

ORDINANCE NO. 58-11-15

2016003777 ORDINANCE \$79.00 01/28/2016 03:18:12P 35 PGS Jennifer Hayden HAMILTON County Recorder IN Recorded as Presented

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 2159-2015 (the "Petition") at its October 19, 2015, and November 16, 2015, meetings as required by law in regard to the application filed by Equicor Real Estate, 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 eight (8) in favor and two (2) 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"), as a Planned Development Overlay District to be known as The Retreat at Mill Grove Planned Development (the "District").
- The District's underlying zoning districts shall be PB Commercial District for the approximately 8.2 acres +/- comprising the three (3) commercial outlots (the "Commercial Lots") shown on Exhibit B, and the R-4 Residential District for the approximately 63 residential lots ("Residential Lots") shown on Exhibit B (collectively these districts shall be referred to as the "Underlying District")". 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 November 16, 2015 and applicable to the Underlying District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the "Governing Standards").
- 1.3 In accordance with the provisions of this ordinance, the Official Zoning Map referred to in Article 7 of the UDO shall be updated concurrently to reflect the

- changes referred to in Section 1 above. A copy of the Official Zoning Map shall be located in the Office of the Clerk-Treasurer of the City of Noblesville.
- 1.4 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 August 31, 2015, as revised. The exhibit attached hereto as <u>Exhibit B</u> is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").
- 2.3 Ranch Home: A one (1) story or one and one half (1 ½) story dwelling unit with the master bedroom on the main floor. One and one half (1 ½) story shall be defined as the second story livable area is not greater than 45% of the main floor livable area.
- 2.4 <u>Ridgeline</u>: The intersection of two roof planes or the angle formed by this intersection. A dormer will count as one (1) ridgeline. Covered or enclosed front porches shall also count as one (1) ridgeline.
- 2.5 <u>Window</u>: Glass surface with a minimum size of eight (8) square feet. A double-hung window shall count as two (2) windows provided the double-hung window has a minimum size of twenty-four (24) square feet. A sliding glass door shall count as two (2) windows provided the minimum size of the sliding glass door is thirty (30) square feet. This definition shall apply to Residential Lots only.

SECTION 3. Permitted Uses.

- 3.1 The following uses shall be permitted within the District:
 - A. All uses permitted in the Underlying District, except the following uses which shall be prohibited on the Commercial Lots:
 - 1. Any and all Sexually Oriented Business, included but not limited to Adult Cabaret, Adult Media Store, Adult Motion Picture Theater, and Sex Shop.
 - 2. Fire/Police Station, Hospital, Penal or Correction Facility, Amphitheater, Private Club or Lodge, Drive-in Theater, Meeting or

Party Hall, Stadium or Arena, Bus or Rail Passenger Terminal, Funeral Home with Crematory, and Laundry/Dry Cleaner with on-site plant.

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 except as noted below.

- 5.1 Minimum Lot Width for the Residential Lots shall be fifty (50) feet.
- 5.2 The minimum area per dwelling unit shall be two thousand (2,000) square feet.
- 5.3 The Minimum Front Yard Setback shall be twenty five (25) feet.
- 5.4 The Minimum Side Yard Setback shall be a total of ten (10) feet, with the setback of a minimum of five (5) feet on either side of the structure, regardless of the lot width.

SECTION 6. Landscaping Standards. The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below.

Landscape Buffer Yards. The establishment of a Peripheral Yard, as set forth in 6.1 Article 8. Part H. Section 3.F.2 of the UDO shall not be applied to the Real Estate. Instead, landscape buffer yards shall be provided as shown on the Preliminary Development Plan and Landscape Plan as on file with the City of Noblesville, dated August 31, 2015 and revised December 18, 2015. As provided, this landscape plan also reduces the boundary buffer between the Residential Lots and the Commercial Lots. This buffer shall be reduced to a twenty (20) foot wide buffer, with a shadow box fence (minimum of eight (8) foot in height with posts set in concrete) located buffering the Residential Lots which abut the south boundary of outlots 1 through 3. The fencing shall be required to be installed at the time of development of each outlot, shall be placed fifteen (15) feet north of south boundary and shall be maintained by the owners of the Commercial Lots. Within this twenty (20) foot buffer, there also shall be planted within ten (10) feet off the south boundary of the commercial lots, deciduous trees (minimum 2 and ½-inch caliper at planting) with three (3) trees planted every 100 linear feet. Such trees shall be planted at the time when the first commercial lot is developed. As a matter of clarity, no shadow box fence or trees shall be required between the pond area and the Commercial Lots. Additionally, there shall be a twenty foot Tree Preservation and Landscaping Easement located on the southern portion of Lots 23 through 32. The existing

mounding and trees located within this area shall not be removed during construction.

6.2 <u>Open Space.</u> Open areas for permanent landscaped open space shall be provided as shown on the Preliminary Development Plan.

6.3 Lot Plantings.

- a. Front Yard: Minimum of two (2) trees (one shade tree required at a minimum of 2.5-IN caliper, other tree could be an evergreen tree at 6-FT height, truck diameter at 2.5-IN), ten (10) shrubs.
- b. Side Yard: Required along one (1) sidewall, a minimum 16-IN wide bed, extending 8-FT from the corner break containing a minimum of six (6) shrubs.
- c. Rear Yard: Minimum of one (1) shade tree in rear yard (minimum 2.5-IN caliper).

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

7.1 For lots which front more than one public street the minimum distance between the street centerline and the edge of the driveway shall be fifty (50) feet. Driveways on these lots are not required to be placed 10' from the lot line furthest from the intersection.

SECTION 8. **Lighting Standards**. 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.

- 10.1 The proposed architecture and design of buildings for the Residential Lots within the District are attached **Exhibit C** (the "Architectural Illustrations"). New construction on the Residential Lots shall substantially comply in quality and character as those shown in the Architectural Illustrations. Development on the Commercial Lots shall substantially comply in quality and character with the developments approved on the Residential Lots, with final review and approval being granted to the Director of Planning and Development as provided herein in Section 10.2. These standards shall apply only to single family detached homes.
- 10.2 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. The review of the Architectural Review Board shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and Approved Elevations.

- 10.3 All homes on the Residential Lots shall be approved by the Architectural Review Board or otherwise meet the following:
 - A. Ridgelines: A Ranch Home shall have a minimum of three (3) ridgelines.
 - B. Corner Breaks: A Ranch Home shall have a minimum of two (2) corner breaks on the four facades of the structure. The exterior corners of a covered porch, the outermost corners of any projection with a height of no less than five (5) feet shall count toward this requirement.

C. Windows:

- (i) A Ranch Home shall have a minimum of two (2) windows on the front façade of the structure. Each home lacking a minimum of three (3) windows on the front façade shall have windows in the garage door.
- (ii) A Ranch Home shall have a minimum of one (1) window on the each of the two side facades with a minimum aggregate of three (3) windows on the side facades.
- (iii) A Ranch Home shall have a minimum of three (3) windows on the rear façade of the structure.
- D. Foundation: Exposed concrete or block foundations are limited to four (4) inches or the minimum required by the applicable building code, whichever is greater.
- E. Garage Door Percentage (of Façade): Ranch Homes with front facing garage door shall have a garage door façade covering of no greater than 33% of total area of the primary plane.
- F. Front Load Garage: Garages with front facing doors must be on a separate plane from the main body of the residence. The garage must be recessed or projected from the main house plane a minimum of four (4) feet and a maximum of fourteen (14) feet.
- G. Entryways: One front covered landing, stoop or porch is required on all homes with a front load garage. The minimum size shall be no less than five (5) feet in depth.
- H. Roof Pitch: The minimum roof pitch of the main roof of the residence shall be 6/12. Secondary elements such as porches, bays, walkways, etc. may be covered with a lower roof pitch.

- I. Equipment Vents: Equipment vents shall not be located on the front façade of the home. Vents may be located on the side and rear facades.
- F. Overhangs: The roof overhangs shall be a minimum of 12" unless the façade surface is masonry, in which case the minimum overhang will be 7". Secondary elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

G. Materials:

- (i) No vinyl or aluminum siding shall be permitted. Each home shall use all natural materials. Brick, wood, limestone and natural stone shall be classified as natural materials. Composite wood materials (LP siding, EIFS, cultured stone, concrete fiber board such as Hardi-plank or similar materials) or resin based products (fypons) are manmade materials intended to simulate the appearance of a natural material and are acceptable replacements for natural materials approved to satisfy the natural materials requirement of these standards.
- (ii) A minimum of three (3) natural material products must be included on the front façade of all homes. Any front façade that does not include three natural material products shall, at a minimum, be 50% masonry.

H. Anti-Monotony:

- (i) No duplication of the same floor plan within one (1) homesite on the same side of the street or directly across the street.
- (ii) No duplication of the same elevation within two (2) homesites on the same side of the street or on the three (3) sites directly across the street.
- (iii) No duplication of colors, something must be different colors (natural materials, trim and front door in combination cannot be the same) on the plan, within one (1) homesite on the same side of the street or directly across the street.

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.

SECTION 12. 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 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 22 model day of 2015.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE		NAY
7265 M	rian Ayer - ark Boice - y Johnson -	
D-114 5 h	ory P. O'Connor k L. Taylor	
1000	phen C. Wood —	# The state of the

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana this 22 nd day of December, 2015.

John Dits ear, Mayor City of Poblesville, Indiana

ATTEST:

Janet 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: RUSSELL L. BROWN

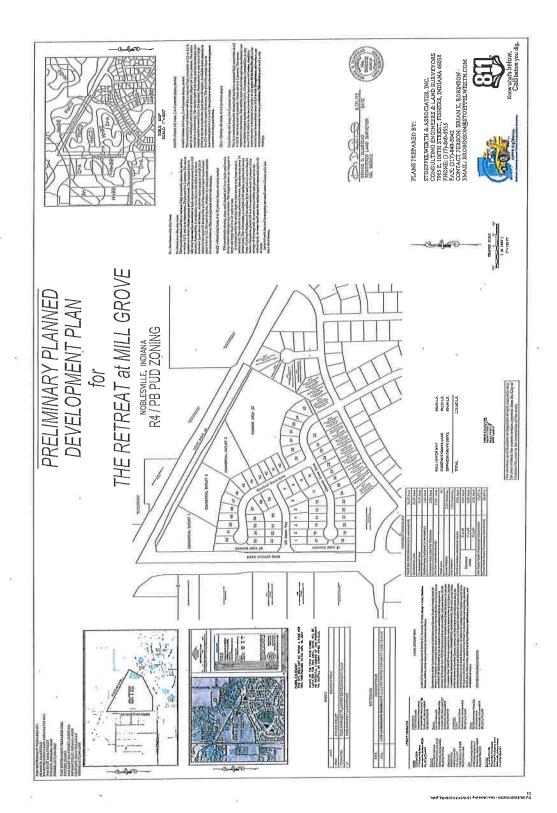
Prepared by: Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204 (317) 637-1321

EXHIBIT A LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER SECTION; THENCE NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST ALONG THE WEST LINE THEREOF A DISTANCE OF 172.43 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST 1537.62 FEET TO A POINT ON SAID WEST LINE, SAID POINT BEING 122.28 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 60 DEGREES 53 MINUTES 11 SECONDS EAST 1546.67 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF MILL GROVE, SECTION 1, RECORDED AS INSTRUMENT NUMBER 200000020753, PLAT CABINET #2, SLIDE #423, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, THE FOLLOWING THREE (3) CALLS BEING ALONG THE NORTHERN BOUNDARY OF SAID MILL GROVE SECTION 1; (1) SOUTH 29 DEGREES 07 MINUTES 09 SECONDS WEST 522.03 FEET; (2) SOUTH 62 DEGREES 15 MINUTES 54 SECONDS WEST 708.98 FEET; (3) NORTH 89 DEGREES 53 MINUTES 25 SECONDS WEST 472.34 FEET TO THE PLACE OF BEGINNING, CONTAINING 30.465 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

EXHIBIT B-1 PRELIMINARY DEVELOPMENT PLAN



<u>EXHIBIT B-2</u> <u>PRELIMINARY DEVELOPMENT PLAN</u>

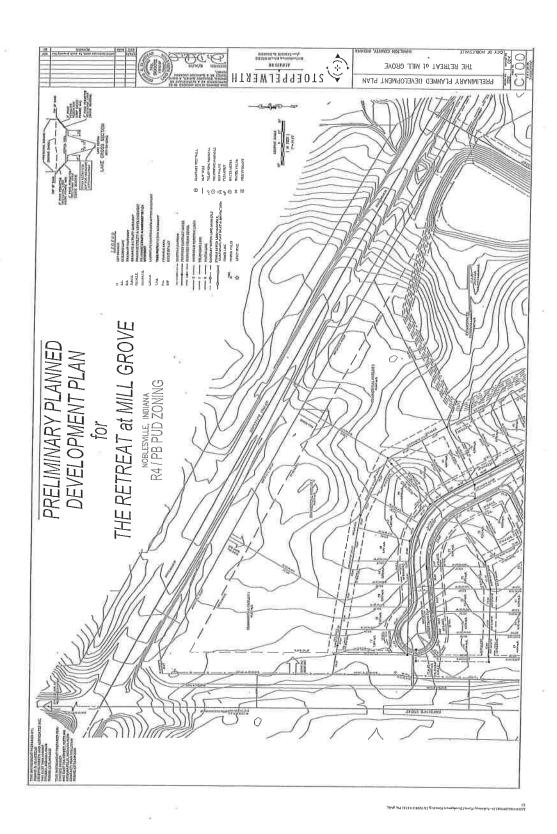


EXHIBIT B-3 PRELIMINARY DEVELOPMENT PLAN

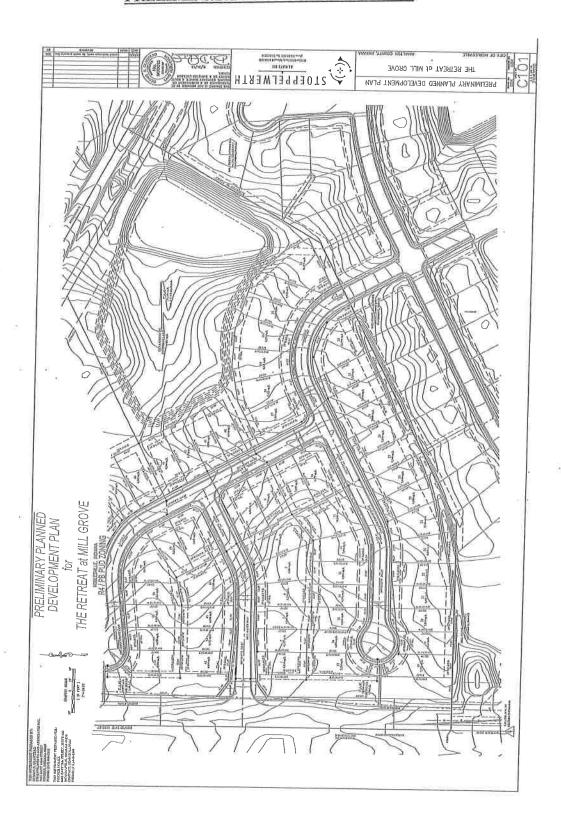


EXHIBIT B-4 PRELIMINARY DEVELOPMENT PLAN

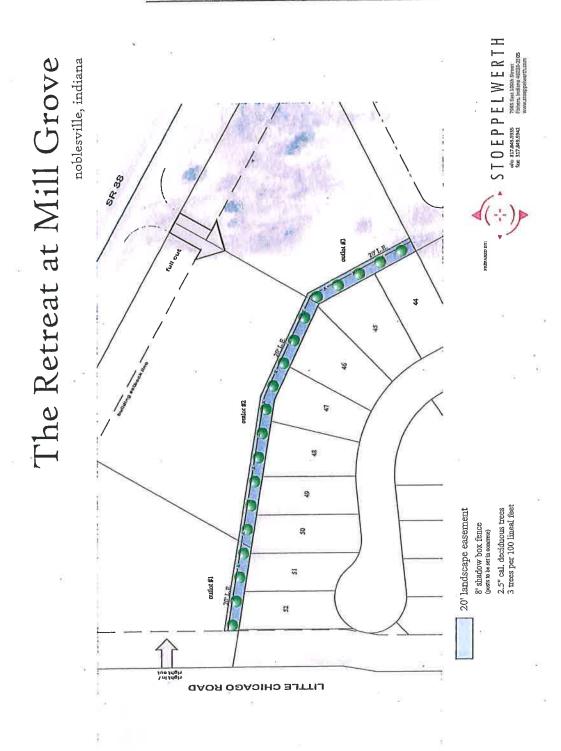


EXHIBIT C-1 ARCHITECTURAL STANDARDS

	Retreat at Mill Grove Architectural Standards (All homes are one story)
Square Footage	2,000 SF
Ridgelines	3 ridgelines Covered porch counts as a ridgeline
Corner Breaks	2 per facade
Foundation	Must be a minimum of 5' in depth Min 4" exposed
Windows	Front: 3 if 2 windows, then garage must
Marie Control	have windows Sides: at least 1 per side, but aggregate
	of 3 for both sides
	Rear: 3 Minimum of 8 SF
	Sliding glass door counts as two windows
Garage	33% max
Entryway	No less than 5' in depth, covered
Roof Pitch	Min 6/12
Vents	"shall not be on front façade"
Overhangs	Min of 12" unless façade is masonry, in which case the minimum is 7"
Chimneys	No Standard
Materials	Front façade must have three natural materials. If it does not have three natural materials, the front façade shall be at least 50% masonry.* Natural materials or a man-made materials intended to depict natural materials. Vinyl and Aluminum siding prohibited
Landscaping	Front: 2 trees (one must be shade), 10 shrubs Side: 1 tree, 16" wide beds, 6 shrubs' Rear: 1 shade tree

EXHIBIT C-2 ARCHITECTURAL STANDARDS

AMELIA FRONT ELEVATIONS



AMERICAN CLASSIC W BRICK VENEER BRICK= 100%



COASTAL COTTAGE W BRICK VENEER BRICK= 100%

EXHIBIT C-3 ARCHITECTURAL STANDARDS

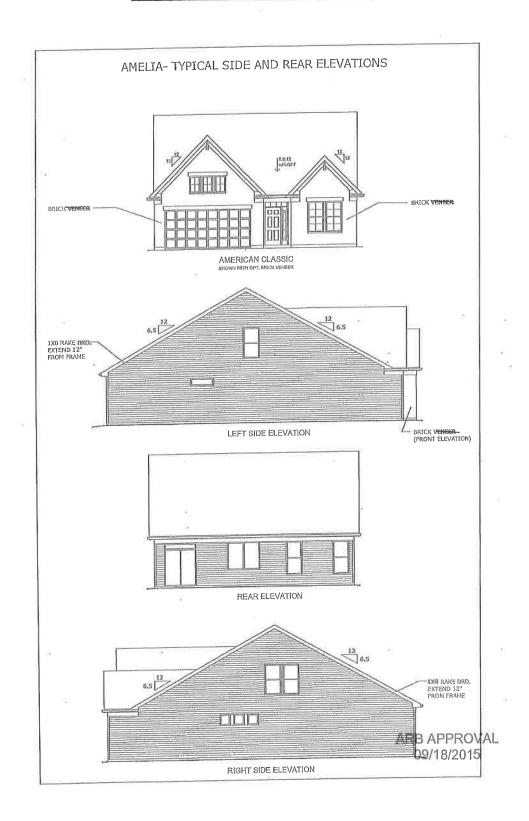


EXHIBIT C-4 ARCHITECTURAL STANDARDS

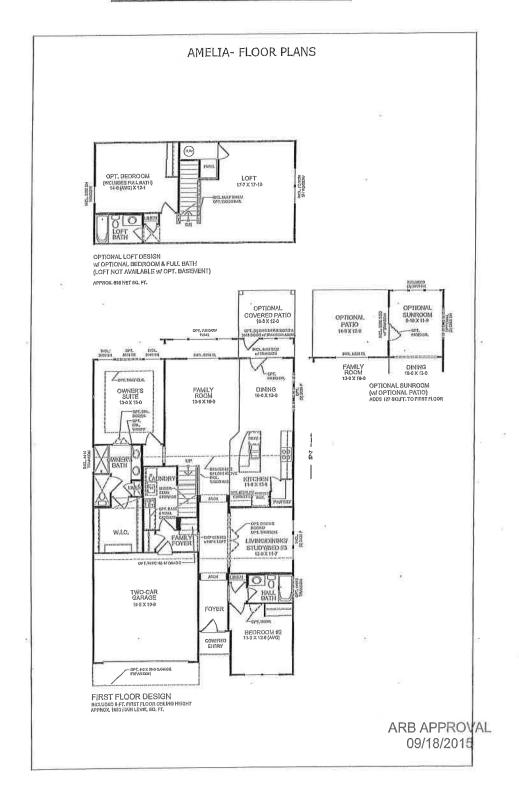


EXHIBIT C-5 ARCHITECTURAL STANDARDS

EDENTON FRONT ELEVATIONS



COASTAL COTTAGE

W STONE VENEER

STONE= 37% SIDING= 40% FIBER CEMENT PÁNEL=23%



CÓASTAL COTTAGE W BRICK VENEER BRICK= 75% FIBER CEMENT PANEL= 21%

<u>EXHIBIT C-6</u> <u>ARCHITECTURAL STANDARDS</u>

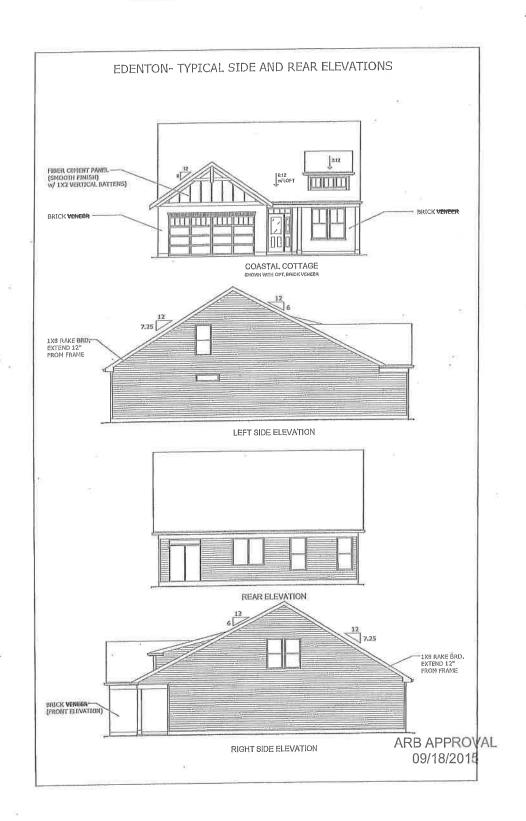


EXHIBIT C-7 ARCHITECTURAL STANDARDS

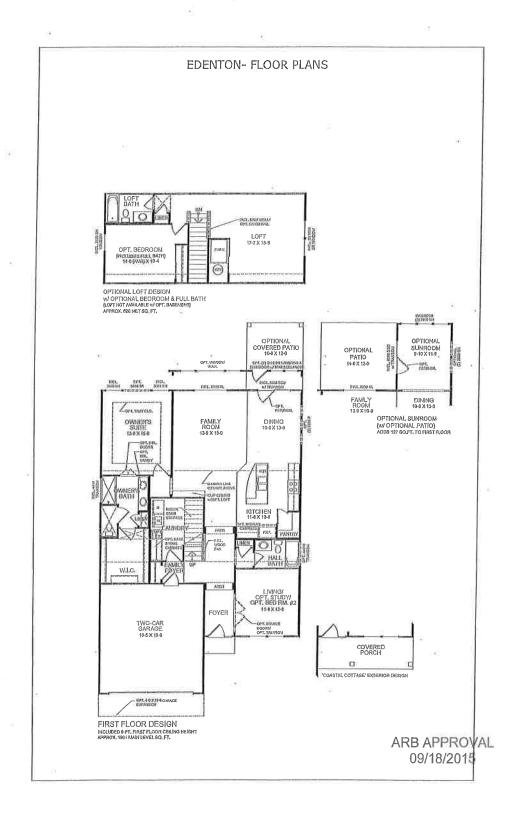


EXHIBIT C-8 ARCHITECTURAL STANDARDS

KIAWAH FRONT ELEVATIONS



AMERICAN CLASSIC W BRICK VENCER BRICK= 100%



COASTAL COTTAGE
W BRICK VENEER.
BRICK=74% FIBER CEMENT PANEL= 26%

EXHIBIT C-9 ARCHITECTURAL STANDARDS

KIAWAH FRONT ELEVATIONS



AMERICAN CLASSIC W/ STONE VENEER STONE= 63% SIDING= 37%



COASTAL COTTAGE

W STONE VENEER
STONE= 26% SIDING= 42% FIBER CEMENT PANEL= 32%

EXHIBIT C-10 ARCHITECTURAL STANDARDS

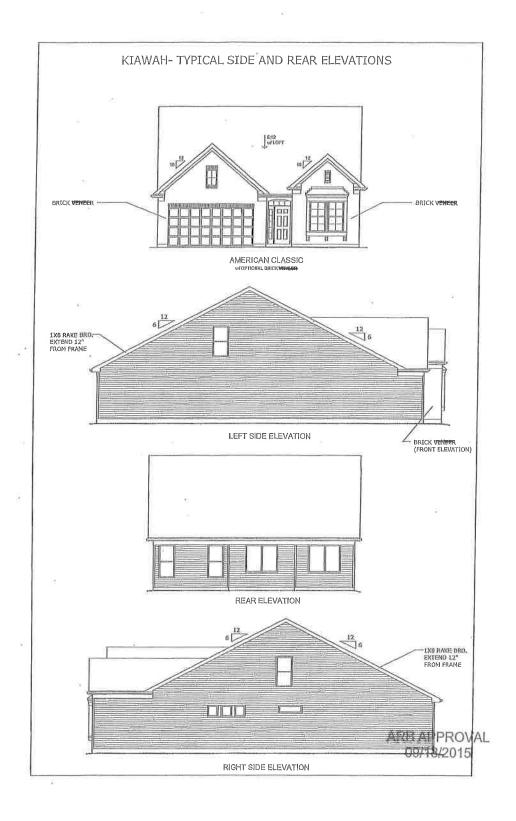


EXHIBIT C-11 ARCHITECTURAL STANDARDS

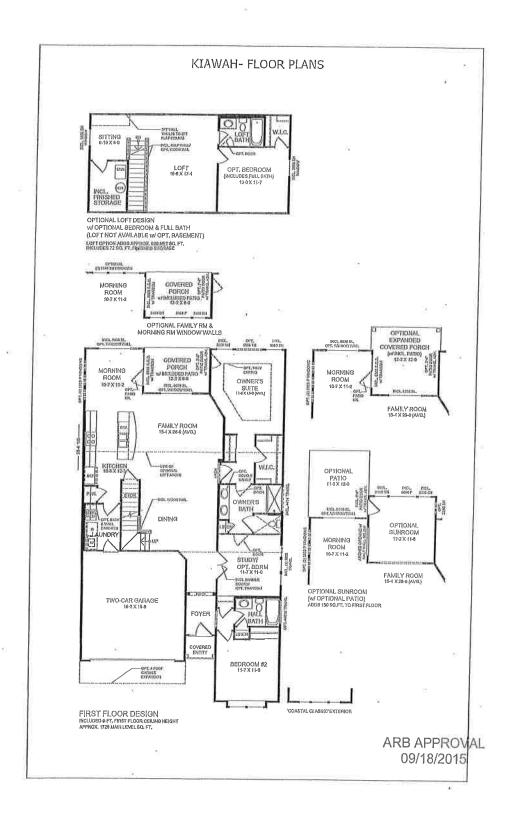


EXHIBIT C-12 ARCHITECTURAL STANDARDS

MAXWELL FRONT ELEVATIONS



AMERICAN CLASSIC W BRICK VENCER BRICK= 95% FIBER CEMENT PANEL= 5%



COASTAL COTTAGE W/ BRICK VENEER BRICK=98% WOOD GEDAR SIDING=2%

EXHIBIT C-13 ARCHITECTURAL STANDARDS

MAXWELL FRONT ELEVATIONS



AMERICAN CLASSIC w/stone veneer stone=62% siding=38%



COASTAL COTTAGE

W STONE VENEER
STONE= 32% WOOD CEDAR SIDING= 3% LAP SIDING= 65%

EXHIBIT C-14 ARCHITECTURAL STANDARDS

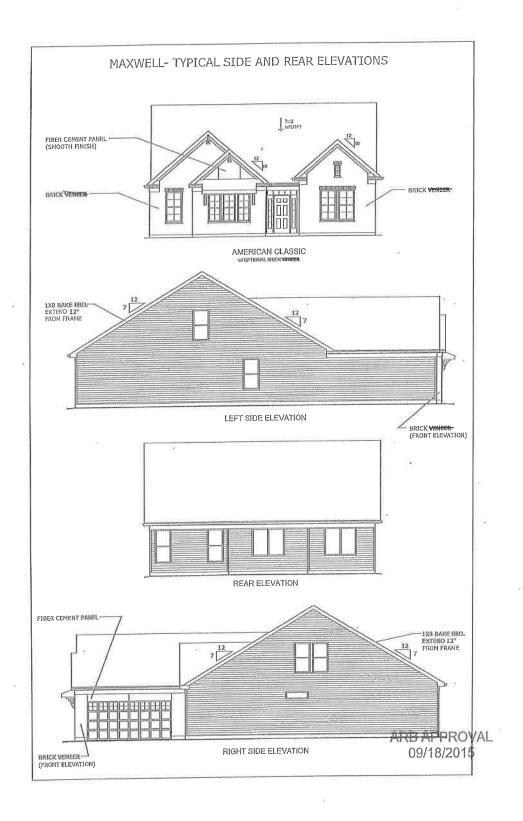


EXHIBIT C-15 ARCHITECTURAL STANDARDS

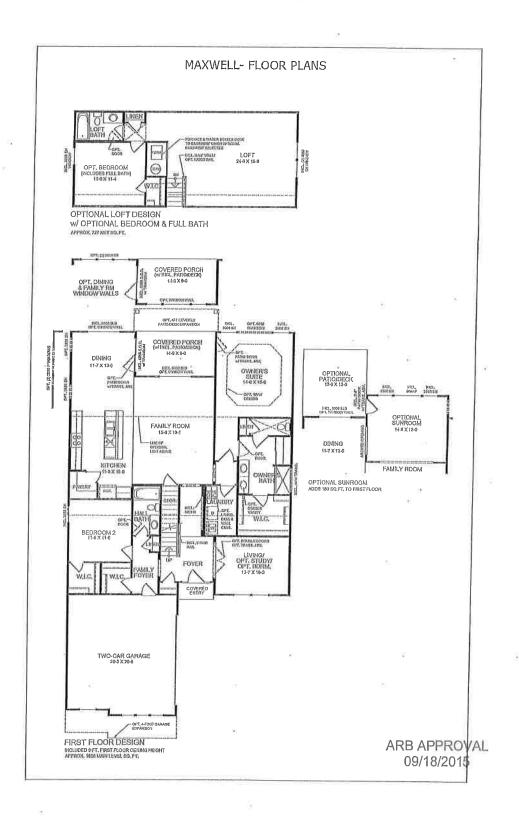


EXHIBIT C-16 ARCHITECTURAL STANDARDS

WILMINGTON FRONT ELEVATIONS

AMERICAN CLASSIC MUST INCLUDE WINDOWS IN GARAGE DOOR



AMERICAN CLASSIC W BRICK VENEER BRICK= 72% FIBER CEMENT PANEL= 28%



COASTAL COTTAGE W BRICK VENEER BRICK= 70% SHAKE SIDING= 30%

EXHIBIT C-17 ARCHITECTURAL STANDARDS

WILMINGTON FRONT ELEVATIONS

AMERICAN CLASSIC MUST INCLUDE WINDOWS IN GARAGE DOOR



AMERICAN CLASSIC

W STONE VENEER

STONE= 24% FIBER CEMENT PANEL= 31% SIDING= 45%



COASTAL COTTAGE
W STONE VENEER
STONE= 35% SHAKE SIDING= 33% LAP SIDING= 32%

EXHIBIT C-18 ARCHITECTURAL STANDARDS

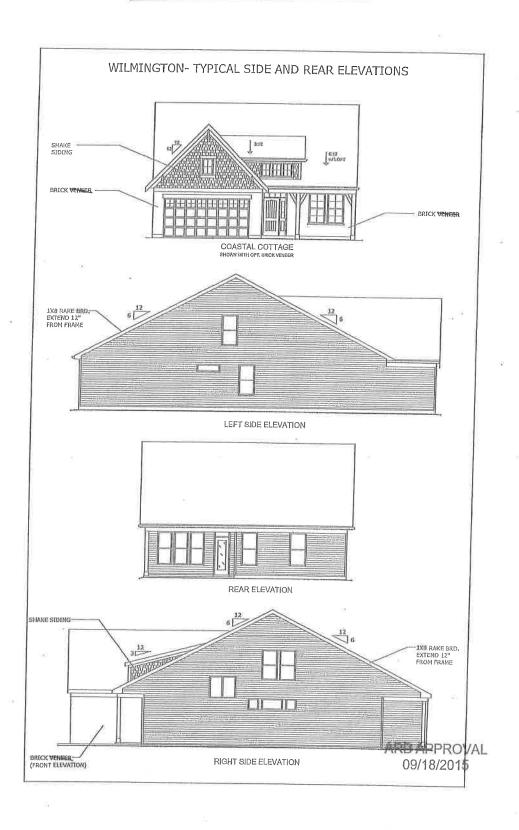


EXHIBIT C-19 ARCHITECTURAL STANDARDS

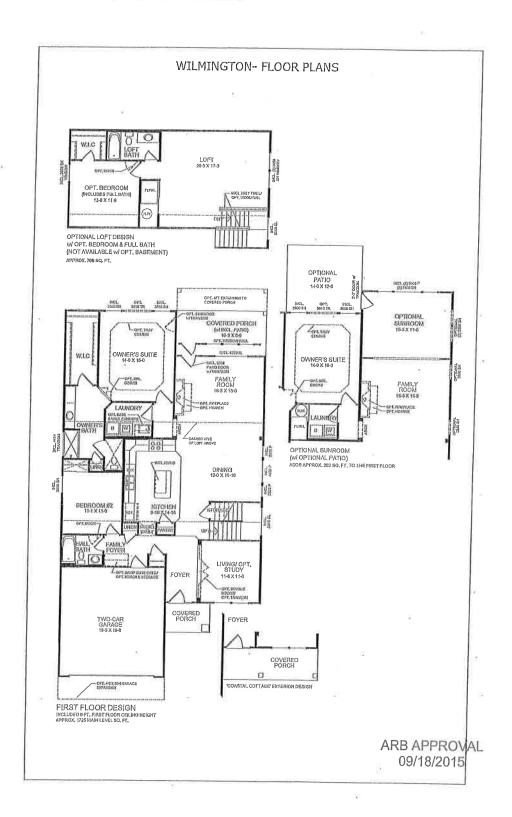


EXHIBIT C-20 ARCHITECTURAL STANDARDS

WINTHROP FRONT ELEVATIONS



AMÉRICAN CLASSIC W BRICK VENEER BRICK= 85% WOOD CEDAR SIDING= 15%



COASTAL COTTAGE
W BRICK VENTER
BRICK= 72% FIBER CEMENT SIDING= 28%

EXHIBIT C-21 ARCHITECTURAL STANDARDS

WINTHROP FRONT ELEVATIONS



AMERICAN CLASSIC

W STONE VENEER

STONE=33 % WOOD CEDAR SIDING= 16% LAP SIDING= 51%



COASTAL COTTAGE

WI STONE VENEER

STONE= 34% FIBER CEMENT SIDING= 32% LAP SIDING= 34%

EXHIBIT C-22 ARCHITECTURAL STANDARDS

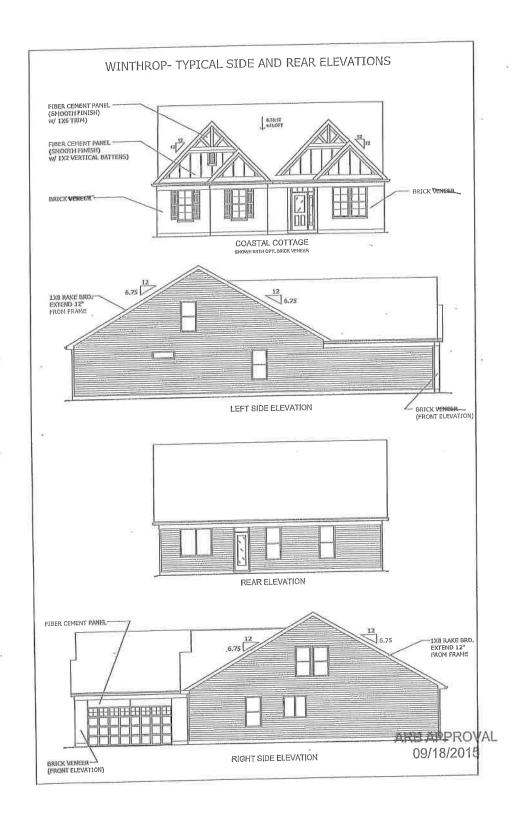


EXHIBIT C-23 ARCHITECTURAL STANDARDS

