

- B. The Director shall have the sole and exclusive authority to approve without conditions, approve with conditions, or disapprove the Final Development Plans/Secondary Plats (collectively, the "FDP") for the Traditions on the Monon; provided, however, that the Director shall not unreasonably withhold or delay the Director's approval of the FDP that is in substantial conformance with the CP and is in conformance with the Development Requirements and Development Standards of this Traditions on the Monon Ordinance. If the Director disapproves any FDP, the Director shall set forth in writing the basis for the disapproval and schedule the request for approval of the FDP for a hearing before the full Plan Commission.
- C. An amendment to the FDP, which is not determined by the Director to be a Substantial Alteration or Material Alteration from the approved CP, may be reviewed and approved solely by the Director. However, in the event the Director determines that there has been a Substantial Alteration or Material Alteration between the approved CP and any proposed FDP, the Director may, at the Director's discretion, refer the amended FDP to the Commission, or a Committee thereof, for review and approval by the Commission and/or a Committee thereof.
- D. The FDP shall be a specific plan for the development of all or a portion of the Real Estate that is submitted for approval to the Director, which shall include reasonable detail regarding the facility and structures to be constructed, as well as drainage, erosion control, utilities, and building information.

**Section 14   Definitions and Rules of Construction**

Section 14.1   General Rules of Construction.   The following general rules of construction and definitions shall apply to the regulations of this Ordinance:

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word "shall" is a mandatory requirement. The word "may" is a permissive requirement. *The word "should" is a preferred requirement.*

Section 14.2   Definitions

- A. Accessory Structure: A structure subordinate to a building or use located on the Real Estate which is not used for permanent human occupancy.

- B. Accessory Use: A use subordinate to the main use, located on the Real Estate or in the same building as the main use, and incidental to the main use.
- C. Building Height: The vertical distance from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansurd roof and the mean height between eaves and ridges for gable, hip and gambrel roofs.
- D. City: The City of Carmel, Indiana.
- E. Commission: The Carmel/Clay Plan Commission.
- F. Council: The City Council of the City of Carmel, Indiana.
- G. County: Hamilton County, Indiana.
- H. Declaration of Covenants: A Declaration of Covenants, Conditions and Restrictions for the Real Estate which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may, from time to time, be amended.
- I. Plan, Conceptual. A general plan for the development of the Real Estate that is submitted for approval showing proposed facilities, buildings, and structures. This plan generally shows landscape areas, parking areas, site access, drainage features, and building locations and is depicted on Exhibit "G", which is attached hereto and incorporated herein by reference.
- J. Development Plan, Final. A specific plan for the development of the Real Estate that is submitted for approval showing proposed facilities, buildings, and structures. This plan review includes general landscaping, parking, drainage, erosion control, signage, lighting, screening and building information for the site.
- K. Development Requirements. Development standards and any requirements specified in this Traditions on the Monon Ordinance which must be satisfied in connection with the approval of a Final Development Plan.
- L. Developer. Buckingham Properties, Inc. and its successors and assigns.
- M. Director: Director, or Administrator, of the Department of Community Services for the City of Carmel, Indiana. "Director" and "Administrator" shall include his/her authorized representatives.

- N. Homeowners Association: A nonprofit corporation established for the promotion of the health, safety and welfare of the residents of the Traditions on the Monon, and to manage, maintain, and repair the common areas within the Real Estate and any improvements located thereon.
- O. Masonry: Masonry shall include brick, stone and/or stucco.
- P. Material Alteration: Any change to an approved plan of any type that involves the substitution of one material, species, element, etc. for another.
- Q. Minor Alteration: Any change to an approved plan of any type that involves the revision of less than ten percent (10%) of the plan's total area or approved materials.
- R. Parcel Coverage: The total ground area, within the Real Estate, covered by buildings and accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof, divided by the total horizontal area within the Real Estate boundaries.
- S. Real Estate: The Real Estate shall mean and refer to all of the Real Estate described in Exhibit "A".
- T. Right-of-Way: An area of land permanently dedicated to provide light, air and access.
- U. Set Back: The least measured distance between a building or structure, excluding, however, porches, patios, and the perimeter boundary of the Real Estate. For purposes of determining Set Back, the perimeter boundary of the Real Estate (i) shall always mean and refer to the outside perimeter boundary line of the Real Estate and (ii) shall not be changed or reduced by reason of the platting or subdivision of the Real Estate into smaller parcels.
- V. Sign: Any type of sign as further defined and regulated by this Ordinance and the Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as amended.
- W. Substantial Alteration: Any change to an approved plan of any type that involves the revision of ten percent (10%) or more of the plan's total area or approved materials.
- X. Townhome: An attached dwelling intended for occupancy by a single family.

- Y. Townhome Building: A structure containing attached dwellings.
- Z. Trim: Soffits, architraves, wood reveals, and casement around doors and windows.

**Section 15. Violations**

All violations of this Traditions on the Monon Ordinance shall be subject to Section 34.0 of the Carmel/Clay Zoning Ordinance.

PASSED by the Common Council of the City of Carmel, Indiana this 20<sup>th</sup> day of December, 2004, by a vote of 7<sup>th</sup> ayes and 0 nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

[Signature]  
Presiding Officer

[Signature]  
Kevin Kirby

[Signature]  
Ronald E. Carter, President Pro Tempore

NOT PRESENT  
Brian D. Mayo

[Signature]  
Fredrick J. Glaser

[Signature]  
Mark Rattermann

[Signature]  
Joseph C. Griffiths

[Signature]  
Richard L. Sharp

ATTEST:

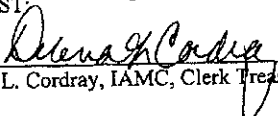
[Signature]  
Diana L. Cordray, IAMC, Clerk Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana the 21<sup>st</sup> day of December, 2004, at 9:10 o'clock A.M.

[Signature]  
Diana L. Cordray, IAMC, Clerk Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 21<sup>st</sup> day of December, 2004, at 9:10 o'clock A.M.

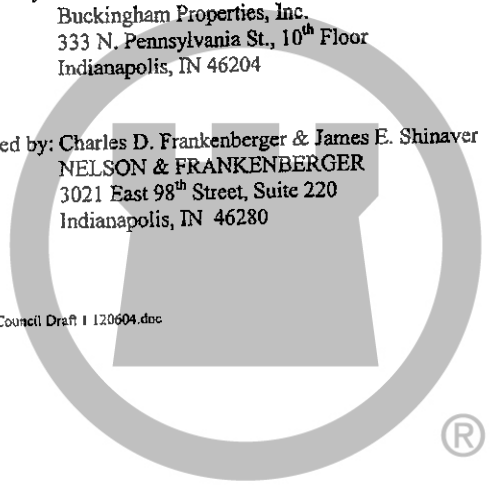
  
James Brainard, Mayor

ATTEST:  
  
Diana L. Cordray, IAMC, Clerk Treasurer

This Instrument prepared by: David E. Leazenby  
Buckingham Properties, Inc.  
333 N. Pennsylvania St., 10<sup>th</sup> Floor  
Indianapolis, IN 46204

This Instrument reviewed by: Charles D. Frankenberger & James E. Shinaver  
NELSON & FRANKENBERGER  
3021 East 98<sup>th</sup> Street, Suite 220  
Indianapolis, IN 46280

H:\are\Eden\Buckingham\PLD Council Draft 1 120604.doc



CHICAGO TITLE

## EXHIBIT "A"

### Legal Description

Part of the Southeast Quarter of Section 24, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 24, Township 18 North, Range 3 East in Hamilton County, Indiana; thence South 88 degrees 23 minutes 47 seconds West (assumed bearing) on and along the South line of said Southeast Quarter 307.68 feet to the Southwest corner of real estate conveyed to Tolpygin per deed recorded in the Office of the Hamilton County Recorder as Instrument Number 2002-2496 (Tolpygin parcel) and the POINT OF BEGINNING of this description; thence continuing South 88 degrees 23 minutes 47 seconds West 480.21 feet to a point on the East right-of-way line of the Monon Railroad and the point of curvature of a curve to the left having a radius of 1983.00 feet; thence northwesterly on and along said curve an arc distance of 957.33 feet to the Southwest corner of real estate conveyed to the Carmel Cemetery Association (Cemetery Parcel) per deed recorded in the Office of the Hamilton County Recorder in Deed Book 278, Page 370; thence North 88 degrees 23 minutes 47 seconds East on and along the South line of said Cemetery Parcel 343.14 feet to a point on the West line of The Ritter's H.P.R. recorded in the Office of the Hamilton County Recorder in Plat Cabinet 2, Slide 562; thence South 00 degrees 11 minutes 45 seconds West on said West line 145.77 feet to the Southwest corner of said Ritter's H.P.R.; thence the following six (6) calls on and along the South line of said Ritter's H.P.R. 1.) North 79 degrees 59 minutes 29 seconds East 170.0 feet; 2.) South 81 degrees 08 minutes 47 seconds East 71.41 feet; 3.) North 67 degrees 57 minutes 12 seconds East 44.54 feet; 4.) North 88 degrees 08 minutes 47 seconds East 71.41 feet; 5.) North 37 degrees 13 minutes 24 seconds East 69.78 feet; 6.) South 60 degrees 12 minutes 49 seconds East 101.88 feet; thence South 00 degrees 21 minutes 44 seconds East 409.53 feet to the Southwest corner of real estate conveyed to Leppert & Hensley Mortuary Crematory, Inc. (Mortuary Parcel) per deed recorded in the Office of the Hamilton County Recorder as Instrument Number 2002-61980; thence North 88 degrees 23 minutes 47 seconds East on and along the South line of said Mortuary Parcel 270.10 feet to a point on the East line of said Southeast Quarter; thence South 00 degrees 21 minutes 44 seconds East on and along said East line 50.00 feet; thence South 88 degrees 23 minutes 47 seconds West 175.87 feet to a point on the Northwest corner of real estate conveyed to P.S.I. per deed recorded in the Office of the Hamilton County Recorder as Deed Record 231, Page 168 and the point of curvature of a curve to the left having a radius of 1903.08; thence southerly on and along said curve an arc distance of 358.64 feet to the POINT OF BEGINNING, containing in all 12.21 acres, more or less.

Subject to the Right-of-way of 136<sup>th</sup> Street

Subject to the Right-of-way of Range Line Road

Subject to the Right-of-way of the Monon Railroad.

Subject to the Right-of-way of the Follett & Morrow Legal Drain Easement.

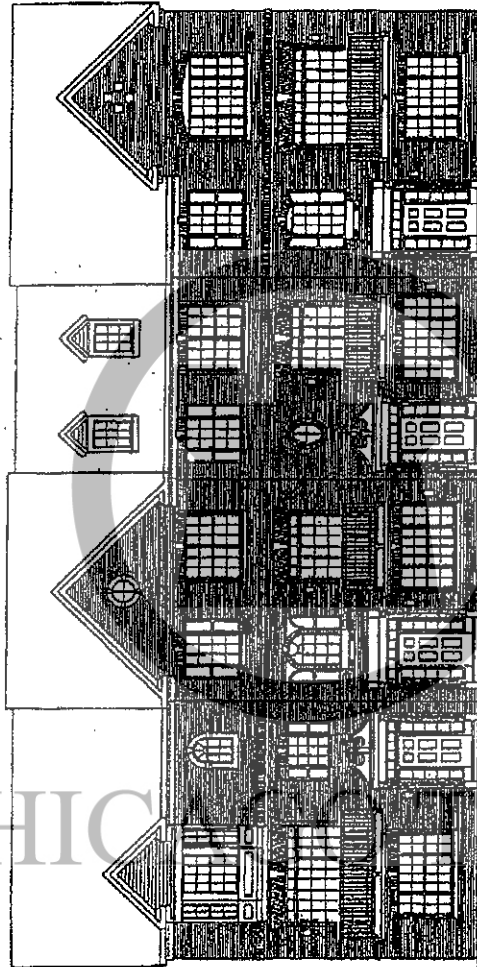
Subject to all legal easements, rights-of-way, covenants, and restrictions.

\*Note: This description has been prepared based upon instructions from the client and limited field observations by Mid-States Engineering, LLC. A boundary survey has not been performed by Mid-States Engineering, LLC on the above described area per Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code. In no event will Mid-States Engineering, LLC, its employees, agents, and/or assigns be liable for any damages arising out of the furnishing and/or use of this description.

# CHICAGO TITLE

<p>CENTEX HOMES          18250 E. 11<sup>th</sup> AVENUE          SUITE 100          SCOTTSDALE, AZ 85258          (480) 340-1000</p>	<p>TOWNHOMES          4 UNIT - REAR/LOAD</p>	<p>EXTERIOR ELEVATIONS          4 UNIT FRONT</p>	<p>6.1.1</p>
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Exhibit B



Elevation B - Living  
FRONT ELEVATION

Elevation B - Entry

Elevation A - Balcony

Elevation A - Living

CHIC TITLE

APPENDIX C TO DECLARATION  
TRADITIONS ON THE MONON

C-19


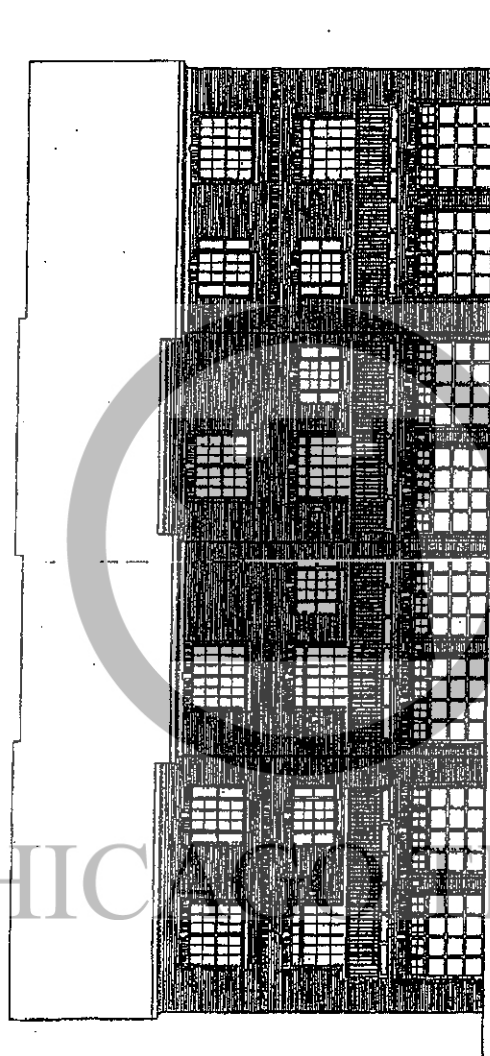
 <p>CENTEX HOMES</p>	<p>TOWNHOMES</p> <p>4-UNIT REAR</p>	<p>EXTERIOR ELEVATIONS</p>	<p>Sheet: 6.1.2</p>
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Exhibit B



Architect: A. L. Lender  
REAR ELEVATION  
SU 000000000000000000

Consultant: A. L. Lender

Engineer: E. B. Baker

Manufacturer: E. L. Lender

CHIC TITLE

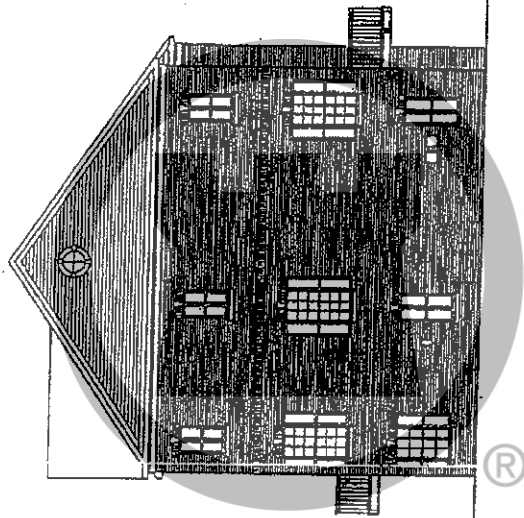
APPENDIX C TO DECLARATION  
TRADITIONS ON THE MONON

C-20



<p>    <b>CENTEX HOMES</b> </p>	<p> <b>TOWNHOMES</b>           4 UNIT REAR LOAD       </p>	<p> <b>EXTERIOR ELEVATIONS</b>           4 UNIT RIGHT SIDE       </p>	<p>         SHEET NO. <b>613</b> </p>
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Exhibit B



Elevations - Leadley  
**RIGHT SIDE ELEVATION**

CHICAGO TITLE

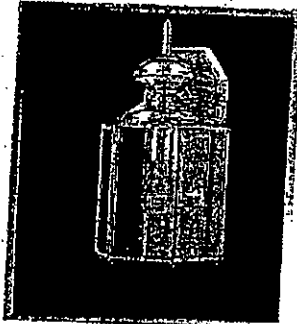


APPENDIX C TO DECLARATION  
TRADITIONS ON THE MONON

**CENTEX  
HOMES**

**EXTERIOR**

Exhibit D

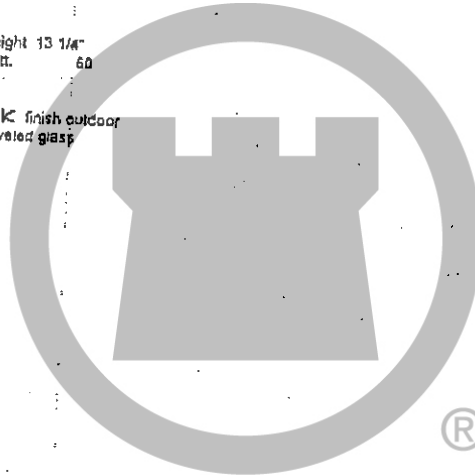


**FRONT EXTERIOR**

**SL8242-7**

Width 7"	Body Height 13 1/4"
No. Lights 1	Max Watt. 60
Extends 4 1/2"	

One-light, Solid Black finish outdoor wall bracket with clear beveled glass panels.



**CHICAGO TITLE**

## Post Top Luminaire – Acorn Shaped

Exhibit E

*This luminaire is referred to as an acorn because it is shaped similar to the small acorn that is produced by the oak tree.*

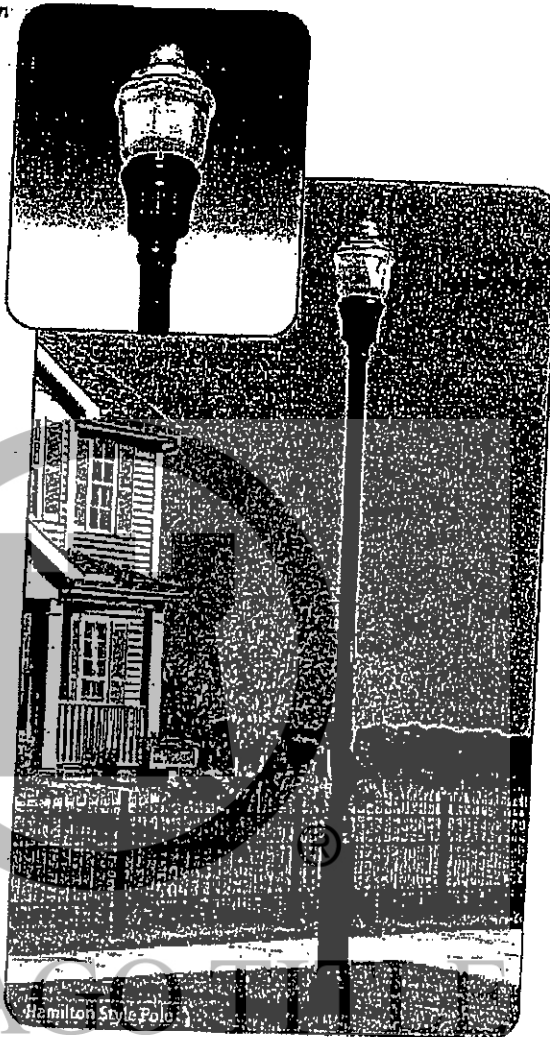
*This acorn shaped luminaire features a glass globe with prismatic ridges for precision photometrics and efficient lighting pattern output.*

*When this luminaire is mounted on a decorative pole it suggests an elegant and historical era that enhances the theme of a lighting area during both the daytime and nighttime hours.*

*Today this bygone era can be recaptured with the convenience of electricity and automatic controls for the lighting hours. Current technology allows the lighting output to be more energy efficient, reliable and effective than it has ever been.*

*The poles used for mounting this luminaire resemble the styles of the past... while producing an aesthetic appearance with practicality and durability.*

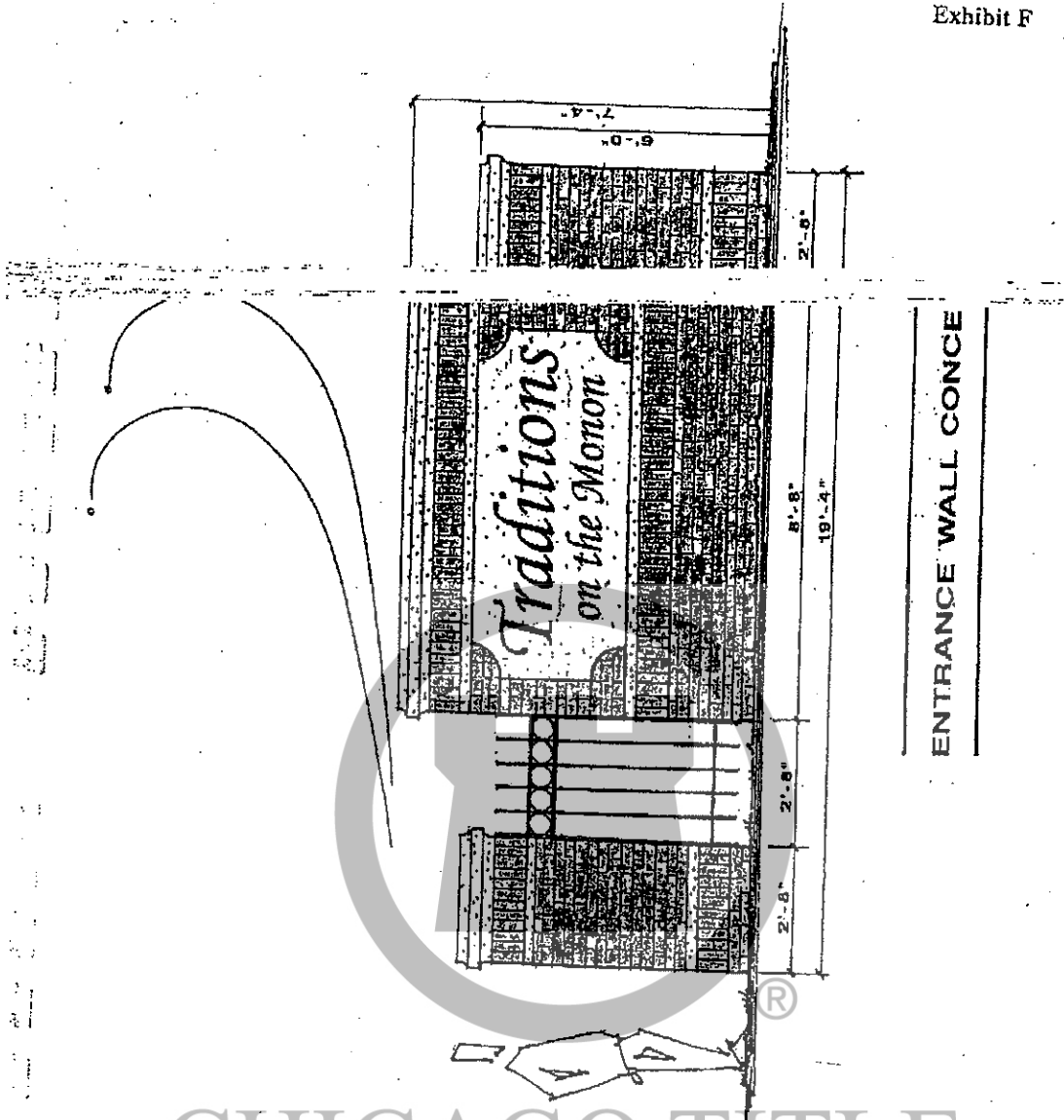
*Two different anchor base, foundation mounted, decorative aluminum poles are being offered for this luminaire. Both poles have fluted shafts but each has a unique shape on the lower portion. They each have a 12 foot shaft length which results in a 13 foot luminaire mounting height from ground level.*



**CINERGY.**

APPENDIX C TO DECLARATION  
TRADITIONS ON THE MONON

C-24



CHICAGO TITLE

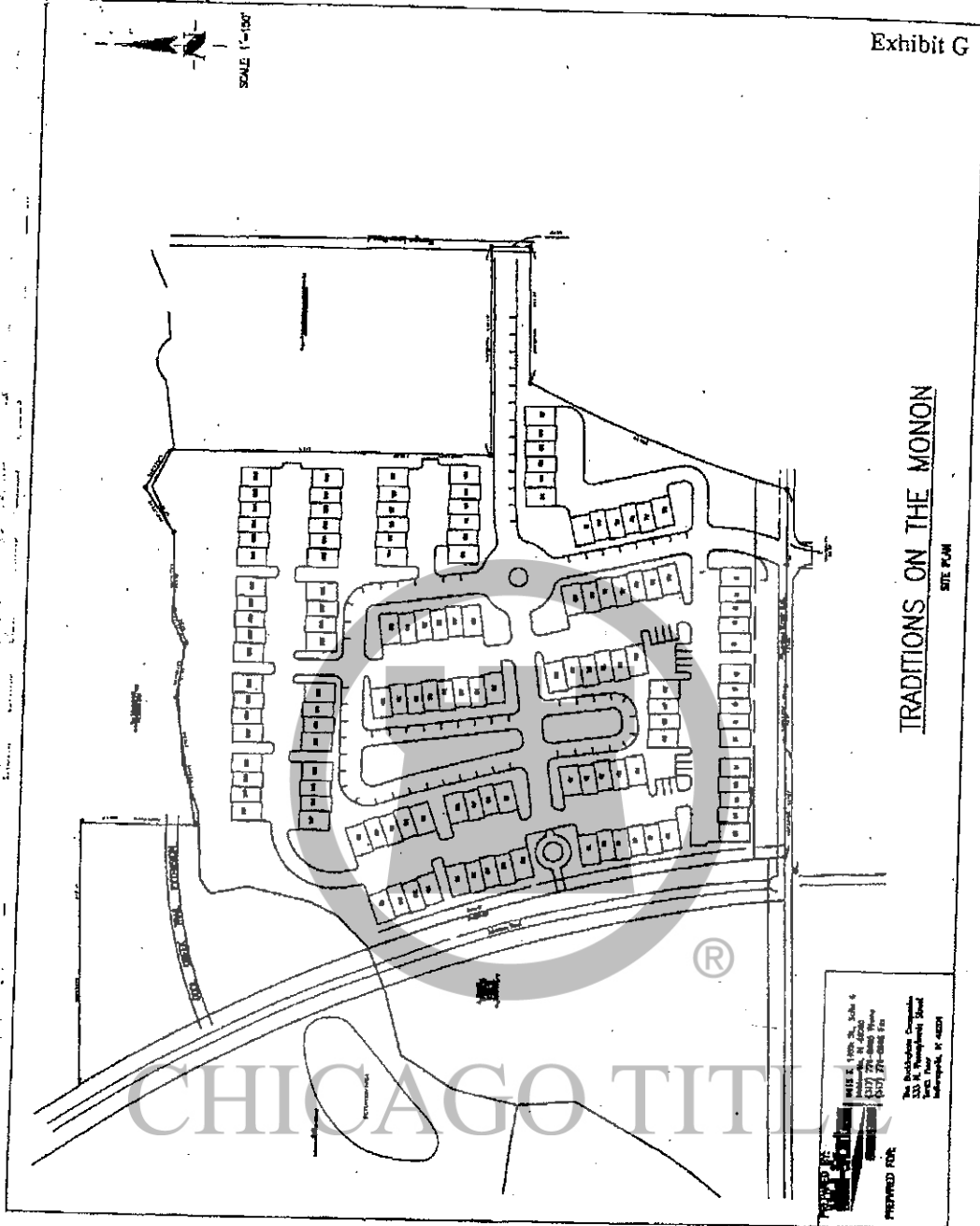


Exhibit G

TRADITIONS ON THE MONON

SITE PLAN

WISE & 1925 St. John St.  
 Indianapolis, IN 46204  
 Telephone: (317) 271-8888  
 Fax: (317) 271-8888

The Buckle Up Company  
 224 N. Washington Street  
 Indianapolis, IN 46204

PREPARED FOR:

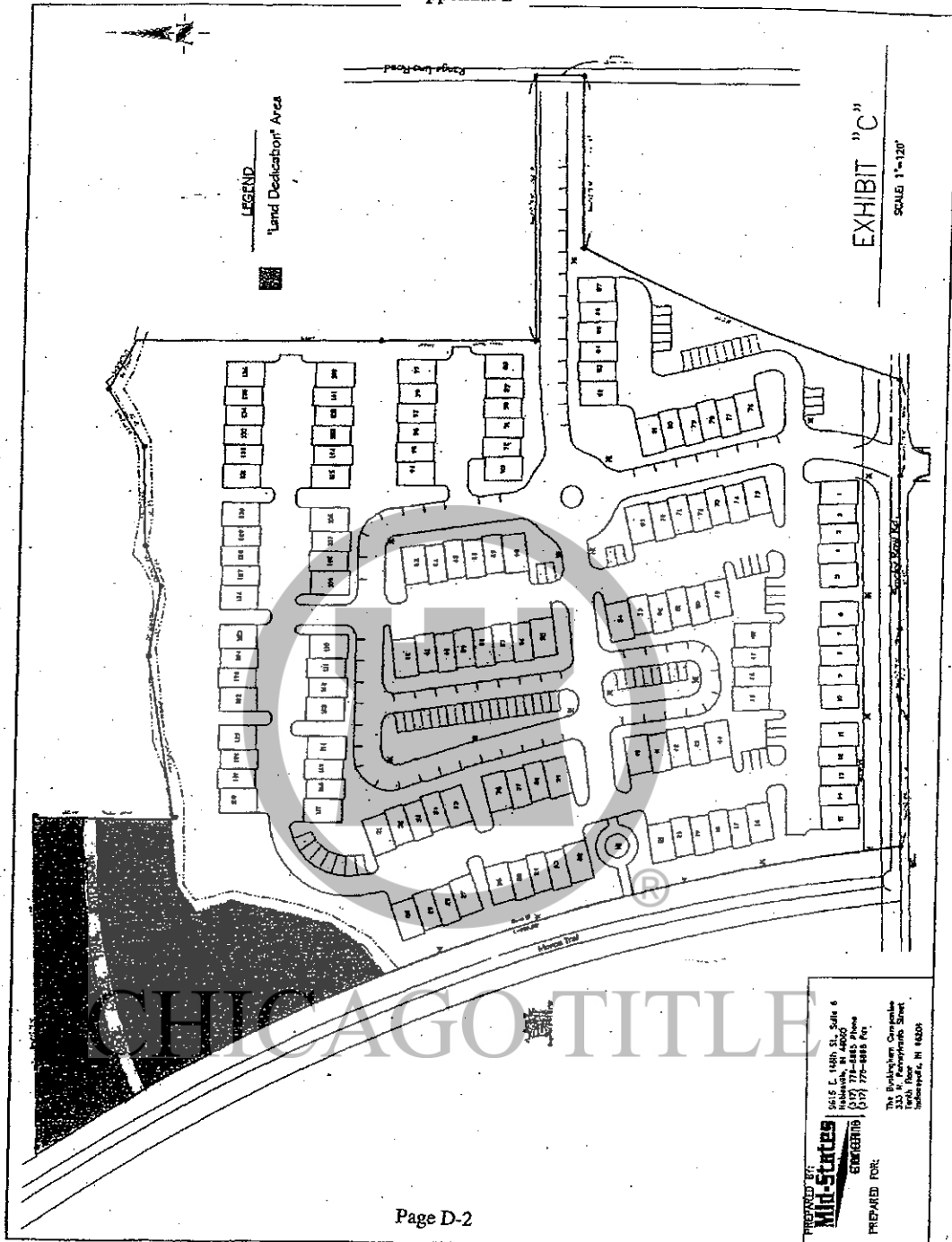
**APPENDIX D**  
**COOL CREEK TRAIL EXTENSION EASEMENT**



CHICAGO TITLE

APPENDIX D TO DECLARATION OF TRADITIONS ON THE MONON  
GUIDE TO ASSOCIATION'S MAJOR MANAGEMENT & GOVERNANCE FUNCTIONS  
64701.2

Page D-1



LEGEND  
 "Land Dedication" Area

EXHIBIT "C"  
 SCALE 1"=120'

CHICAGO TITLE

PREPARED BY  
**Min-States**  
 ENGINEERING  
 5615 E. 149th St., Suite 6  
 Chicago, Illinois 60641  
 (312) 776-8885 Phone  
 (312) 776-8885 Fax

PREPARED FOR:  
 The Bankers' Companies  
 150th Street  
 Indianapolis, IN 46204