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M
ORDINANCE

2009001810 ORDINANCE \$18.00
01/16/2009 11:46:04A 4 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 66-12-08

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

An 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 General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing on Application #08J-15-1842 as required by law concerning an application for an amendment to an adopted Preliminary Development Plan for property owned by the Hamilton County Board of Commissioners; and

WHEREAS, the Plan Commission at their December 15, 2008 meeting has sent its favorable recommendation to the Noblesville Common Council in the manner by a vote of 11 ayes and 0 nays; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, that the Unified Development Ordinance and zoning map amended as follows:

Section 1. That the subject real estate as evidenced by the legal description, Exhibit A, and located along the east side of State Road No. 37, south of 186th Street, and north of State Road No. 32 all of which is within the zoning jurisdiction of the City of Noblesville, Hamilton

County, Indiana, currently zoned “R1 Low Density Single Family Residential” is hereby rezoned to “R1/GUO Low Density Single-Family Residential/Government Use Overlay” hereby amending the zoning map, and

Section 2. That said Real Estate is being developed for the construction of a communication radio tower and ancillary uses is hereby adopted at per Exhibit B. and the following development standards are hereby varied as per the adoption of this ordinance as follows:

1. Maximum tower height 640 feet
2. Gravel drive permitted to the tower and ancillary uses
3. Landscaping waived
4. Maximum fence height 10 feet
5. Communication radio tower and ancillary uses permitted in an R1 Low Density Single Family zoning district.

Section 3. This Planned Development Ordinance exhibits the permitted variations from the development standards, specifications, guidelines, and requirements contained in the Unified Development Ordinance as of December 2007 and supersedes the development standards, specifications, guidelines, and/or requirements of the Unified Development Ordinance of the City of Noblesville, Indiana provided however, that unless a development standard, specification, guideline, and/or requirement contained in the Unified Development Ordinance is varied, altered, or modified by this ordinance and/or exhibits, then such development standard, specification, guideline, and/or requirement as specified in the Unified Development Ordinance shall apply.

Section 4. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

Section 5. Upon motion duly made and seconded; this Ordinance was fully passed by the

members of the Common Council this 13th day of January, 2008.

COMMON COUNCIL

AYE

NAY

Dale Snelling

Dale Snelling

Brian Ayer

Brian Ayer

Mark Boice

Mark Boice

Roy Johnson

Roy Johnson

Gregory P. O'Connor

Gregory P. O'Connor

Mary Sue Rowland

Mary Sue Rowland

Stephen C. Wood

Stephen C. Wood

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this

13th day of January, 2008.

John Ditslear

John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:

Jarret Jaros
Jarret Jaros, Clerk Treasurer

Exhibit B is on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

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.

Joyceann Yelton
Printed Name of Declarant

EXHIBIT A

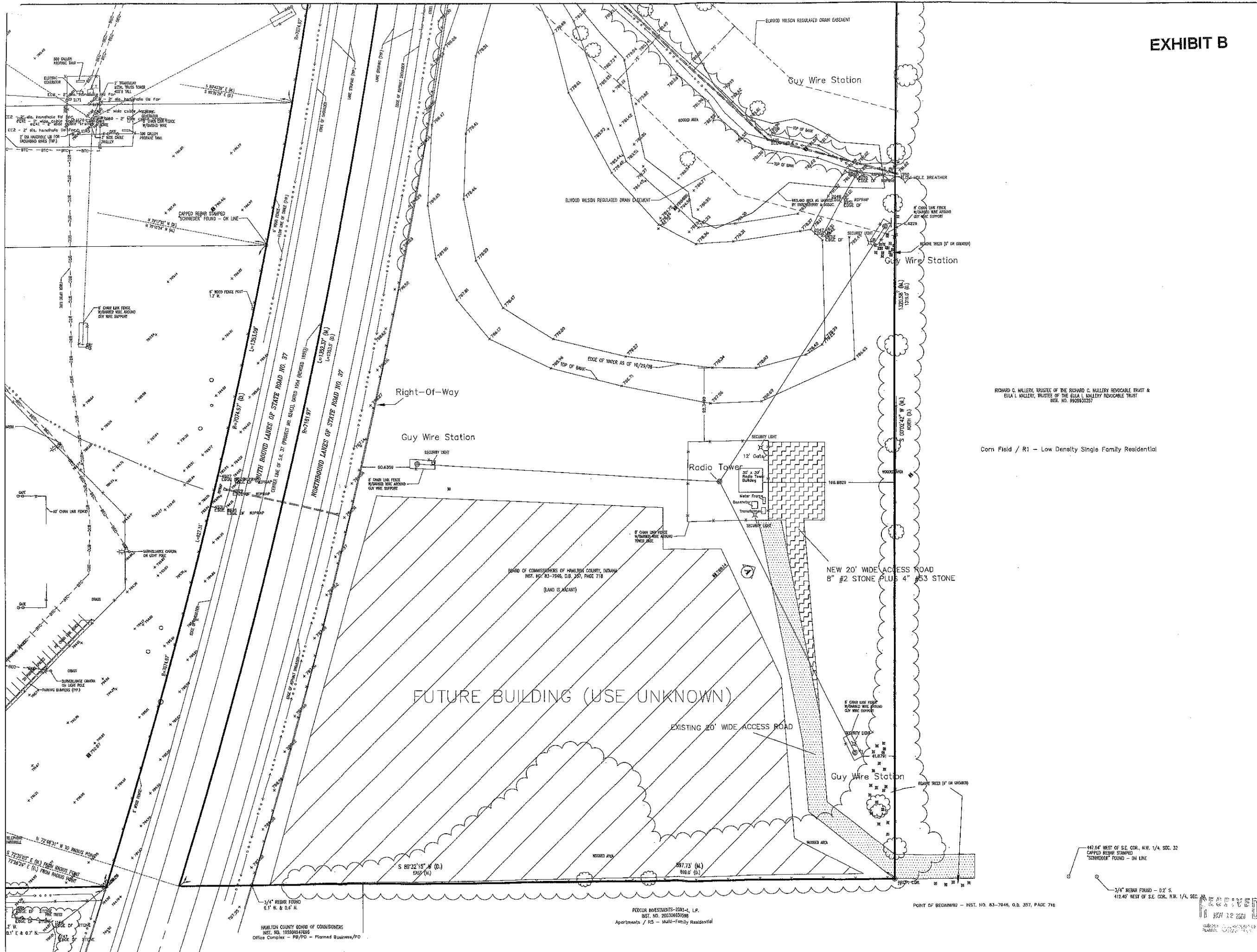
Legal Description of Parcel: 10-07-32-00-00-004.000

Instrument No. 83-7946 (Deed Book 337, page 718)

A part of the Northwest Quarter of Section 32, Township 19 North, Range 5 East, described as follows:

Beginning at a point 660.5 feet West of the Southeast corner of the Northwest Quarter of Section 32, Township 19 North, Range 5 East; thence North 1319.0 feet to a corner post; thence West 623.3 feet to the intersection with the centerline of State Road #37 By-Pass; thence Southwesterly on and along the centerline 600.0 feet; thence following a curve to the southwesterly 753.5 feet to the intersection with the South line of said Northwest Quarter; thence East on and along said South line 899.0 feet to the place of beginning, containing 22.56 acres, more or less.

EXHIBIT B



RICHARD C. MALLERY, TRUSTEE OF THE RICHARD C. MALLERY REVOCABLE TRUST & ELLA L. MALLERY, TRUSTEE OF THE ELLA L. MALLERY REVOCABLE TRUST
 INST. NO. 990903057

Corn Field / R1 - Low Density Single Family Residential

ENVOY, INC.

PROJECT & CONSTRUCTION MANAGERS
 6830 EAST 75TH STREET, SUITE 170
 INDIANAPOLIS, INDIANA 46250
 1-317-594-4800

DRAWN BY: J. BEERIES
 CHECKED BY: J. RABERIE
 PROJECT #: 0837
 DATE: 11/07/08

SCALE: 1" = 40'

SHEET TITLE: CM101

PROJECT: HAMILTON COUNTY RADIO TOWER

LOCATION: NOBLESVILLE, IN



SHEET NO: CM 101

PECOR INVESTMENTS-2003-L, LP.
 INST. NO. 20030659596
 Apartments / R5 - Multi-Family Residential

POINT OF BEGINNING - INST. NO. 83-7946, O.B. 357, PAGE 718

447.64' WEST OF S.E. COR., N.W. 1/4, SEC. 32
 CAPPED REBAR STAMPED
 "SCHNEIDER" FOUND - ON LINE

3/4" REBAR FOUND - 0.2' S.
 412.40' WEST OF S.E. COR., N.W. 1/4, SEC. 32

HAMILTON COUNTY BOARD OF COMMISSIONERS
 INST. NO. 1830847668
 Office Complex - PB/PD - Planned Business/PD