

2013046000 ORDINANCE \$21.00 07/19/2013 09:28:07A 6 PGS Mary L. Clark HAMILTON County Recorder IN Recorded as Presented

ORDINANCE NO. 20-06-13

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

An ordinance to amend the Unified Development Ordinance ("UDO") as amended for the City of Noblesville, Hamilton County, Indiana, and its Official Zoning Map enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as emended.

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on document number 13N-15-6073 (the "Petition") at its June 17, 2013, meeting as required by law in regard to the application filed by Redwood Acquisition, LLC, for a request in change of zoning; 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 nine (9) in favor and zero (0) opposed;

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 for said City and the Official 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 land described in Exhibit A, attached hereto (the "Real Estate"), specifically excluding the area zoned "Flood Hazard", as a Planned Development Overlay District to be known as "The Hamptons Planned Development".
- 1.2 The District's underlying zoning district shall be the R-5 Residential District (the "Underlying District") excluding the area zoned "Flood Hazard". Development in this district shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO in effect as of June 17, 2013 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and representations of the UDO that conflict with the provisions of the Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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 <u>Preliminary Development Plan:</u> The oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated April 29, 2013, as revised. The exhibit attached hereto as <u>Exhibit B</u> is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").

SECTION 3. Permitted Uses.

- 3.1 The following uses shall be permitted within the District:
 - A. All uses permitted in the Underlying District.
 - B. Accessory buildings and uses customarily incidental to any of the permitted uses.
- SECTION 4. Preliminary Development Plan. 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.
- <u>SECTION 5.</u> <u>Bulk Standards</u>. The bulk standards applicable to the Underlying District shall apply.
- <u>SECTION 6.</u> <u>Landscaping Standards</u>. The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below.
 - 6.1 <u>Landscape Buffer Yards</u>. Landscape Buffer Yards shall be provided as shown on the Preliminary Development Plan and Landscape Plan attached hereto as <u>Exhibit</u> <u>C</u>. As provided, this landscape plan eliminates the southern boundary buffer yard and reduces the width of the east and west side buffer yards.

- 6.2 Parking Lot and Building Base Landscaping. Shall be provided as shown on the Preliminary Development Plan and Landscape Plan. As provided, this landscape plan reduces the amount of building base landscaping and parking lot landscaping.
- 6.3 Open Space. Open areas for permanent landscaped open space shall be provided as shown on the Preliminary Development Plan. Some of this area shown is currently zoned "FH" Flood Hazard.

SECTION 7. Parking and Loading Standards. The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply, except as noted below.

7.1 Off-street parking areas shall be permitted and generally located as shown on the Preliminary Development Plan.

<u>SECTION 8. Lighting Standards</u>. The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

SECTION 9. Sign Standards. The District's signs shall comply with Article 11 of the UDO.

SECTION 10. Architectural Standards.

- The proposed architecture and design of buildings within the District are attached **Exhibit D** (the "Architectural Illustrations"). New construction shall substantially comply in quality and character as those shown in the Architectural Illustrations, except that the siding on all buildings shall be polymeric cladding of a minimum thickness of 0.22" and with an applied exposure of at least 6 7/8" (e.g. Norandex EverlastTM) instead of vinyl or fiber cement shown on the **Exhibit D**.
- 10.2 All buildings which rear elevations face a public right of way (to the north) or adjacent property to the east or south, shall have the enhanced elevations shown on **Exhibit D** which include dormers facing the rear elevation and corner breaks no less than every two units.
- 10.3 The Director of Planning and Development, including his/her designees, shall review and approve building elevations at the time of filing of the Detailed Development Plan and/or Building Permit for substantial compliance with the Architectural Illustrations. If the Director determines proposed building elevations do not substantially comply with the Architectural Illustrations, then the Architectural Review Board shall review and may approve the proposed building elevations.

SECTION 11. Circulation and Access Points. The District's site circulation and access points (including number and location of curb cuts), as shown on the Preliminary Development Plan.

<u>SECTION 12</u>. <u>Infrastructure Standards</u>. 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 13. Detailed Development Plan. In order to maintain design flexibility, the exact configuration and locations of each building and parking area set forth in a Detailed Development Plan ("DDP") may vary from the Preliminary Development Plan as long as the Governing Standards are met. Approval of a 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.

SECTION 14. Upon motion duly made and seconded this Ordinance was fully passed by the members of the Common Council this 9th day of 2013.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE		NAY
AYE AYE AVE	Brian Ayer Mark Boice Roy Johnson Gregory P. O'Conner Rick Taylor Stephen C. Wood Jeff Zeckel	NAY

ATTEST:

Janet Jaros, Clerk-Ureasurer

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: RUSSELL L. BROWN

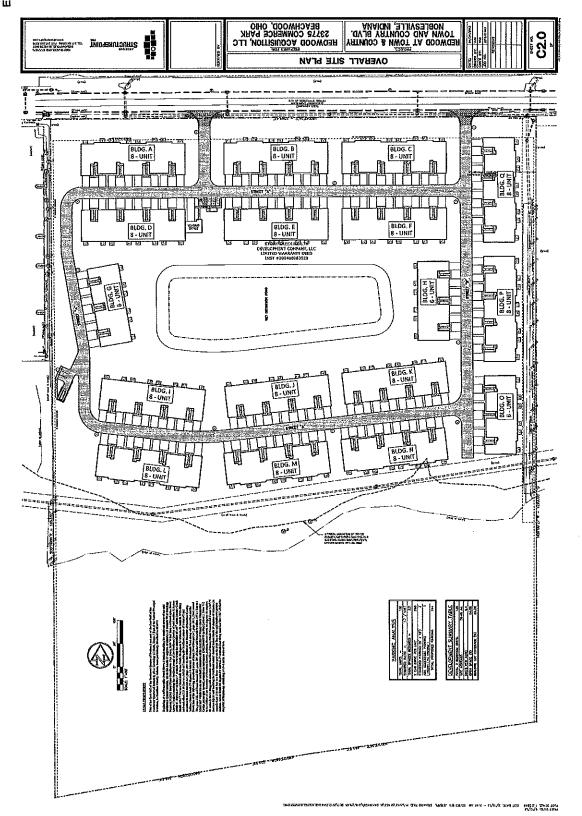
Prepared by: Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204 (317) 637-1321

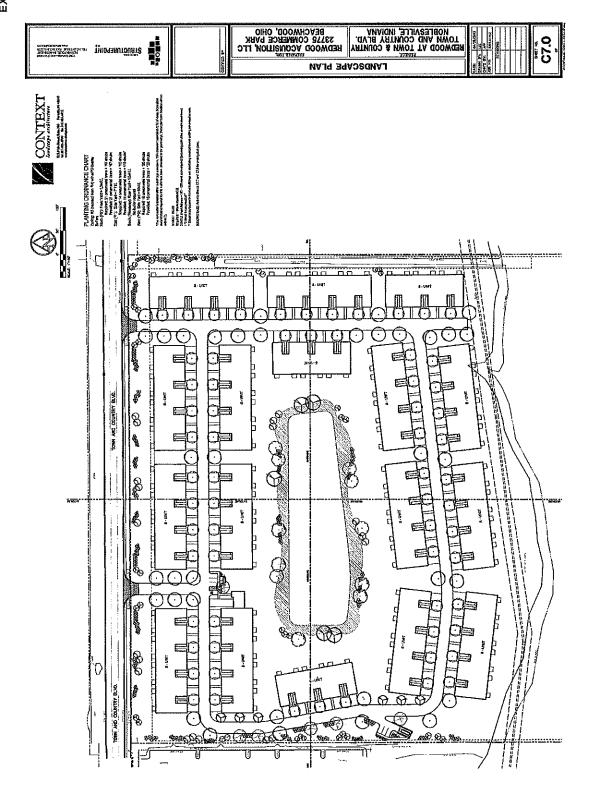
EXHIBIT A LEGAL DESCRIPTION

Part of the East Half of the Southwest Quarter of Section 5 and part of the East Half of the Northwest Quarter of Section 8, all in Township 18 North, Range 5 East of the Second Principal Meridian, in Hamilton County, Indiana, more particularly described as follows:

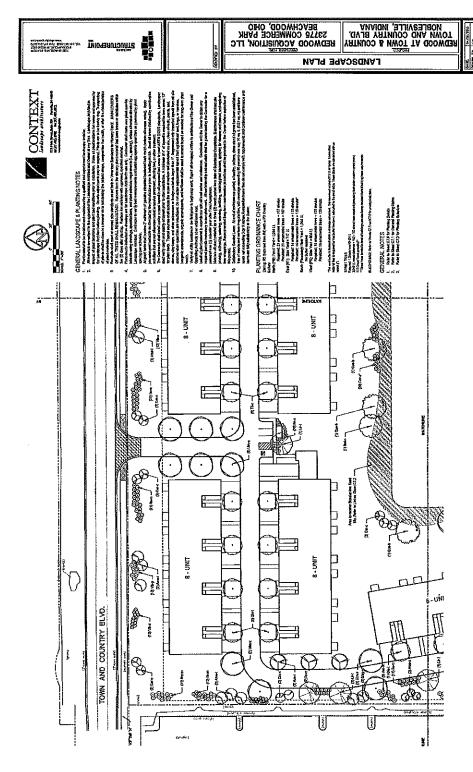
Beginning at a railroad spike found (down 3 inches) marking the Southeast comer of the said Southwest Quarter Section, which lies South 89 degrees 46 minutes 23 seconds West (bearings based on NAD83 State Plane Coordinates- East Zone) 2639.76 feet from a railroad spike found (down 4 inches) marking the Southeast comer of the Southeast Quarter of said Section 5; thence South 81 degrees 49 minutes 37 seconds West along the centerline of 166th Street (Stoney Creek Road) 489.57 feet to a MAG nail; thence South 80 degrees 25 minutes 46 seconds West along said centerline 213.59 feet to a MAG nail marking the Northeast comer of a tract of land described in Deed Record 347, page 1011 in the Office of the Recorder of Hamilton County, Indiana; thence South 79 degrees 59 minutes 48 seconds West along said centerline and the North line of the following described tracts of land: Deed Record 347, page 1011, Deed record 301, page 818, and Deed Record 283, page 785 all in the said Recorder's Office 347.11 feet to a

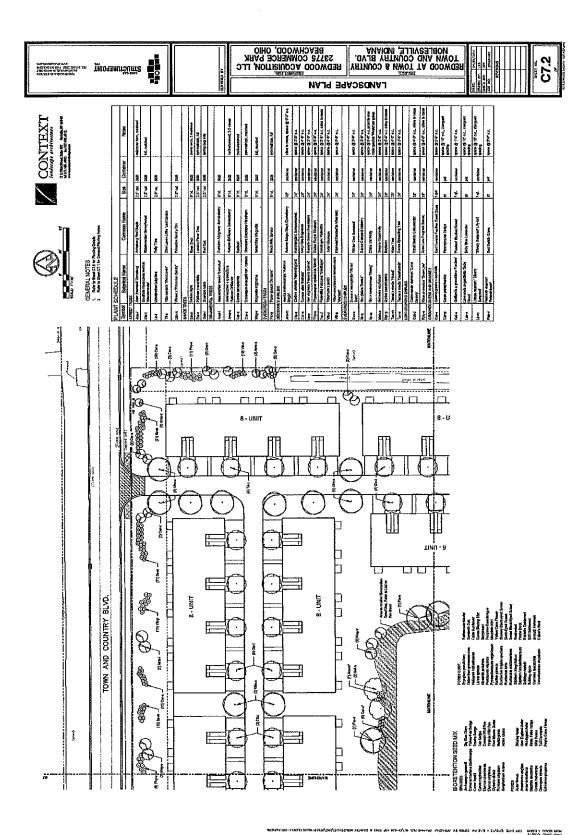
MAG nail which lies on the southerly extension of the East line of Stoney Creek Commercial Center, as per plat thereof, recorded as Instrument #200200003979 in Plat Cabinet 2, Slide 731 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 18 minutes 09 seconds West along said extension and East line of Stoney Creek Commercial Center 1487.79 feet to a MAG nail marking the Northeast comer thereof; thence North 89 degrees 43 minutes 24 seconds East 1044.66 feet to a fence comer post on the East line of the said Southwest Quarter Section; thence South 00 degrees 00 minutes 39 seconds East along said East line 1327.40 feet to the point of beginning, containing 33.544 acres, more or less.





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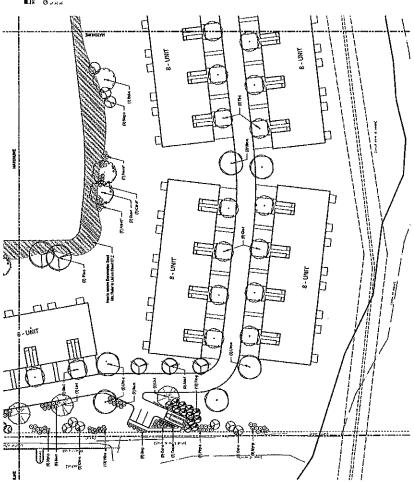


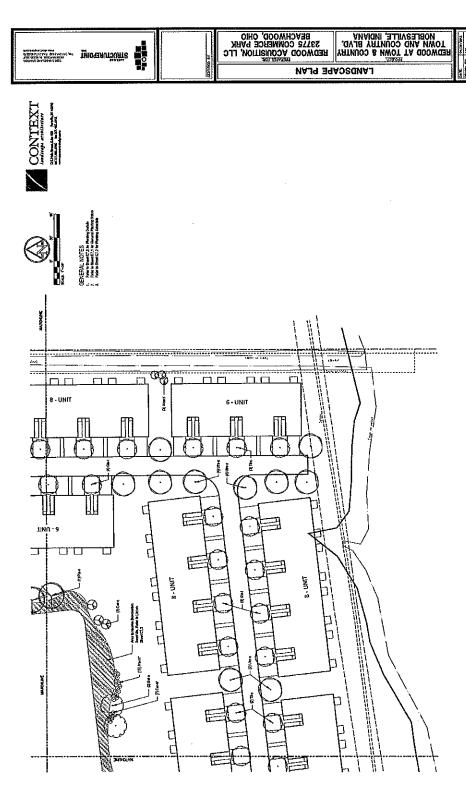




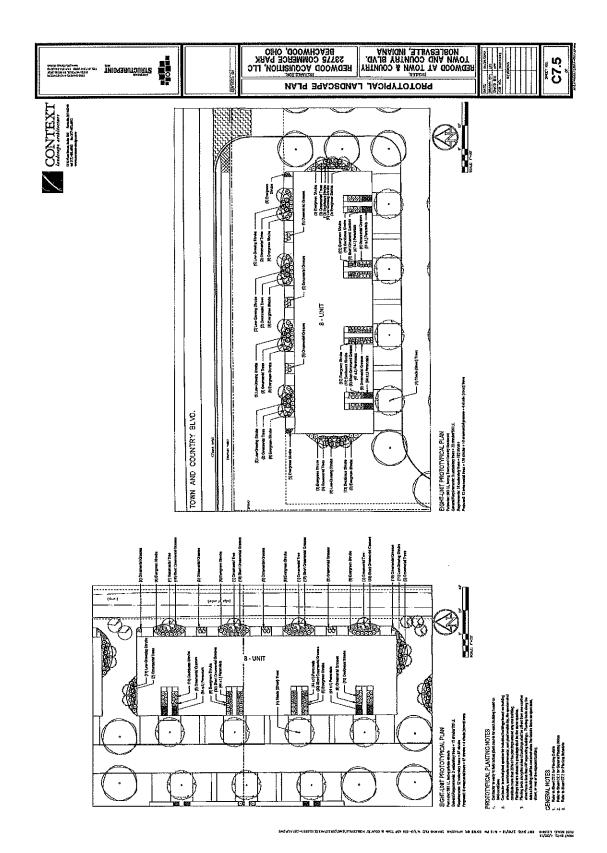


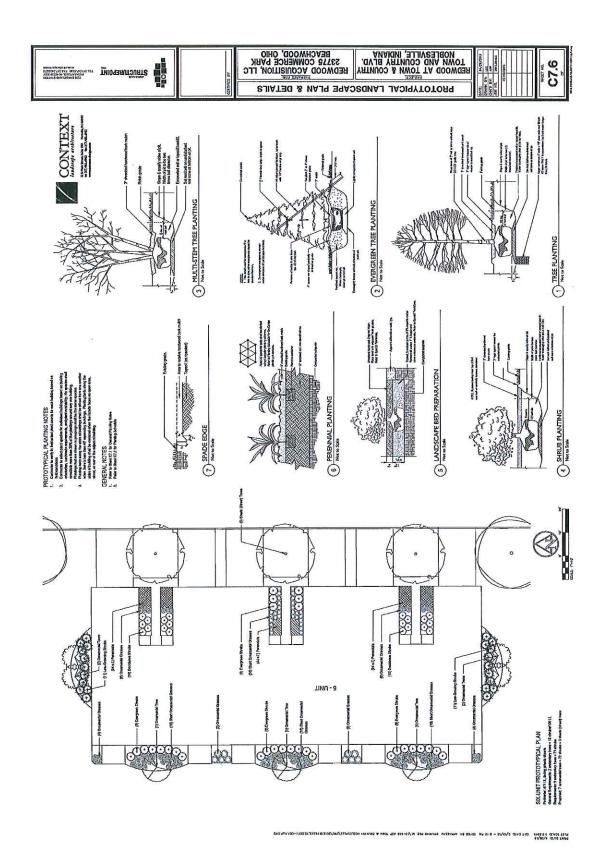






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