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Instrument
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ORDINANCE NO. 11-02-03

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE, A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

This is an ordinance (the "PUD Ordinance") to amend the Unified Development Ordinance for 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, the Plan Commission of the City of Noblesville has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Davis Homes, LLC; and,

WHEREAS, the Plan Commission has sent its favorable recommendation to the Noblesville Common Council adopted on the 18th day of February, 2003;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance for said City and the Official Zone Map of said Ordinance are hereby amended as follows:

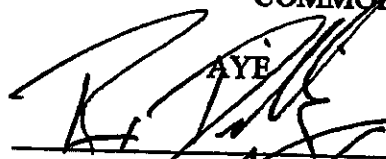
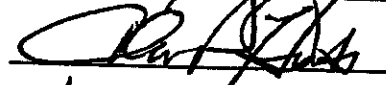
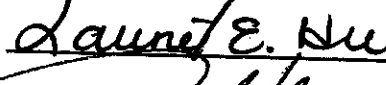

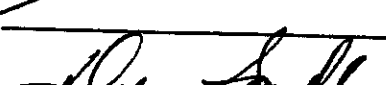

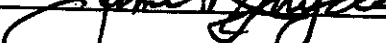
SECTION 1. The subject real estate (the "Real Estate"), more particularly described in "Exhibit A" attached hereto, is located generally at the Southwest corner of Greenfield Avenue (formerly State Road 238) and Union Chapel Road, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate hereby is classified as Corporate Campus Park District with an Overlay Subdistrict of Single-Family Residential subject to the terms of this PUD Ordinance, as designated in the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana.

200300027955
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
03-21-2003 02:51 pm.
ORDINANCE 13.00

SECTION 2. The preliminary development plan attached hereto as "Exhibit B", the Development Guidelines attached hereto as "Exhibit C", the Architectural and Landscaping Guidelines attached hereto as "Exhibit D" and the home elevations approved by the Architectural Review Board (the "ARB") and attached hereto as "Exhibit E" are adopted as part of this ordinance. Any future home elevations that vary substantially from the attached elevations must be submitted to and approved by the ARB.


SECTION 3. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 11th day of March, 2003.

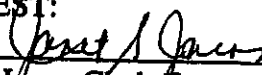
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

<u></u>	AYE	_____
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NAY

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 11th day of March, 2003.


Dennis R. Redick, Mayor
City of Noblesville, IN

ATTEST:

Janet Jaros, Clerk-Treasurer

Prepared by: Steven D. Hardin, Esq., Attorney-At-Law, Bingham McHale LLP
970 Logan Street, Noblesville, IN 46060

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

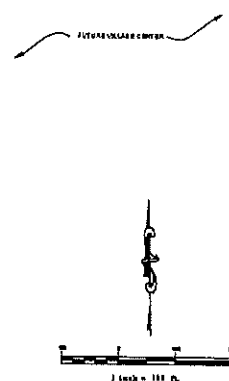
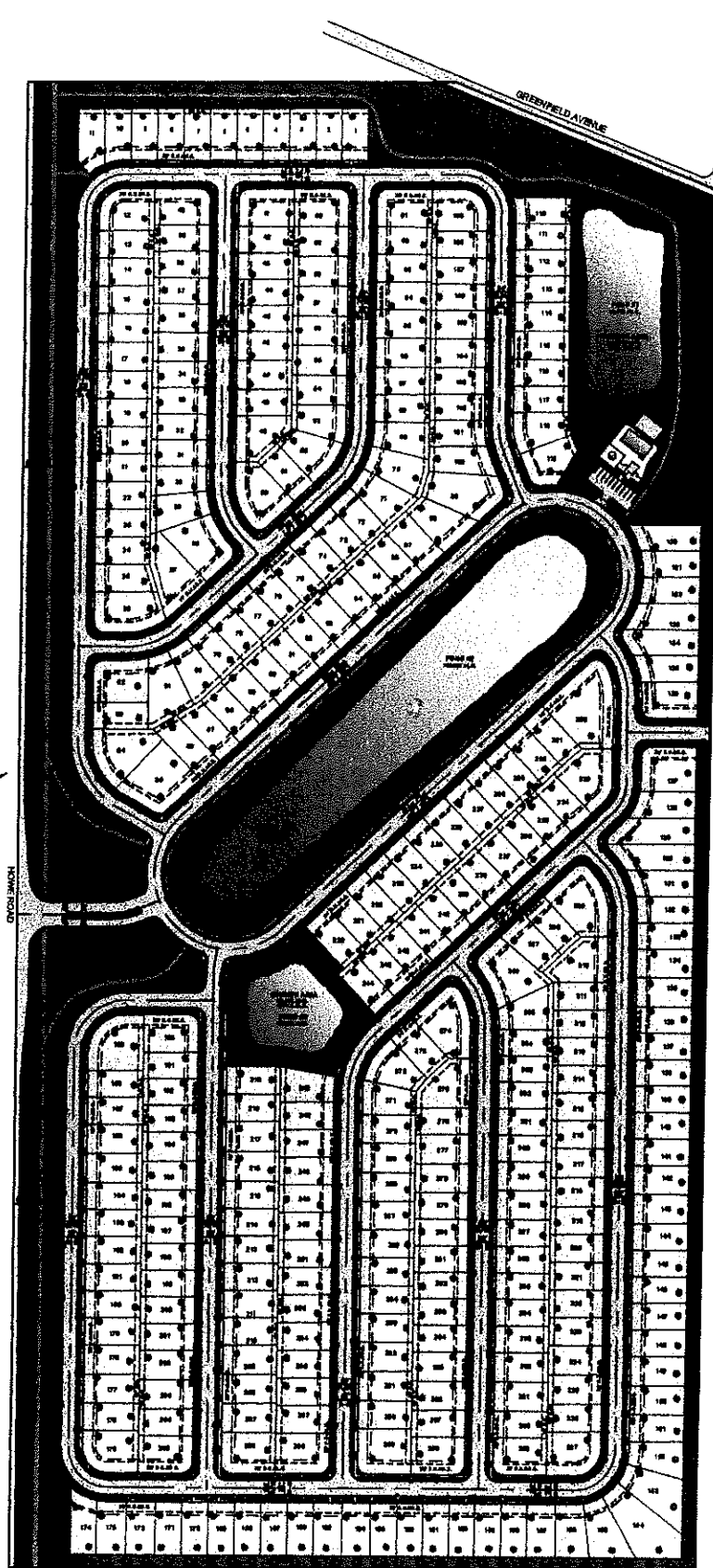
Legal Description

A part of the East Half of the Northwest Quarter and a part of the East Half of the Southeast Quarter of Section 17, Township 18 North, Range 5 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence South 00 degrees 04 minutes 49 seconds East along the East line of the Northeast Quarter 209.45 feet to a point in the center of State Road No. 238 and the POINT OF BEGINNING of this description; thence continuing South 00 degrees 04 minutes 49 seconds East along said East line 2,454.61 feet to the Southeast corner of said Northeast Quarter; thence South 00 degrees 19 minutes 33 seconds East along the East line of said Southeast Quarter 165.00 feet; thence South 89 degrees 55 minutes 14 seconds West parallel with the North line of said Southeast Quarter 1,308.37 feet to the West line of the East Half of said Southeast Quarter; thence North 00 degrees 31 minutes 18 seconds West along said West line 165.00 feet to the Southwest corner of the East Half of said Northeast Quarter; thence North 00 degrees 17 minutes 00 seconds West along the West line of the East Half of said Northeast Quarter 2,655.47 feet to the Northwest corner of the East Half of said Northeast Quarter; thence North 89 degrees 32 minutes 47 seconds East along the North line of said Northeast Quarter 813.80 feet to a point in the center of State Road No. 238; thence South 67 degrees 51 minutes 21 seconds East in the center of said State Road No. 238, a distance of 545.07 feet to the place of beginning, containing 83.955 acres, more or less.



BRIGHTON KNOLL by Davis Homes, LLC



- LEGEND**
- LAKE AREA
 - LOT AREA
 - COMMON AREA
 - STREETS
 - SIDEWALKS
 - PATH
 - STREET TREE
 - BUFFER TREE
 - YARD TREE
 - D.E. DRAINAGE EASEMENT
 - D.U.S.E. DRAINAGE, UTILITY, & SANITARY EASEMENT
 - D.L.E. DRAINAGE & LANDSCAPE EASEMENT
- SET BACK LINE WILL VARY FROM 20' TO 30'.

TOTAL LOTS	327 LOTS
NET ACREAGE	83.84 AC.
USABLE OPEN SPACE	18.13 AC.
TOTAL OPEN SPACE	18.81 AC.
RIGHT-OF-WAY (POND) AREA	4.76 AC.
POND AREA	4.52 AC.
TREE PLANT	133.06
STREET TREES	237.25
BUFFER TREES	188.00
GROSS DENSITY (LOT 1)	3.89 U/A
NET DENSITY (LOT 2)	4.37 U/A

Note 1: Gross density is based on the total area of 83.84 acres. The lot area is 83.84 acres. (20' Setback) 327 units.

Note 2: Net density is based on the lot area of 83.84 acres. The lot area is 83.84 acres. (20' Setback) 327 units.



PREPARED BY:

Steppesworth & Associates, Inc.
 CONSULTING ENGINEERS LAND SURVEYORS
 10124 GREENWOOD AVENUE, SUITE 100
 MEMPHIS, TENNESSEE 38117

EXHIBIT "C"

Development Guidelines

General Development Standards

Maximum Number of Units:	327
Minimum Lot Width at Front Setback:	50 feet
Minimum Lot Area:	5,000 square feet
Minimum Front Setback:	20 feet (with randomly variable staggered setbacks ranging up to 30 feet)
Minimum Side Setbacks:	5 feet per side (10 feet between homes)
Minimum Rear Setback:	20 feet
Minimum Home Size:	1,000 square feet of living space
Maximum Building Height:	35 feet (two stories)
Maximum Lot Coverage Ratio:	45% (accommodates a 40' x 56' foundation footprint)

Perimeter Buffering

As shown on the preliminary development plan, which is attached to the PUD Ordinance as Exhibit B, the perimeter buffering will include the following:

North. The north property line will be buffered from Greenfield Avenue (formerly State Road 238) by a 50' mounded (6-8' with 3:1 slope) and landscaped (at least one Type D Spruce tree (8' height) per 40 feet) common area/open space and, at the extreme northeast corner of the community, by a 1.15-acre lake. The existing adjoining parcels at the extreme northwest corner of the community will each be buffered by a 50' landscaped (at least one Type D Spruce tree (8' height) per 40 feet) common area/open space.

South and East. The south and east property lines, which abut future industrial and multi-family uses, respectively, will each be buffered by a 25' landscaped (at least one Type D Spruce tree (8' height) per 40 feet) common area/open space.

West. The west property line, which runs along Howe Road, will be buffered by two frontage roads requiring front home elevations to face the public thoroughfare. These frontage roads will feature street trees planted with 50' spacing. Additional buffering will be created by a 25' common area/open space between the frontage roads and Howe Road, which will be landscaped with a second row of street trees planted with 50' spacing in a manner designed to stagger the trees with the trees planted along the east side of the frontage roads. Finally, there will be an asphalt path (8 feet wide) installed along Howe Road for potential connection to a future integrated path system.

Subdivision Entrance Features

The Brighton Knoll entrance will feature brick walls with wrought iron fencing, irrigated open space, landscaped medians (trees, shrub groupings, annuals and perennials), and lighted community monumentation.

Street Trees

Brighton Knoll will feature street trees (minimum 2" caliper) planted between the curb and the sidewalk with approximately 50' spacing.

Streetlights

The Brighton Knoll streetscape will feature decorative lampposts placed at interior intersections and throughout the community at intervals of approximately 500 feet.

Community Sales & Marketing Center

The Brighton Knoll community sales and marketing center will include a fully-landscaped community sales and information trailer (which will be removed at the end of the marketing period) as well as a minimum of three model homes. All model homes shall feature elevations that include brick (i.e., no models may be all-vinyl homes) and shall be landscaped with irrigated front yards and supplemental foundation plantings.

Mailboxes

Uniform mailboxes shall be provided throughout the community. All homes will have decorative street address plates included on the front elevation.

Fencing

All fencing within Brighton Knoll will require prior approval of the Brighton Knoll Architectural Review Committee established by the Declaration of Covenants, Conditions and Restrictions.

Fences will be subject to a maximum height 6 feet, provided that rear yard fences on lots abutting lakes shall (except for that portion extending not more than 10 feet from the rear of the home) be limited to 4 feet in height.

No fencing may be located within 25 feet of any lake.

No fence may be located further forward on a lot than the point that is 10 feet behind the front corner of the home. No fence on a corner lot shall be located closer than 5 feet from the sidewalk.

Permitted fencing shall be limited to white vinyl, treated wood, wrought iron, and vinyl coated chain link (maximum 42" in height).

Sidewalks

All homes will include a 4 foot wide concrete sidewalk, provided that for lots located along the Brighton Knoll bike and jogging trail (lots 120 – 174 on the preliminary development plan attached as Exhibit B to the PUD Ordinance), the sidewalk width shall be increased to 6 feet.

Community Amenities

Community amenities shall include lighted picnic shelter with tables and outdoor grills, hard surface basketball court, multi-use commercial playground, integrated community bike and jogging trail (approximately 2 miles) and, at the option of the developer, either (i) a gated pool house with changing rooms, swimming pool with fenced deck area and children's wading pool, or (ii) one or more selected alternative active amenities such as soccer field, baseball diamond, play field, tennis court, etc.

Homeowners Association

Prior to the grand opening of Brighton Knoll, the Brighton Knoll Homeowners Association shall be established with the requirement that every resident of Brighton Knoll shall become a member of the Association by virtue of the purchase of a home within the community. The Brighton Knoll Homeowners Association shall own all common areas within the community and shall be responsible for all associated maintenance and repair.

The Declaration of Covenants, Conditions and Restrictions will require prior approval by the Brighton Knoll Homeowners Association for the construction or

alteration of any outdoor improvements within the community, including without limitation fences, walkways, decks, patios, additions, sports courts, and retaining walls. The Declaration will also include provisions pertaining to vehicle parking, signs, antenna and satellite dishes, outside lighting, restrictions on use of easement areas, residential unit use, accessory and temporary buildings, fencing, ditches and swales, common area usage, and nuisances.

The Declaration will prohibit “mini barns” and other detached out buildings, storage sheds or aboveground pools within the community.

The Declaration will require that a professional association management company be retained to manage the day-to-day affairs of the Brighton Knoll Homeowners Association from and after the date the developer turns control of the association over to the residents.

Reservation of Right of Way

The detailed development plan will include an area reserved for future right of way to be granted to the City of Noblesville without compensation if and when an approved contract based on final approved construction drawings has been let for the connection of Union Chapel Road and Promise Road at a point east of the Brighton Knoll subdivision. This area generally shall include a fifty foot (50') strip of land along the east boundary of Brighton Knoll that is bounded on the north by Greenfield Avenue and on the south at a point seventy feet (70') north of lot number 120 as identified on the preliminary development plan attached as Exhibit B to the PUD Ordinance.

EXHIBIT "D"

Architectural and Landscaping Guidelines

Home Elevation Requirements

No like color schemes or identical home elevations shall be located on lots adjacent to, or directly across from, each other. With a view to increasing diversity of appearance within Brighton Knoll, there will be at least three elevations for each standard plan and multiple color palette combinations available for selection for each elevation.

A maximum of two single-story "ranch" homes will be built in a row.

All homes in Brighton Knoll will include architecturally enhanced trim moldings, keystones, or brick quoins or brick soldier courses, all as shown in more detail on the submitted elevation drawings.

All homes facing the Brighton Knoll Esplanade shall be Elevation "B" or Elevation "C".

All ranch homes in Brighton Knoll will feature at least one window on each of the four primary facades. All two-story homes in Brighton knoll will include either (i) at least three windows on each side elevation, or (ii) at least two windows on each side elevation plus shutters on each side window. All required windows must be at least nine square feet.

Front façade windows will feature shutters (painted in primary colors that contrast with the dominant siding color) and integrated (i.e., non-removable) window grids.

All homes in Brighton Knoll will feature minimum 12" overhangs.

All single-story "ranch" homes will include brick as part of the front elevation.

All two-story homes will include (i) a partial brick front façade, or (ii) a front porch (minimum 25 square feet).

Garage door area shall not exceed 33% of the total front elevation of the home, and all garage doors will include windows.

Only natural, muted, earth tone colors will be permitted as the primary façade color of a home, with brighter colors to be used only as limited accents (e.g., front doors, shutters, accent trim).

All homes in Brighton Knoll will have a primary roof pitch that is not less than 6:12.

All homes in Brighton Knoll will include dusk-to-dawn (photocell) carriage lights located at each side of the garage and also a carriage light fixture located near the front entry door.

All homes in Brighton Knoll will include a decorative front address plate.

All homes will be designed to obscure, as much as possible, the view of equipment vents from the public streets.

For all homes in Brighton Knoll, no more than four (4) inches of foundation shall be visible where brick is used and no more than six (6) inches of foundation shall be visible where siding is used.

Landscaping of Individual Lots

Each home shall include at least two front yard ornamental or shade trees (minimum 2" caliper) which shall be in addition to the street trees required herein, and at least one rear yard ornamental or shade tree (minimum 2" caliper) or conifer tree (minimum 6 feet) planted in the vicinity of the rear stoop or patio. Each home shall also include at least twelve shrubs in front and side yard foundation planting beds (minimum 3 gallon size (approximately 24")) with the side landscape beds extending to a point at least five feet from the front corner.

Front yards and side yards (to a point 15 feet behind the building line) shall be sodded with all other yard areas being professionally seeded.

On all homes, electric meters will be screened with landscaping consisting of climbing shrubs or vines, such as cotoneaster or euonymus, which will be planted in mulched landscape beds.

Special Requirements for Corner Lots

The following lot numbers, as identified on the preliminary development plan attached as Exhibit B to the PUD Ordinance, are designated as "corner lots": 1, 11, 12, 26, 28, 40, 41, 50, 60, 61, 82, 85, 109, 110, 119, 120, 126, 127, 174, 175, 189, 190, 205, 206, 219, 220, 232, 233, 244, 245, 258, 259, 274, 288, 289, 306, 309, 327.

Special requirements for these corner lots shall include:

- one additional conifer tree (minimum 6 feet) and 6 additional shrubs (minimum 3 gallon size (approximately 24")) all located along the side façade of the home

- for enhancement of the sideyard landscaping the driveway will be placed on the opposite corner of the street intersection to the extent feasible
- fully sodded side yard visible from the corner
- side architectural enhancements including one of the following: (i) at least one additional window on exposed façade; (ii) exposed brick chimney chase; (iii) side brick wainscot; or (iv) two additional conifer trees (minimum 6 feet) in addition to the conifer tree required per the first bullet point above.