

ORDINANCE NO. - -24

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

Document Cross Reference Nos.

This Ordinance amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the “UDO”), enacted by the City of Noblesville (the “City”) under authority of Indiana Code § 36-7-4-600, et seq., as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on docket number LEGP-0070-2024 at its May 20, 2024 meeting as required by law concerning a change of zoning of certain property described in **Exhibit A** attached hereto (the “Real Estate”) containing approximately 52.354 acres, and depicted in **Exhibit B** attached hereto; and,

WHEREAS, the Plan Commission has sent a Recommendation for adoption of said amendment with a vote of () AYES and () NAYS to the Common Council;

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

Section 1. The Official Zone Map is hereby amended to change the zoning of the parcel legally described in **Exhibit A** and depicted in **Exhibit B** from the R1 Residential District to the R4 Residential District;

Section 2. That the Zoning map shall be updated concurrently to reflect the changes referred to in Section 1.

Section 3. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

[The remainder of this page intentionally left blank; signature page follows.]

Approved on this _____ day of _____, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: _____
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of _____, 2024 at _____ .M.

Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen, Mayor

Date

MAYOR'S VETO

Chris Jensen, Mayor

Date

ATTEST: _____
Evelyn L. Lees, City Clerk

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: Jon C. Dobosiewicz

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Branson Reserve - 2024 Rezone Ordinance 3 042524

EXHIBIT A

Legal Description

(Page 1 of 1)

Part of the West Half of the Northwest Quarter of Section 28, and part of the Southwest Quarter of the Southwest Quarter of Section 21, all in Township 19 North, Range 5 East of the Second Principal Meridian, in Noblesville Township, Hamilton County, Indiana, based on an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering Job Number 2023-371, more particularly described as follows:

BEGINNING at the northeast corner of the West Half of the Northwest Quarter of said Section 28, marked by a Harrison monument; thence South 00 degrees 02 minutes 59 seconds East (grid bearing, Indiana Geospatial Coordinate System, "Hamilton County" Zone) along the east line of said Half-Quarter Section a distance of 666.76 feet to the northeast corner of Roudebush Woods, Section 4, the plat of which is recorded in Plat Cabinet 3, Slide 108 as Instrument Number 200200095881 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 07 minutes 09 seconds West along the north line of said Roudebush Woods, Section 4, and along the north line of Roudebush Woods, Section 2, the plat of which is recorded in Plat Cabinet 2, Slide 520 as Instrument Number 200000060265 in said Recorder's Office, and along the westerly extension thereof, a distance of 1314.16 feet to the east line of Meadows Knoll, Section 4, the plat of which is recorded in Plat Cabinet 2, Slide 373 as Instrument Number 199909971659 in said Recorder's Office; thence North 00 degrees 03 minutes 35 seconds East along said east line a distance of 669.12 feet to the northwest corner of the Northwest Quarter of said Section 28, marked by a 5/8-inch rebar with illegible cap; thence North 00 degrees 06 minutes 41 seconds East along the east line of said Meadows Knoll, Section 4, along the east line of Meadows Glen, Section 5, the plat of which is recorded in Plat Cabinet 2, Slide 437 as Instrument Number 200000025367 in said Recorder's Office, and along the east line of Meadows Glen, Section 4, the plat of which is recorded in Plat Cabinet 2, Slide 221 as Instrument Number 199909905519 in said Recorder's Office, a distance of 1070.80 feet to a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114"; thence North 88 degrees 55 minutes 21 seconds East a distance of 1288.92 feet to the west line of a right-of-way grant described in Instrument Number 200400023359 in said Recorder's Office, the following two (2) courses being along the west and south lines thereof; (1) thence South 00 degrees 17 minutes 24 seconds East a distance of 168.39 feet; (2) thence North 89 degrees 42 minutes 36 seconds East a distance of 16.50 feet to the east line of the Southwest Quarter of the Southwest Quarter of said Section 21; thence South 00 degrees 17 minutes 24 seconds East along said east line a distance of 908.90 feet to the POINT OF BEGINNING, containing 52.354 acres, more or less.

EXHIBIT B

Depiction of Legal Description
(Page 1 of 1)



TAB 8

ORDINANCE NO. __ - __-24

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE,
A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA**

Document Cross Reference Nos. _____

This Ordinance (the “Branson Reserve PD Ordinance” or “PD Ordinance”) amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the “UDO”), enacted by the City of Noblesville (the “City”) under authority of Indiana Code § 36-7-4-600, et seq., as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on docket number LEGP 0071-2024 at its May 20, 2024 meeting, as required by law, in regard to the application (the “Petition”) filed by MI Homes of Indiana, an Indiana limited partnership (the “Developer”) concerning a change of zoning of certain property described in **Exhibit A** attached hereto (the “Real Estate” which is also referred to herein as the “District”) and the adoption of a preliminary development plan to be known, collectively with attached Exhibits, as the “Branson Reserve Preliminary Development Plan”, as further described in Section 4 below (the “Preliminary Development Plan”); and,

WHEREAS, the Plan Commission has sent a _____ Recommendation for adoption of said amendment with a vote of ____ () AYES and ____ () NAYS to the Common Council of the City of Noblesville Hamilton County, Indiana (the “Common Council”);

NOW, THEREFORE, BE IT ORDAINED by the Common Council, meeting in regular session, that it hereby adopts this Branson Reserve PD Ordinance as an amendment to the UDO and the Official City of Noblesville Zoning Map (the “Zoning Map”) to establish this Planned Development Overlay District (the "District") to read as follows:

Section 1. Applicability of Ordinance.

- A. The Zoning Map is hereby amended to change the zoning of the Real Estate from “R4” Residential to “R4/PD” Residential Planned Development, which is to be known as the Branson Reserve Planned Development (the "District").
- B. The District's underlying zoning district shall be R4 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Branson Reserve PD Ordinance and its exhibits, and (ii) those

provisions of the UDO in effect as of the date of adoption of this Ordinance, and applicable to the Underlying District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance. Cross-references to “Article”, “Part”, “Section” and “Subsection” in this Ordinance shall refer to the corresponding Article, Part, Section and Subsection as specified and referenced in the UDO.

- C. All provisions and representations of the UDO that conflict with the provisions of this Branson Reserve PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Branson Reserve PD Ordinance.

Section 2. **Definitions.** The general rules of construction set forth in Article 2 of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.

Section 3. **Permitted Uses.**

- A. All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed one hundred and forty-seven (147).
- B. Accessory Uses and Accessory Structures customarily incidental to any permitted use shall be permitted.

Section 4. **Preliminary Development Plan.**

- A. Full sized, scaled development plans are on file with the City’s Planning and Development Department with a revision date of April 24, 2024. What is attached hereto as **Exhibit B** is a general representation of the full sized plans and **Exhibit B**, together with the full sized plans, shall be collectively referred to as the “Preliminary Development Plan”.
- B. The Preliminary Development Plan is hereby incorporated herein and approved. Pursuant to Article 8 of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, variations/waivers from the Underlying District and layout of the District.

Section 5. **Bulk Standards.** The bulk requirements applicable to the Underlying District shall be replaced, modified and superseded by the below:

- A. The Minimum Lot Area: Six Thousand eight hundred and seventy-five (6,875) Square Feet

- B. Minimum Lot Width measured at the front building setback line:
Fifty-five (55) feet
- C. Minimum Street Frontage: Thirty-five (35) feet
- D. Maximum Building Height: Thirty-five (35) feet
- E. Minimum Front Yard Setback: Twenty-five (25) feet
- F. Minimum Side yard Setback: Five (5) feet
- G. Minimum Rear yard Setback: Twenty (20) feet
- H. Maximum Floor Area Ratio: Not Applicable
- I. Minimum Living Area: Fifteen Hundred (1,500) Square Feet
- J. Maximum Lot Coverage: Fifty-five (55) percent

Section 6. **Architectural Standards.** The requirements included in Article 8, shall not apply, instead the following shall apply to the District:

- A. The approved elevations shall be the set of elevations on file with the City's Planning and Development Department as submitted on March 20, 2024, as reviewed and approved by the City's Architectural Review Board / PUD/Plat Committee (the "Committee"), at its April 17, 2024 meeting (the "Approved Elevations").
- B. The Approved Elevations are hereby incorporated and approved. All home elevations shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his or her designees, shall review and approve elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance and consistency with the Approved Elevations.
- C. The elevations of any dwelling that substantially varies from an Approved Elevations shall be submitted for review and approval by the Director of Planning and Development if in compliance with the Architectural Standards hereby incorporated under **Exhibit C** or require approval by the Committee, if not found in compliance with the standards included in **Exhibit C**. The Committee's review of said elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and the Approved Elevations.
- D. Elevations (Dwelling Character Exhibits) are included under **Exhibit D** which are representative of the Approved Elevations.

- E. Corner Breaks shall be a minimum of 2' by 6' creating an additional roof line. A corner lot street side is required to have the same number of corner breaks as the front elevations of the home. An additional corner break is required on homes that back to Promise Road and are within fifty (50) feet of the Promise Road right-of-way.

Section 7. Landscaping and Open Space Standards. The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as modified below:

- A. Lot Landscaping. All Lots shall be landscaped in accordance with the Architectural Review Board Standards (adopted on August 16, 2007). This standards shall only be applicable to the front of the dwelling including the front door on corner lots.
- B. Landscape Buffer Yards. Landscape Buffer Yards shall be provided as shown on the Preliminary Development Plan.
 - 1. North, West and South perimeter of the Real Estate: A minimum fifty (50) foot common area including a twenty-five (25) foot buffer yard shall be required as shown on the Preliminary Development Plan. Four (4) shade trees, fifteen (15) large deciduous shrubs, and six (6) large evergreen shrubs shall be provided per two-hundred (200) linear feet of within the buffer yard in addition to preservation of existing trees as shown on the Preliminary Development Plan.
 - 2. East Peripheral Yard: The east Peripheral Yard shall be a minimum of (30) feet of common area. Three trees, at least two (2) of which shall be shade trees, and thirty-three (33) shrubs, shall be provided per one-hundred (100) linear feet of road frontage.
- C. Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.
- D. Tree Preservation. The requirements of Article 12, Section 13.B (Tree Preservation) of the UDO shall be applicable to the Real Estate in areas specified as Tree Preservation Easements on the Preliminary Development Plan and notice of the regulation of such standards shall be included in the Declaration of Covenants and Restriction that will be applicable to the Real Estate.

Section 8. Parking and Loading Standards. The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply except as noted below:

- A. The minimum distance between the street centerline and the driveway for lots which front more than one public street shall be fifty (50) feet and the driveways are not required to be placed 7.5' from the lot line furthest from the intersection.

Section 9. **Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply, except as modified below:

- A. Photocell controlled light fixtures shall be required on either side of garage doors.

Section 10. **Sign Standards.** The District's signs shall comply with Article 11 of the UDO, except as modified below:

- A. Two (2) signs shall be permitted at the entrance to the subdivision which flank the entrance as depicted in **Exhibit E**.

Section 11. **Site Design and Infrastructure Standards.** Unless otherwise stated within this Branson Reserve PD Ordinance, all public infrastructure within the District shall adhere to the City's standards and design criteria, subject to the following specific waivers that are hereby approved:

- A. The minimum right-of-way radius for a cul-de-sac shall be fifty-one (51) feet.
- B. Corner lots shall be permitted at a minimum of twenty-five (25) percent larger than the minimum lot area.
- C. The Centerline Radii for Residential Minor Collectors reduced from 225 feet to 150 feet.

Section 12. **Procedures:**

- A. **Detailed Development Plan:** Approval of any Detailed Development Plan ("DDP") shall follow the procedures set out in Article 8 of the UDO, subject to the following clarification:
 - 1. The Director of Planning and Zoning shall approve a Minor Change; and
 - 2. If a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, The Major Change shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the Governing Standards set forth herein and shall be compatible and consistent with the intended quality and character of the District.
- B. **Secondary Plat:** A Secondary Plat shall be submitted for review and approval as part of any approved DDP.
- C. **Major Change.** For purposes of this PD Ordinance, a "Major Change" shall mean:
 - (i) a substantial change to the location of a perimeter entrance as shown on the Preliminary Development Plan; and
 - (ii) significant changes to the drainage management systems, including, but not limited to, BMP's and legal drains.

- D. Minor Change. For purposes of this PD Ordinance, a “Minor Change” shall mean any change that: (i) is not a Major Change; and (ii) is consistent with the intent of this Ordinance and consistent with the quality and character represented in this Branson Reserve Ordinance for the District.

Section 13. **Effective Date.** This Branson Reserve PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

[The remainder of this page intentionally left blank; signature page follows.]

Approved on this _____ day of _____, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: _____
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of _____, 2024 at _____ .M.

Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen, Mayor

Date

MAYOR'S VETO

Chris Jensen, Mayor

Date

ATTEST: _____
Evelyn L. Lees, City Clerk

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: Jon C. Dobosiewicz

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Branson Reserve - 2024 PD Ordinance 3 042524

EXHIBIT A

Legal Description

(Page 1 of 1)

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TAB 7

EXHIBIT A

Depiction of Legal Description
(Page 2 of 2)



EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN



(See following 15 pages which are a subset of the PDP plan set on file with Noblesville Planning)

EXHIBIT C
ARCHITECTURAL STANDARDS

(Page 1 of 2)

Architectural Standards – [Branson]			
General/ Miscellaneous	Floor Area/Dwelling Unit (Minimum)	One-Story	1,500 sf
		Two-Story	1,700 sf
	Building Height (Maximum)		35 feet
	Corner Breaks (Minimum)	Primary Architectural Plane	3
		Secondary Architectural Plane	2
	Porch	Required	No,
		Area (Minimum)	20 sf when provided
Materials	Masonry Percentage (Minimum)	Primary Architectural Plane	15%
		Secondary Architectural Plane	-
	Approved Materials (Non-Masonry)	Fiber Cement Board	Y
		Stucco	Y
		Wood	Y
		Vinyl (.048 gauge minimum)	N
		Aluminum	N
		Soffits and Rake Boards Vinyl or aluminum	Y
Roof	Roof Pitch (Minimum)	Primary Ridge unless architecture style suggests less.	6/12
	Roof Ridgelines (Minimum)	One-Story	2
		Two-Story	3
	Roof Overhang (Minimum)	All Architectural Planes	12 inches
	Allowable Vent Location (Roof)	Primary Architectural Plane	Y
		Secondary Architectural Plane	Y
Windows	Window Size (Minimum)	Standard Window	8 sf
		Accent Window (accent windows adding to 8 SF equals 1 window)	4 sf
	Number of Windows (Minimum)	Primary Architectural Plane	Ranch = 2 2-story = 4
		Secondary Architectural Plane	Ranch = 1 2-story = 2
		Total Aggregate (doors count as windows)	Ranch = 8 2-story = 10
	Window Treatment Required	Primary Architectural Plane	Y
		Secondary Architectural Plane	N
Garage	Garage Location	Primary Architectural Plane	Y
		Primary Architectural Plane (Corner Lot)	Y
		Secondary Architectural Plane	Y

	Garage Door Percentage, Primary Architectural (4)	One-Story	50%
		Two-Story	50%
	Garage Windows Required		N

Applicable Footnotes:

- (1) Window Treatment includes shutters, wood trim wrap, or brick detail surround.
- (2) Ridge vent not included in restricted vent type on primary architectural plane.
- (3) Overhang may be 8" in masonry areas.
- (4) Third car garage does not count against Garage Door percentage

EXHIBIT D

DWELLING CHARACTER EXHIBITS

(See following 7 Pages)

EXHIBIT E

Entrance Signage Exhibit

(Page 1 of 1)

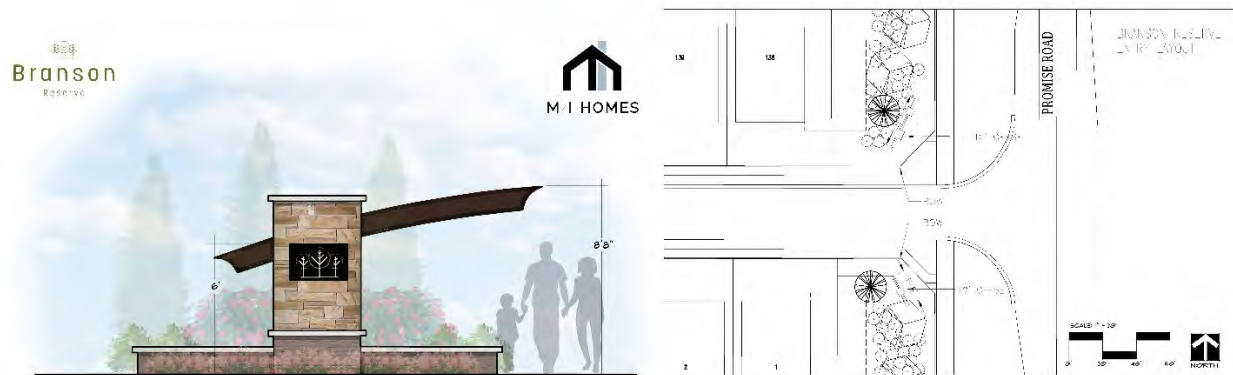
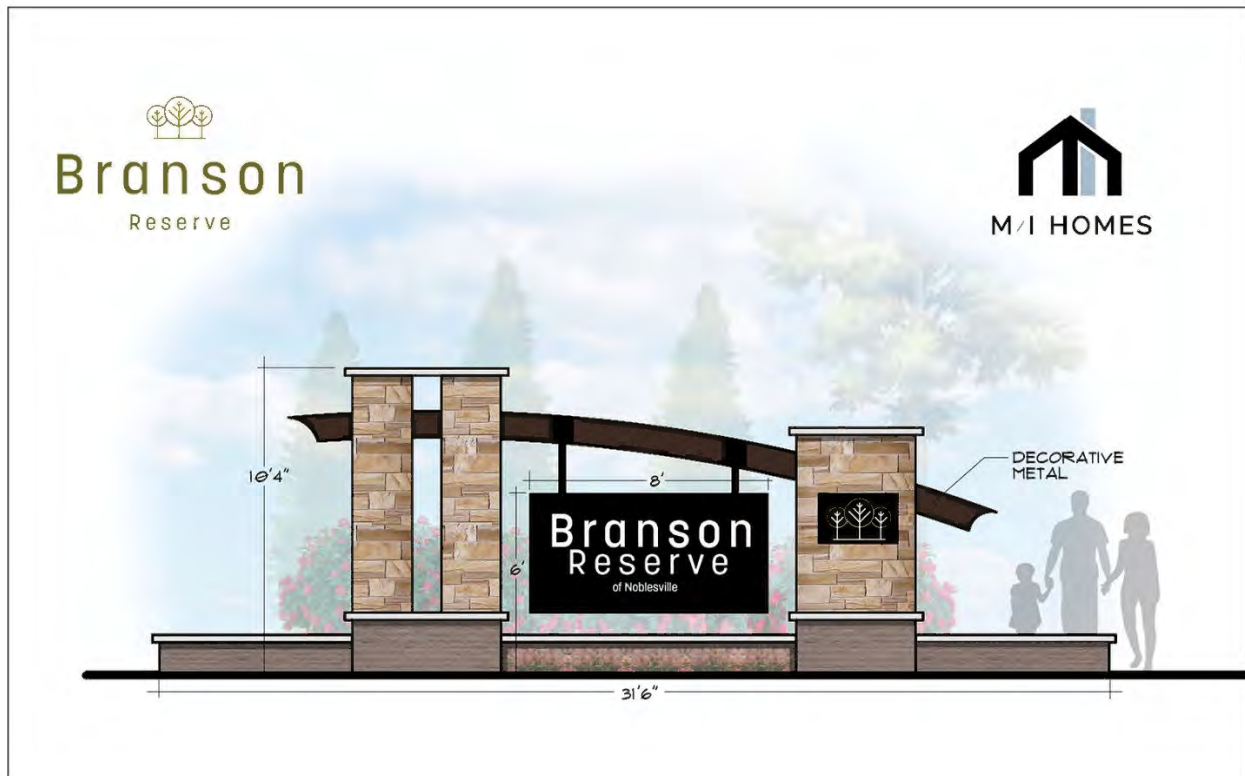


EXHIBIT F

Waivers

The below is a list of Waivers (intended to summarize the text of the PD Ordinance) from the underlying UDO standards.

- A. Modification of Minimum lot area per lot, Minimum lot width per lot, street frontage, setback, floor area, living area, and lot coverage bulk standards (see Section 5).
- B. Reduction the Buffer Yard and Peripheral Yard:
 - * North, West and South: 50' common area and 25' buffer yard / 4 trees-21 shrubs per 200'
 - * Peripheral Yard along Promise Road: 30' common area
- C. Open space as illustrated on the Preliminary Development Plan.
- D. Amended sign standards to permit signs flanking entrance.
- E. Reduction of the minimum cur-de-sac radius to fifty-one (51) feet.
- F. Reduced Centerline Radius to 150' for minor collector.