

9535293

22.00
⑨

ORDINANCE NO. 20-4-95

AN ORDINANCE TO AMEND THE ZONING ORDINANCE, A
PART OF THE MASTER PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA

An ordinance to amend the Zoning 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 1981, 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 change of zone district designation filed by Aspen Land Corporation; and,

WHEREAS, the Plan Commission has sent its recommendation to the Common Council in the following manner:

"no opinion" by a vote of 11 in favor and 1 opposed;

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

SECTION 1. That the common location of the subject real estate is as follows: 160.907 acres located between State Road 38 and State Road 32, and which is located approximately one-fourth (1/4) mile east of South Harbour Drive; that said real estate, all of which is located in the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana, is hereby rezoned from an R1 Classification to a PD Classification, as designated in said City of Noblesville Indiana Zoning Ordinance, and identified on such maps as the

HAMILTON COUNTY RECORDER
MAY 15 3:45 PM '95
M. J. Clark

"Oakmont Planned Development Plan", and said real estate is more particularly described as follows:

A part of the Northwest Quarter and part of the South Half of Section 35, Township 19 North, Range 4 East and a part of the Southwest Quarter of Section 26, Township 19 North, Range 4 East all in Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Northwest corner of the Southeast Quarter of said Section 35; thence South 89 degrees 43 minutes 08 seconds East along the North line of said Southeast Quarter Section 816.39 feet; thence South 00 degrees 05 minutes 54 seconds West parallel with the West line of said Southeast Quarter Section 1336.40 feet; thence South 59 degrees 23 minutes 05 seconds West 949.58 feet to a point on the said West line; thence South 00 degrees 05 minutes 54 seconds West along the said West line 75.13 feet; thence South 80 degrees 38 minutes 52 seconds West 196.67 feet; thence South 29 degrees 04 minutes 26 seconds West 218.81 feet; thence South 72 degrees 54 minutes 44 seconds West 160.79 feet; thence South 38 degrees 03 minutes 06 seconds West 223.85 feet; thence North 81 degrees 10 minutes 11 seconds West 63.25 feet; thence North 79 degrees 26 minutes 26 seconds West 99.51 feet; thence North 20 degrees 07 minutes 29 seconds East 450.00 feet; thence North 43 degrees 42 minutes 28 seconds West 760.14 feet; thence North 00 degrees 05 minutes 53 seconds East 1352.32 feet to a point on the North line of the Southwest Quarter of said Section 35, said line also being the South line of the aforesaid Northwest Quarter Section; thence North 89 degrees 40 minutes 22 seconds West along said South line 198.25 feet; thence North 00 degrees 23 minutes 10 seconds East 2657.75 feet to a point on the North line of said Northwest Quarter Section; thence South 89 degrees 44 minutes 31 seconds East along said North line 2.80 feet; thence North 12 degrees 28 minutes 49 seconds East 591.44 feet to a point on the centerline of the Old Noblesville and Lafayette gravel road as described in Instrument No. 8311516, Deed Record 339, Page 22 in the Office of the Recorder of Hamilton County, Indiana; thence along said centerline by the following seven (7) courses: 1) South 60 degrees 55 minutes 28 seconds East 174.17 feet; 2) South 58 degrees 28 minutes 03 seconds East 99.96 feet; 3) South 51 degrees 53 minutes 18 seconds East 99.96 feet; 4) South 43 degrees 03 minutes 23 seconds East 498.81 feet; 5) South 41 degrees 07 minutes 08 seconds East 299.72 feet; 6) South 48 degrees 44 minutes 28 seconds East 196.60 feet; 7) South 52 degrees 44 minutes 08 seconds East 67.21 feet; thence South 01 degrees 03 minutes 28 seconds West 424.40 feet; thence South 77 degrees 45 minutes 52 seconds East 143.80 feet to a point on the East line of said Northwest Quarter Section; thence South 00 degrees 26 minutes 47 seconds West along said East line 1828.72 feet to the place of beginning, containing 160.907 acres, more or less.

A map reflecting the location, dimensions, boundaries and size of the parcel of real estate described hereinabove is attached hereto as Exhibit "A".

SECTION 2. That this ordinance shall be in full force and effect from and after its adoption in accordance with law.

SECTION 3. That the text of the Zoning Code of Noblesville is hereby further amended as follows:

(A) That the Planned Development Standards attached hereto as Exhibit "B" shall create the district development standards for parcels in Oakmont, including, but not limited to development densities, permitted land uses and land use characteristics.

Adopted this 8th day of May, 1995, by the Common Council of the City of Noblesville, Hamilton County, Indiana.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

Terry L. Busby Terry L. Busby

____ Alan Hinds

Laurie Hurst Laurie Hurst

Douglass W. McDonald Douglass W. McDonald

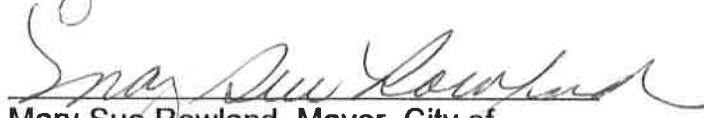
Rick B. Moore Rick B. Moore

Dale Snelling Dale Snelling

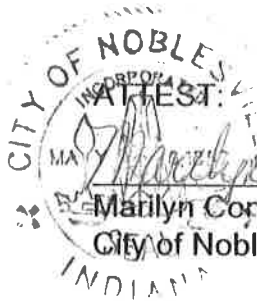
C. Murphy White C. Murphy White

Alan P. Hinds

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 8 day of May, 1995.



Mary Sue Rowland, Mayor, City of Noblesville, Indiana



Marilyn Conner, Clerk-Treasurer
City of Noblesville, Indiana

Ordinance prepared by Doug Church, Attorney at Law.

EXHIBIT "A"

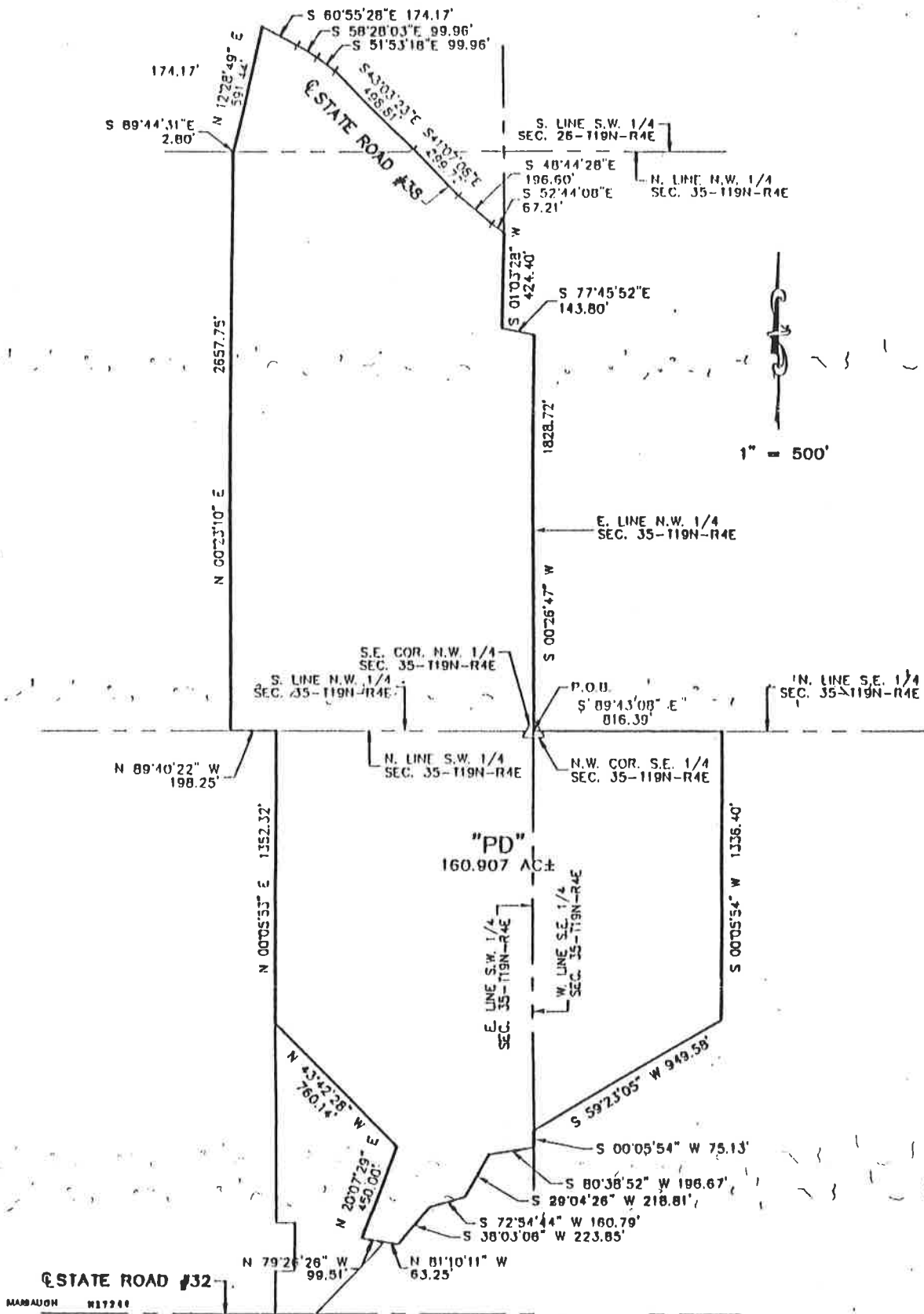


EXHIBIT "B"

Planned Development Standards Oakmont Planned Development

I. STATEMENT OF PURPOSE AND INTENT

Oakmont is a planned residential community which will offer single-family detached housing in a unique environment, emphasizing community recreational and environmental amenities.

Oakmont development standards are intended to carry out the goals of this planned community. They are written to ensure a unified, quality development. Through creativity in design, sensitivity to the characteristics of the site and compatibility with surrounding land uses, a commitment is made to the future of the community.

The following principles will be used in guiding development towards a planned community which can respond to changing market conditions.

- * Encouraging FLEXIBILITY in site design with respect to building spacing, heights and density of buildings, open space, street widths and parking.
- * Allowing a variety of CREATIVE SOLUTIONS to project design that may not be possible through the strict application of the local zoning and subdivision regulations.
- * Encouraging a MASTER PLANNED community providing for residential and recreational uses.
- * Encouraging INNOVATIONS in land use that result in the availability of attractive development opportunities.
- * Maximizing the UNIQUE physical features of Oakmont.
- * Creating development patterns and project design that further the GOALS and POLICIES of the local governmental agencies.
- * Providing appropriate TRANSITIONS between land uses while encouraging an overall community focus.
- * Proving FLEXIBILITY for both land use type and density to be TRANSFERRED between parcels.

EXHIBIT "B"

Planned Development Standards Oakmont Planned Development

II. AUTHORITY

These standards shall apply to all property contained within the Oakmont Planned Development. The regulations and requirements shall become the governing standards for review, approval, and modification of all development activities occurring on the Oakmont site. Provisions of this guide shall prevail and govern the development of Oakmont superseding existing zoning and subdivision ordinances. The subdivision and zoning ordinances and regulations of the appropriate governmental entity shall apply where the provisions of this guide do not address a specific subject, or where the plan commission or council provides changes.

III. LAND USE STANDARDS

There are two land use categories within the Oakmont Planned Development:

	<u>QUANTITIES</u>	<u>PERCENTAGES</u>
Residential*	128.8 acres	80%
Recreational/Open Space**	<u>32.1 acres</u>	<u>20%</u>
TOTAL	160.9 acres	100%

* Includes interior street right-of-ways, easements, and recreational areas.

** Includes row of SR 38, floodway, pipeline easement, wetlands.

IV. DEVELOPMENT DENSITY

When the total number of units for all three neighborhoods are added together, the total shall not be greater than 329 dwelling units. The maximum density of 3.0 DU/AC and the total of 329 dwelling units for the Oakmont development shall not be exceeded without a formal amendment to the Planned Development. Modifications of 10% to parcel boundaries shall be permitted when final design is determined.

Overall Project Density (exclusive of flood plain, etc.) - 2.55 DU/AC

V. MODEL HOME COURT

Oakmont will contain a 5 lot and a 4 lot Model Home Court. All houses placed in the Model Home Courts may be used as model homes for a period not to exceed seventy-two (72) months from the date of the passage of Ordinance No. 20-4-95.

VI. RESIDENTIAL DEVELOPMENTAL STANDARDS

The following Table shall establish certain developmental standards for the construction of improvements for the residential parcels within the Oakmont Planned Development. Standards not listed in Table I shall be as established by the Noblesville Zoning Ordinance.

TABLE I

DEVELOPMENT STANDARD	Lot Width		
	<u>70'</u>	<u>75'</u>	<u>80'</u>
Front Yard Setback			
Building	25'	25'	30'
Garage	25'	25'	30'
Side Yard Setback	<u>6/12'</u>	<u>6/12'</u>	<u>7/14'</u>
Rear Yard Setback	<u>20'</u>	<u>20'</u>	<u>20'</u>
Minimum Lot Frontage	<u>45'</u>	<u>45'</u>	<u>45'</u>
Minimum Lot Width At Building Line	<u>70'</u>	<u>75'</u>	<u>80'</u>
Minimum Floor Area 1-story (Excluding garages, porches)	1200	1200	1200
2-story	1200	1300	1400
Minimum Lot Size (sq.ft.)	<u>8000</u>	<u>9000</u>	<u>10000</u>

VII. DEVELOPMENT COMMITMENTS

The developer does hereby commit to establish certain community-wide standards at Oakmont that will help to maintain the quality and stability of the community during and after development of the site. The following are commitments that shall be recorded upon approval of the Planned Development and which shall run with the land.

1. The developer or its designee and/or successor in title shall plant in front of each residential lot two street trees (species to be approved by the City of Noblesville Arborist) of a size not less than 2" caliper. The street trees shall be planted upon the completion of each Section of homes at Oakmont.

2. All dwelling units at Oakmont shall have attached two car garages.
3. In Neighborhood 1 detached garages or other detached accessory buildings shall be prohibited except for storage sheds and/or mini barns which do not exceed 100 sq. ft. in size shall be permitted.
4. Outdoor whirlpool, jacuzzi or spa-type tubs shall be prohibited except by approval of the Oakmont Architectural Control Committee.
5. No recreational vehicle, boat or trailer shall be allowed to be parked or stored on any lot unless it is kept within a fully enclosed garage.