

**ORDINANCE NO. 46-10-23**

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

This is an ordinance (the "Ordinance") to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority granted by law.

**WHEREAS**, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing as required by law regarding application number LEGP 000130-2023 (the "Petition"), filed by the City of Noblesville ("Developer"), for a request in change of zoning; and

**WHEREAS**, the Plan Commission, at its \_\_\_\_\_, \_\_\_\_\_, meeting, sent a \_\_\_\_\_ recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana (the "City Council"), by a vote of \_\_\_\_\_ (\_\_\_) in favor and \_\_\_\_\_ (\_\_\_) opposed.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council, meeting in regular session, that it hereby adopts this Ordinance as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") as follows:

**Section 1.      Applicability of Ordinance**

- 1.1      The Zoning Map is hereby changed to designate the subject real estate located generally 1300 feet east of Olio Road on the south side of 141<sup>st</sup> Street, Noblesville, Indiana, which real estate is approximately thirty-two (32) acres in size and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Real Estate"), as a Planned Development Overlay District to be known as Innovation Mile Planned Development (the "District").
- 1.2      The District's underlying zoning district shall be CCPD (Corporate Campus Planned Development with a Commercial/Office land use type. Development of the District shall be governed entirely by (i) the provisions of this Ordinance and its Exhibits attached hereto, 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.
- 1.3      All provisions and representations of the UDO that conflict with the provisions of this Ordinance and its Exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2.      Definitions**

- 2.1      The general rules of construction set forth in Article 2 of the Unified Development Ordinance (UDO) and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Capitalized terms not defined in this Ordinance but defined in the UDO shall be interpreted in accordance with the UDO definition.

- 2.2 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department.
- 2.3 “Review Committee” shall mean the seven-person group responsible for the approval of the development and construction that will occur on the property covered by this adopted planned development ordinance.

**Section 3. Review Committee**

- 3.1 The Review Committee shall be a seven-person committee with the following members: two members of the Noblesville Plan Commission, two members of the Noblesville Common Council, the Noblesville Economic Development Director or designee, the Noblesville Community Development Director or designee, and the Noblesville City Engineer or designee.
- 3.2 All development within this planned development district shall be subject to review by the Review Committee. The Review Committee shall be responsible for determining the standards for development of the parcel including Bulk Standards, Parking Requirements, Transportation and Circulation, Architectural Design Standards, Landscaping, Lighting, and Signage, provided that such standards may not be inconsistent with the general development principles outlined in the draft of the Innovation Mile master plan and/or the draft plan for development for the Event Center, Parking Garage as set forth in the attached Exhibit B preliminary development plan which is not a final plan but shall act as a guide to ensure development is not inconsistent with said plans.
- 3.3 Development of property within the planned development shall be guided by the general development principles outlined in the draft of the Innovation Mile master plan.

**Section 4. Permitted Uses**

- 4.1 The following uses are permitted within this district:
- Dwelling Unit located on the second floor or above of a non-residential building
  - Government Offices
  - Library
  - Offices
  - Medical/Healthcare Offices
  - Daycare accessory to a primary user
  - College or University
  - Business or Trade School
  - Parking Garage
  - Parking as a Primary Use
  - Galleries and Museums
  - Cinemas and Theaters
  - Expositions (Indoor)
  - Festivals
  - Hotels
  - Places of Public Assembly

Stadium or Arena  
Restaurant (Sit-down)  
Restaurant (Carry-Out only)  
Drinking Places  
Bar, Tavern, Lounge, or Brewpub  
Retail Sales  
Services except for Laundries/Dry Cleaners on-site

- 4.2 The Review Committee shall have the ability to approve or disapprove any specific use requested to operate in this district not specifically listed above, provided that any such decision is appealable as provided by law.
- 4.3 Accessory Uses customarily incidental to any of the permitted uses shall be permitted.

**Section 5. Preliminary Concept Plan**

- 5.1 Development of this parcel shall be done in general conformance with the Preliminary Concept Plan contained in Exhibit B.
- 5.2 Permits for the construction of structures or buildings within this planned development will not be issued until approval of a Preliminary and Detailed Development Plan are granted by the Review Committee.

**Section 6. Preliminary Development Plan**

- 6.1 The Review Committee shall approve the Preliminary Development Plan as defined in the Unified Development Ordinance, provided that appeals may be taken as provided by law.

**Section 7. General Development Criteria**

- 7.1 The Review Committee shall review the Development Plan application to determine if the Development Plan satisfies the development requirements specified herein. The Review Committee review shall include, but not be limited to, the following items:
- a. Compatibility of the development with surrounding land uses.
  - b. Consistency with the policies for the district as set forth in the Innovation Mile Master Plan. The site layout, building setbacks, building bulk, and other bulk requirements are compatible with the intended character and policies in the plan.
  - c. Availability of utilities such as electric, water, sanitary sewer, stormwater/drainage facilities, and any other utilities desired by the development.
  - d. The entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments while being designed to minimize safety hazards and congestion.
  - e. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
  - f. Pedestrian and bicycle facilities that are consistent with the policies of the Innovation Mile District including sidewalks, pedestrian trails, and bicycle paths in locations and of the character that are identified in the plan with appropriate connections to the site and the larger system provided.

- g. The exterior elevations and renderings of the proposed buildings and structures illustrate that the proposed design and materials are consistent with the intended character of the Innovation Mile District. The architectural design should reflect a unified design across the development that is in character and has a proper relationship with the surrounding area.
- h. The landscaping, lighting, and signage are designed to fit the architectural design of the proposed structures and are of a size and in a location deemed appropriate by the Review Committee.

**Section 8. Procedure for Submission, Review, and Approval**

- 8.1 An applicant must follow the steps and filing requirements outlined in the UDO for the submission of a preliminary development plan or detailed development plan (as appropriate).
- 8.2 When a public hearing is required, the applicant shall be responsible for the cost of mailing and publication of the required legal notice for the public hearing. This notice shall be done in accordance with the notice requirements in the Plan Commission's Rules of Procedure.
- 8.3 The Planning Director (or designee), as staff to the Plan Commission, shall review the development plan, plat, or other submitted drawings to determine if the Development Plan satisfies the development requirements of this Ordinance. As part of the review, the Planning Director shall present the applications to the Review Committee for review and approval.
- 8.4 Approval Process
  - a. Pursuant to IC 36-7-4-1400 et seq., the Review Committee (as the designee of the Plan Director) is hereby authorized to conduct a public hearing as necessary to determine whether the Development Plan complies with this Ordinance, the UDO, and any commitments made by the owner of the real property. The Review Committee shall then make written findings concerning their decision to approve or disapprove the Development Plan, and the Planning Director is hereby designated as the official who is responsible for signing the written findings.
  - b. The approval or disapproval of a Development Plan or plat is appealable as provided in law.
  - c. An approved Development Plan shall be valid for two (2) years from the date of approval. Upon written application to the Planning Director before the expiration of said approval, and upon good cause shown, the Planning Director may issue a single extension of the approval period for six (6) months.
  - d. If the Development Plan or plat is substantially or materially altered in any way, resubmission to the Planning Director is required.
  - e. If a Development Plan is disapproved, the Planning Director shall provide the applicant with written findings of fact upon request.
- 8.5 Public Hearing by the Review Committee

The Review Committee shall hold a public hearing before deciding whether to approve or disapprove a Development Plan. No development plan is required for additions to existing structures which:

- a. Are attached to the existing structure;
- b. Continue the architectural design of the existing structure, including exterior color and materials, doors and windows, and other detailing;
- c. Meet the requirements of this ordinance; and
- d. Do not exceed twenty percent (20%) of the original gross floor area of the existing structure; and

**Section 9. Controlling Consent**

- 9.1 No developer, user, owner, or tenant may obtain any permits with respect to the property for the installation of infrastructure or any structures or permanent improvements to the real estate without written approval of the specific improvement by the Review Committee.

**Section 10. Violations and Enforcement**

- 10.1 Violations of this Ordinance shall be handled in conformance with the procedures and fines prescribed in Article 15 of the Unified Development Ordinance.

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Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Brian Ayer		
	Mark Boice		
	Michael J. Davis		
	Gregory P. O'Connor		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Dan Spartz		
	Megan g. Wiles		

ATTEST: \_\_\_\_\_

Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2023 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

Document prepared by: Denise Aschleman, Principal Planner, City of Noblesville, 16 South 10<sup>th</sup> Street, Suite 150, Noblesville, IN 46060 (317) 776-6325

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. Denise Aschleman