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Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
03-28-2006 At 11:21 am.
ORDINANCE 23.00

ORDINANCE NO. 18-2-06
A TEXT AMENDMENT TO ORDINANCE NO. 21-5-01

Cross-Reference: Deeds recorded with the Recorder of Hamilton County, Indiana, as (i) Instrument No. 200200080703; (ii) Instrument No. 200200080708; (iii) Instrument No. 10-8-1993; and (iv) Instrument Number 8606767, Book 355, Page 449.

This Ordinance No. 18-2-06 is the fourth amendment (the "Fourth Amendment") to Ordinance No. 21-5-01 (the "Original PD") amending the Unified Development Ordinance of the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under authority of chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, (i) on the 12th day of June, 2001, the members of the Common Council fully enacted the original PD, per the terms of which four hundred three (403) acres of real estate, more or less, was reclassified from the R-1 Residence District Classification to the Residential Planned Development district Classification (RPD) on the Zone Map, (ii) on the 13th day of November, 2001, the members of the Common Council fully enacted Ordinance No. 45-10-01 (the "First Amendment") amending the Original PD, per the terms of which twenty (20) acres, more or less, were added to the Original PD, (iii) on the 5th day of July, 2002, the Common Council fully enacted Ordinance No. 23-6-02 (the "Third Amendment") which amended the original PD and which, per its terms and permitted in a specified area, permitted Lots which were eighty (80) feet in width at the set back line to replace lots that were one hundred (100) feet in width at the set back line, and (iv) on the 10th day of August 2004, fully enacted ordinance No. 37-7-04 which amended the original PD and which, per its terms, permitted attached single-family dwellings in a specified area.

WHEREAS, on the 21st day of February, 2006, the Plan Commission of the City of Noblesville (the "Commission") (i) conducted a public hearing as required by law in regard to the application for this Fourth Amendment filed by Sagamore Development Company, LLC and Park Place at Sagamore, LLC for the real estate containing approximately thirty-five and eighty-five-one-hundredth (35.85) acres, legally described in Exhibit "1" hereto, and located in Noblesville Township, Noblesville, Indiana (the "Additional Real Estate"), and (ii) with respect to the Additional Real Estate, reviewed the amended Preliminary Development plan attached hereto and incorporated herein as Exhibit "2" (the "Amended Preliminary Plan").

WHEREAS, the purpose of this Fourth Amendment is to amend the Original PD, as amended by the First Amendment, Second Amendment, and Third Amendment, to include and govern the use and development of the Additional Real Estate, per the terms and conditions set forth in this Fourth Amendment.

WHEREAS, on the terms and conditions of this Fourth Amendment, which follow the Text of the Original PD as amended by the First Amendment, Second Amendment, and Third Amendment, is further amended.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the text of the Original PD as amended by the First Amendment, Second Amendment, and Third Amendment is hereby amended as follows:

SECTION 1. The standards for the development for detached and single-family dwellings attached to the Original PD, the First Amendment, the Second Amendment, and the Third Amendment are hereby supplemented by the development standards attached hereto and incorporated herein as Exhibit "3", all of which shall apply to the development of the Additional

Real Estate. The required perimeter buffer yard shall remain unchanged, and shall, therefore, be twenty-five (25) feet in width and may be located within Lot(s).

SECTION 2. Architectural Guidelines applicable to the Original PD shall remain as set forth in Exhibit D to the original PD and, accordingly, are attached hereto and incorporated herein as Exhibit "4"; provided, however, that paragraph numbered one (1) of Exhibit "4", captioned "Street Lights", is hereby amended to require that any custom and/or architectural street lights be reviewed and approved by the Department of Planning and Development of the City of Noblesville, Indiana.

SECTION 3. Development standards pertaining to streets and parking areas shall remain as set forth in the original PD and, accordingly, are attached hereto and incorporated herein as Exhibit "5".

SECTION 4. The development standards created by the Original PD, as amended by the First Amendment, Second Amendment, Third Amendment, and this Fourth Amendment supersede the development standards of the City of Noblesville, Indiana, Unified Development Ordinance, as specifically described, and the Original PD, as amended by the First Amendment, Second Amendment, Third Amendment, and this Fourth Amendment, shall remain in full force and effect.

Upon motion duly made and seconded, this Fourth Amendment was fully passed by the members of the Common Council on this 14th day of March, 2006.

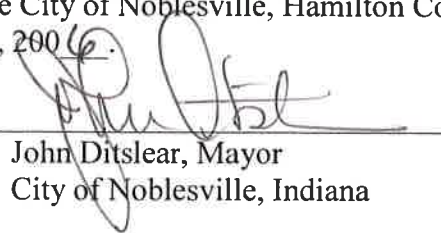
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

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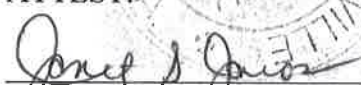
NAY

	Brian Ayer	_____
	Mary Sue Rowland	_____
	Terry Busby	_____
	Alan Hinds	_____
	Dale Snelling	_____
	Kathie Stretch	_____
	Laurie Jackson	_____

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this
14th day of March, 2006.


John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:


Janet S. Jaros, Clerk-Treasurer
City of Noblesville, Indiana

Prepared by Charles D. Frankenberger, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, IN 46280.

Exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

Exhibit 1

A part of the East Half of the Northeast Quarter of Section 9, Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, described as follows:

Commencing at the Northeast corner of said Northeast Quarter, thence South 89 degrees 22 minutes 06 seconds West along the North line of said Northeast Quarter, a distance of 678.70 feet to the Point of Beginning; thence South 00 degree 29 minutes 26 seconds East parallel with the East line of said Northeast Quarter, a distance of 1813.55 feet; thence North 89 degrees 17 minutes 49 seconds East parallel with the South line of said Northeast Quarter, a distance of 678.70 feet to the aforementioned East line; thence South 00 degree 29 minutes 26 seconds East along said East line, a distance of 280.50 feet; thence South 89 degrees 17 minutes 49 seconds west parallel with aforementioned South line, a distance of 1334.20 feet to the West line of the East Half of said Northeast Quarter; thence North 00 degrees 27 minutes 02 seconds West along said West line, a distance of 2094.87 feet to the North line of said Northeast Quarter; thence North 89 degrees 22 minutes 06 seconds East along said North line, a distance of 654.03 feet to the Point of Beginning, containing 35.85 acres, more or less.


Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



Signature of Declarant

Lawrence S. Kemper

Printed Name of Declarant

Exhibit 2

PRELIMINARY DEVELOPMENT PLAN

(Full-Size Drawings on File with Noblesville Department of Planning)

EXHIBIT "3"

Development Standards for Detached Single Family Dwellings

Minimum Lot Width at Setback Line	90' for all lots, except lots on cul de sacs or roundabouts, which may be less than 90'
Minimum Lot Frontage on Right of Way ¹	25'
Minimum Lot Area	12,000 SF ²
Minimum Front Yard Setback	30'
Minimum aggregate Side Yard Setback - Measured from Foundation ³	20'
Minimum Side Yard Setback - Measured from Foundation	5'
Minimum Rear Yard Setback	20'
Maximum Building Height for Residences ⁴	35'
Minimum Gross Floor Areas ⁵	2,200 SF

- 1 Provided, however, that single family dwelling units with side loaded garages shall be permitted to have a twenty foot minimum front yard set back if (i) the garage portion of the single family dwelling has a minimum front yard set back of at least twenty feet (ii) that portion of the single family dwelling which does not include the garage has a minimum front yard set back of twenty-five feet and (iii) the length of the driveway exceeds twenty feet.
- 2 SF = square feet
3. Each lot has two (2) side yards. The aggregate side yard setback for any lot equals the sum of such lots' two (2) side yards.
- 4 Building height shall mean the vertical distance measured from the average finished grade to the highest point of the roof, for flat roofs, to the deck line, for mansard roofs, and to the mean height between eaves and ridges for gabled, hipped and gambrel roofs.
- 5 Gross floor area for any single-family dwelling shall include all heated areas, including both finished and non-finished basements, but excluding garages.

EXHIBIT "4"
Architectural Guidelines

1. Street Lights. Street lights will be installed only at the intersections of public streets internal to the community. In the developer's discretion, custom and/or architectural street lights may be substituted for standard street lights specified in the Subdivision Control Ordinance of the City of Noblesville, Indiana.
2. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot at a location, having a height and of a type, style and manufacturer approved by the Developer's Architectural Review Board. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. The yard light shall be maintained in proper working order by the owner of each lot.
3. Height of Club House. The maximum building height of the club house shall not exceed 45'. Building height shall mean the vertical distance measured from the average finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
4. Residential Landscaping. Each lot shall have a minimum of 4 trees. In connection with the construction of a residence, the builder shall be required to submit a landscape plan to the Developer's Architectural Control Committee.
5. Architectural Grade Shingles. All residences shall be roofed with architectural grade shingles, which shall have greater texture than standard shingles.
6. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Subdivision Control Ordinance for the City of Noblesville, Indiana.
7. Minimum Roof Pitch. The minimum roof pitch for all residences shall be six (6) to twelve (12).
8. Driveways. Asphalt driveways are prohibited.
9. Chimneys. A wood chimney covering is prohibited.
10. Siding. Aluminum and vinyl siding are prohibited.
11. Windows and Architectural Breaks. Single-family dwellings within Areas B and C shall have windows on all four (4) sides. Single-family dwellings within Area A shall have windows on at least three (3) sides; provided, however, that in the event a side of a single-family dwelling within Area A does not have a window, it shall have at least two (2) architectural breaks such as a chimney or other corner break. The outermost corners of a dwelling unit shall not be considered architectural breaks.
12. Mailboxes. All mailboxes shall be uniform in design, coloring, lettering, and numbering.

13. Street Number. The number of the street address of each single-family dwelling shall be placed on both the single-family dwelling and the mailbox for that single-family dwelling. All such numbering shall be of uniform design, coloring, and numbering. The number attached to the single-family dwelling shall be etched in stone, concrete, or other brass type plate.
14. Roof Overhang. Each single-family residence shall have eaves of a minimum 8" overhang.
15. Exterior Colors. As part of the application for a building permit, exterior color selection shall be submitted and approved. Exterior colors shall be in harmony with the development of the real estate and shall include earth tones and other traditional colors.
16. Elevations. Single family residences with identical or substantially similar building elevations shall not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of major facade elements shall be varied from lot to lot.
17. General Considerations. Consideration shall be given to the appropriate uses of architectural style, form, height, size, scale, quality of workmanship, and color.
18. Design Elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include, but are not limited to, windows, window placement, trim detailing, and exterior wall materials. Long, massive, unbroken exterior building walls shall be avoided.
19. Roof Form. Roof form and design will include, where appropriate, varied pitches and ridge levels.

EXHIBIT "5"

DEVELOPMENT STANDARDS PERTAINING TO STREETS AND PARKING AREAS

1. Streets. Four lots within the community, located between the fourth fairway and the fifth fairway, may be served by a private street and need not, therefore, have frontage on a public right of way; provided, however, that (i) such private street shall be built to city specifications, but shall not be required to end in a cul-de-sac, and shall be snow plowed and maintained by the subdivision's homeowners association, and (ii) other private streets will require a variance.
2. Entrances and Curb Cuts. A total of three road cuts shall be permitted off of Union Chapel, and a total of four road cuts shall be permitted off of 166th Street. The golf club house shall be permitted to have a total of two (2) curb cuts for ingress and egress to the public streets internal to the subdivisions. All other road cuts will require application, hearing, and approval.
3. Continuation of Streets. With the exception of the continuation of Emerald Drive from the adjacent Stony Ridge subdivision, internal streets shall not be required to extend to the boundary line of adjacent real estate.
4. Cul-de-Sacs. The cul-de-sac located on the Preliminary Plan between the green for the 1st hole and the green for the 2nd hole shall have a radius, measured from back of curb, of fifty (50) feet and there shall be installed along the street concluded by such cul-de-sac a turn around, and/or roundabout, at a location and of dimensions deemed acceptable by the Noblesville City Engineer. Other cut-de-sacs which are located east of Union Chapel Road and which exceed 750 feet in length must have a radius, measured from back of curb, of fifty (50) feet. Any cul-de-sacs which are greater than 600 feet in length and which are located west of Union Chapel Road shall require a variance.
5. Curbing. Curbing shall not be required for parking lots within the maintenance and storage areas of the golf course.
6. Street Width. All internal streets shall have a minimum width of 25', from back of curb to back of curb.
7. Right-of-Way Width. All internal rights-of-way shall have a minimum width of 50'.
8. Sidewalks. There shall be sidewalks within the right-of-way of all internal streets, which sidewalks shall be 4' in width.