side yards, rear yards shall be sodded or seeded.

3) Garages

- Any third car garage must be offset from the primary two car garage by a minimum of two feet (2’).
- Decorative garage doors with windows shall be required on all front-loading garages, as shown illustratively on Exhibit “F”, attached hereto. Other decorative garage doors also shall be permitted as long as the garage doors are substantially similar or greater in quality, character, and architectural detailing as the decorative garage doors shown on Exhibit “F”.<sup>7</sup>

4) Additional Standards

- All driveways shall be concrete;
- Uniform dusk to dawn yard or coach lights as determined by the developer shall be required in the front yard;
- Uniform mailboxes as determined by the developer shall be required;
- No accessory structures shall be permitted.

5) Model Homes

- It is anticipated that two (2) model homes will be constructed for marketing purposes within this area. One (1) of these models must exceed twenty eight hundred (2,800) square feet.

6) Overhangs

- All homes shall include the Overhang Feature, defined below in Section 5(J)(1).<sup>8</sup>

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<sup>6</sup> This option shall only apply to the home-sites that are identified on Exhibit “H”, attached hereto.

<sup>7</sup> This requirement shall only apply to the home-sites that are identified on Exhibit “H”, attached hereto.

<sup>8</sup> This requirement shall only apply to the home-sites that are identified on Exhibit “H”, attached hereto.

J. Additional Development and Design Standards. The following additional development and design standards shall apply to all areas.

1) Architecture

- 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;
- Front loading garages protruding more than eight feet (8') from the front building line of the residence shall also contain a window on the side of the garage closest to the entry to the residence;
- All homes shall incorporate a minimum total of four (4) points from the following list of "Architectural Features":
  - Front porch equal to or greater than eight (8) feet in width and four (4) feet in depth (2 points);
  - Veranda/balcony or patio with minimum dimensions of 10' x 10';
  - Reverse Gable;
  - Two or more roof planes visible from the front of the Dwelling (2 points);
  - Decorative garage doors or windows in garage doors;
  - A separate overhead door per car for each garage bay;
  - No garage doors facing and parallel to the street (2 points);
  - 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);
  - At least four feet (4') of relief at one or more points along the front elevation;
  - Full first floor masonry, 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;
  - Sunroom, screened porch, or breakfast nook;
  - Transom windows;
  - Bay window;
  - Two or more dormers;
  - Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, and bay windows;
  - Hip roof;
  - More than two (2) masonry materials on the front elevation;
  - Brick detailing, either multiple quoins or other features such as arches,

- keystones;
  - Architectural treatments on gable ends;
  - Covered stoop/steps with a connection pathway from sidewalk;
  - Architecturally treated entrances for homes without a front porch;
  - At least two (2) feet of relief at two (2) or more points along the front elevation;
  - Architecturally enhanced /articulated trim moldings such as fipons above windows;
  - Decorative shutters on front of home;
  - Decorative front door or side lights; and
  - Decorative columns composed of wood or glass;
  - Garage service door; and
  - Overhangs of eight inches (8”) or more (2 points).
- The following additional standard shall apply to all homes in this Vermillion PUD Ordinance except homes constructed on the home-sites identified on Exhibit “I”, attached hereto:
    - Each item listed in the above Architectural Features list is worth 1 point unless otherwise noted.
  - The following additional standards shall apply to all homes located in Area D and all homes constructed on the home-sites that are identified on Exhibit “H”, attached hereto:
    - The following Architectural Feature shall be and hereby is deleted from the Architectural Features list in its entirety: “Cement or fiber board siding in all areas not covered by Masonry, excluding doors, garage doors, windows, architectural features, cantilevered areas, and bay windows”.
    - The Architectural Feature “Overhangs of eight inches (8”) or more (2 points)” shall be and hereby is deleted and replaced in its entirety with the following: “Overhangs a minimum of eleven inches (11”) on 80% of the roof line (the “Overhang Feature”)”.
- 2) Driveways
- A third car garage may be added to residences. Any three (3) car driveway must taper to a maximum of sixteen feet (16’) wide at the lot line.
  - 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.
- 3) Streetlights shall not exceed fifteen feet (15’) in height, and shall be located at major intersections throughout the subdivision. Each light shall have shielding to direct light downward in order to minimize light spillover.
- 4) Amenity Area. The Community Recreation Center as located on the Concept Plan shall include:
- One swimming pool of a minimum size of 1,800 square feet;
  - One wading pool of a minimum size of 140 square feet;
  - One pool house with restroom facilities;
  - One basketball court;

- One playground containing playground equipment appropriate for preschool children through grade school children.

#### SECTION 6. ANTI-MONOTONY CODE.

The Anti-Monotony Code, attached hereto as “Exhibit E”, is adopted as part of this Ordinance.

#### SECTION 7. PROCEDURES.

The adoption of this ordinance and the subsequent consideration of any Detailed and Final Development Plans (i.e. Primary and Secondary Plats) shall be consistent and pursuant to the provisions of the Planned Unit Development process as set forth in the Unified Development Ordinance.

#### SECTION 8. APPROVAL

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

This Ordinance was fully passed and approved by the members of the Common Council of the City of Fishers this 21<sup>st</sup> day of March, 2016.

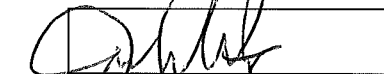
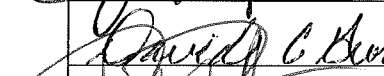

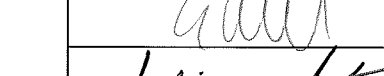
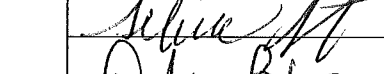
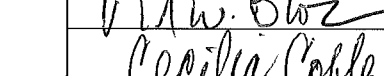
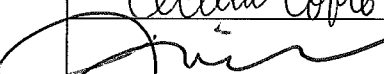
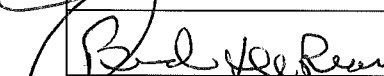
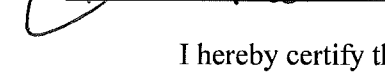
**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**ORD 12215B**

**YAY**

**NAY**

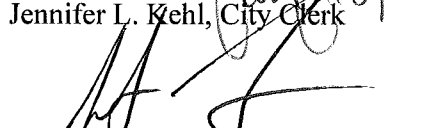
**ABSTAIN**

	John Weingardt, President		
	David George, Vice-President		
	C. Pete Peterson, Member		
	Eric Moeller, Member		
	Selina M. Stoller, Member		
	Richard W. Block, Member		
	Cecilia C. Coble, Member		
	Todd P. Zimmerman, Member		
	Brad DeReamer, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 21<sup>st</sup> day of March, 2016, at 8:00 P m.


ATTEST:   
Jennifer L. Kehl, City Clerk

**MAYOR'S APPROVAL**

  
Scott A. Fadness, Mayor

3-23-16  
DATE

**MAYOR'S VETO**

  
Scott A. Fadness, Mayor

\_\_\_\_\_  
DATE



Approved by: Christopher P. Greisl, City Attorney  
Prepared by: Steven D. Hardin, Esq.,  
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600  
Indianapolis, Indiana 46240. (317)569-9600.

"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, Esq.

## **“EXHIBIT A”**

### **Land Description**

A part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 17 North, Range 6 East, a part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 17 North, Range 6 East, the west half of the south half of the Northeast Quarter of Section 8, Township 17 North, Range 6 East, and a part of the Southwest Quarter of the Southeast Quarter of Section 5, Township 17 North, Range 6 East located in Fall Creek Township, Hamilton County, Indiana, being described as follows:

BEGINNING at a 5/8" iron rod with yellow cap stamped S0083 marking the southeast corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 17 North, Range 6 East, thence North 31 degrees 12 minutes 12 seconds West (assumed bearing) 938.50 feet to a 3/4" iron rod (4" below the road surface) on the centerline of Connecticut Avenue, the following 4 courses are on and along the centerline of Connecticut Avenue, )1.) thence North 46 degrees 43 minutes 21 seconds East 772.68 feet to a P.K. nail marking the point of intersection of the centerline of Connecticut Avenue and the south line of the Southwest Quarter of the Southeast Quarter of Section 5, Township 17 North, Range 6 East, said point of intersection being North 89 degrees 53 minutes 45 seconds East 72.60 feet from the stone with cut cross marking the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 5, Township 17 North, Range 6 East (2.) thence North 46 degrees 54 minutes 07 seconds East 258.05 feet to a P.K. nail (3.) thence North 46 degrees 33 minutes 13 seconds East 557.13 feet to a P.K. nail (4.) thence North 46 degrees 04 minutes 49 seconds East 938.00 feet to a P.K. nail marking the point of intersection of the centerline of Connecticut Avenue and the east line of the Southwest Quarter of the Southeast Quarter of Section 5, Township 17 North, Range 6 East; thence South 00 degrees 58 minutes 39 seconds West 1207.99 feet to a 5/8" iron rod with yellow cap stamped S0083 marking the southeast corner of the Southwest Quarter of said South- east Quarter; thence South 89 degrees 53 minutes 45 seconds West 989.25 feet on and along the south line of the Southwest Quarter of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped S0083; thence South 00 degrees 12 minutes 33 seconds West 1331.87 feet, more or less, to a 5/8" iron rod with yellow cap stamped S0083 on the south line of the Northwest Quarter of the Northeast Quarter of Section 8, Township 17 North, Range 6 East, said 5/8" iron rod with yellow cap stamped S0083 being North 89 degrees 49 minutes 13 seconds East 330.17 feet from a 5/8" iron rod with yellow cap stamped S0083 marking the southwest corner of the Northwest Quarter of said Northeast Quarter; thence North 89 degrees 49 minutes 13 seconds East 991.28 feet, more or less, to a 5/8" iron rod with yellow cap stamped S0083 marking the northeast corner of the Southwest Quarter of said Northeast Quarter; thence South 00 degrees 07 minutes 19 seconds West 1330.55 feet to a P.K. nail marking the southeast corner of the Southwest Quarter of said Northeast Quarter; thence South 89 degrees 44 minutes 40 seconds West 1322.34 feet to the southwest corner of the Southwest Quarter of said Northeast Quarter; thence North 00 degrees 09 minutes 36 seconds East 1332.30 feet to the POINT OF BEGINNING. Containing 74.748 acres, more or less and being subject to applicable easements and rights-of-way of record.

#### **ALSO INCLUDING:**

A part of the east half of the Southwest Quarter of Section 5, Township 17 North, Range 6 East, a part of the Southeast Quarter of Section 5, Township 17 North, Range 6 East and a part of the Northeast Quarter of Section 5, Township 17 North, Range 6 East located in Fall Creek Township, Hamilton County, Indiana, being described as follows: BEGINNING at a stone with cross at the southeast corner of the Southwest Quarter of Section 5, Township 17 North, Range 6 East; thence South 89 degrees 54 minutes 33 seconds West (assumed bearing) 1314.03 feet to a 5/8" iron rod with yellow cap stamped S0083 marking the southwest corner of the east half of said Southwest Quarter; thence North 01 degree 01 minute 32 seconds East 2210.10 feet on and along the west line of said east half to a 5/8" iron rod with



yellow cap stamped S0083 marking the point of intersection of said west line and the south line of a 26 2/3 acre tract of real estate described in Deed Record 130, page 214 and recorded as Instrument #1039; thence North 89 degrees 49 minutes 41 seconds East 4.08 feet to a 5/8" iron rod with yellow cap stamped S0083 marking the southeast corner of said 26 2/3 acre tract; thence North 00 degrees 58 minutes 39 seconds East 440.00 feet parallel with the west line of said Southwest Quarter to a 5/8" iron rod with yellow cap stamped S0083 marking the northeast corner of said 26 2/3 acre tract, said 5/8" iron rod with yellow cap stamped S0083 being on the north line of said Southwest Quarter at a point North 89 degrees 49 minutes 41 seconds East 1320.00 feet from the stone with + at the northwest corner of said Southeast Quarter; thence North 89 degrees 49 minutes 41 seconds East 1312.58 feet to a stone with + marking the center of said Section 5; thence North 01 degree 09 minutes 31 seconds East 331.83 feet to a 5/8" iron rod with yellow cap stamped S0083 marking the point of intersection of the west line of the Northeast Quarter of said Section 5 and the south bank of Fall Creek; the following 12 courses are included for closure purposes, the actual boundary line follows the south bank of Fall Creek (1.) thence South 89 degrees 23 minutes 50 seconds East 33.36 feet; (2.) thence North 82 degrees 06 minutes 22 seconds East 156.41 feet; (3.) thence North 57 degrees 41 minutes 19 seconds East 77.81 feet (4.) thence North 31 degrees 39 minutes 56 seconds East 144.20 feet; (5.) thence North 24 degrees 55 minutes 56 seconds East 100.00 feet; (6.) thence North 08 degrees 33 minutes 23 seconds West 173.65 feet; (7.) thence North 02 degrees 46 minutes 52 seconds West 145.02 feet; (8.) thence North 03 degrees 47 minutes 58 seconds East 229.48 feet; (9.) thence North 69 degrees 06 minutes 38 seconds East 95.53 feet; (10.) thence North 84 degrees 14 minutes 42 seconds East 162.35 feet; (11.) thence North 74 degrees 13 minutes 36 seconds East 234.81 feet; (12.) thence North 82 degrees 30 minutes 21 seconds East 249.57 feet; thence South 78 degrees 09 minutes 00 seconds East 231.06 feet to a point on the westerly right-of-way line of State Road #238 (as per Indiana Dept. of Highways Project S116 (1) 1969), the following 4 courses are on and along said westerly right-of-way line; (1.) thence South 13 degrees 03 minutes 40 seconds East 77.87 feet; (2.) thence South 16 degrees 28 minutes 55 seconds East 498.70 feet to a 5/8" iron rod with yellow cap stamped S0083; (3.) thence South 15 degrees 24 minutes 56 seconds East 300.17 feet to a 5/8" iron rod with yellow cap stamped S0083; (4.) thence South 35 degrees 18 minutes 29 seconds East 107.70 feet; thence North 76 degrees 29 minutes 36 seconds East 20.00 feet to a P.K. nail on the centerline of said State Road #238; the following 5 courses are on and along the centerline of said State Road #238 (1.) thence South 13 degrees 40 minutes 51 seconds East 311.34 feet to a P.K. nail marking the point of curvature of a curve to the left, said point of curvature being South 76 degrees 19 minutes 09 seconds West 2423.00 feet from the radius point of said curve; (2.) thence southeasterly 189.90 feet on and along said curve to the left to a P.K. nail marking the point of tangency of said curve, said point of tangency being South 71 degrees 49 minutes 43 seconds West 2423.00 feet from the radius point of said curve; (3.) thence South 18 degrees 10 minutes 17 seconds East 288.65 feet to a railroad spike; (4.) thence South 18 degrees 22 minutes 25 seconds East 367.28 feet to a P.K. nail; (5.) thence South 19 degrees 05 minutes 51 seconds East 9.92 feet to a P.K. nail marking the point of intersection of the centerline of State Road #238 and the centerline of Connecticut Avenue, the following 3 courses are on and along the centerline of Connecticut Avenue; (1.) thence South 46 degrees 04 minutes 49 seconds West 1875.29 feet; (2.) thence South 46 degrees 33 minutes 12 seconds West 557.13 feet; (3.) thence South 46 degrees 54 minutes 07 seconds West 258.05 feet to the point of intersection of the centerline of Connecticut Avenue and the south line of the Southeast Quarter of said Section 5; thence South 89 degrees 53 minutes 45 seconds West 72.60 feet to the POINT OF BEGINNING. Containing 193.40 acres, more or less and being subject to all applicable easements and rights-of-way of record.

**ALSO INCLUDING:**

Property located in Hamilton County:

The Northeast Quarter of the Northeast Quarter of Section 8, Township 17 North, Range 6 East, containing 40 acres, more or less.

**ALSO INCLUDING:**

Thirty (30) acres of uniform width off of the East side of the Northwest Quarter of the Northeast Quarter of Section 8, Township 17 North, Range 6 East.

Excepting therefrom that portion of the above described real estate as set out in a Warranty Deed recorded October 21, 2004 as Instrument No. 200400072995 and more particularly described as follows:

A part of the Northeast Quarter of the Northeast Quarter of Section 8, Township 17 North, Range 6 East, Hamilton County, Indiana, described as follows: Beginning at the Northeast corner of said Quarter Section; thence South 00 degrees 29 minutes 58 seconds East 7.044 meters (23.11) along the East line of said Quarter Section; thence North 44 degrees 58 minutes 23 seconds West 9.836 meters (32.27 feet) to the North line of said Quarter Section; thence North 89 degrees 17 minutes 22 seconds East 6.891 meters (22.61 feet) along the said North line to the point of beginning and containing 0.006 acres, more or less.

# VERMILLION

for Republic Development, LLC

338 Acres ±

Date: May 30, 2013

# EXHIBIT B

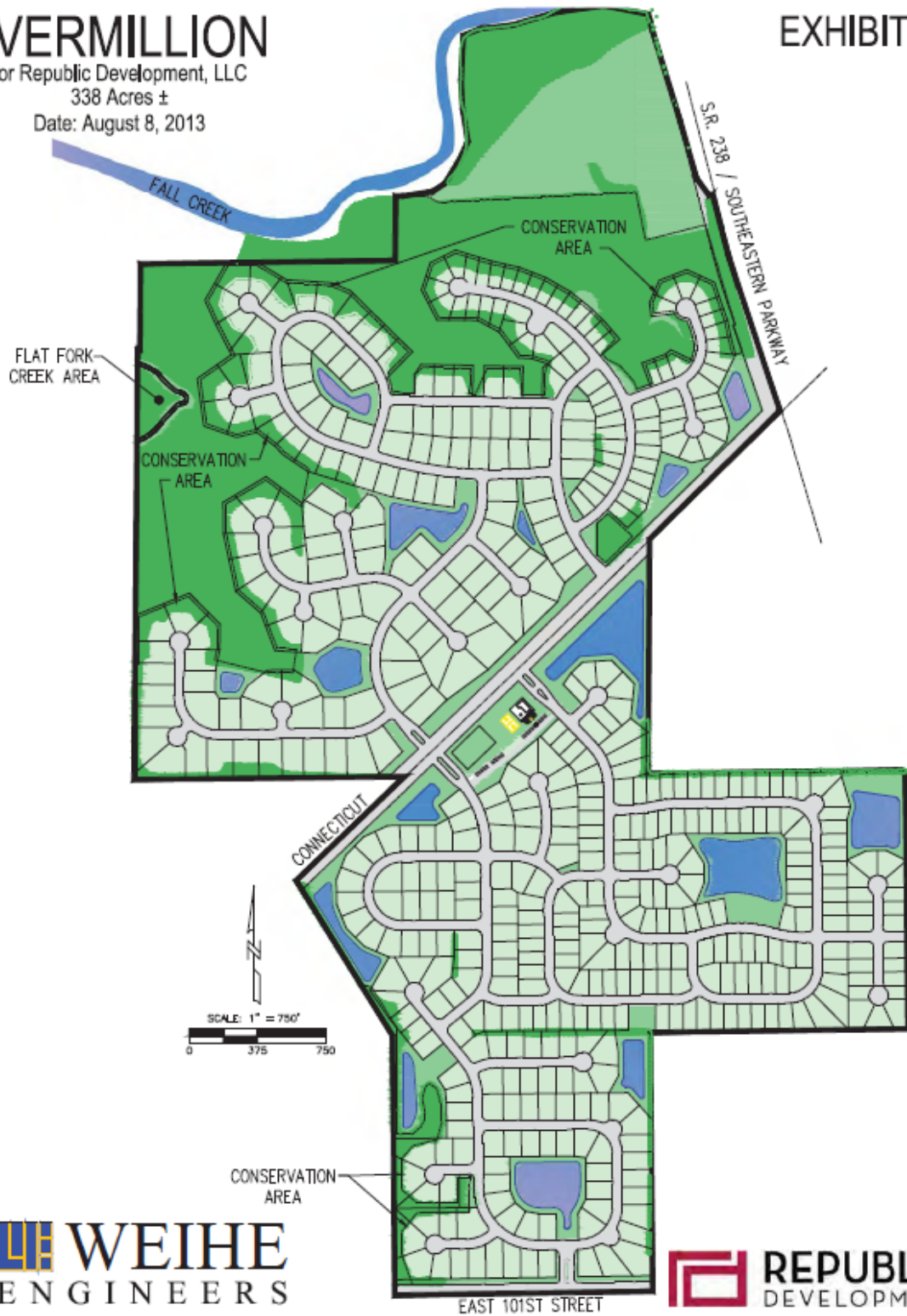


# VERMILLION

for Republic Development, LLC  
338 Acres ±

Date: August 8, 2013

## EXHIBIT C



**WEIHE**  
ENGINEERS

**REPUBLIC**  
DEVELOPMENT

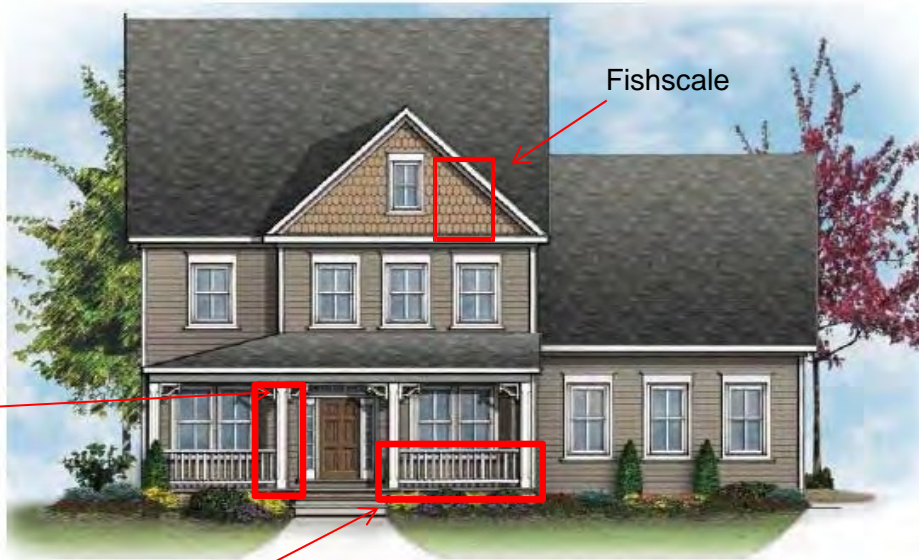
# Architectural Elements

## Victorian

- Fishscale or shake siding accents where appropriate
- Decorative porch column bases
- Porch railing
- Style specific window grids
- Architecturally specific window trims
- Decorative brackets at eaves/cornices
- “Eyebrow” roof returns with detailed cornice
- Dormers
- Bay or box-bay windows
- Masonry water table



# Victorian Images



Fishscale

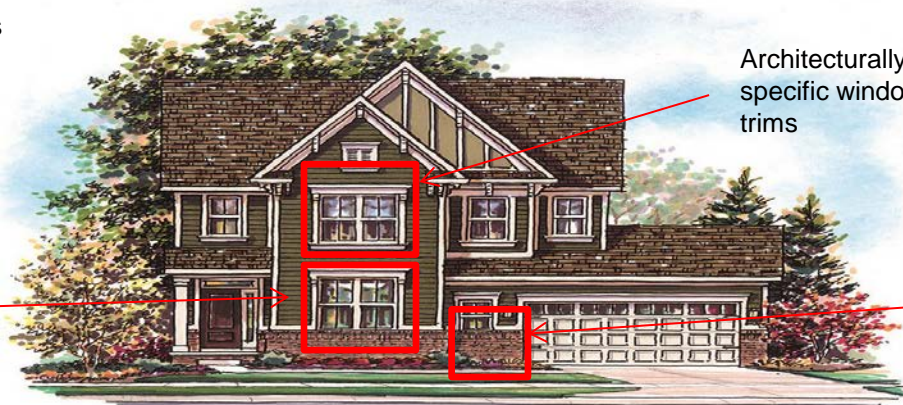
Decorative porch columns

Porch railings



Style specific grids & window trim

Bay or box-bay windows



Specific style window grids

Architecturally specific window trims

Masonry water table

# Victorian Images

Decorative brackets at eaves/cornices



Bay or box-bay window



"Eyebrow" roof returns with detailed cornice



Dormers

Masonry water table

# Architectural Elements

## **Arts & Crafts/Craftsman**

- Shake siding or horizontal siding
- Board & Batten siding accents
- Board and Batten shutters
- Eave and or ridge brackets or corbels or exposed rafter tails or decorative beams
- Architecturally specific window trims and/or grid patterns
- Masonry based porch columns
- Wide eave overhangs
- Low pitched front gables
- Dormers (gabled or shed roof)
- Masonry water table
- Corbels or similar brackets at gable peaks



# Arts & Crafts/Craftsman Images

Board & Batten shutters



Dormers (gabled or shed roof)

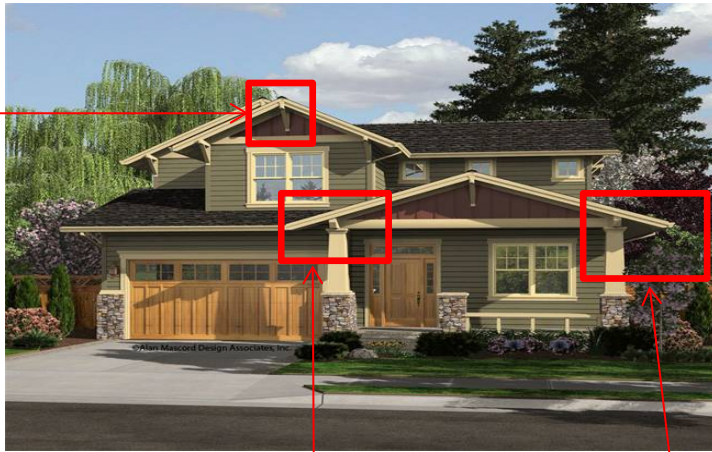
Eave brackets and or corbels



Architecturally specific window trims and/or grid patterns

# Arts & Crafts/Craftsman Images

Corbels of similar bracket



Low pitched front gables

Wide eave overhangs

Architecturally specific window grids



Shake siding

Masonry water table

Masonry based porch columns



Board & Batten accents

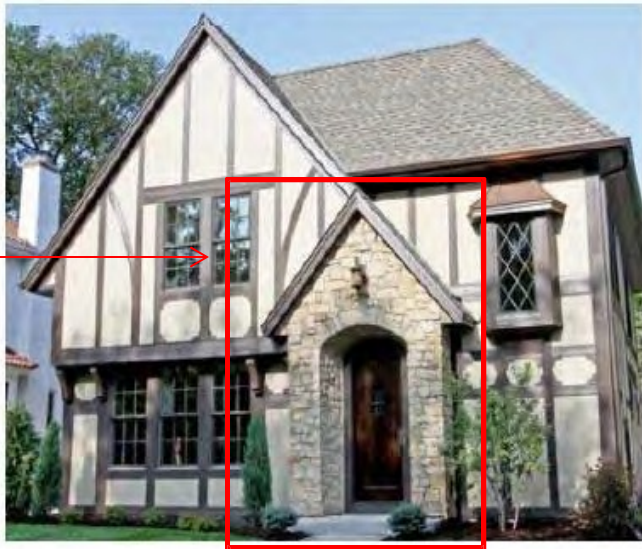
# Architectural Elements

## **English Revival/Tudor**

- Synthetic “stucco-finished” panels with trim
- Masonry arches at porch entryways
- Board and Batten shutters
- Decorative Brackets at cantilevered areas
- Mixture of hip and gable roof systems
- Dormers (gabled or shed roof)
- Steeply pitched front gable(s)
- Varied eave line heights
- Bay or box-bay windows
- Masonry water table



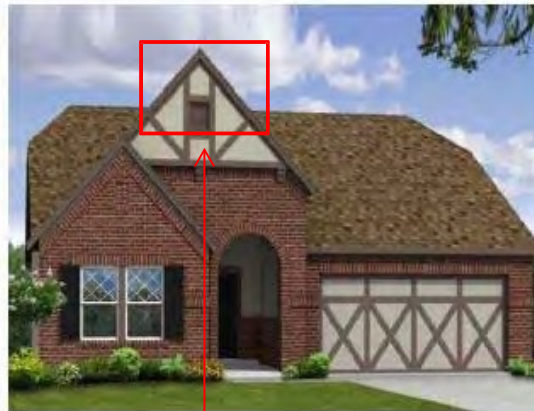
# English Revival/Tudor Images



Masonry arches



Steeply pitched front gable(s)



Synthetic stucco panels



# English Revival/Tudor Images

Mixture of roof systems



Board & Batten shutters



Bay or box-bay window



Decorative bracket and gable

Masonry water table

# Architectural Elements

## **Farmhouse**

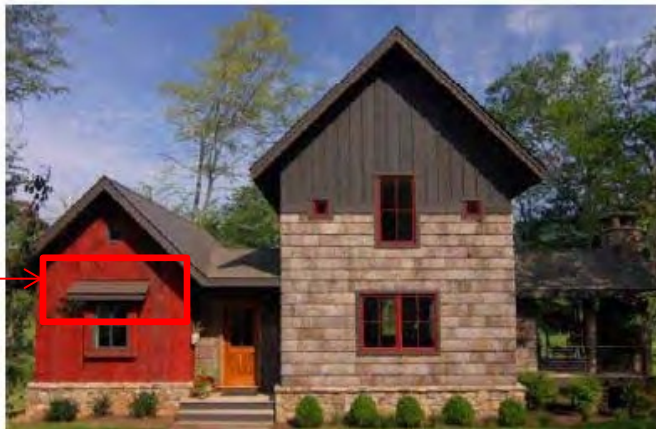
- Masonry water table
- Gable treatments of Board and Batten or shake siding
- Board and Batten or paneled shutters
- Simplistic Porch columns that accentuate the clean lines of the architectural style
- Large expansive front porch
- Canopy roofs
- One or more front gables
- Dormers (gabled or shed roof)
- Wood wrapped windows (with ornate mantel)



# Farmhouse Images



Paneled or board and batten shutters



Canopy roof



Wood wrapped windows

# Farmhouse Images

Board & batten gable treatments



Masonry water table



Simplistic porch columns



One or more front gable(s)



Dormers

Large, expansive front porch



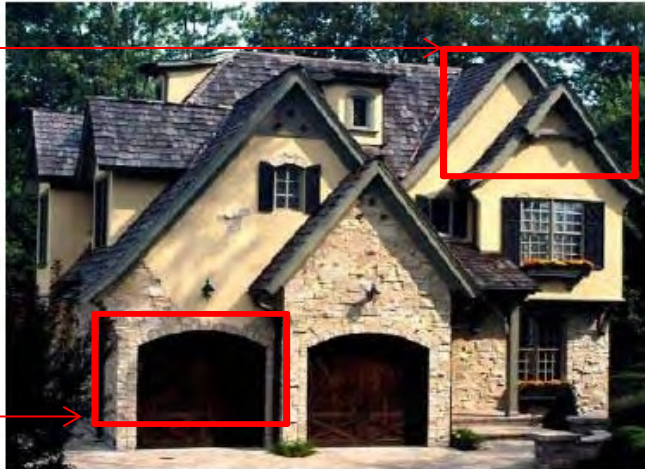
# Architectural Elements

## French Country

- Masonry arches at porch entry
- Mixture of steeply pitched hip or gable roof systems
- Decorative brackets at eaves or ridges
- Shake or Board & Batten siding on 2<sup>nd</sup> level of two-story homes
- Dormers (curved-top or through-the-cornice)
- Masonry window surrounds
- Juliette balconies
- Board and Batten shutters
- Box-bay windows
- Masonry water table

# French Country Images

Mix of steeply pitched hip or gable roof system



Masonry arches



Masonry water table

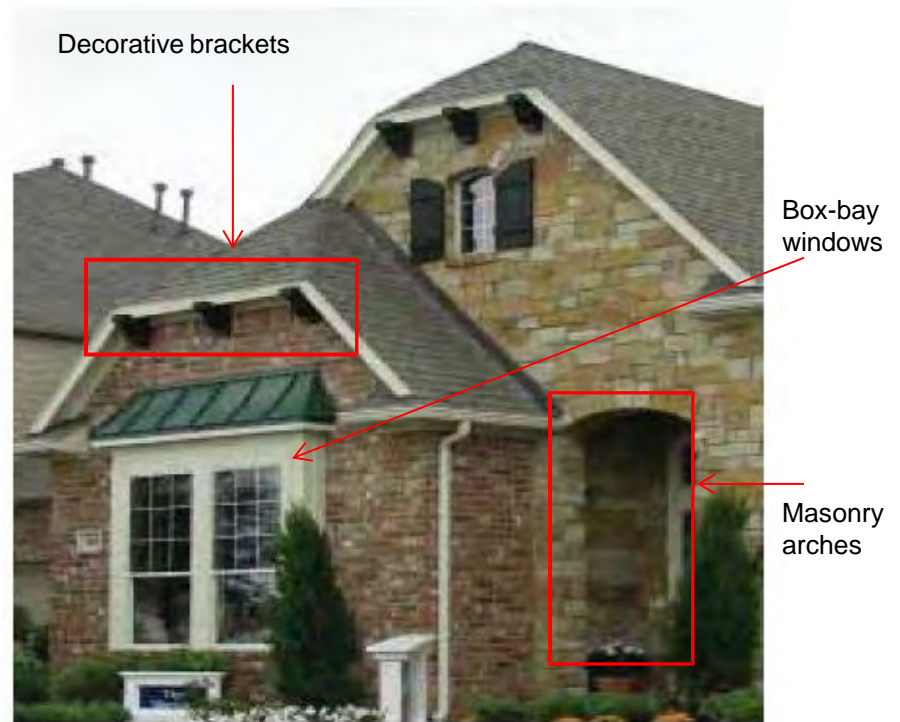


# French Country Images

Board and batten shutters



Decorative brackets





# French Country Images

Dormers  
(curved  
top of  
through-  
the-  
cornice)

Juliette  
balcony



Masonry window surrounds



# Architectural Elements

## Shingle

- Large square porch columns
- Mixture of hip and gable roof systems
- Use of oval or round windows at gables
- Stone veneer or masonry water table
- Asymmetrical façade with steeply pitched front gables
- Dormers (gabled or shed roof)
- Minimum two or more non-masonry wall cladding materials (Board & Batton, horizontal siding, shake siding, etc.)
- Strips of three or more windows in progression

# Shingle Images



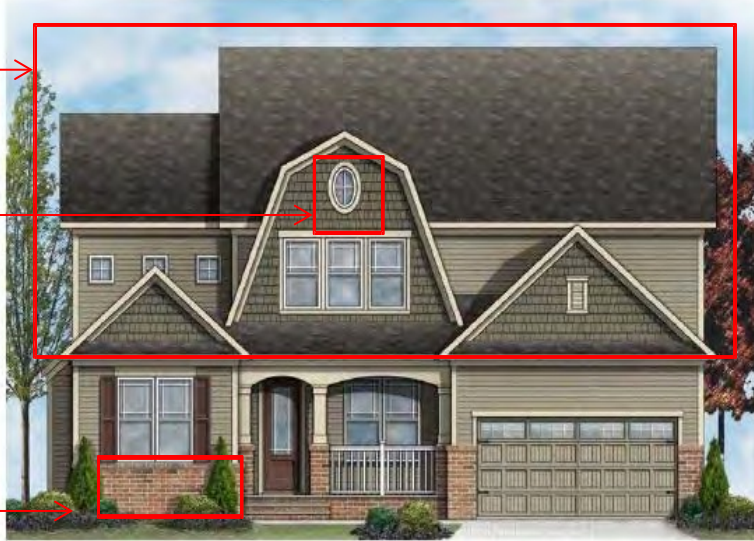


# Shingle Images

Mixture of roof styles

Oval windows

Water Table



Large porch columns



# Architectural Elements

## **Prairie/American Foursquare**

- Low-pitched hip or gable roof
- Wide eave overhangs
- Bracketed eaves or large detailed cornices
- Varied eave line heights, strong horizontal elements
- Dormers (hipped, gabled, or shed roof)
- Style-specific window trims/grid patterns
- Masonry water table
- Masonry based porch columns or entry element
- Full or partial front porch



# Prairie/American Foursquare

Low pitched hip or gable roofs



Wide eave overhangs

Masonry water table

Masonry water table



Strong horizontal lines

Varied eave heights



Bracketed eaves

# Prairie/American Foursquare

Style specific window trim/grid pattern



Dormers



Full or partial front porch

# Architectural Elements

## **Italianate/Second Empire**

- Decorative brackets at eaves/cornices
- Dormers (gabled, curved-top, or hipped)
- Bay or box-bay windows
- Standing-seam metal roofing at porches, canopies, or bay windows
- Masonry water table
- Curved or hooded window top treatments
- Decorative porch column/bases



# Italianate/Second Empire Images

Decorative brackets at eaves/cornice



Curved or hooded window top treatments



Masonry water table

Decorative porch column/base

Dormer

Bay or box-bay window



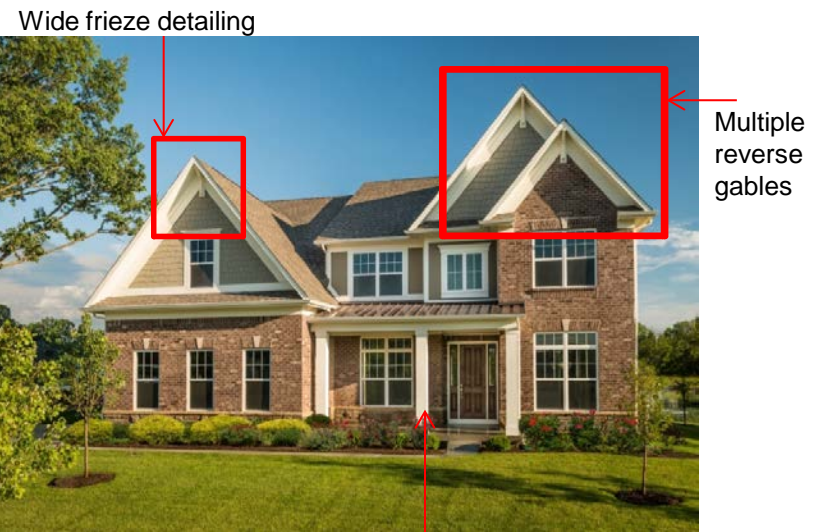
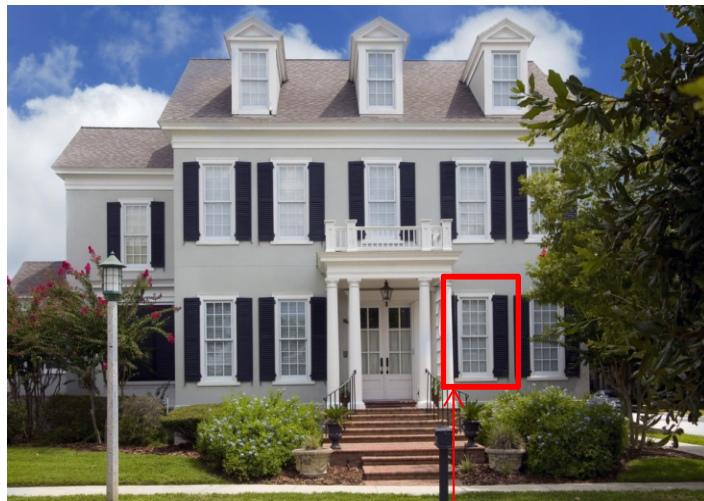
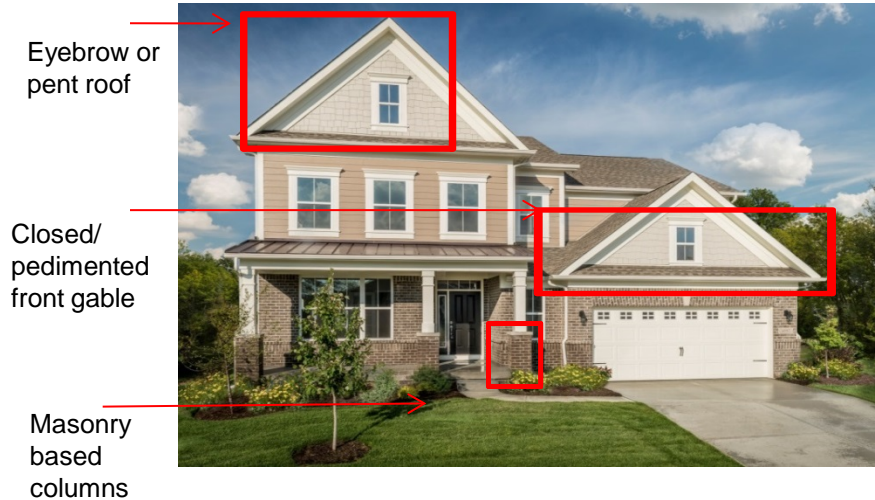
# Architectural Elements

## American Traditional (Colonial, Georgian, Greek Revival)

- Closed (pedimented front gable(s) with wide trim bands at gable and/or cornice
- Full or partial entry porch with prominent columns
- Wide frieze detailing
- “Eyebrow” or pent roof returns
- Arched or peaked window top treatments
- Bay or box-bay windows
- Masonry water table
- Decorative brackets at eaves/cornices/gable peaks
- Paneled, or batten, or louvered shutters
- Dormers (gabled or curved-top)
- Masonry column bases
- Multiple reverse gable roof system



# American Traditional Images



Full or partial entry porch with prominent columns



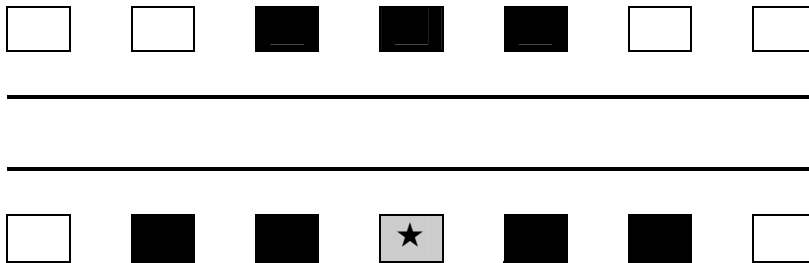
# American Traditional Images



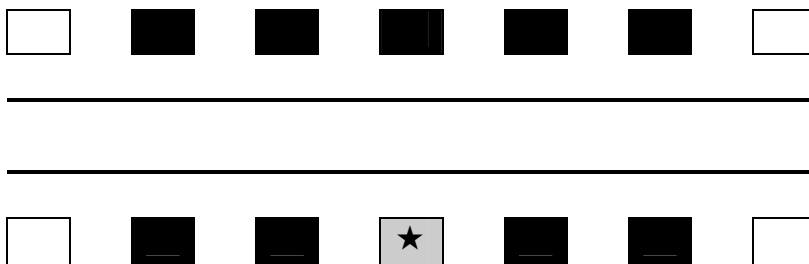
## Exhibit E

### Vermillion Anti-Monotony Code

1. Brick and siding color combinations may not be duplicated for two homesites on each side of the residence on the same side of the street. Also, brick and siding color combinations may not be duplicated for three houses across the street from a residence. (Please refer to the illustration below).



2. Front elevations of the same plan may not be duplicated for two homesites on each side of the residence on the same side of the street. Also, elevations for the same plan may not be duplicated for five houses across the street from the residence. (Please refer to the illustration below).



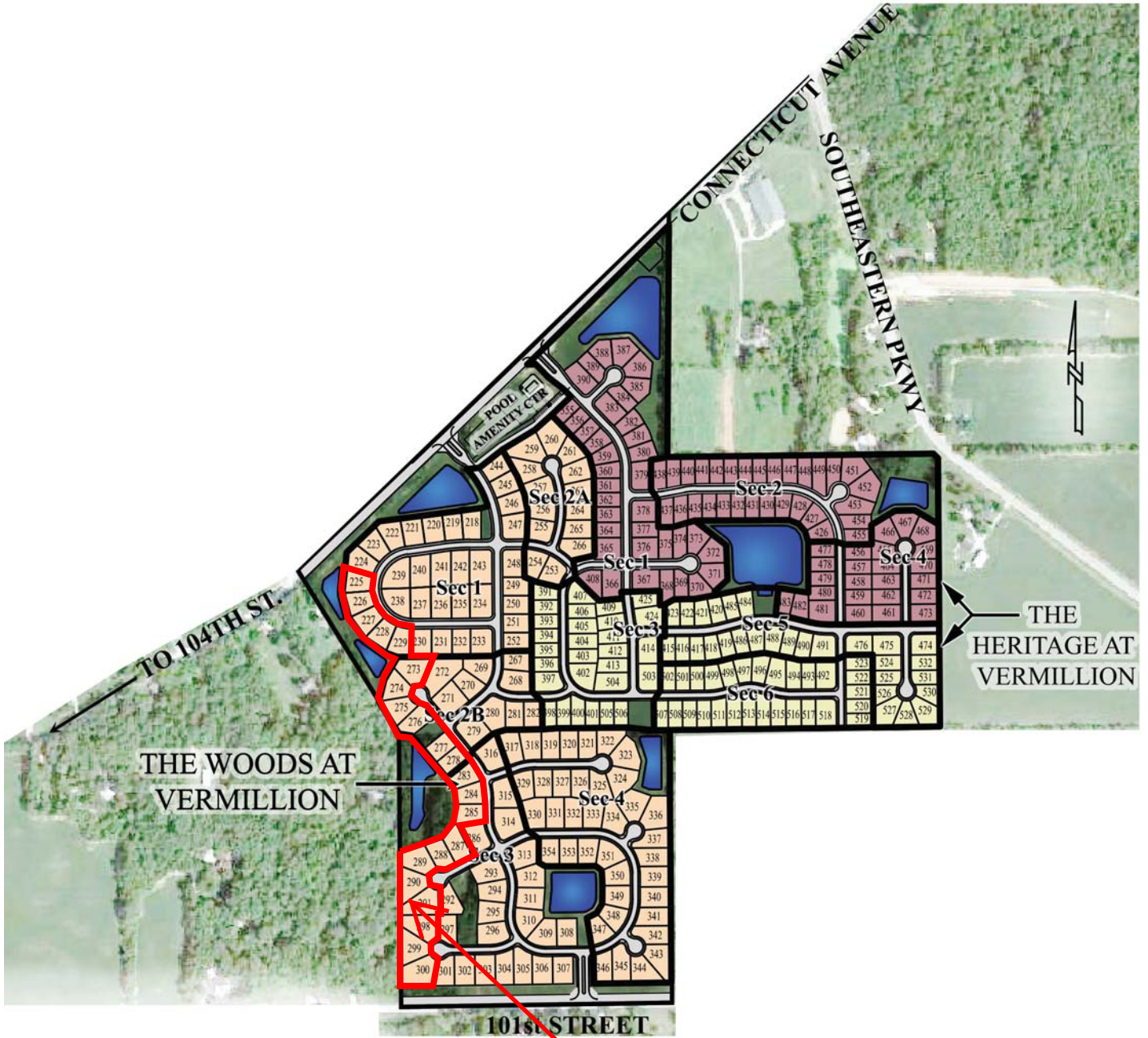


## Exhibit F

# Example: Decorative Garage Doors with Windows



# EXHIBIT G



Identified home-sites located in Area D.



# VERMILLION

for Republic Development, LLC  
338 Acres ±  
Date: May 30, 2013

## EXHIBIT H



# EXHIBIT I

## VERMILLION

for Republic Development, LLC  
338 Acres ±  
Date: May 30, 2013





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1 YREF

**FIRST AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR VERMILLION**

The undersigned North Connecticut Development Corporation (the "Developer") is entering into this First Amendment to Amended and Restated Master Declaration of Covenants, Conditions and Restrictions (the "First Amendment") as of this 20 day of April, 2016.

RECITALS

A. The Developer has imposed certain restrictions, covenants and conditions upon that certain Subdivision known as Vermillion pursuant to that certain Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Vermillion dated August 20, 2015, and recorded on August 25, 2015 as Instrument No. 2015044854 in the Office of the Recorder of Hamilton County, Indiana (the "Master Declaration").

B. The Developer desires to amend the Master Declaration to regulate outdoor lighting in the rear yards (west side) for the homes to be constructed on Lots 225-229, 274-278, 283- 285, 287-291 and 298-300, such lots being part of the Woods of Vermillion Subdivision and are located on or near the west perimeter thereof with the rear yards being along such west perimeter (the "Light Restricted Lots"), as hereinafter provided.

C. All capitalized terms used herein shall have the meanings ascribed to them in the Master Declaration.

AMENDMENT

NOW, THEREFORE, the parties hereby amend the Master Declaration as follows:

1. The following is hereby added to Section 1.26 of the Master Declaration:

"Further, no flood lights shall be installed on the rear of any homes or in the rear yard of any Light Restricted Lot. All freestanding or wall-mounted rear yard outdoor lighting on the Light Restricted Lots must be semi-cutoff lighting. The 'Light Restricted Lots' shall be Lots 225-229, 274-278, 283-285, 287-291 and 298-300 as depicted on the attached Exhibit G. In the event that in the final platting process, the lot numbers for the Light Restricted Lots are modified, including a reduction of the number of the lots along the west perimeter of the Community within the Subdivision known as Woods at Vermillion, the Developer shall have the right to unilaterally amend the definition of Light Restricted Lots to apply to only those lots along such west perimeter."

2. This First Amendment is made by the Developer as authorized by and pursuant to Section 5.05 of the Master Declaration.

3. This First Amendment shall only affect or apply to the Light Restricted Lots. This amendment shall not change, modify, amend or revise the terms, conditions and provisions of the Master Declaration, except as expressly provided herein.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed by their duly authorized representatives as of the first above-mentioned date.

**NORTH CONNECTICUT DEVELOPMENT CORPORATION, an Indiana corporation**

By: [Signature]  
Lawrence M. Moon, Chief Operating Officer

STATE OF Ohio )  
 ) SS:  
COUNTY OF Lucas )

The foregoing instrument was acknowledged before me, a Notary Public in and for said county and state, this 20 day of April, 2016, by Lawrence M. Moon, Chief Operating Officer of North Connecticut Development Corporation, an Indiana corporation.



Wanda Witkowski  
Notary Public

County of Residence: Wood  
My Commission Expires: 6-28-2016

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless otherwise required by law. Christopher D. Long

This document prepared by: Christopher D. Long, Esq.  
Krieg DeVault LLP  
2800 One Indiana Square  
Indianapolis, Indiana 46204

# EXHIBIT G



**Identified home-sites located in Area D.**