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ORDINANCE NO. 23-6-02

Instrument  
200200055098

A TEXT AMENDMENT TO ORDINANCE No. 21-5-01

This Ordinance No. 23-6-02 is the second amendment (the "Second 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 12<sup>th</sup> day of June, 2001, the members of the Common Council fully passed the Original PD, per the terms of which four hundred three (403) acres of the 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 and (ii) on the 13<sup>th</sup> day of November, 2001, the members of the Common Council fully passed Ordinance No. 45-10-01 (the "First Amendment") amending the text of the Original PD, per the terms of which twenty (20) acres, more or less, were added to the Original PD;

WHEREAS, on the 20<sup>th</sup> day of May, 2002, 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 Second Amendment filed by Sagamore Development Company, LLC for the real estate containing approximately four hundred twenty-three (423) acres, legally described on Exhibit "1" hereto, and located in Noblesville Township, Noblesville, Indiana (the "Real Estate"), and (ii) reviewed the amended Preliminary Development Plan attached hereto and incorporated herein as Exhibit "2" (the "Amended Preliminary Plan").

200200055098  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
08-05-2002 09:26 am.  
ORDINANCE 19.00

WHEREAS, on the terms and conditions of this Second Amendment which follow, the text of the Original PD, as amended by the First 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, is hereby further amended as follows:

SECTION 1. The Preliminary Plans attached to the Original PD and the First Amendment are hereby replaced and superseded by the Amended Preliminary Plan.

SECTION 2. The standards for the development for detached and single family dwellings attached to the Original PD and to the First Amendment are hereby replaced and superseded by the development standards attached hereto and incorporated herein as Exhibit "3" and, therefore, Lots which are a minimum of eighty (80) feet in width at the set back line (except Lots on cul-de-sacs or roundabouts which may be less than eighty (80) feet) shall be permitted in the applicable area indicated on the Amended Preliminary Plan.

SECTION 3. Architectural Guidelines 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 4. 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 5. The development standards created by the Original PD, as amended by the First Amendment and this Second 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 and by this Second Amendment, shall remain in full force and effect.




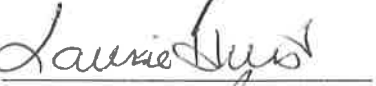






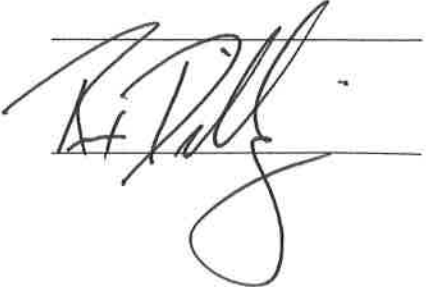

Upon motion duly made and seconded, this Second Amendment was fully passed by the members of the Common Council this 9~~th~~ day of July, 2002.

COMMON COUNCIL, CITY OF NOBLESVILLE

BY:

AYE

NAY

	James Snyder	
	Alan Hinds	
	Laurie Hurst	
	Jack Martin	
	Jay McCoskey	
	Dale Snelling	
	Rex Dillinger	

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,  
this 9<sup>TH</sup> day of July, 2002.



Dennis R. Redick  
Dennis R. Redick, Mayor,  
City of Noblesville, Indiana

ATTEST:

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

This Ordinance prepared by: Charles D. Frankenberger, Attorney at Law, NELSON & FRANKENBERGER, 3021 East 98<sup>th</sup> Street, Suite 220, Indianapolis, IN 46280.

Additional exhibits are on file in the City of Noblesville Clerk-Treasurer's Office.

**EXHIBIT "1"**

**SAGAMORE**

**Description of Real Estate**

**PERIMETER LAND DESCRIPTION**

Part of the North Half of Section 8 and part of the North Half of Section 9 all in Township 18 north, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 8, marked by a railroad spike (down 3 inches); thence North 89 degrees 46 minutes 23 seconds East (bearings based on NAD83 State Plane Coordinates - East Zone) along the North line of the said Northeast Quarter 2,639.76 feet to a railroad spike (down 4 inches) marking the Northwest corner of the Northwest Quarter of said Section 9; thence North 89 degrees 33 minutes 39 seconds East along the North line of the said Northwest Quarter 2,656.49 feet to a 1" iron pipe marking the Northwest corner of the Northeast Quarter of said Section 9; thence North 89 degrees 33 minutes 19 seconds East along the North line of the said Northeast Quarter 1,332.73 feet to a MAG Nail marking the Northeast corner of the West Half of the said Northeast Quarter Section; thence South 00 degrees 15 minutes 41 seconds East along the East line of the said Half Quarter Section 1,998.22 feet to a 5/8" dia. rebar with a plastic yellow cap stamped "P.I. Cripe, Inc." (Hereinafter referred to as a "rebar"); thence South 89 degrees 33 minutes 19 seconds West parallel with the North line of the said Half Quarter 1,334.31 feet to a "rebar" on the East line of the Northwest Quarter of said Section 9; thence South 00 degrees 12 minutes 58 seconds East along the said East line 659.41 feet to a "rebar" marking the Southeast corner of the said Northwest Quarter; thence South 89 degrees 29 minutes 04 seconds West along the South line of the said Northwest Quarter 1,650.01 feet to a "rebar"; thence North 00 degrees 12 minutes 58 seconds West parallel with the East line of the said Northwest Quarter 443.64 feet to a "rebar" on the Easterly extension of the North line of a tract of land described in Deed Record 343, page 814 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 29 minutes 04 seconds West along the said Easterly extension and the North line of said tract of land 1,008.25 feet to the Northwest corner of said tract of land, marked by a MAG Nail, which lies on the East line of the Northeast Quarter of said Section 8; thence South 00 degrees 10 minutes 15 seconds East along the said East line 443.64 feet to a 3/4" iron pipe (down 2 inches) marking the Southeast corner of the said Northeast Quarter Section; thence South 89 degrees 50 minutes 10 seconds West along the South line of said Northeast Quarter 2,634.41 to a "rebar" marking the Southeast corner of the Northwest Quarter of said Section 8; thence South 89 degrees 43 minutes 46 seconds West along the South line of the said Northwest Quarter [the South line of said Northwest Quarter being determined as the line between a stone with cut "x" found marking the Southwest Quarter of the said Northwest Quarter and a partition stone found 2,148.58 feet - deed (2,148.51 feet - measured) East of the Southwest corner of said Northwest Quarter] 488.22 feet to the said partition stone and the Southeast corner of a 10.00 acre tract of land described in Deed Record 327, page 693 in the said Recorder's Office; thence North 00 degrees 12 minutes 48 seconds West along the East line of said 10.00 acre tract of land and the East line of a 56.63 acre tract of land described in Instrument #9238502 in the said Recorder's Office and the Northerly extension of the East line of said 56.63 acre tract of land 2,591.00 feet to a MAG Nail on the centerline of 166<sup>th</sup> Street (Stoney Creek Road); thence North 81 degrees 49 minutes 37 seconds East along the said centerline 489.57 feet to the point of beginning, containing 403.484 acres, more or less.

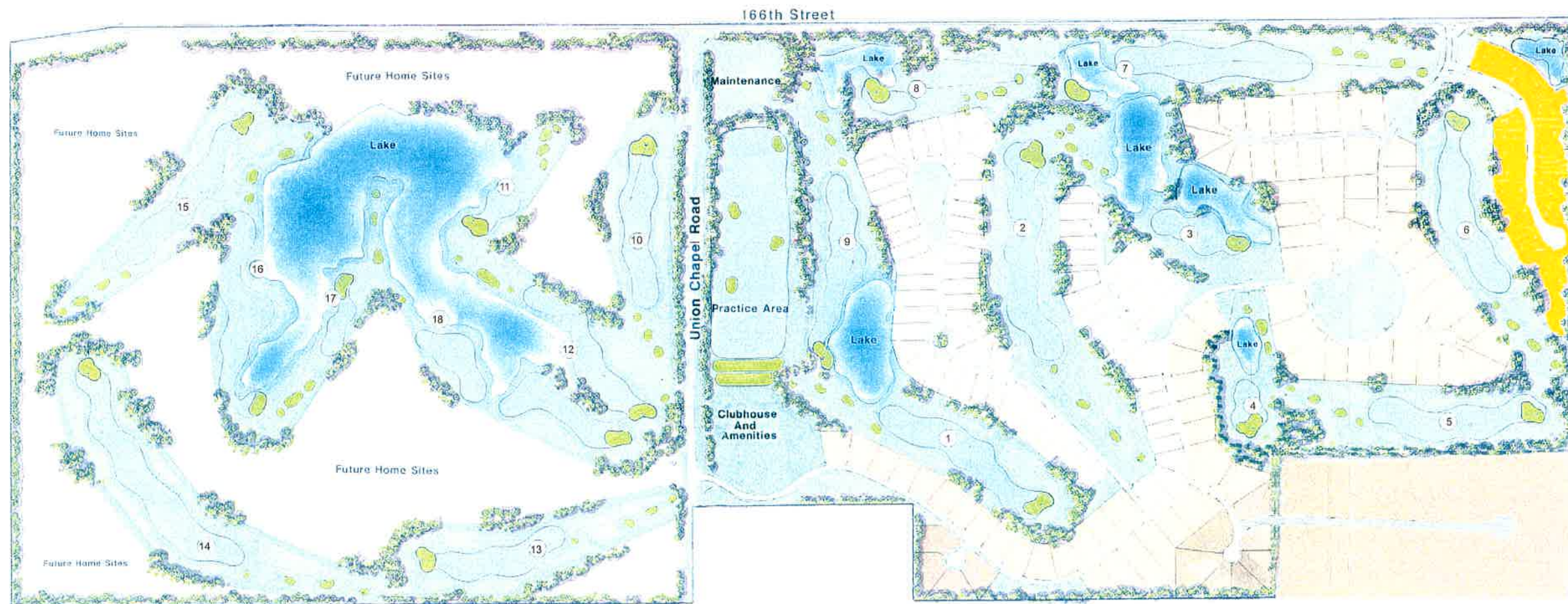
**EXHIBIT "1" - Continued**

**ADDITIONAL PROPERTY DESCRIPTION  
(G. & W. Sheller - Pt. of D.R. 152, Pg. 398)**

Part of the West Half of the Northeast Quarter of Section 9, Township 18 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 9, marked by a railroad spike (down 3 inches); thence South 89 degrees 33 minutes 19 seconds West (bearings based on NAD83 State Plane Coordinates - East Zone) along the North line of the said Northeast Quarter 1332.72 feet to a MAG Nail marking the Northeast corner of the West Half of the said Northeast Quarter Section; thence South 00 degrees 15 minutes 41 seconds East along the East line of said Half Quarter Section 1998.22 feet to the Point of Beginning, marked by a 5/8" dia. rebar with a plastic yellow cap stamped "P.I. Cripe, Inc." (Hereinafter referred to as a "rebar"); thence continuing South 00 degrees 15 minutes 41 seconds East along the said East line 657.76 feet to the Southeast corner of the West Half of the said Northeast Quarter Section; thence South 89 degrees 29 minutes 04 seconds West along the South line of the said Northeast Quarter Section 1334.84 feet to a "rebar" marking the Southwest corner of the said Northeast Quarter Section; thence North 00 degrees 12 minutes 58 seconds West along the West line of the said Northeast Quarter Section 659.41 feet to a "rebar"; thence North 89 degrees 33 minutes 19 seconds East parallel with the North line of the said Northeast Quarter Section 1334.31 feet to the point of beginning, containing 20.177 acres, more or less.





-  70' Wide Lots
-  80' Wide Lots
-  105' Wide Lots
-  120' Wide Lots



**EXHIBIT "3"**

**SAGAMORE**

**Development Standards for  
Detached Single Family Dwellings**

	Area A	Area B	Area C	Area D
Minimum Lot Width at Setback Line	70' for all lots, except lots on cul de sacs or roundabouts, which may be less than 70'	80' for all lots, except lots on cul de sacs or roundabouts, which may be less than 80'	105' for all lots, except lots on cul de sacs or roundabouts, which may be less than 105'	120' for all lots, except lots on cul de sacs or roundabouts, which may be less than 120'
Minimum Lot Frontage on Right of Way	25'	25'	25'	25'
Minimum Lot Area	8,000 SF <sup>1</sup>	10,500 SF	12,000 SF	12,500 SF
Minimum Front Yard Setback	25' <sup>2</sup>	25' <sup>2</sup>	30'	30'
Minimum aggregate Side Yard Setback - Measured from Foundation	12'	14'	20'	25'
Minimum Side Yard Setback - Measured from Foundation	6'	7'	7'	7'
Minimum Rear Yard Setback	20'	20'	20'	20'
Maximum Building Height for Residences <sup>3</sup>	35'	35'	35'	35'
Minimum Gross Floor Areas <sup>4</sup>	2,000 SF	2,000 SF	2,200 SF	2,400 SF

1 SF = square feet

2 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.

3 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.

4 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.

## Exhibit "4" Continued

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 166<sup>th</sup> 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 1<sup>st</sup> hole and the green for the 2<sup>nd</sup> 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 cul-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 28', 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.