

2520
10

2017036720 AMENDMENT \$25.00
07/31/2017 02:57:07P 10 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 21-07-17

**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 to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville 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-0045-2017 (the "Petition") at its June 19, 2017, meeting as required by law in regard to the application filed by Pulte Homes of Indiana, LLC (the "Developer") for a request in change of zoning (the "Petition"); and

WHEREAS, the Plan Commission sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, (the "City Council") by a vote of nine (9) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, it hereby adopts this ordinance (the "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.

- 1.1 The Zoning Map is hereby changed to designate approximately thirty-three (33) acres located generally northeast of the intersection of Kippford Street and Cherry Tree Road, more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Manors at Lochaven Planned Development** (the "District").
- 1.2 The District's underlying zoning districts shall be the **R-1 Residential District** (the "Underlying District"). Development in the District shall be governed entirely by (i) the provisions of this 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").

- 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 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.
- 2.2 “Approved Elevations” shall mean the set of home elevations on file with the City of Noblesville’s Planning and Development Department, as reviewed and approved by the City’s Architectural Review Board at its April 20, 2017, meeting. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the “Approved Elevations”).
- 2.3 “Architectural and Landscaping Standards” shall mean the standards set forth attached hereto as **Exhibit D**.
- 2.4 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department with a revision date of May 30, 2017. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the “Preliminary Development Plan”).

Section 3. Permitted Uses.

- 3.1 All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed thirty-five (35).
- 3.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses shall be permitted.

Section 4. Preliminary Development Plan.

- 4.1 The Preliminary Development Plan is hereby incorporated 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 apply except as noted below:

- 5.1 The Minimum Lot Area per Dwelling Unit shall be 10,500 ft².
- 5.2 The Minimum Lot Width measured at the front building setback line shall be seventy (70) feet.
- 5.3 Lots located on a cul-de-sac/cul-de-sac loop shall maintain a minimum street frontage of thirty-five (35) feet.
- 5.4 The Minimum Front Yard Setback shall be twenty-five (25) feet.
- 5.5 The Minimum Side Yard Setback shall be seven and one-half (7.5) feet.
- 5.6 The Minimum Floor Area per dwelling unit shall be 2,700 ft.
- 5.7 The Maximum Lot Coverage shall be fifty (50) percent.

Section 6. **Architectural Standards.** The following standards shall apply.

- 6.1 The Approved Elevations are hereby incorporated and approved. All homes shall be substantially consistent with the Approved Elevations or otherwise comply with the standards set forth in **Exhibit D.** The Director of Planning and Development, including her designees, shall review and approve home elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.
- 6.2 If a home elevation does not comply with Section 6.1, then the proposed home elevation(s) shall be submitted for review and approval by the Architectural Review Board. The Architectural Review Board's review of the 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.
- 6.3 Lots identified with a black circle on the Preliminary Development Plan, attached hereto as **Exhibit B,** shall incorporate a minimum of three (3) corner breaks on the rear façade or include a two-story bay window (projecting a minimum of 3' and spanning a minimum of 10') on the rear façade.
- 6.4 Lots identified with a red circle on the Preliminary Development Plan, attached hereto as **Exhibit B,** shall incorporate a masonry wainscot (minimum height of 36") and a minimum of four (4) windows on the south façade.

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

- 7.1 **Lot Landscaping.** Individual lots shall be landscaped in accordance with the Architectural and Landscaping Standards approved by the Architectural Review Board.

7.2 Landscape Buffer Yards. The Establishment of a Peripheral Yard, as set forth in Article 8, Part H, Section 3.F.2 of the UDO, shall apply only where and as shown on the Preliminary Development Plan.

7.3 Open Space. The size, configuration and locations of Open Space may vary as long as the standards set forth in the UDO and this Ordinance are met.

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

8.1 Driveways. Residential driveways located on property fronting more than one public street shall not be required to be a maximum of ten (10) feet from the property line furthest from the intersection.

Section 9. **Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

Section 10. **Sign Standards.** The District's signs shall comply with Article 11 of the UDO.

Section 11. **Site Design and Improvement Standards.** The standards of Article 6, Site Design and Improvement Standards, of the UDO shall apply, except as noted below:

11.1 Infrastructure. All public infrastructure within the District shall adhere to the City's standards and design criteria, unless otherwise stated within this Ordinance or unless specific waivers have been approved by the City.

11.2 Corner Lots. Corner lots shall be a minimum of twenty-five (25) percent larger than the minimum lot area.

11.3 Development Block and Lot Layout. Blocks on local streets shall not be less than three hundred – fifty (350) feet in length.

11.4 Horizontal Alignment. The minimum tangent distance between reverse curves shall be eighty (80) feet.

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, Part H, Section 3, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

Section 13. **Waivers.**

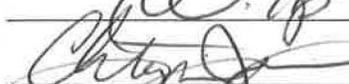
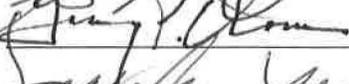
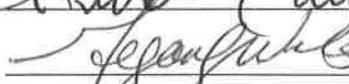
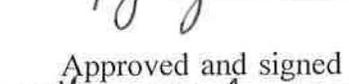
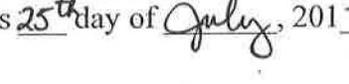
13.1 A wall or fence may be allowed within the Common Area/Landscape Buffer.

Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 25th day of July, 2017.

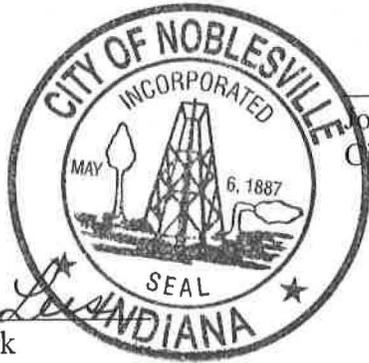
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

	_____	BRIAN AYER	_____
	_____	MARK BOICE	_____
	_____	WIL HAMPTON	_____
	_____	CHRISTOPHER JENSEN	_____
	_____	ROY JOHNSON	_____
	_____	GREGORY P. O'CONNOR	_____
	_____	MARY SUE ROWLAND	_____
	_____	RICK L. TAYLOR	_____
	_____	MEGAN G. WILES	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 25th day of July, 2017.




John Ditslear, Mayor
City of Noblesville, IN

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: Rex A. Ramage.

Prepared by: Steven D. Hardin, Attorney-At-Law, Faegre Baker Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46032 | (317) 569-9600

EXHIBIT A
REAL ESTATE

A part of the Northeast Quarter of Section 15, Township 18 North, Range 4 East of the Second Principle Meridian located in Hamilton County, Indiana, more particularly described as follows:

COMMENCING at a stone at the Southeast Corner of the Northeast Quarter; thence South 89 degrees 45 minutes 17 seconds West (basis of bearings based upon Indiana State Plane Coordinate System - East Zone) along the south line of said Quarter Section a distance of 460.87 feet to the POINT OF BEGINNING, said point being on the centerline of Cherry Tree Road per deed and 0.45 east of a rebar found at the surface and continuing along said centerline the following three (3) courses; 1) thence North 33 degrees 58 minutes 12 seconds East a distance of 320.04 feet; 2) thence North 29 degrees 58 minutes 42 seconds East a distance of 582.98 feet to a point that lies 0.9 feet east and 1.05 feet south of a Mag Nail with washer stamped "Weihe Engr 0012"; 3) thence North 29 degrees 26 minutes 22 seconds East a distance of 262.50 feet to the south line of a tract of land described in Instrument #95-43049; thence North 89 degrees 35 minutes 37 seconds West along said south line a distance of 1724.09 feet to the east line of Lochaven Section 10 as recorded in Plat Cabinet 3, Slide 792 (Instr. #2005-080747), said point lies 0.55 feet west a 5/8" rebar with yellow plastic cap stamped "Schneider Firm #0001", hereinafter referred to as "Schneider rebar"; thence along said east line and its southerly extension and the approximate centerline of Emily Vestal Regulated Drain thence South 06 degrees 41 minutes 35 seconds West a distance of 782.61 feet to the north line of a tract of land described in Instrument #2006-066213, said point being marked by a Schneider rebar; thence South 83 degrees 18 minutes 42 seconds East along the north line of said tract a distance of 120.47 feet; thence South 38 degrees 43 minutes 09 seconds East along the east line of said tract a distance of 255.67 feet to a Schneider rebar on the aforesaid south line of said Quarter Section; thence North 89 degrees 45 minutes 17 seconds East along said south line a distance of 936.55 feet to the POINT OF BEGINNING, containing 33.057 acres, more or less.

ALSO:

All of Common Area Block C as platted in Lochaven At Noble West Kippford Street Extension recorded in Plat Cabinet 3, Slide 390 (Instrument #2007-060955), containing 1.350 acres, more or less.

Containing in all 34.407 acres, more or less.

EXHIBIT C

MANORS AT LOCHAVEN

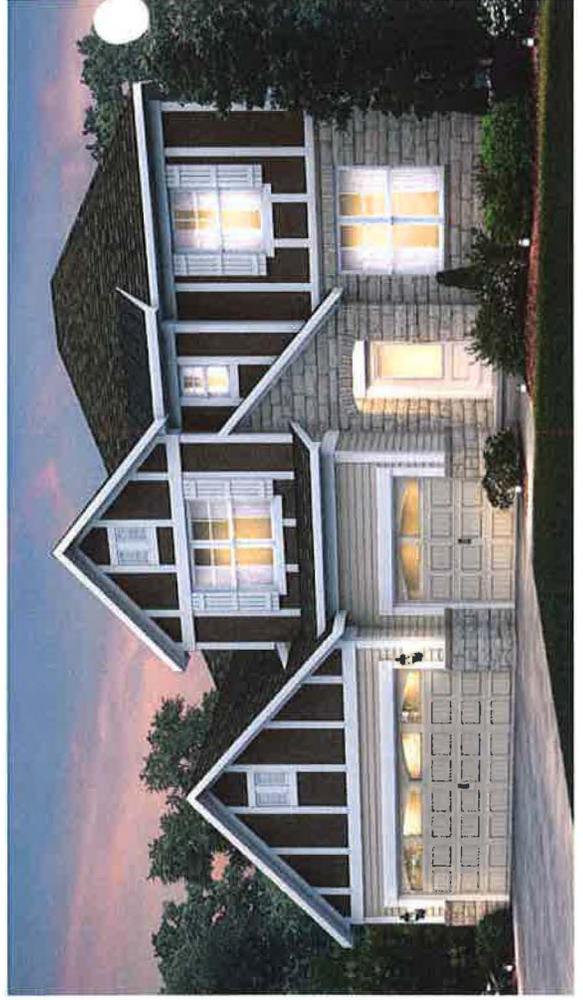
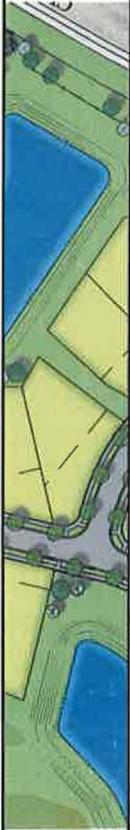


EXHIBIT C

MANORS AT LOCHAVEN



ARB 0046-2017
APPROVED BY ARB ON 5/17/2017

SINGLE-FAMILY DETACHED RESIDENTIAL ARCHITECTURAL STANDARDS - MANORS AT LOCHAVEN		
ARCHITECTURAL FEATURE		MANORS AT LOCHAVEN
Floor Area/Dwelling Unit (Minimum)	One-Story Structures (sq. ft.)	n/a
	Two-Story Structures (sq. ft.)	2,700
Corner Breaks; Primary Architectural Plane (Minimum)	One-Story Structures	n/a
	Two-Story Structures	4
Corner Breaks; Secondary Architectural Plane (Minimum)	One-Story Structures	n/a
	Two-Story Structures	2*
Porch	Required	YES
	Minimum Size (sq. ft.)	36
Masonry Percentage (Minimum)	Primary Architectural Plane	10%
	Secondary Architectural Plane	0%**
	Total (All Architectural Planes)	n/a
Material Restrictions	Vinyl (.048 gauge minimum)	NO
	Vinyl (less than .048 gauge)	NO
	Aluminum	NO
Roof Pitch (Minimum)	Primary Ridge	5/12
Roof Ridgelines (Minimum)	One-Story	n/a
	Two-Story	2
Roof Overhang; From Framing (Minimum)		12
Number of Windows; Primary Architectural Plane (Minimum)	One-Story Structures	n/a
	Two-Story Structures	6
Number of Windows; Secondary Architectural Plane (Minimum)	One-Story Structures	n/a
	Two-Story Structures	1**
Number of Windows; Total Aggregate (Minimum)	One-Story Structures	n/a
	Two-Story Structures	17
Window Treatment Required	Primary Architectural Plane	YES
	Secondary Architectural Plane	NO
Garage Door Percentage, Primary Architectural Plane (Maximum)	One-Story Structures	n/a
	Two-Story Structures	25%
Garage Door Windows Required		YES

* PERIMETER LOTS VISIBLE FROM THE PUBLIC RIGHT-OF-WAY REQUIRED TO HAVE 3 CORNER BREAKS ON REAR ELEVATION

** LOTS AT SUBDIVISION ENTRANCE REQUIRED TO HAVE 3-FT. MASONRY WAINSCOT AND 4 WINDOWS ON ENTRANCE SIDE ELEVATION