

ORDINANCE NO. 05-02-13

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 No. 200600001441

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 12N-15-2100 at its February 19, 2013, meeting as required by law in regard to the application filed by Boomerang Development, 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, by a vote of six (6) in favor and five (5) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, 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 the subject real estate generally located at the northwest corner of Hazel Dell Parkway and 161st Street, and more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Lake Forest of Noblesville Planned Development** (the "District").
- 1.2 The District's underlying zoning district shall be the **R-1 Residential District** (the "Underlying District"). Development in this 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 July 10, 2012, 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and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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: The set of home elevations on file with the City of Noblesville's Planning and Development Department dated December 3, 2012, and January 7, 2013, as reviewed and approved by the City's Architectural Review Board at its December 20, 2012, and January 17, 2013, meetings. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the "Approved Elevations").
- 2.3 Architectural Design Guidelines: The Architectural Review Board's "Architectural Design Guidelines for Single-Family Residences (detached)", as dated and adopted by the board August 16, 2007.
- 2.4 District Area: A discrete geographic area within the District, as identified on the Preliminary Development Plan. The District contains three (3) District Areas: The Estates, The Woods, and The Springs.
- 2.5 Preliminary Development Plan: The oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated December 3, 2012. 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 one hundred and forty-four (144).

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.

- 5.1 The bulk requirements applicable to the Underlying District shall apply except as noted below for each District Area:

District Area	Minimum Lot Area	Minimum Lot Width	Min. Side Yard Setback
The Springs	9,100 sq. ft.	70'	5'
The Woods	11,200 sq. ft.	80'	5'
The Estates	54,000 sq. ft.	120'	10'

- 5.2 The minimum floor area (per Dwelling Unit) shall be 2,292 square feet for a one-story Dwelling and 2,338 square feet for a two-story Dwelling.

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

- 6.1 The Approved Elevations are hereby incorporated and approved. All homes within The Springs and The Woods shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his 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(s) is proposed within The Springs or the Woods that substantially varies from an Approved Elevation, then the proposed home elevation(s) shall be submitted for review and approval by the Architectural Review Board, even if the home elevation(s) meets the Architectural Design Guidelines. 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 All homes within The Estates shall be designed from a unique set of plans specific to the individual lot and shall be stick or site-built on the building site. If the Director of Planning and Development determines a proposed home does not meet this intent, then the property owner may submit the proposed home to the Architectural Review Board for its approval and determination as to whether the proposed home is compatible and consistent with the surrounding character and the intended character for The Estates.

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 Design Guidelines.
- 7.2 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 only where shown on the Preliminary Development Plan.
- 7.3 Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan, provided that in no event shall less than thirty percent (30%) of the Real Estate be Open Space.

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

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. **Infrastructure Standards.** 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.

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 E, Section 4, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

Section 13. **Additional Stipulations.**

- 13.1 Prior to the issuance of Building Permit for a home on "The Estate" lots, all flood plain elevation certifications required by law shall be secured and provided to the Director of Planning and Zoning.
- 13.2 Homes to be constructed on "The Estate" lots shall either: (i) comply with the Architectural Design Guidelines; or (ii) be approved by the Architectural Review Board.
- 13.3 A two foot (2') wide non-access easement shall be established across "The Estate" lots along 161st Street except for the area of the common drive.
- 13.4 All public improvements, retention ponds, public safety, stormwater run-off, infrastructure, landscaping, irrigation, signage, and any other site development standards shall be met as per the current adopted ordinances and standards unless granted waivers.
- 13.5 All approvals from the governing agencies regarding the installation of a trail in the regulated drain/floodplain/wetlands area shall be submitted to the Planning Department prior to the issuance of an Improvement Location Permit for the trail in the easement.
- 13.6 Driveway locations for corner lots shall be located on the DDP.
- 13.7 Lots 4 and 5 shall incorporate at least one of the following features on the rear elevation of the Dwelling Unit: bay window, screened porch, or "three season" room/sunroom. Lots 87 – 94 and 141 shall incorporate at least one of the following features on the rear elevation of the Dwelling Unit: four (4) foot architectural bump out or a "three season" room/sunroom.

- 13.8 All corner lots within The Springs shall have a minimum lot area of 13,600 sq. ft.
All corner lots within The Woods shall have a minimum lot area of 16,800 sq. ft.

Section 14. Waivers.

- 14.1 Elimination of the required peripheral landscape buffer along the western property line and a portion of the northern property lines as per the submitted preliminary development plan.
- 14.2 A wall or fence may be allowed within the peripheral landscape buffer.



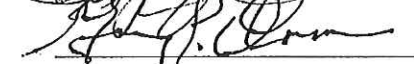
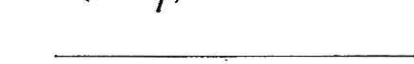
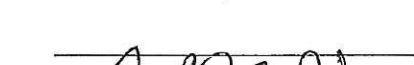

**[The remainder of this page intentionally left blank;
signature page follows.]**

Section 14. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 12th day of March, 2013.


COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE


NAY

	Brian Ayer	_____
	Mark Boice	_____
	Roy Johnson	_____
	Gregory P. O'Conner	_____
_____	Rick L. Taylor	_____
	Stephen C. Wood	_____
	Jeff Zeckel	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 12th day of March, 2013.


John Ditslear, Mayor
City of Noblesville, IN

ATTEST:


Janet S. Jaros, Clerk-Treasurer

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: Steven D. Hardin.

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

DESCRIPTION OF REAL ESTATE PER INSTRUMENT NO. 200600001441

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 4 EAST IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA, CONTAINING 80 ACRES, MORE OR LESS.

EXCEPT:

REAL ESTATE DESCRIBED IN INSTRUMENT No. 2007053647

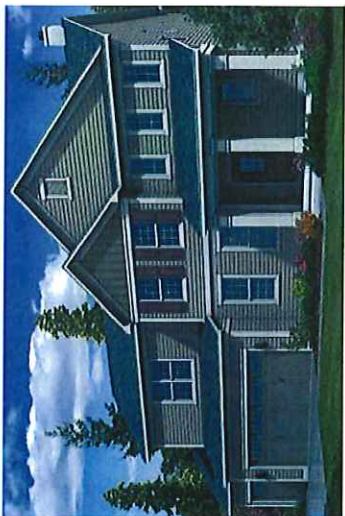
A PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 18 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 47 MINUTES 50 SECONDS WEST 690.54 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 0 DEGREES 12 MINUTES 10 SECONDS EAST 30.00 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 50 SECONDS EAST 365.54 FEET; THENCE NORTH 83 DEGREES 21 MINUTES 36 SECONDS EAST 125.90 FEET; THENCE NORTH 61 DEGREES 15 MINUTES 16 SECONDS EAST 114.26 FEET; THENCE NORTH 26 DEGREES 45 MINUTES 31 SECONDS EAST 55.90 FEET; THENCE NORTH 0 DEGREES 11 MINUTES 37 SECONDS EAST 1173.96 FEET TO THE NORTH LINE OF THE GRANTOR'S LAND; THENCE SOUTH 89 DEGREES 44 MINUTES 58 SECONDS EAST 75.00 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 0 DEGREES 11 MINUTES 37 SECONDS WEST 1324.20 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 2.878 ACRES, MORE OR LESS.

EXHIBIT B **PRELIMINARY DEVELOPMENT PLAN**



EXHIBIT C
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated December 3, 2012, and January 7, 2013, as reviewed and approved by the City's Architectural Review Board at its December 20, 2012, and January 17, 2013, meetings.



The Woods



The Springs