



Common Council

Agenda Item

Cover Sheet

MEETING DATE: April 9, 2024

- ☐ Previously Discussed Ordinance
- ☐ Proposed Development Presentation
- ☒ New Ordinance for Discussion
- ☐ Miscellaneous
- ☐ Transfer

ITEM or ORDINANCE: #11-04-24

PRESENTED BY: Joyceann Yelton, Attorney Jim Shinaver

- ☒ Information Attached
- ☐ Bring Paperwork from Previous Meeting
- ☐ Verbal
- ☐ No Paperwork at Time of Packets

ORDINANCE NO. 11-04-24

**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. Instrument #1995007768, and Instrument #2015064307

This Ordinance (the “Townes at 238 PD Ordinance”) amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, (the “UDO”) enacted by the City of Noblesville, Indiana (the “City”) under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on docket number LEGP 0018-2024 at its March 18, 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”) and the adoption of a preliminary development plan to be known, collectively with the attached Exhibits, as the “Townes at 238 Preliminary Development Plan”, as further described in Section 3 below (the “Plan”); and,

WHEREAS, the Plan Commission has sent a **Favorable Recommendation** for adoption of said amendment with a vote of eight (8) AYES and zero (0) 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 it adopts this Townes at 238 PD 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.

- A. The Zoning Map is hereby amended to change the zoning of the Real Estate from “R5” Residential to “R5/PD” Residential Planned Development, which is to be known as the Townes at 238 Planned Development (the "District").

- B. The District's underlying zoning district shall be R5 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Townes at 238 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 (collectively, the “Governing Standards”).

- C. All provisions and representations of the UDO that conflict with the provisions of this Townes at 238 PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Townes at 238 PD Ordinance.

Section 2. **Permitted Uses.**

- A. Only the development of Townhome Dwellings shall be permitted within the District. The maximum number of Dwelling Units shall not exceed one-hundred and ninety (190).
- B. Accessory Uses and Accessory Structures customarily incidental to any permitted use shall be permitted.

Section 3. **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 February 22, 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 4. **Bulk Standards.** The bulk requirements applicable to the Underlying District shall be modified and superseded by the below:

Requirements	Townes at 238 PD Standards
Minimum Lot Area per Dwelling Unit	Not applicable
Minimum Lot Width	Not applicable
Maximum Building Height	35 ft. or 3-stories – Measured to the mid point of a sloped roof
Minimum Front Yard Setback	10 ft.
Minimum Side Yard Setback	NA
Minimum Rear Yard Setback	15 ft. from edge of alley pavement or property line
Floor Area Ratio shall not exceed:	Not applicable
Building Separation	20 Feet
Minimum Floor Area (per dwelling unit)	1,300 sq. ft.
Maximum Lot Coverage	Not applicable

Section 5. Architectural Standards. The following standards shall apply:

- A. The approved elevations shall be the set of home elevations on file with the City's Planning and Development Department as submitted on January 17, 2024 (the "Approved Elevations"). Color Illustrations of the Approved Elevations are included under **Exhibit D** of this Townes at 238 PD Ordinance.
- B. The Approved Elevations are hereby incorporated and approved. All townhome dwellings shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his or her designees, shall review and approve home 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 townhome dwelling that substantially varies from an Approved Elevation 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 Architectural Review Board if not found in compliance with the standards included in **Exhibit C**. The Architectural Review Board's review of said home 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.

Section 6. Landscaping and Open Space Standards. The standards of Article 12, Landscaping and Screening, of the UDO shall not apply, and are replaced with the following standards:

- A. Lot Landscaping. The Front and Side Yard (area along the front and side building elevations) landscaping shall be substantially compliant to the landscaping as depicted in **Exhibit E**.
- B. Landscape Buffer Yards. Landscape Buffer Yards shall be provided as shown on the Preliminary Development Plan. The Establishment of a Peripheral Yard, as set forth in Article 8, Part H, Section 3.F.2 of the UDO, shall apply as shown on the Preliminary Development Plan subject to the following:
 - 1. North, West, and South perimeter of the Real Estate adjacent to 156th Street, Greenfield Avenue and Promise Road: A minimum twenty (20) and thirty (30) foot buffer yard widths shall be required as shown on the Preliminary Development Plan. Two (2) shade trees, seven (5) ornamental deciduous trees and ten (10) large deciduous or evergreen shrubs shall be provided per one-hundred (100) linear feet of along the street right of way.
 - 2. East perimeter of the Real Estate: A minimum twenty (20) foot buffer yard shall be required as shown on the Preliminary Development Plan. The preservation

of existing trees shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation. Additionally, the proposed retention ponds will be located along the east property line increasing the separation of the dwelling buildings to the property line. No building shall be closer than fifty (50) feet to the east property line.

- C. 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 7. Parking and Loading Standards. The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply.

Section 8. 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 (i) between garage doors and (ii) on side building elevations where adjacent to sidewalks.

Section 9. 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 each entrance to the subdivision which flank the entrance as depicted in Exhibit G.

Section 10. Infrastructure Standards. Unless otherwise stated within this Townes at 238 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 maximum block length shall be as shown on the Preliminary Development Plan.
- B. Right of Way shall be dedicated as shown on the Development Plan for 156th Street, Promise Road and Greenfield Avenue. The Half ROW for Greenfield Avenue is Seventy (70) feet, Promise Road and 156th Street is Fifty (50) feet except where shown as Forty (40) feet at the curve between Promise Road and 156th Street.
- C. The subdivision (platting) of lots on a private easement (without street frontage) shall be permitted.

Section 11. Additional Standards. The following additional standards shall be applicable to the Real Estate and the regulation of such standards shall be included in the Declaration of Covenants and Restriction that will be applicable to the Real Estate.

- A. Common Area Enhancements: The park area shall be provided within the area labeled “Park” on the Preliminary Development Plan and shall include landscaping, seating areas, and walking paths as generally depicted on **Exhibit B** – Preliminary Development Plan and in **Exhibit F** which includes illustrative examples of common area enhancements.

Section 12. Detailed Development Plan. Approval of a Detailed Development Plan (“DDP”) shall follow the procedures set out in Article 8 of the UDO, subject to the following clarification: (i) the Director of Planning and Zoning shall approve Minor Changes; and (ii) if a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, an amended Preliminary Development Plan shall be approved in accordance with Article 8, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

Section 13. Effective Date. This Townes at 238 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
	Darren Peterson		
	Meghan Wiles		
	Pete Schwartz		
	Evan Elliott		
	Michael J. Davis		
	Todd Thurston		
	Aaron Smith		
	Mark Boice		
	David Johnson		

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
Printed Name of Declarant

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.

Townes at 238 - 2023 PD Ordinance 5 040124

EXHIBIT A

Legal Description (Page 1 of 2)

PROPERTY ID: 10-11-16-00-00-002.001
WARRANTY DEED
INSTRUMENT No. 1995007768

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES AND 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST-HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES AND 00 MINUTES 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES, 23 MINUTES AND 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST-HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES, 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

And

PROPERTY ID: 10-11-16-00-00-002.000
TRUSTEE'S DEED
INSTRUMENT No. 2015064307

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M., THENCE EAST AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 1330.8 FEET TO A POINT, THENCE SOUTH 1189.2 FEET TO THE INTERSECTION WITH THE CENTERLINE OF STATE ROAD 238, THENCE NORTHWESTERLY ON AND ALONG CENTERLINE OF SAID STATE ROAD 1412.8 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH AND ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER 706.0 FEET TO THE PLACE OF BEGINNING.

EXCEPT:
THAT PORTION BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES 00 MINUTES EAST 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 23 MINUTES 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS.

FURTHER EXCEPT FOR ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORDING INCLUDING BUT NOT LIMITED TO ANY GRANTED TO THE STATE OF INDIANA AS GRANTEE BY INSTRUMENT #9636104, RECORDED ON OR ABOUT AUGUST 26, 1996 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER.

EXHIBIT A

Legal Description
(Page 2 of 2)

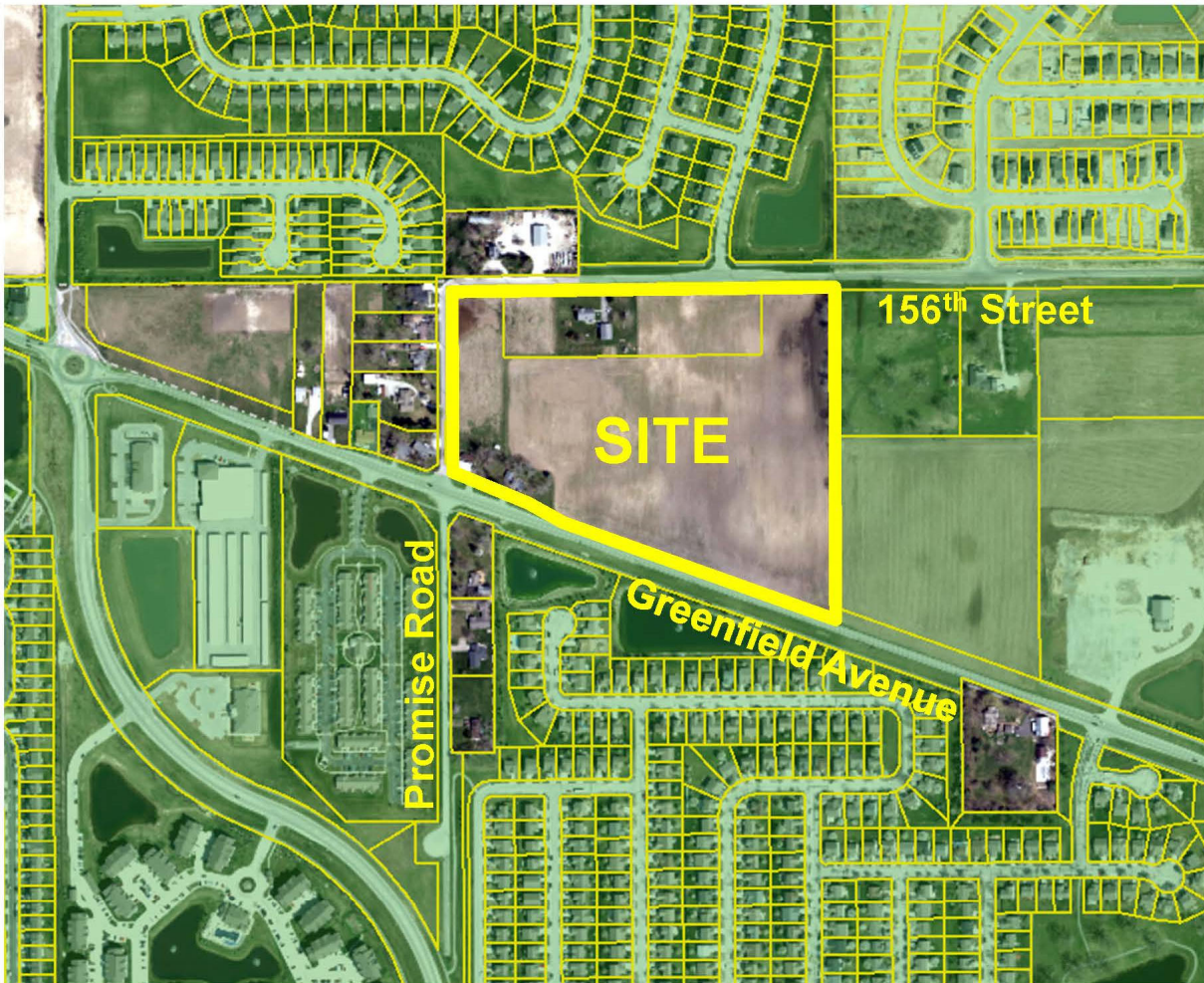


EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN



(See following 8 pages including PDP and Landscape Plan)

DOCKET #LEGP 0018-2024

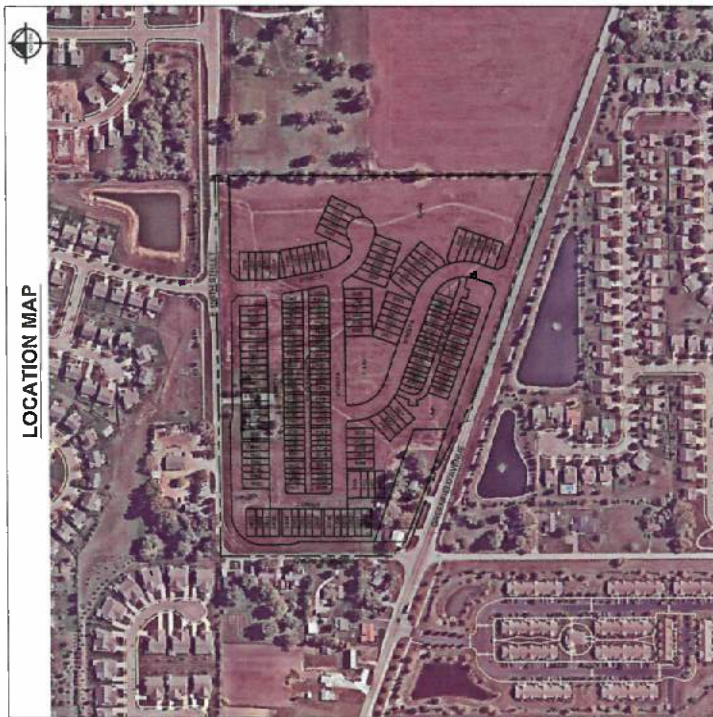
PHONE: (317) 912-4129
EMAIL: BRETT.HUFF@WILEY-HORN.COM

UTILITY AND GOVERNING AGENCY CONTACTS				
REFERENCE / SERVICE / UTILIZATION CENTER	COMPANY / DEPT.	ADDRESS	PHONE NUMBER	CONTACT
SPRINKLER LEADER	CITY OF INDIANAPOLIS METROPOLITAN INDIANAPOLIS	187 WEST WASHINGTON STREET INDIANAPOLIS, IN 46202	317-776-6363	
WATER	INDIANA ALEXSON WATERS COMPANY INC.	16221 HERRINGBONE LANE NORTH WHEATFIELD, IN 46060	317-660-9475	JESSICA COOK
STREETS	CITY OF INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS	18 SOUTH 10TH STREET, WHITE INDIANAPOLIS, IN 46202	317-777-6320	
DRAINAGE	CITY OF INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS	16 SOUTH 10TH STREET, WHITE INDIANAPOLIS, IN 46202	317-777-5220	
LEAKED WASTEWATER	INDIANA DURE ENERGY	1103 SOUTH VALLEY CREEK ROAD NORTH VEVILLE, IN 46062	317-776-6505	MAKIE DILLER
NATURAL GAS	VECTREN ENERGY	10000 ALLENDALE AVENUE INDIANAPOLIS, INDIANA 46260	317-776-5037	CATHY MEISSEN
TELEPHONE / COMMUNICATIONS	AT&T - ENGINEERING	240 N. MORGAN STREET, AND IN COR. ROOM 285 INDIANAPOLIS, IN 46202	317-425-4267	BRIAN PETERS
TRUCKS OF HES	MCLEOD LISA	5630 S STREET, MAPLE GROVE, IN 46062	317-480-7263	

PROJECT TEAM				
ROLE	COMPANY	PHONE NUMBER	EMAIL	CONTACT
DEVELOPMENT SUPERVISOR	NAT. BUREAU OF FIRE PROTECTION NATIONAL F.P.	404-269-0044	fire@nbfpp.com	MICHAEL REDFER
CIVIL ENGINEER	HANLEY & HENRY ENGINEERING, INC.	508-551-9811 ext. 300	hhenry@hanleyh.com	BRIETT MULLER
LANDSCAPE ARCHITECT	3075 S. 5500 E., WINTERGLEN, UT	387-552441	tom@hanshield.com	PHILIP REDFER

AFTER HAVING GIVEN PUBLIC NOTICE OF THE TIME, PLACE, AND NATURE OF HEARING ON AN APPLICATION FORING BEFORE THE MOBILEVILLE PLANNING COMMISSION AND UNDER THE AUTHORITY PROVIDED BY STATE STATUTE, AND ALL ACTS AND ORDINANCES THEREOF, AND UPON FINDING THAT THIS SUBMISSION PLAN IS IN CONFORMANCE WITH THE SUBMISSION REQUIREMENTS AS SET FORTH IN THE UNITED DEVELOPMENT COORDINANCE FOR THE CITY OF MOBILEVILLE, THIS PLAN WAS GRANTED APPROVAL BY A MAJORITY OF THE MEMBERS OF THE MOBILEVILLE PLANNING COMMISSION AT THE MEETING HELD ON _____ DAY OF _____

SECRETARY - CLIVEN R. HUNTLEY



LOCATION MAP



VICINITY MAP

Sheet List Table	
Sheet Number	Sheet Title
C000	OVERALL SITE PLAN
C001	STREET FRONT PLAN
C002	STREET REAR PLAN
C003	OVERALL SITE PLAN
C004	EXISTING FLOOD FOOTING
C005	PROPOSED FLOOD FOOTING
C006	PROPOSED FLOOD FOOTING
C007	PROPOSED FLOOD FOOTING
C008	PROPOSED FLOOD FOOTING
C009	PROPOSED FLOOD FOOTING
C010	PROPOSED FLOOD FOOTING
C011	PROPOSED FLOOD FOOTING
C012	PROPOSED FLOOD FOOTING
C013	PROPOSED FLOOD FOOTING
C014	PROPOSED FLOOD FOOTING
C015	PROPOSED FLOOD FOOTING

PROJECT INFORMATION	
TOTAL AREA	26,714.52
TOTAL LOT#	188
DEVELOPER BIDDED LIMIT	19 ACES
TOTAL BLOCK	5.8 ACES
TOTAL C.A. OPEN SPACES	87.42 ACES (PLANS)
TOTAL C.A.	1.1 ACES
TOTAL DEVELOPABLE AREA	14.7 ACES
IMPERVIOUS AREA	14.2 ACES
PERMEABLE AREA	0.5 ACES
PERCENTAGE	94.6 PERCENT
PERCENTAGE	100 PERCENT
TOTAL PAVED AREA	14.7 ACES
PERMITTED 4' X 8' PAVES + 1'4"	
PERMITTED 8' X 12' PAVES	

STREETS		LENGTH (ft)
NAME		
STREET A		422
STREET B		780
STREET C		478
STREET D		541
STREET E		710
ALLEY A		168
ALLEY B		861
TOTAL		4927

[illegible]

Call 811

oip rex mojuq

TOWNES A | 238
PRELIMINARY
DEVELOPMENT PLAN

COVER SHEET



M/I HOMES

ORIGINAL ISSUE:
01/17/2024
A PROJECT NO.
170150023
SHEET NUMBER
C100

ORIGINAL ISSUE:
01/17/2024
A PROJECT NO.
170150023
SHEET NUMBER
C100



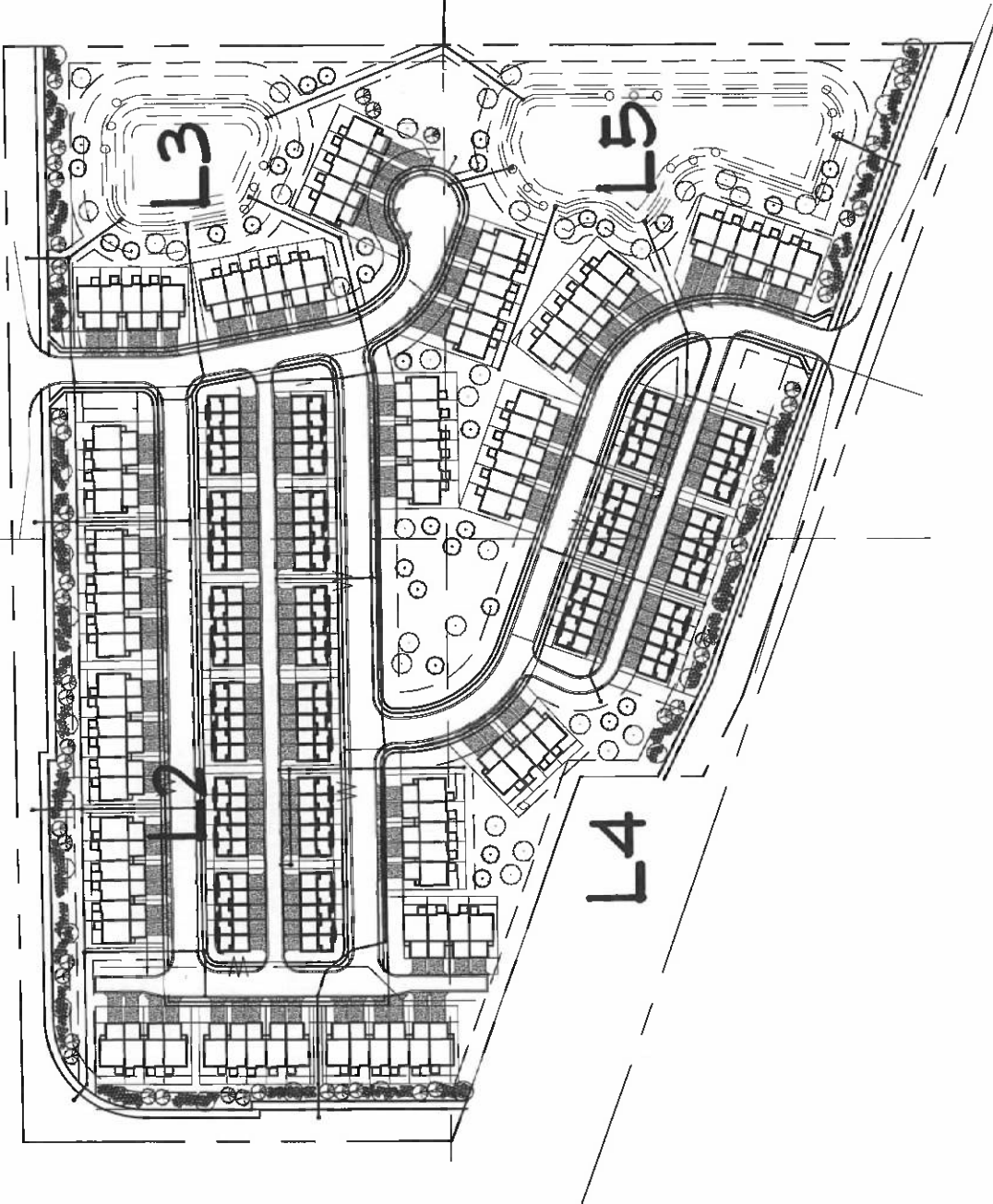
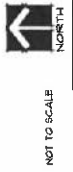
DESIGNED FOR
M. JONES & ASSOCIATES
2000 SOUTH 10TH STREET
NORFOLK, VA 23502
PHONE: 757.635.1111
WWW.MJONESANDASSOCIATES.COM

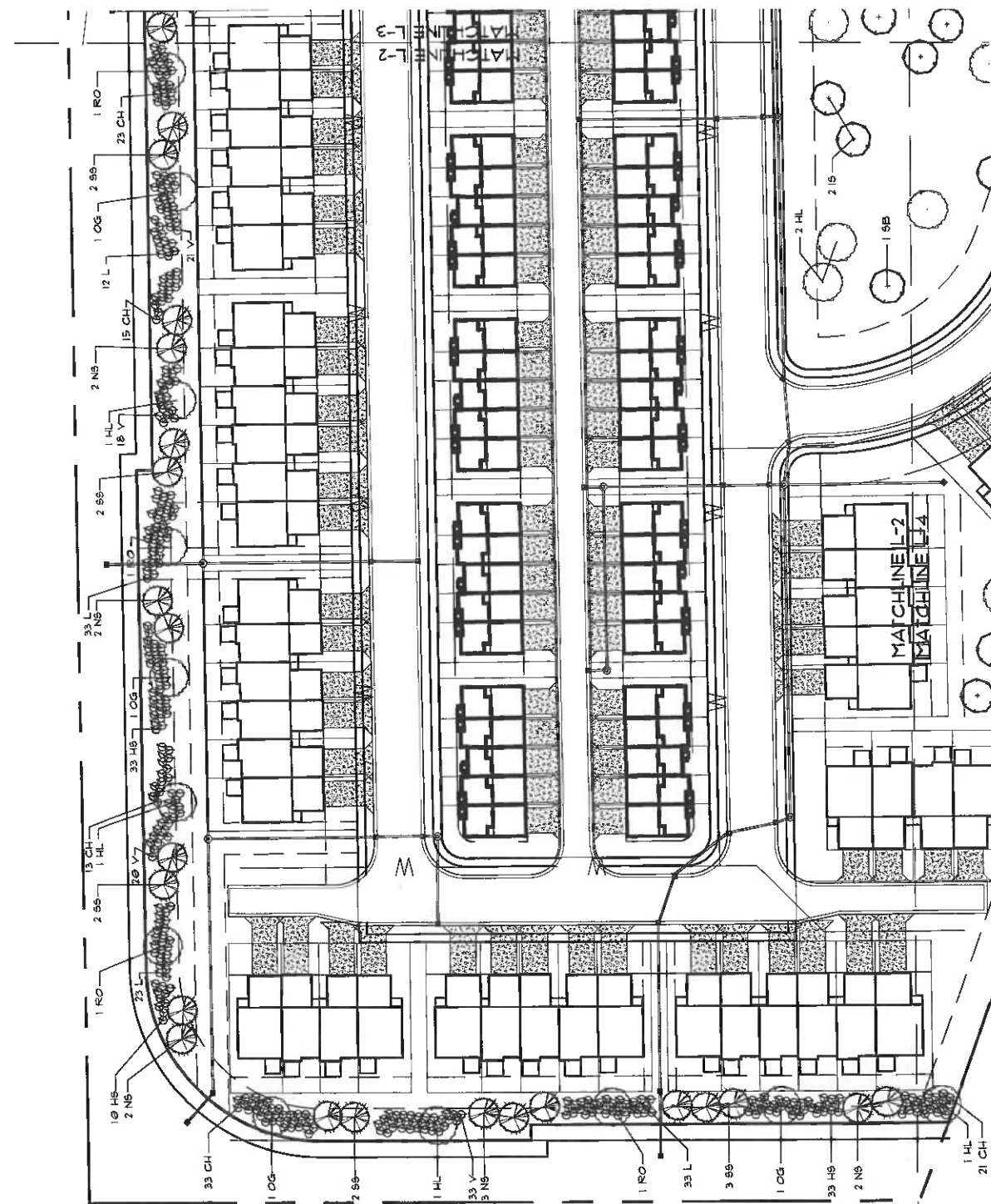
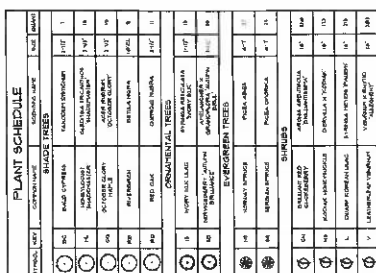
PROJECT NAME
TOWNES AT 238
NOBLESVILLE, IN

SHEET NAME
LANDSCAPE
PLAN

DESIGNER
TF
DATE: FEB 19, 2014

SHEET
1







DESIGNED FOR
BY: [Name]
DATE: [Date]
PROJECT: [Project Name]

PROJECT NAME
TOWNES AT 238
NOBLESVILLE, IN

SHEET NAME
LANDSCAPE
PLAN

DESIGNER
TF
DATE: FEB 15, 2024

SHEET
13

PLANT SCHEDULE		
SYMBOL	PLANT NAME	QUANTITY
1	1" DBL. HYDRANGEA	10
2	2" DBL. HYDRANGEA	10
3	3" DBL. HYDRANGEA	10
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100	100" DBL. HYDRANGEA	10

BUFFER REQUIREMENTS		
TYPE	REQUIREMENT	NOTES
1	1' BUFFER	1' BUFFER
2	2' BUFFER	2' BUFFER
3	3' BUFFER	3' BUFFER
4	4' BUFFER	4' BUFFER
5	5' BUFFER	5' BUFFER
6	6' BUFFER	6' BUFFER
7	7' BUFFER	7' BUFFER
8	8' BUFFER	8' BUFFER
9	9' BUFFER	9' BUFFER
10	10' BUFFER	10' BUFFER
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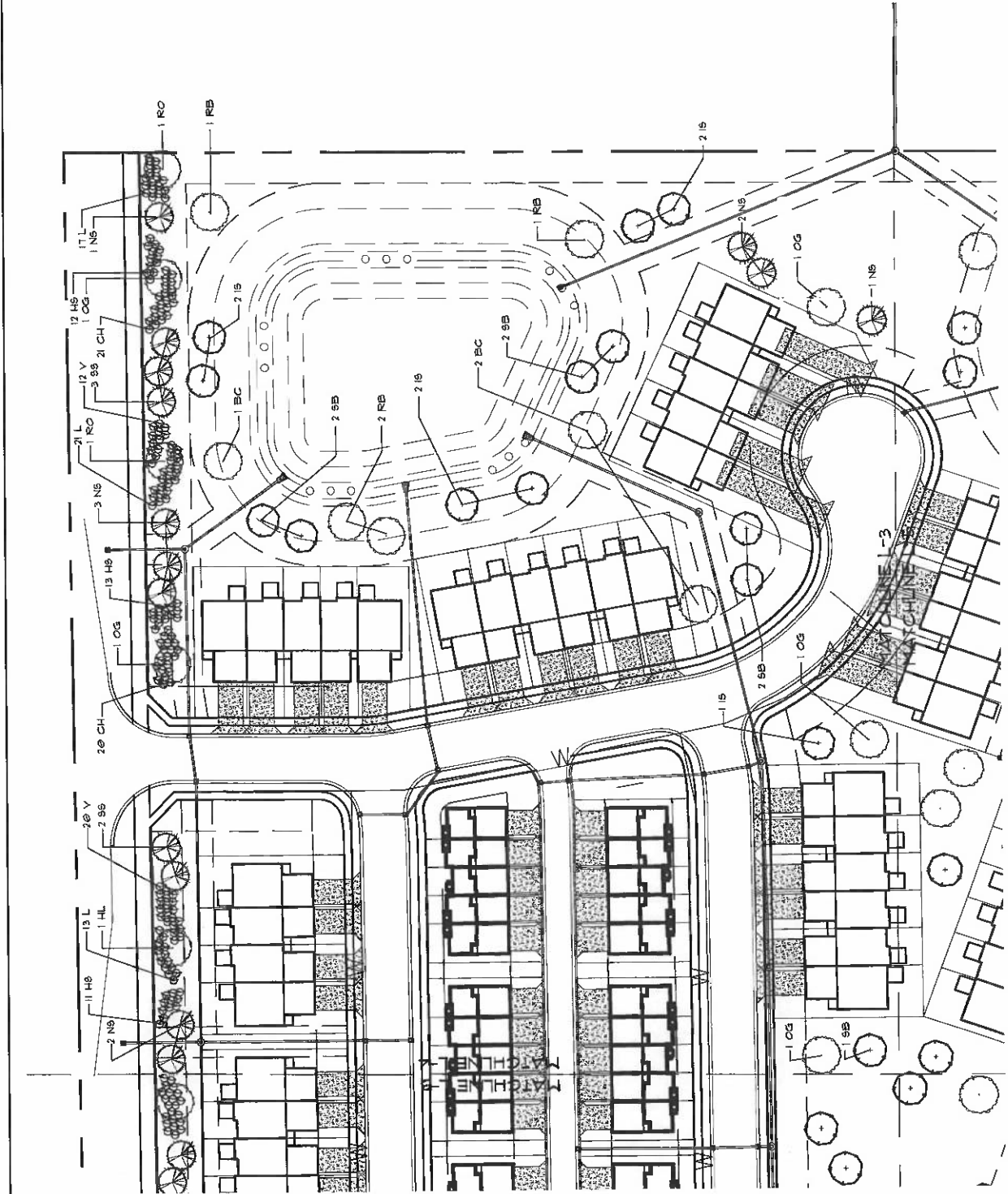


EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 1 of 1)

Architectural Feature	Standard
Minimum Square Footage	1,300 sq. ft.
Corner Breaks (minimum)	5 per building
Front Façade Masonry (minimum)	24" wainscot – See Exhibit D
Secondary Façade Masonry (minimum)	n/a
Prohibited Siding Materials	Vinyl and Aluminum
Roof Pitch (minimum)	6:12 Secondary roof elements shall be 4.5:12 minimum
Roof Overhang (minimum inches measured from framing)	12"
Number of Windows – Primary Façade (minimum)	No less than 3 windows per dwelling unit. Amount of Windows are shown on the Dwelling Character Exhibits. Note there can be 3 to 6 units per building
Number of Windows – Secondary Façade (minimum)	No less than 2 windows per side of each building. As depicted on the Dwelling Character Exhibits
NO Monotony Code	All buildings have similar architecture and can be same exterior colors

EXHIBIT D
DWELLING CHARACTER EXHIBITS

(Page 1 of 2)



Front Elevation - Farmhouse Style
scale: 1/4" = 1'-0"



Rear Elevation
scale: 3/16" = 1'-0"



Left Elevation
scale: 3/16" = 1'-0"



Right Elevation
scale: 3/16" = 1'-0"

EXHIBIT D
DWELLING CHARACTER EXHIBITS

(Page 2 of 2)



EXHIBIT E

TYPICAL LOT LANDSCAPING

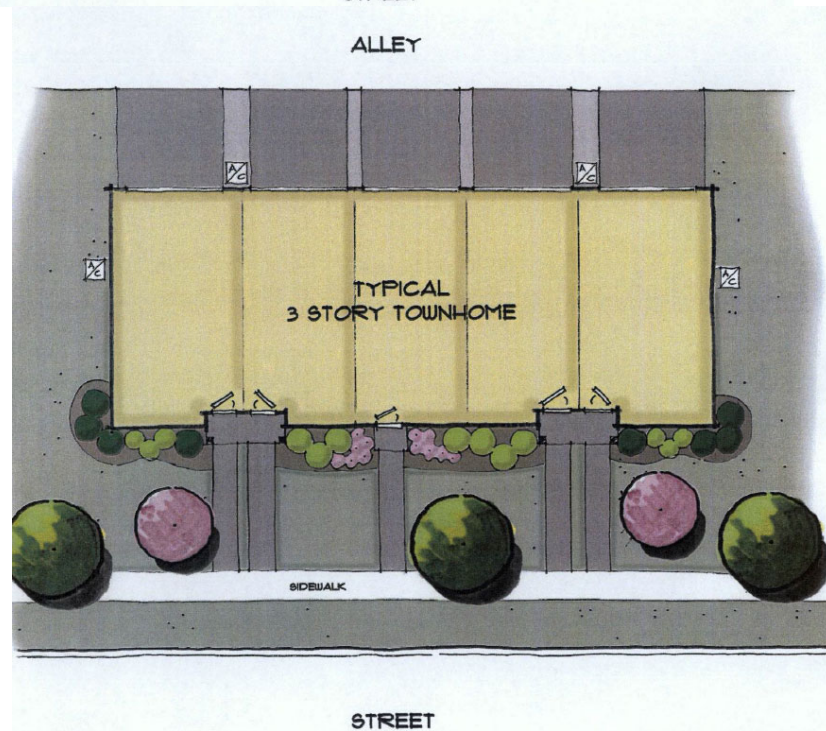
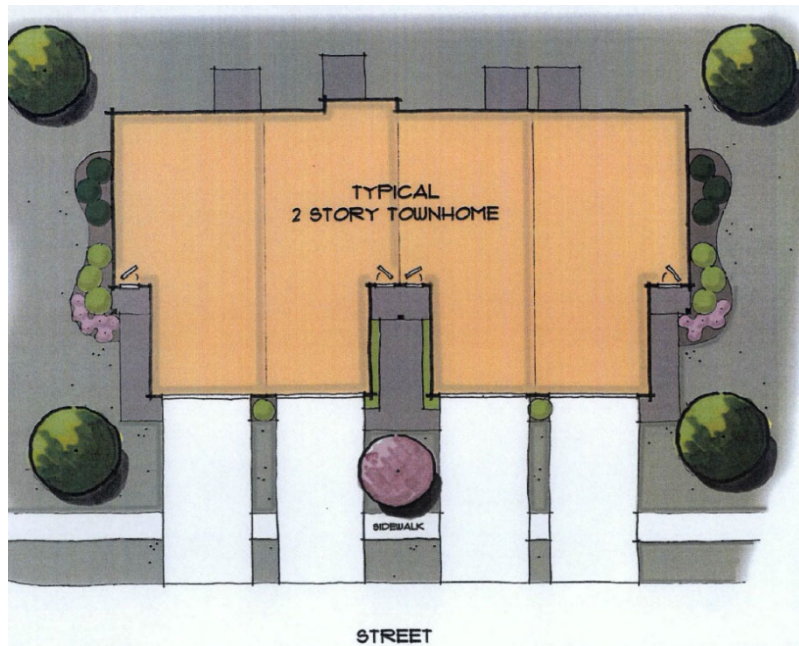


EXHIBIT F

COMMON AREA “PARK” ENHANCEMENTS

(Page 1 of 2)



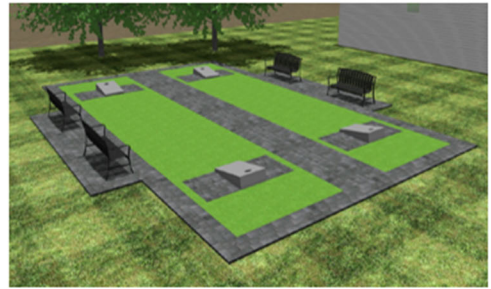
EXHIBIT F

COMMON AREA “PARK” ENHANCEMENTS

(Page 2 of 2)



Bocce Ball

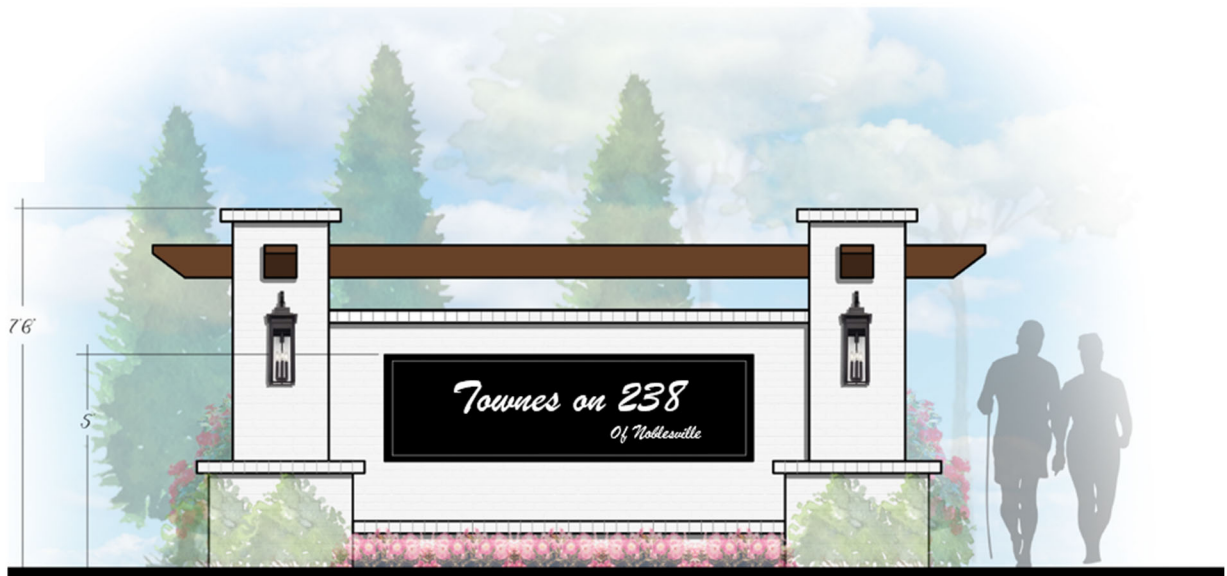


Corn Hole

EXHIBIT G

Entrance Signage Exhibit

(Page 1 of 1)



COMMITMENTS CONCERNING USE AND DEVELOPMENT OF REAL ESTATE

Document Cross Reference: Trustee Deed Recorded with the Hamilton County Recorder's Office on December 17, 2015, as Instrument No. 2015-64307.

WHEREAS, the Developer filed a petition under Docket Number LEGP 0017-2024 and LEGP 0018-2024 seeking rezone approval to a Planned Unit Development Ordinance to be known as the "Townes at 238" (the "Request") with the City of Noblesville's Plan Commission (the "Plan Commission") and the City of Noblesville's Common Council (the "Council") pertaining parcels of real estate that are identified by the Hamilton County, Indiana Auditor's Office as a portion of Tax Parcel Identification Number 10-11-16-00-00-002.000 and 10-11-16-00-00-002.001 (the "Real Estate"), which Real Estate is more particularly described in **Exhibit A** which is attached hereto and incorporated herein by reference;

WHEREAS, the Developer is requesting the Plan Commission to consider approval of the Request subject to the following commitments (the "Commitments");

NOW THEREFORE, the Developer makes the following Commitments to the Plan Commission regarding the use and development of the Real Estate:

Section 1. **Commitments.** The Real Estate is subject to the following Commitments:

- A. **Renting and Leasing:** The following text shall be included in the Covenants, Conditions and Restrictions (the "CCR's") that will be prepared and recorded with the Office of the Recorder of Hamilton County, Indiana which CCR's shall govern the townhome residential community that is the subject of the Request:

Renting and Leasing. An owner of a townhome unit (the "Residential Unit") shall not be permitted to lease their Residential Unit for income to a 3rd party until that owner has owned and resided in the subject Residential Unit for a period of at least twelve (12) months. After the twelve (12) month period has expired, the owner shall be permitted to lease the Residential Unit for income to a 3rd party; however, said lease term to any 3rd party is required to be for a period of at least twelve (12) months.

However, the above described Renting and Leasing limitation shall not be applicable in the event of either: (i) hardship as defined in this paragraph; or, (ii) acquisition of a Residential Unit by a lender through foreclosure, deed in lieu of foreclosure or similar proceedings, which in both cases the owner of a Residential Unit shall be entitled to lease the Residential Unit for residential purposes. Hardship is defined as a personal or financial situation that, without allowing renting or leasing of a Residential Unit, significant financial harm shall occur to the Owner. The Owner must inform the

Homeowner's Association Board of the specific circumstances of the hardship, and provide the Homeowner's Association Board with a copy of the proposed lease.

All lease or rental agreements permitted by this Section 1 must be in writing and shall be provided to the Homeowner's Association Board.

Section 2. Definitions.

1. Developer. MI Homes of Indiana, L.P.
2. Director. The Director of Planning and Development for the City of Noblesville, Indiana.

Section 3. Modification of Commitments. These Commitments shall continue in effect until modified or terminated. These Commitments shall only be modified or terminated by the Plan Commission in accordance with the City of Noblesville's Unified Development Ordinance.

Section 4. Effective Date. These Commitments shall be effective upon the City Council's approval of the Request.

Section 5. Recording. These Commitments shall be recorded with the Office of the Recorder of Hamilton County, Indiana by the Developer upon approval of the Request by the Council and Developer's acquisition of the Real Estate. Within fifteen (15) days after the recording of these Commitments, the Developer shall provide to the Director a recorded copy of these Commitments.

Section 6. Enforcement. These Commitments may be enforced by the Director, the Department of Planning and/or the Plan Commission.

Section 7. Binding on Successors. These Commitments are binding upon (i) each owner of the Real Estate and (ii) upon each owner's successors, assigns and grantees with respect to the portion of the Real Estate owned by such successor, assign and grantee and during such successor's, assign's and grantee's ownership, unless modified or terminated by the Plan Commission pursuant to the requirements herein. Notwithstanding the provisions of this Section 7, these Commitments shall terminate as to any part or parts of the Real Estate for which the zoning district or classification is later changed after the Effective Date.

IN WITNESS WHEREOF, MI Homes of Indiana, L.P., as the Developer, have caused these Commitments to be executed as of the dates identified below.

“Developer”

MI Homes of Indiana, L.P.

By: _____

Name: Jonathan Isaacs, Director of Land Acquisition

Date: _____, 2024

STATE OF INDIANA)
) SS.:
COUNTY OF _____)

Before me the undersigned, a Notary Public, in and for said County and State, personally appeared Jonathan Isaacs, Director of Land Acquisition of MI Homes of Indiana, L.P., as Owner, who acknowledged the execution and the foregoing Commitments Concerning Use and Development of Real Estate this ____ day of _____, 2014 for and on behalf of said entity.

WITNESS my hand and Notarial Seal this _____ day of _____, 2024.

My Commission Expires: _____

Notary Public

Residing in _____
County of _____
Printed Name

This instrument prepared by James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210, Carmel, IN 46032.

Return to: James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210, Carmel, IN 46032.

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. James E. Shinaver.

EXHIBIT A

Legal Description (Page 1 of 2)

We will need to update the legal description of the Parcel 1 from the Survey. The below legals in both the 5 acre parcel and the total Willow Farms including the 1.3 acres we are not purchasing from Willow Farms

PROPERTY ID: 10-11-16-00-00-002.001
WARRANTY DEED
INSTRUMENT No. 1995007768

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES AND 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST-HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES AND 00 MINUTES 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES, 23 MINUTES AND 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST-HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES, 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

And

PROPERTY ID: 10-11-16-00-00-002.000
TRUSTEE'S DEED
INSTRUMENT No. 2015064307

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M., THENCE EAST AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 1330.8 FEET TO A POINT, THENCE SOUTH 1189.2 FEET TO THE INTERSECTION WITH THE CENTERLINE OF STATE ROAD 238, THENCE NORTHWESTERLY ON AND ALONG CENTERLINE OF SAID STATE ROAD 1412.8 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH AND ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER 706.0 FEET TO THE PLACE OF BEGINNING.

EXCEPT:

THAT PORTION BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES 00 MINUTES EAST 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 23 MINUTES 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS.

FURTHER EXCEPT FOR ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORDING INCLUDING BUT NOT LIMITED TO ANY GRANTED TO THE STATE OF INDIANA AS GRANTEE BY INSTRUMENT #9636104, RECORDED ON OR ABOUT AUGUST 26, 1996 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER.

EXHIBIT A

Legal Description
(Page 2 of 2)

