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ORDINANCE NO. 71-11-22 As Amended

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. 2019-59131 and 2022-33757

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 (the "City") under authority of Indiana Code § 36-7-4-600, et seq., as amended.

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") conducted a public hearing on application number <u>0167-2022</u> (the "Petition") at its October 24, 2022, meeting as required by law in regard to the application filed by ENFR Management, 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.

- A. The Zoning Map is hereby changed to designate the subject real estate generally located southeast of the intersection of 141st Street and Marilyn Road, more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the Village at Hyde Park Planned Development (the "District").
- B. The District's underlying zoning district shall be the Corporate Campus Planned Development District, with an underlying subdistrict of Mixed Residential Subdistrict. The Mixed Residential Subdistrict is referred to herein as the "Underlying District."
- C. The standards of the UDO existing on the date of adoption of this Ordinance applicable to the Mixed Residential District shall apply to the development of the

District, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Article", "Part", "Section" and "Subsection" in this Ordinance shall refer to the corresponding Article, Part, Section and Subsection as specified and referenced in the UDO

D. 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. All previous PD Ordinances, and any amendments thereto, applicable to the Real Estate are hereby repealed with respect to the Real Estate.

Section 2. Definitions.

- A. 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. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO.
- B. "Preliminary Development Plan" shall mean the oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated August 1, 2022. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").
- C. "Approved Elevations" shall mean the set of multi-family 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 August 17, 2022, meeting. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the "Approved Elevations").

Section 3. Permitted Uses.

- A. All uses permitted in the Underlying District including single-family dwellings and two-family dwellings shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed two-hundred and sixty (260).
- B. Accessory Uses and Accessory Structures customarily incidental to any permitted use including amenity structures/uses shall be permitted.

Section 4. Preliminary Development Plan.

A. The Preliminary Development Plan and waivers listed in **Exhibit D** are hereby 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 from the Underlying District and layout of the District.

Section 5. Architectural Standards.

- A. The following standards shall apply to the District:
 - 1. The Approved Elevations are hereby incorporated and approved. All buildings shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his or her designees, shall review for compliance and approve building elevations at the time of filing of the Detailed Development Plan and/or Building Permit.
 - 2. If a building elevation does not comply with Section 5.A.1, then the proposed building elevation(s) shall be submitted for review and approval by the Architectural Review Board. The Architectural Review Board's review of the building 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. Title, Purpose and Effect. The regulations of ARTICLE 1. TITLE, PURPOSE AND EFFECT shall apply.
- Section 7. Definitions and Rules of Word Usage. The regulations of ARTICLE 2. DEFINITIONS AND RULES OF WORD USAGE shall apply.
- Section 8. Administrative Bodies and Officials. The regulations of ARTICLE 3. ADMINISTRATIVE BODIES AND OFFICIALS shall apply.
- **Section 9. Zoning Applications and Approvals.** The regulations of ARTICLE 4. ZONING APPLICATIONS AND APPROVALS shall apply.
- <u>Section 10.</u> <u>Subdivision Procedure.</u> The regulations of *ARTICLE 5. SUBDIVISION PROCEDURE* shall apply.
- Section 11. Site Design and Improvement Standards. The regulations of ARTICLE 6. SITE DESIGN AND IMPROVEMENT STANDARDS shall apply.
- Section 12. Plans, Maps, and Zoning Districts. The regulations of ARTICLE 7. PLANS, MAPS, AND ZONING DISTRICTS shall apply.
- **Section 13. Zoning Districts.** The regulations of *ARTICLE 8. ZONING DISTRICTS* shall apply, except as modified below:

A. Table 8.B. Summary of Residential Bulk Requirements and Article 8(E)(4)(B) and (C) (Mixed Use Residential Subdistrict Regulations): Shall not apply. Instead, the following requirements shall apply:

Minimum Lot Area	See Real Estate	
Minimum Lot Width	Not Applicable	
Maximum Building Height	35'	
Marilyn Road Building Setback	50'	
141st Street Building Setback	110'	
North, East and South Boundary	25' (North); 10' (East); 25'(South)	
Setback (side and rear yard)		
Floor Area Ratio	Not Applicable	
Minimum Floor Area	600 SF/Unit	
Maximum Lot Coverage	Not Applicable	

Note: Accessory structures such as entry monument signs, walls and fences shall be permitted within the building setbacks, subject to the City Engineering Department's approval.

- B. Article 8, Part H, Section 3.F.1.b. Establishment of Site Development Intensity: Shall not apply. Instead, the maximum number of Dwelling Units within the District shall not exceed two-hundred and sixty (260).
- C. Article 8, Part H, Section 3.F.2. Establishment of Peripheral Yard: Shall not apply. Instead, perimeter landscaping shall be as shown on the approved Preliminary Development Plan.
- D. Article 8, Part H, Section 3.H. Designation of Permanent Common Open Space: Shall not apply in light of the District's inclusion within the overall Hyde Park master plan.
- **Section 14. General Regulations.** The regulations of ARTICLE 9. GENERAL REGULATIONS shall apply.
- Section 15. Off-Street Parking and Loading. The regulations of ARTICLE 10. OFF-STREET PARKING AND LOADING shall apply, except as modified below:
 - A. Article 10, Table 10.D.3.B. Required Parking Spaces: Shall apply to two-hundred and fifty-six (256) dwellings; threrefore the required number of parking spaces shall be five-hundred and twelve (512).
 - B. Article 10, Section 4.B.1. Dimensions and Layout: Shall not apply; instead, the off-street parking shall be located as shown on the approved Preliminary Development Plan.

- C. Article 10, Section 4.C.2. Driveways: Shall not apply; instead, the entrances and exits shall be as generally shown on the approved Preliminary Development Plan.
- D. Article 10, Section 4.C.4. Location of Parking and Loading Behind Required Setback: Shall not apply; instead, the parking and loading shall be as generally shown on the approved Preliminary Development Plan.
- E. Article 10, Section 4.D.3. Marking of Parking: Shall apply, except bumper guards or wheel guards shall not be required. Instead, curbs shall be integrated with the sidewalk.
- F. Article 10, Section 6.A.3. Pedestrian Access Along Building Facades Not Adjacent to a Public Sidewalk: Shall not apply. Instead, the pedestrian walkways shall be as shown generally on the approved Preliminary Development Plan.
- G. Article 10, Section 6.B.2. Pedestrian Walkway Standards Along Facades Not Adjacent to Sidewalks: Shall not apply. Instead, the pedestrian walkways shall be as shown generally on the approved Preliminary Development Plan.
- Section 16. Signs. The regulations of ARTICLE 11. SIGNS shall apply, except as modified below:
 - A. Article 11, Part B, Section 3.A.4. Design: Shall not apply.
 - B. Article 11, Part C, Section 1.B. Single-Family, Two-Family or Multi-family Subdivisions: Shall not apply; instead, attached hereto as Exhibit D is the ground entry signage, showing the design and size for the permitted ground sign.
 - C. Wayfinding, directional, informational, traffic control, incidental and similar signage are not shown on **Exhibit D** and shall be permitted per the UDO.
- **Section 17. Landscaping and Screening.** The regulations of *ARTICLE 12. LANDSCAPING AND SCREENING* shall not apply. Instead, landscaping and screening shall be as shown generally on the approved Preliminary Development Plan.
- **Section 18.** Environmental Performance Standards. The regulations of ARTICLE 13. ENVIRONMENTAL PERFORMANCE STANDARDS shall apply.
- Section 19. Nonconforming Uses and Structures. The regulations of ARTICLE 14. NONCONFORMING USES AND STRUCTURES shall apply.
- **Section 20. Enforcement.** The regulations of ARTICLE 15. ENFORCEMENT shall apply.
- Section 21. Procedures.

- A. Detailed Development Plan. Approval of a Detailed Development Plan ("DDP") shall follow the procedures set out in Article 8, 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 submitted to the City for review by the Technical Advisory Committee and then for review and approval by the Plan Commission following a public hearing. A Major Change from the approved Preliminary Development Plan shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the development standards set forth herein and shall be compatible and consistent with the intended quality and character of the District. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.
- B. <u>Major Change.</u> For purposes of this Ordinance, a "Major Change" shall mean: (i) a substantial change to the <u>location</u> of a perimeter entrance as shown on the Preliminary Development Plan; and (ii) significant changes to the drainage management systems, including, but not limited to, BMP's and legal drains.
- C. <u>Minor Change</u>. For purposes of this Ordinance, a "Minor Change" shall mean any change that: (i) is not a Major Change; and (ii) is consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance for the District. Specifically, changes to the internal vehicular circulation configurations and building configurations, are expected and shall be deemed to be Minor Changes for purposes of this Ordinance.

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

Approved on this 22nd day of Monember, 2022 by the Common Council of the City

AYE		NAY	ABSTAIN
	Brian Ayer	FAS	
.1.00	Mark Boice	0	
hy/S	Michael J. Davis		
Im P. Clan	Gregory P. O'Connor		
A	Darren Peterson		
	Pete Schwartz		
f-hz	Aaron Smith		
1 0	Dan Spartz	And	
Topon Cule	Megan G. Wiles		
TEST:	n L. Leis s, City Clerk		

MAYOR'S APPROVAL

Chris Jensen, Mayor

MAYOR'S VETO

Chris Jensen, Mayor

ATTEST Melyn J. Lees, City Clerk

1-22 As Amended - Page 7 of 8

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.

Village at Hyde Park PD Ordinance 5 111422

EXHIBIT A

Legal Description (Page 1 of 1)

BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER. TOGETHER WITH A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWESTQUARTER OF SECTION 22; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, S00'07'04"W, A DISTANCE OF 178.51 FEET TO A LINE PARALLEL TO AND 178.50 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 22; THENCE ALONG SAID PARALLEL LINE, N8913'27'E, A DISTANCE OF 1524.25 FEET TO THE EAST LINE OF NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22; THENCE ALONG SAID EAST LINE, N00'05'55"W, A DISTANCE OF 141.51 FEET TO THE SOUTH RIGHT OF WAY OF EAST 141 ST STREET AS DEDICATED IN DOCUMENT 200600066492; THENCE ALONG SAID SOUTH RIGHT OF WAY, N89'12'56"E, A DISTANCE OF 158.56 FEET; THENCE S01'04'2TE, A DISTANCE OF 81.79 FEET; THENCE \$40'50'22"W, A DISTANCE OF 753.39 FEET; THENCE \$4717'34 "W, A DISTANCE OF 321.02 FEET; THENCE S27'13'09"W, A DISTANCE OF 483.61 FEET TO THE SOUTH LINE OP SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22; THENCE ALONG SAID SOUTH LINE, \$89'16'15"W, A DISTANCE OF 535.29 FEET TO THE WEST LINE SAID SOUTHWEST OUARTER; THENCE ALONG SAID WEST LINE, N00'07'04"W, A DISTANCE OF 1147.60 FEET TO THE POINT OF BEGINNING.

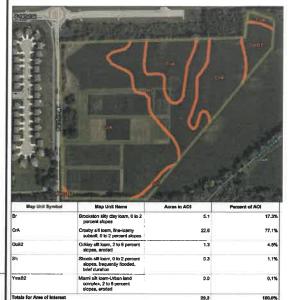
EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN

(SEE FOLLOWING 10 PAGES)

Note: The following pages include reduced copies of the Preliminary Development Plan. To scale and electronic copies of the Preliminary Development Plan are on file with the Planning Department under Application No. LEGP-0167-2022.

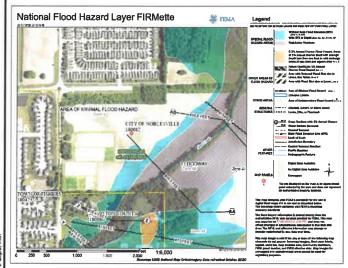
SOILS MAP:



PRELIMINARY ENGINEERING PLANS FOR

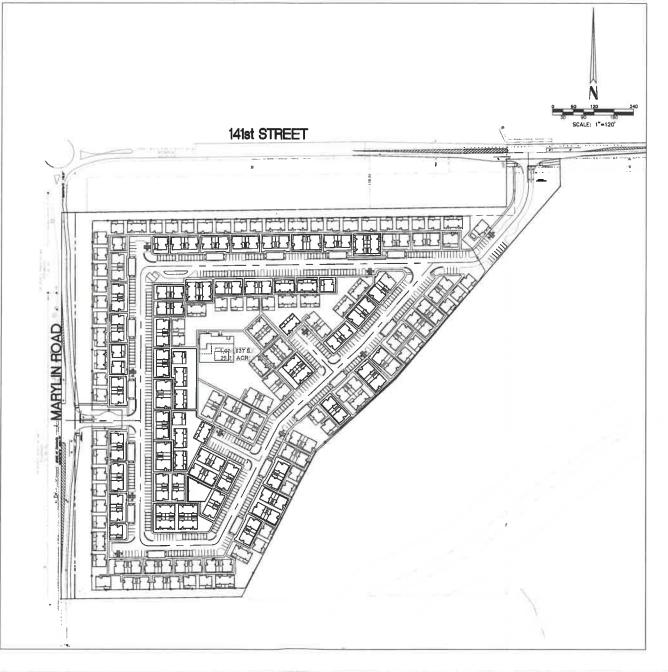
VILLAGE AT HYDE PARK SEC OF 141ST ST & MARYLIN RD NOBLESVILLE, IN 46060

FEMA MAP:



AGENCY & UTILITY INFO:

SERVICE / JURISDICTION	COMPANY / DEPT.	ADDRES\$	PHONE NUMBER	CONTACT
ENGINEERING	CITY OF NOBLESVILLE	16.9 107H ST , STE, 165, NOBLESVILLE, IN 48060	(317) - 776 - 6330	JIM HELLMANN
COMMUNITY DEV AND PLANNING	CITY OF NOBLESVILLE	16 S 10TH ST., STE. 150, NOBLESVILLE, IN 48080	(317) - 776 - 6325	JOYCEANN YELTON
FIRE	NOBLESVILLE FIRE DEPT.	135 S 9TH ST , STE 155, NOBLESVALLE, IN 46060	(317) - 776 - 6336	DARRELL CROSS
STORM SEWER	CITY OF NOBLESVILLE	16 S 10TH ST . NOBLESVILLE, IN 46080	(317) - 776 - 6330	ODISE ADAMS
NS4 OPERATOR	CITY OF NOBLESVILLE	16 S 10TH ST., STE, 156. NOBLESVILLE, IN 46060	(817) - 776 - 6330	BRAD ROBBINS
STREETS	NOBLESVILLE STREET DEPT.	1575 PLEASANT ST , NOBLESVILLE, IN 46060	(117) - 778 - 8348	VINCE BAKER
COUNTY SURVEYOR	HAMILTON COUNTY SURVEYOR'S OFFICE	1 HAWLTON CTY, SD , STE 146 NOBLESVILLE, IN 46060	(317) - 770 - 8495	STEVE CASH
COMMUNICATION	AT&T	240 N. MERIDIAN ST., ROOM 280, INDANAPOLIS, IN 45204	(317) - 610 - 5437	BRIAN PETERS
	COMCAST (TELETION PLACEMENT INC.)		(317) - 752 - 9426	THOMAS SPENCER
POWER	DUKE ENERGY	100 S. MILL CREEK RD., NOBLESVILLE, IN 46060	(317) - 776 - 5348	CLINT THOMPSON
GAS	CENTERPOINT ENERGY	15000 ALLISONVILLE RD . NOBLESVILLE, IN 48080	(317) - 776 - 5500	RANDY CRUTCHFIELD
WATER	INDIANA AMERICAN WATER	15227 HERRIMAN BLVD., NOBLESVILLE, IN 46060	(317) - 773 - 2497	JOSH COX
SANITARY SEWER	CITY OF FISHERS (SANITARY)	1 MUNICIPAL DR., FISHERS, IND 48638	(317) - 595 - 3160	LAURA McCLURE



SHEET INDEX:

SHEET	DESCRIPTION		
C001	COVER SHEET		
C200	OVERALL SITE PLAN		
C201-C203	SITE PLAN		
C204	OFFSITE IMPROVEMENTS		
C205	VEHICULAR TURN MOVEMENT		
C501-C503	UTILITY PLAN		
L1.0	SITE PERIMETER AND LANDSCAPE STANDARDS		
L1.1	SITE INTERIOR LANDSCAPE STANDARDS		

LEGAL DESCRIPTION:

LOCATION MAP:



HAMILTON COUNTY

CONSTRUCTION OF 257 SINGLE FAMILY UNITS AND INFRASTRUCTURE ON 25.22 ACRES. PROJECT IS IN

ENGINEER:



317-607-6309 9339 PRIORITY WAY WEST DRIVE SUITE 100 INDIANAPOLIS, IN 46240

DEVELOPER/OWNER:



312-699-8152 6617 N. SCOTTSDALE ROAD, SUITE 101 SCOTTSDALE, AZ 85250

LANDSCAPE ARCHITECT:



MICHELLE TAGART, PLA 405 Massachusetts Ave, Suite 3B Indianapolis, IN 46204

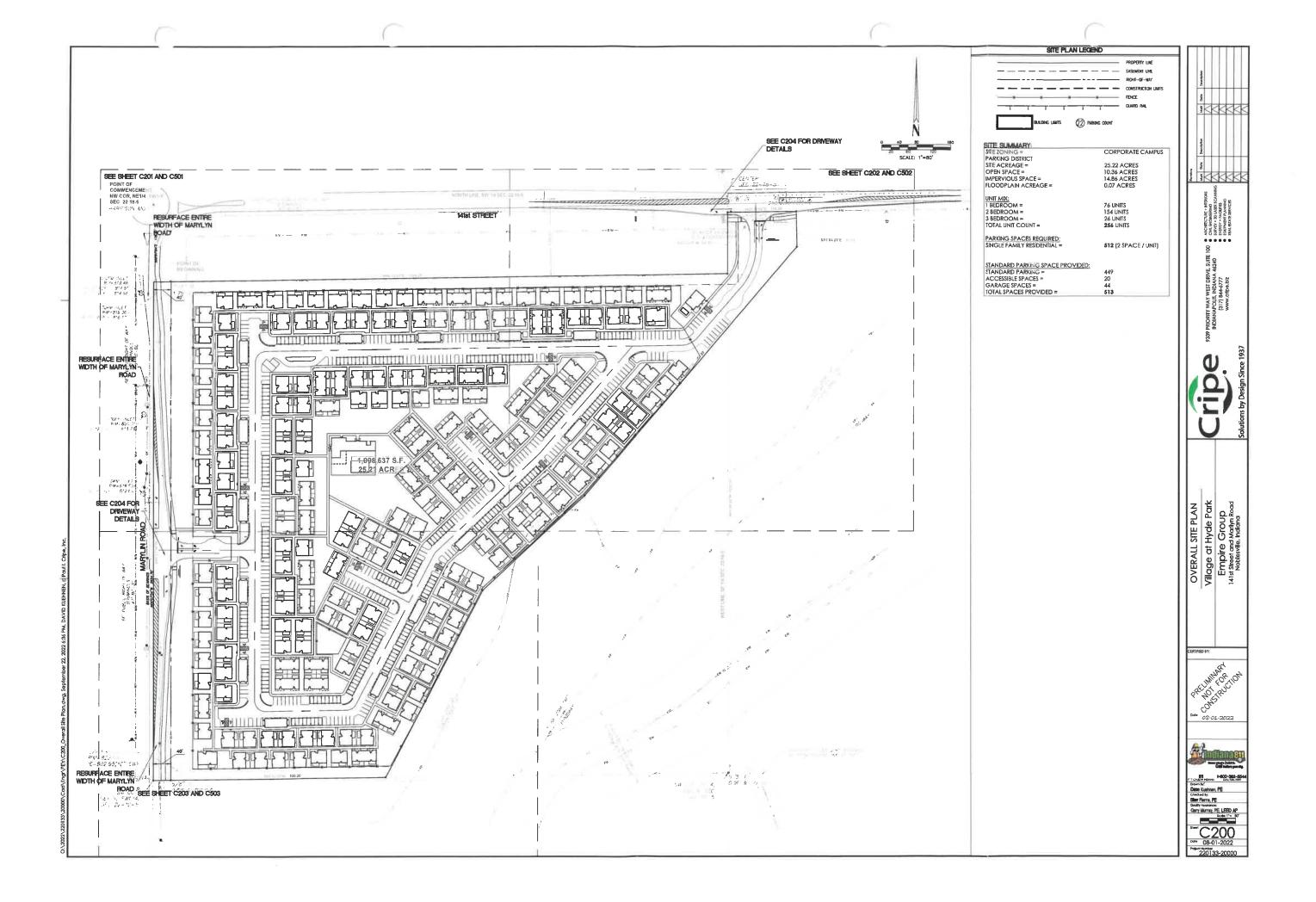
LAND SURVEYOR:

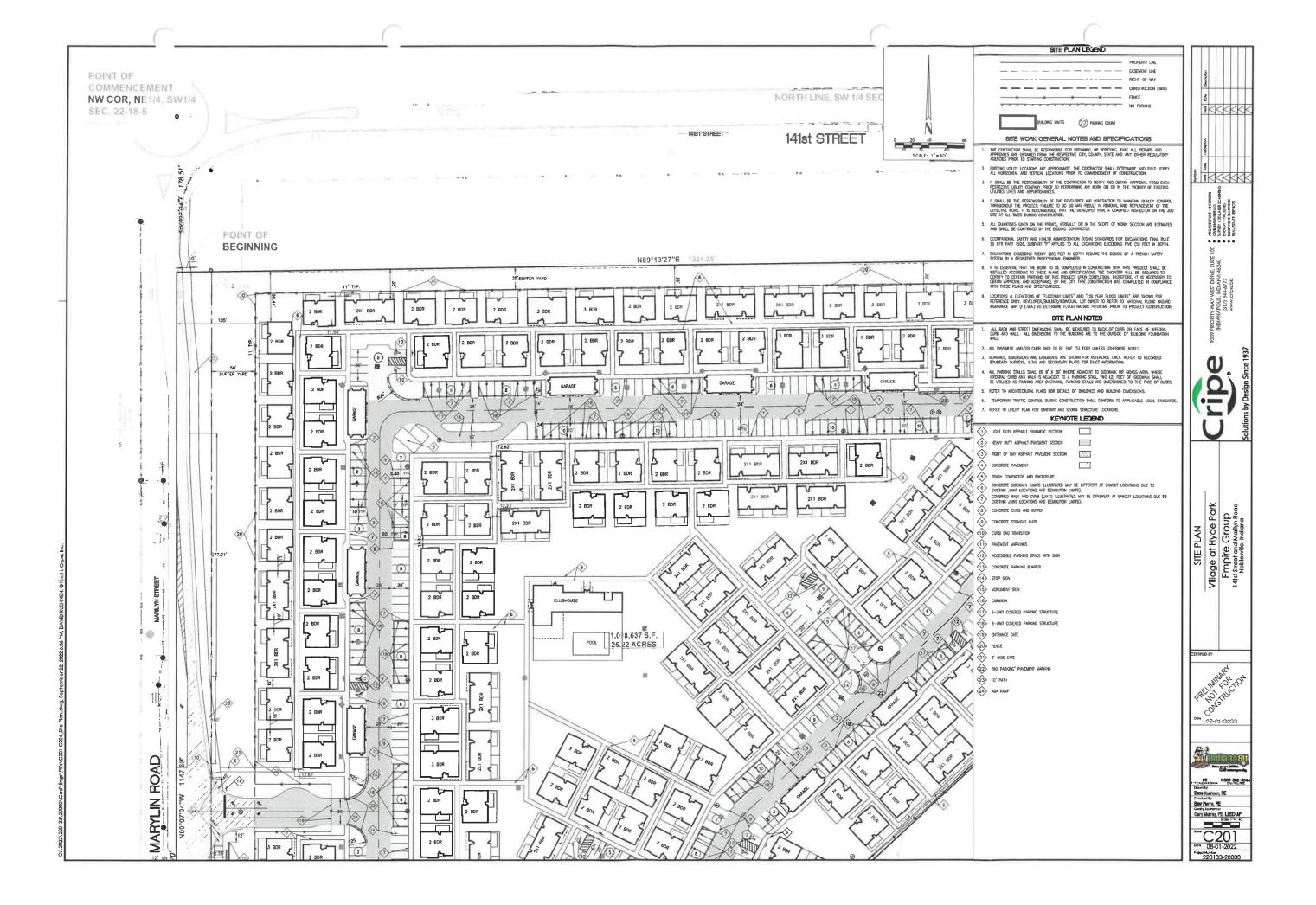


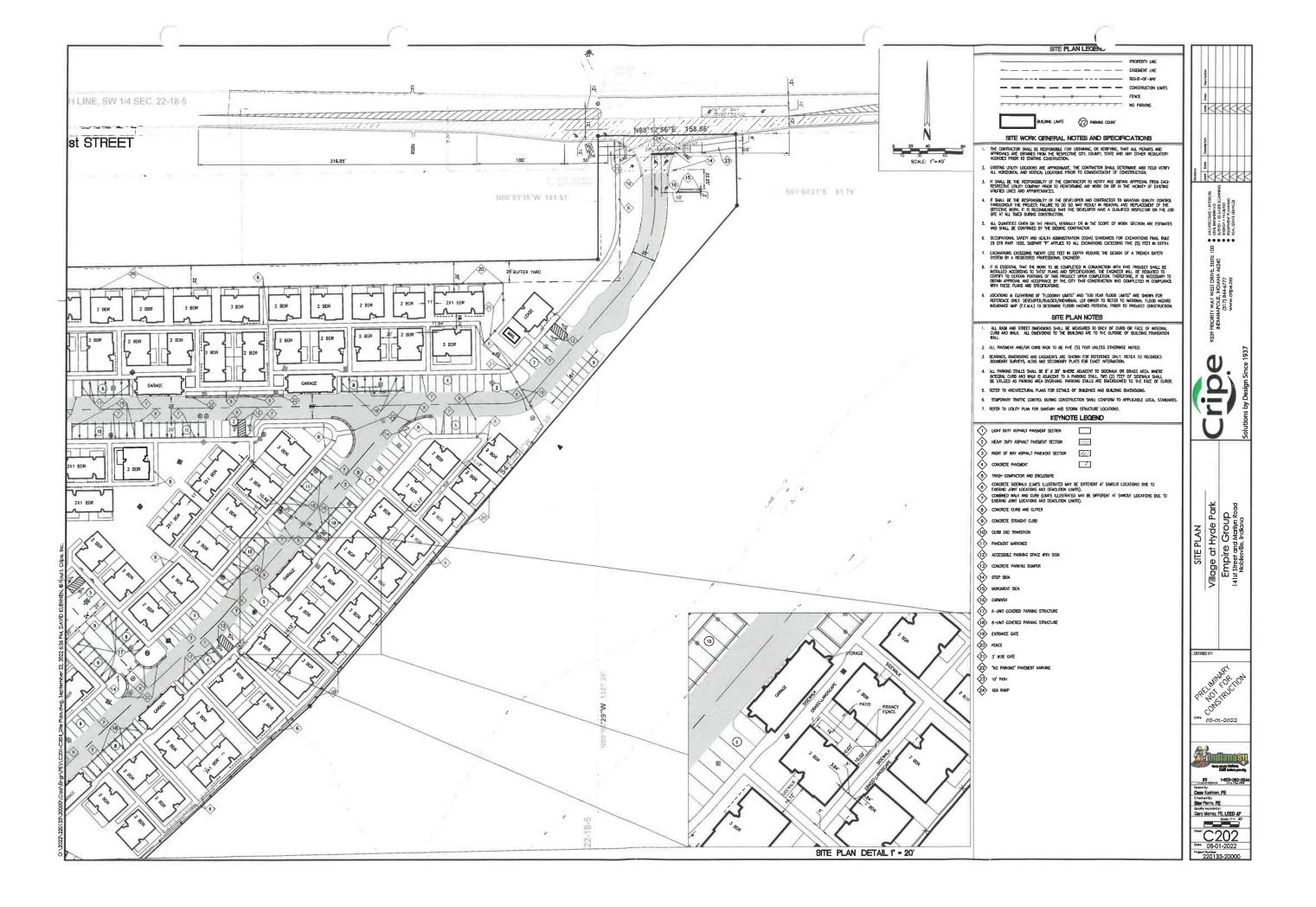
JAMES A FAETANINI, PLS 308-787-9988 8301 42ND STREET WEST TOCK ISLAND, IL 61201

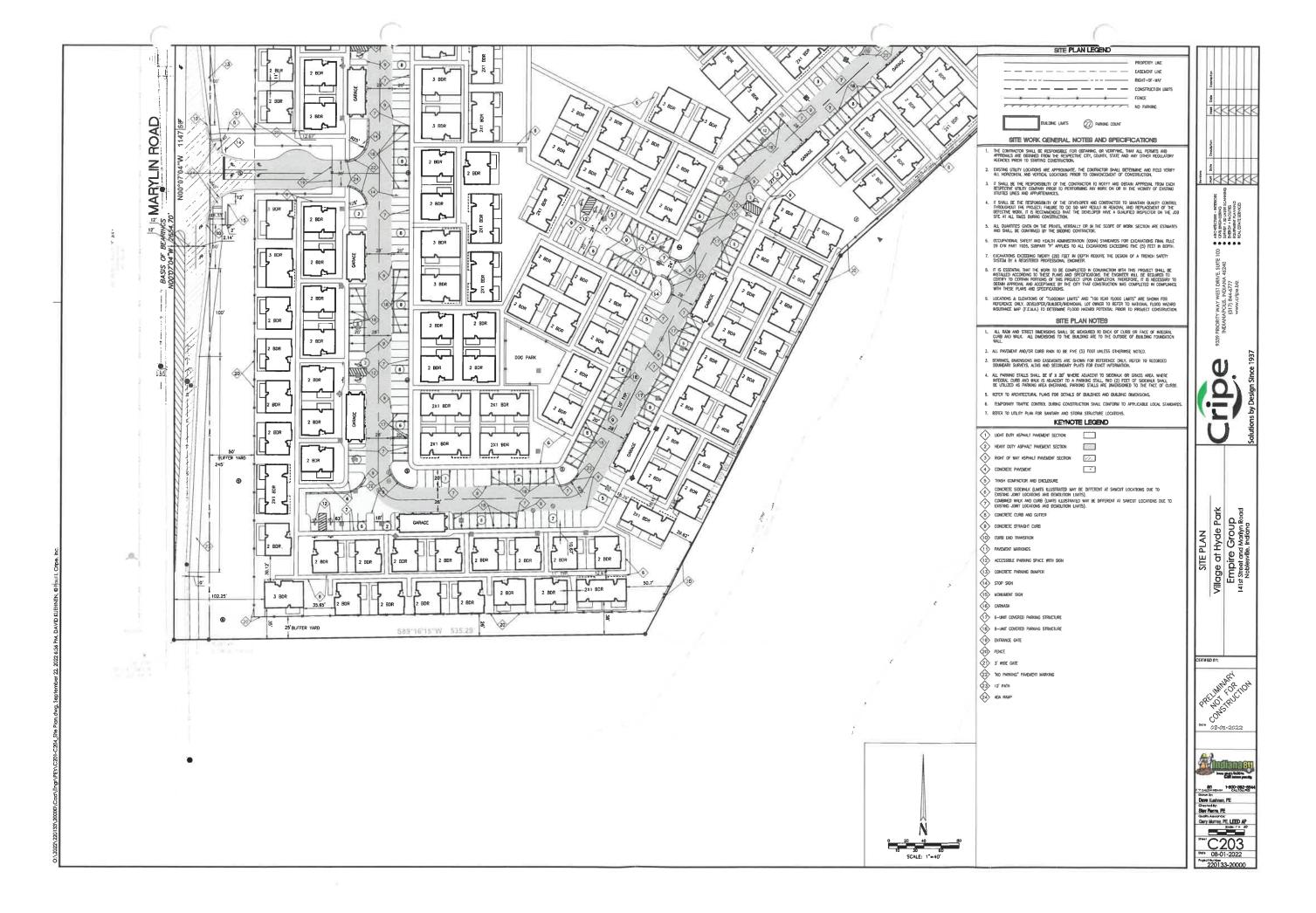
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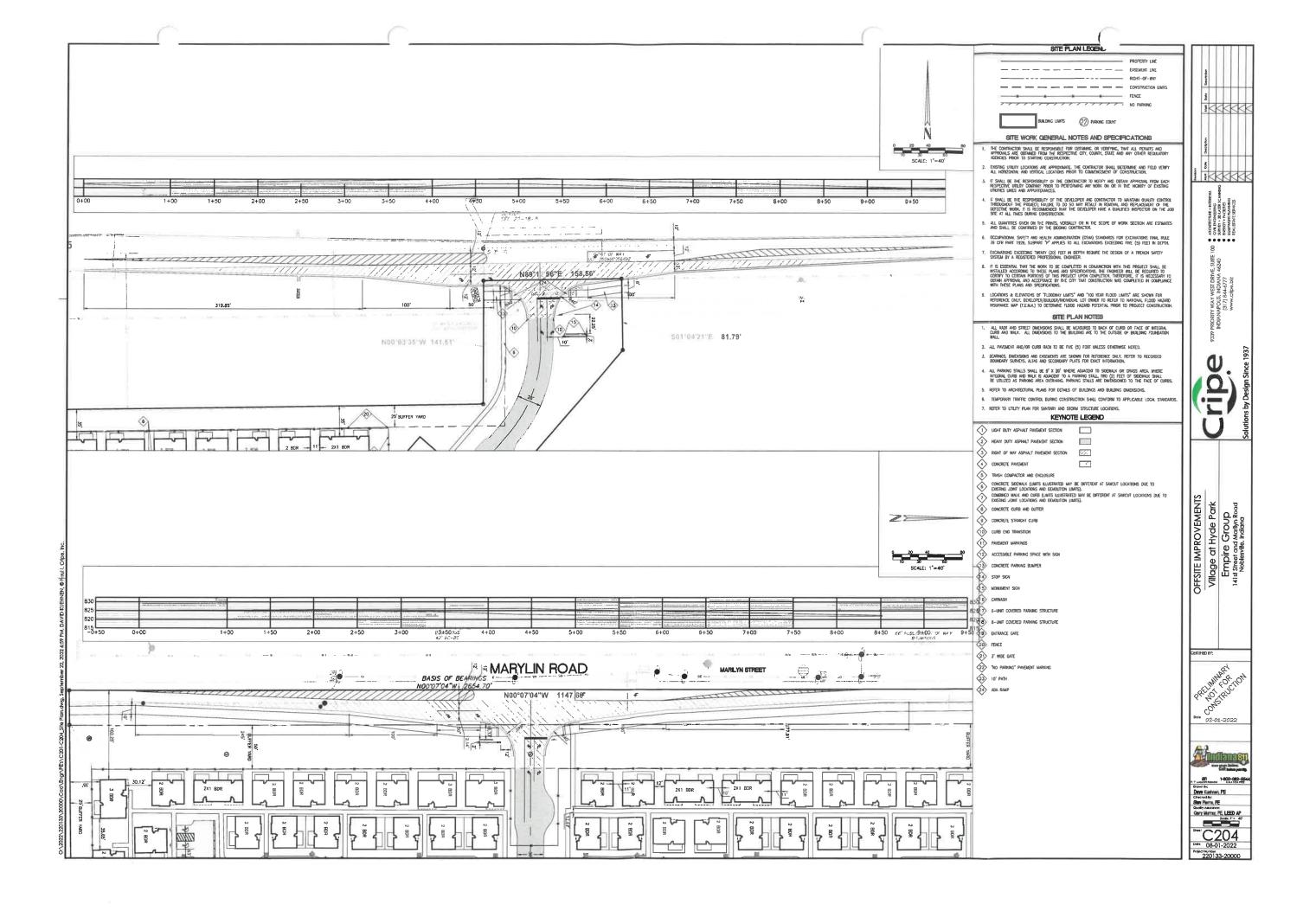


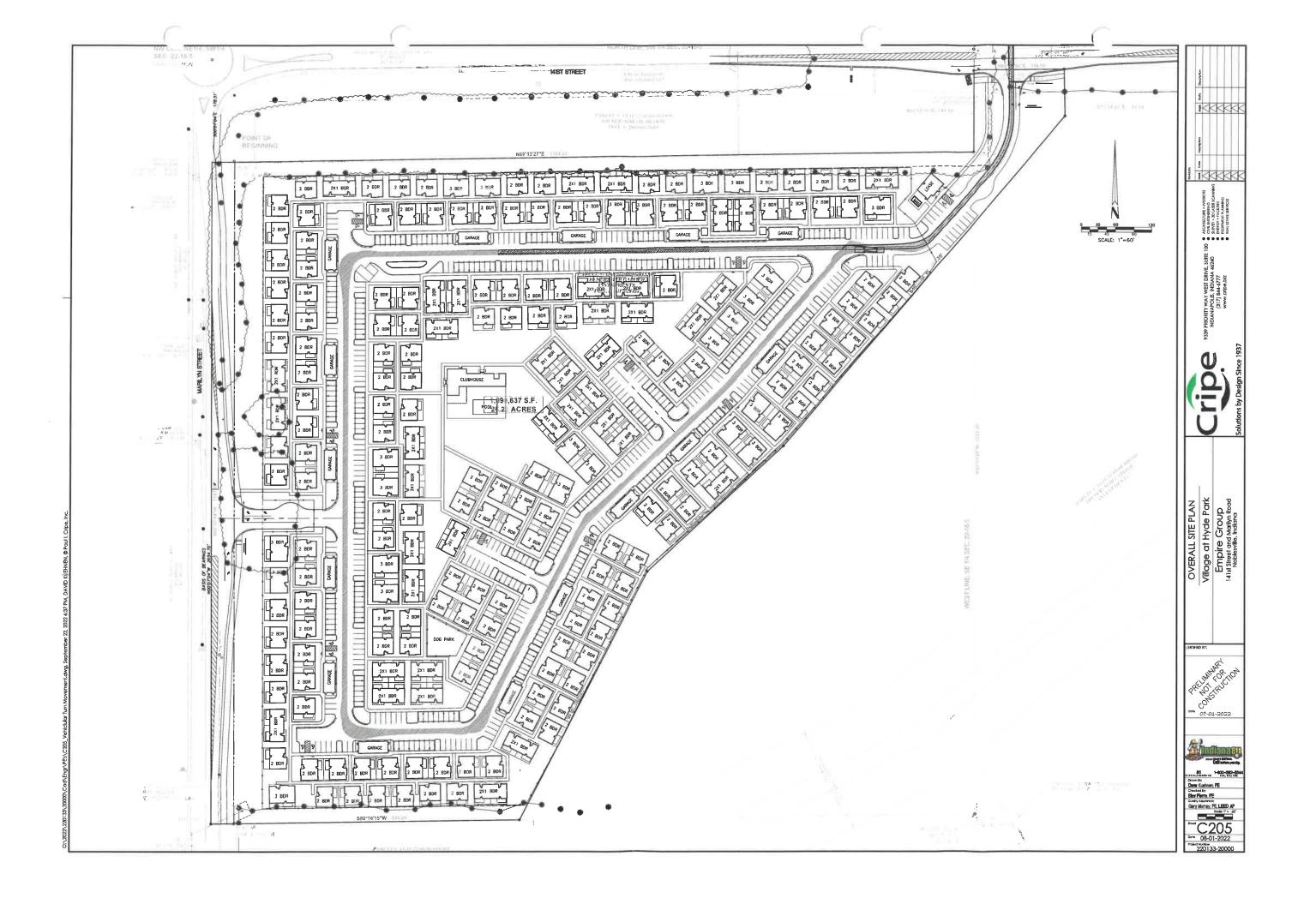


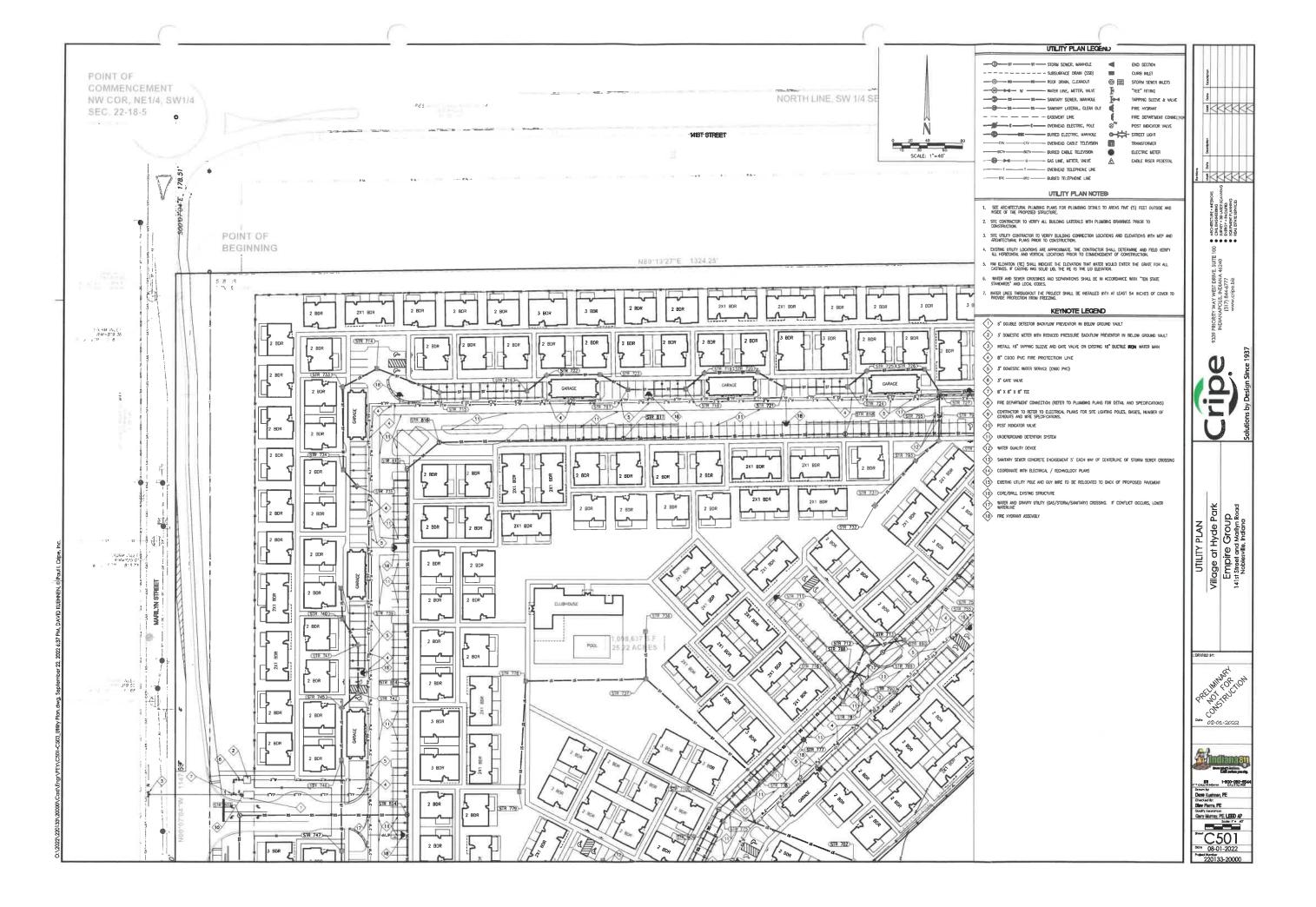


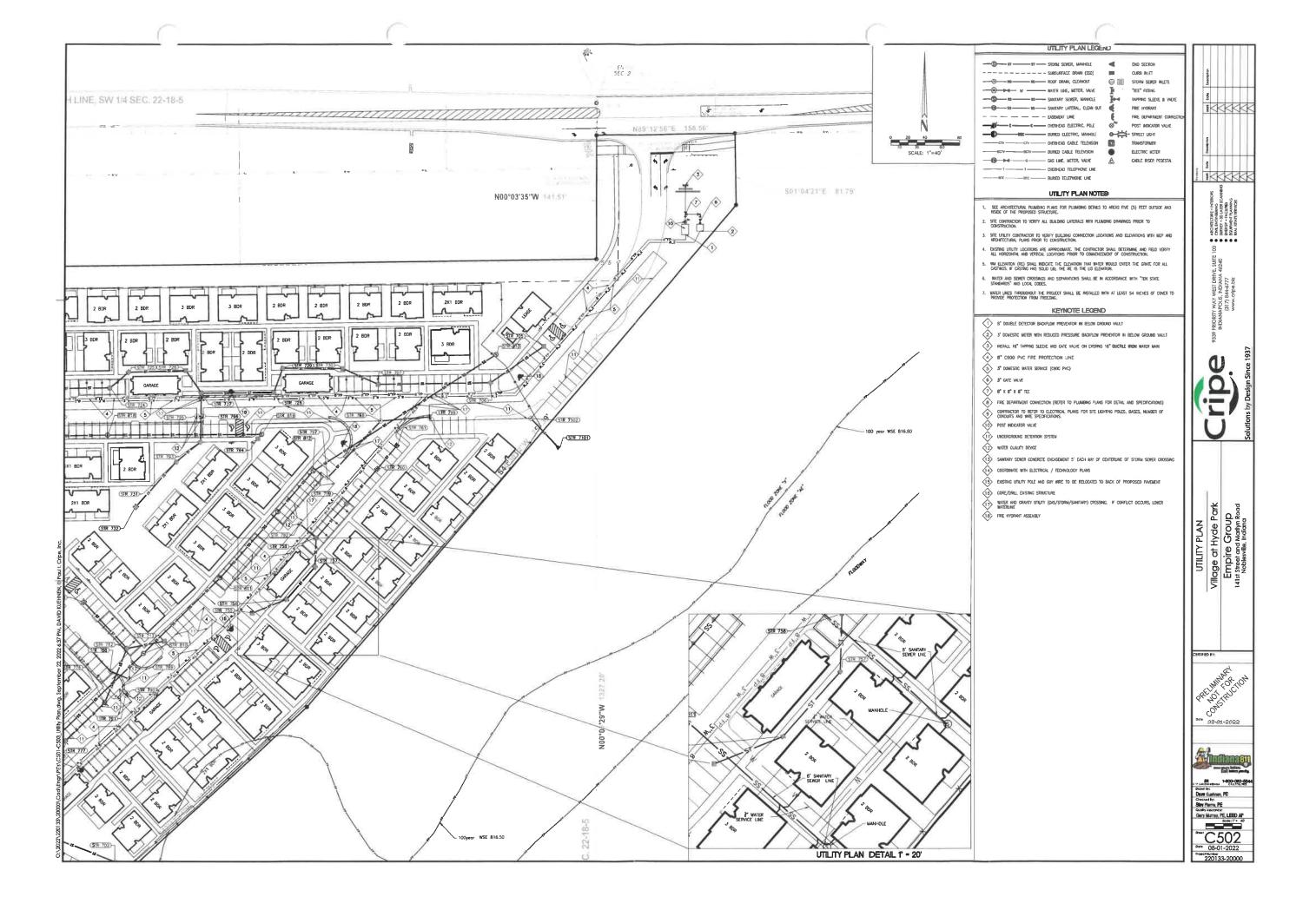












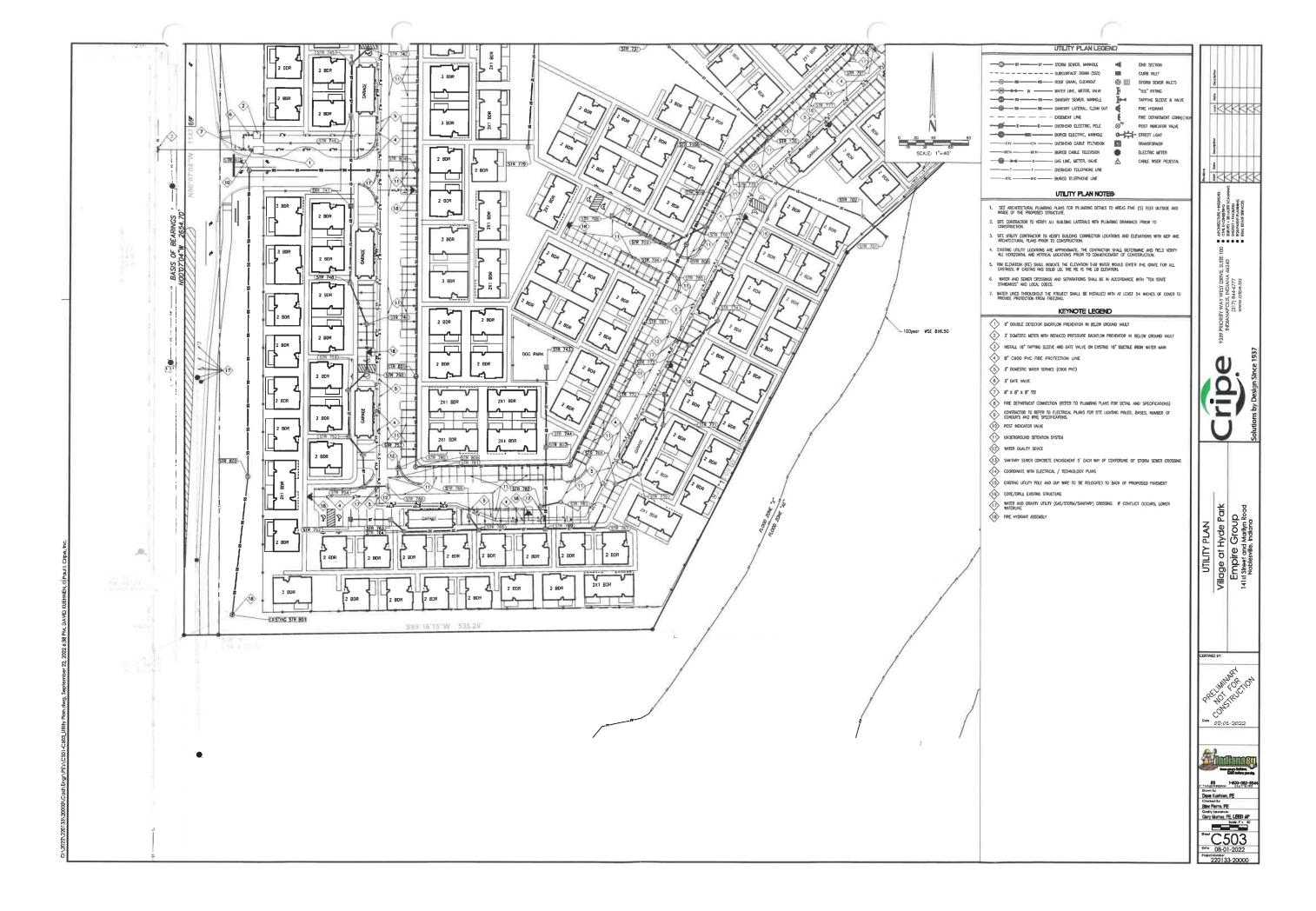


EXHIBIT C

SAMPLING AND GENERAL REPRESENTATION OF THE APPROVED ELEVATIONS







EXHIBIT D

ENTRY SIGNAGE

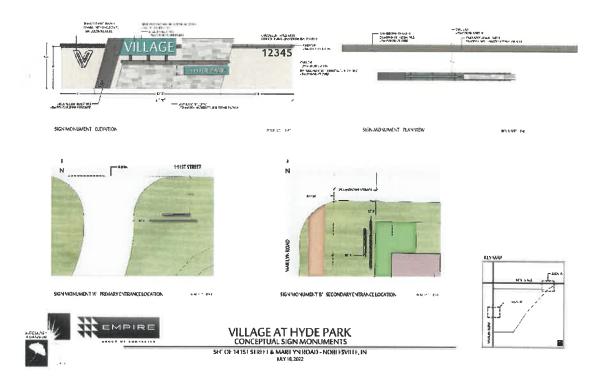


EXHIBIT E

WAIVERS

Waivers:

- 1. Elimination of Minimum lot area per lot,
- 2. Elimination of Minimum lot width per lot,
- 3. Elimination of the maximum permitted floor area ratio per unit,
- 4. Elimination of the maximum lot coverage requirements per unit.
- 5. Reduction the peripheral buffer: north side and south side -25-FT, zero feet on east side,
- 6. Reduction of the landscaping required in the peripheral landscape buffer to east side 50% of the required shrubs.
- 7. Elimination of the landscaping required per unit.
- 8. Reduction in minimum square footage per unit to 665-SF to 1,313-SF.
- 9. Maximum subdivision sign size not to exceed 150-SF.
- 10. Allowance of the subdivision sign locations to be inside the peripheral landscape buffer.