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Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
10-12-2006 At 11:20 am.
ORDINANCE 17.00

ORDINANCE NO. 80-9-06

Document Cross Reference No. 199909956694, 199909961809 & 9809840511

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCES
No. 53-12-97, No. 27-8-99 and No. 33-9-99

WHEREAS, between the years 1997 and 1999, two developers successfully petitioned for the amendment of the Zoning Ordinance of the City of Noblesville, Hamilton County, Indiana to rezone three areas from an R-1 Single-Family Residential classification to R1/PD and M/PD Single Family Residential Planned Development classifications, and

WHEREAS, the three rezoned areas became the subdivisions of Hazel Dell Woods (Ordinance # 27-8-99), Arbor Grove (Ordinance # 33-9-99) and Deer Path (Ordinance # 53-12-97).

WHEREAS, the Planned Development (PD) for all three subdivisions required a fifty (50) foot peripheral buffer strip around the entire perimeter of the subdivision, which is a part of the residential lots and prevents the construction of any manmade improvement of any kind, including porches, patios, fences and playground equipment in the peripheral buffer strip.

WHEREAS, the Unified Development Ordinance in existence at the time of the rezone of these three subdivisions allowed the developer to extend the fifty (50) foot buffer zone literally up to the foundations of some of the homes abutting the peripheral buffer zone. As a result, some homeowners along the buffer strip are unable to make any improvements at all to and in their own backyards.

WHEREAS, in the time since the rezone of these subdivisions and adoption of the Planned Developments, the Unified Development Ordinance (UDO) has been amended to prevent the extension of a peripheral buffer strip up to the backside of a residence, as took place in the above named subdivisions. Therefore, this is a unique situation that is unlikely to repeat itself in the future.

WHEREAS, in the interest of fairness, it is appropriate to allow the homeowners whose entire backyard has been effected by the buffer strip to make some improvements to their property.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana as follows:

1. Ordinance No. 53-12-97, No. 27-8-99 and No. 33-9-99 are amended to permit the construction of porches, fences, playground structures, patios and landscaping, other than building additions, within the fifty (50) foot peripheral buffer strips, as defined by the plats for these subdivisions, so long as there is no encroachment into a drainage or utility easement.

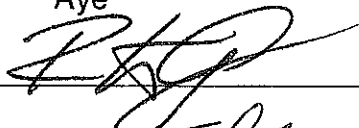
2. Any improvements made by a homeowner that encroach upon the fifty foot peripheral buffer strips shall still require the issuance of either a building permit or an improvement location permit from the Planning Department of the City of Noblesville prior to the installation or construction of the improvement.
3. Nothing herein shall be construed to alter any property rights conveyed to any property owner in the Hazel Dell Woods, Arbor Grove, or Deer Path subdivisions pursuant to the covenants of those subdivisions.
4. Any provisions of Ordinance No. 53-12-97, No. 27-8-99 and No. 33-9-99 that are in conflict with the provisions of this ordinance, No. 80-9-06, are expressly repealed.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Noblesville this 10th day of Oct, 2006.

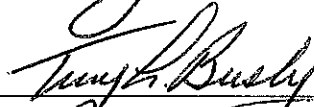
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

Aye

Nay



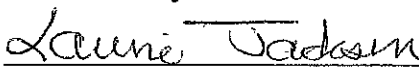
Brian Ayer



Terry Busby



Alan Hinds



Laurie Jackson




Mary Sue Rowland

_____ Dale Snelling _____

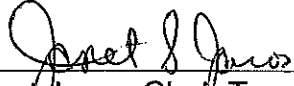
Kathie Stretch _____ Kathie Stretch _____

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton
County, Indiana, this 10th day of Oct, 2006.



John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:



Janet Jaros, Clerk-Treasurer
City of Noblesville, Indiana

I, affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Darren Murphy