

ORDINANCE NO. 75-11-21

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 (the "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 as required by law regarding application number ^{LEAP-}10161-2021 (the "Petition"), filed by Arbor Homes, an Indiana corporation, for a request in change of zoning; and

WHEREAS, the Plan Commission at its ^{Oct 25, 2021} meeting, 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 7 in favor and 0 opposed.

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, that it hereby adopts this Ordinance as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") 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 E 191st Street and Little Chicago Road, Noblesville, Indiana, which real estate is more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as **Red Fox Pointe Planned Development** (the "District").
- 1.2 The District's underlying zoning districts shall be the **R-2 Residential District**. Development in the Underlying Districts shall be governed entirely by (i) the provisions of this Ordinance and the Exhibits attached hereto, and (ii) those provisions of the UDO in effect as of the date of adoption of this Ordinance, and applicable to the Underlying Districts, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 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and representations of the UDO that conflict with the provisions of this Ordinance and its Exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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. Capitalized terms not defined in this Ordinance but defined in the UDO shall be interpreted in accordance

with the UDO definition.

- 2.2 “Approved Elevations” shall mean the set of 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 _____, 2021, meeting. The exhibits attached hereto as **Exhibit F** set forth a sampling and general representation of the Approved Elevations.
- 2.3 “Architectural Standards” shall mean the standards set forth in **Exhibit C**, attached hereto.
- 2.4 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department dated _____, 2021. The exhibit attached hereto as **Exhibit B** is a general representation of such oversized plans.

Section 3. Permitted Uses. All permitted use in the R-2 Residential District shall be permitted within the Red Fox Pointe District.

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 Districts and layout of the District.
- 4.2 The maximum number of Dwelling Units on the real estate shall not exceed forty-five (45).

Section 5. Bulk Standards. The bulk standards applicable to the Sub-District zoned R-4 Residential apply except as noted below:

Minimum Lot Area	6,000 SF
Minimum Lot Width (measured at the front building setback line)	60'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'
Floor Area Ratio shall not exceed	50%
Minimum Floor Area (per dwelling unit):	1,500 SF

Section 6. **Architectural Standards.**

- 6.1 The Approved Elevations are hereby incorporated and approved. All homes shall be substantially consistent with the applicable Approved Elevations or otherwise comply with the applicable Architectural Standards hereby incorporated under **Exhibit C**. The Architectural Review Board shall review and approve home elevations for compliance and consistency with the Architectural Standards.
- 6.2 Homes located on perimeter lots, as identified in **Exhibit D**, will follow the primary façade requirements as outlined in the Architectural Design Guidelines – Single-Family Residences (ARB Adopted 08-16-2007).
- 6.3 Homes located on corner lots, as identified in **Exhibit D**, will have a minimum of three (3) building materials included on the secondary street façade.
- 6.4 The Director of Planning and Development, including his or her designees, shall review and approve home elevations at the time of filing of Building Permits for compliance and consistency with the home elevations approved by the Architectural Review Board.
- 6.5 If an elevation of any home does not comply with the Architectural Standards, the proposed elevation shall be submitted for review and require approval by the Architectural Review Board. The Architectural Review Board shall review said home elevation(s) in order to determine its compatibility and consistency with the intended quality and character of the District, the Architectural Standards, and the Approved Elevations.

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

- 7.1 **Lot Landscaping.**
 - a. Front Yard: Minimum of two (2) trees (one shade tree, one evergreen tree, both at 6 feet in height) and ten (10) shrubs.
 - b. Side Yard: Required along one (1) sidewall, a minimum 16” wide bed, extending 8’ 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” caliper).
- 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 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 _____, 2021. Plantings shall be provided to meet all ordinance requirements found in Article 12,

Section 7 of the Unified Development Ordinance.

7.3 Sod and Seedings. All Dwellings shall have sod installed in the front yard.

7.4 Common Area Landscaping.

- a. Common Area – Pond: Thirteen (13) Shade Trees shall be provided along the pond perimeter.
- b. Common Area – Gathering Area: Five (5) Shade Trees shall be provided in the area.

7.5 Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.

Section 8. **Amenity Standards.** The District shall include the following:

8.1 The developer shall install an eight (8') foot wide asphalt path to match the width of the existing trail along the E 191st Street frontage or at a width as required by the Noblesville Engineering Department and will connect to the existing path at the northwest corner of E 191st Street and Little Chicago Road. The pathway shall extend north along the west of The District and create a looped trail system as reasonably represented on the Landscape Plan.

Section 9. **Parking and Loading Standards.** The standards of Article 10, Off-Street Parking and Loading, of the UDO, shall apply.

Section 10. **Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

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

11.1 The community entry signage and entry landscaping shall be similar in style and concept as is depicted in the **Exhibit E, Entry Signage.**

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. **Additional Standards.** The following additional standards shall be applicable to the Real Estate and the regulation of such standards shall be included in the Declaration of Covenants and Restrictions that will be applicable to the Real Estate.

13.1 The community shall be low maintenance which will include services for snow plowing, and lots will receive sod and irrigation.

13.2 Basketball hoops, playgrounds, and trampolines shall be prohibited.

13.3 Storage sheds shall be prohibited.



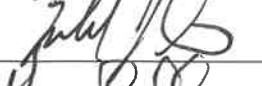




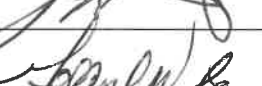
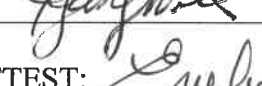
13.4 All fences shall be black wrought iron style with a maximum height of six (6) feet.

Section 14. 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 15. Effective Date. This Red Fox Pointe PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

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

Approved on this 23rd day of November, 2021 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Brian Ayer		
	Mark Boice		
	Michael J. Davis		
	Gregory P. O'Connor		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Daniel Spartz		
	Megan G. Wiles		

ATTEST: Evelyn L. Lees
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 23rd day of November, 2021 at 8:01 P.M.

Evelyn L. Lees
Evelyn L. Lees, City Clerk

Chris Jensen
Chris Jensen, Mayor

MAYOR'S APPROVAL

11-23-21
Date

Chris Jensen, Mayor

MAYOR'S VETO

ATTEST: Evelyn L. Lees
Evelyn L. Lees, City Clerk

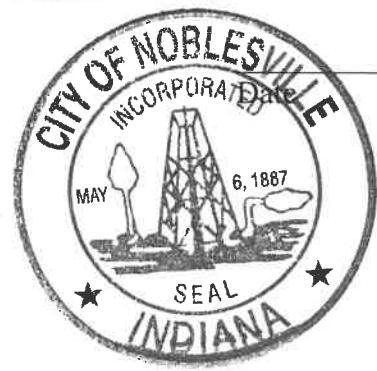


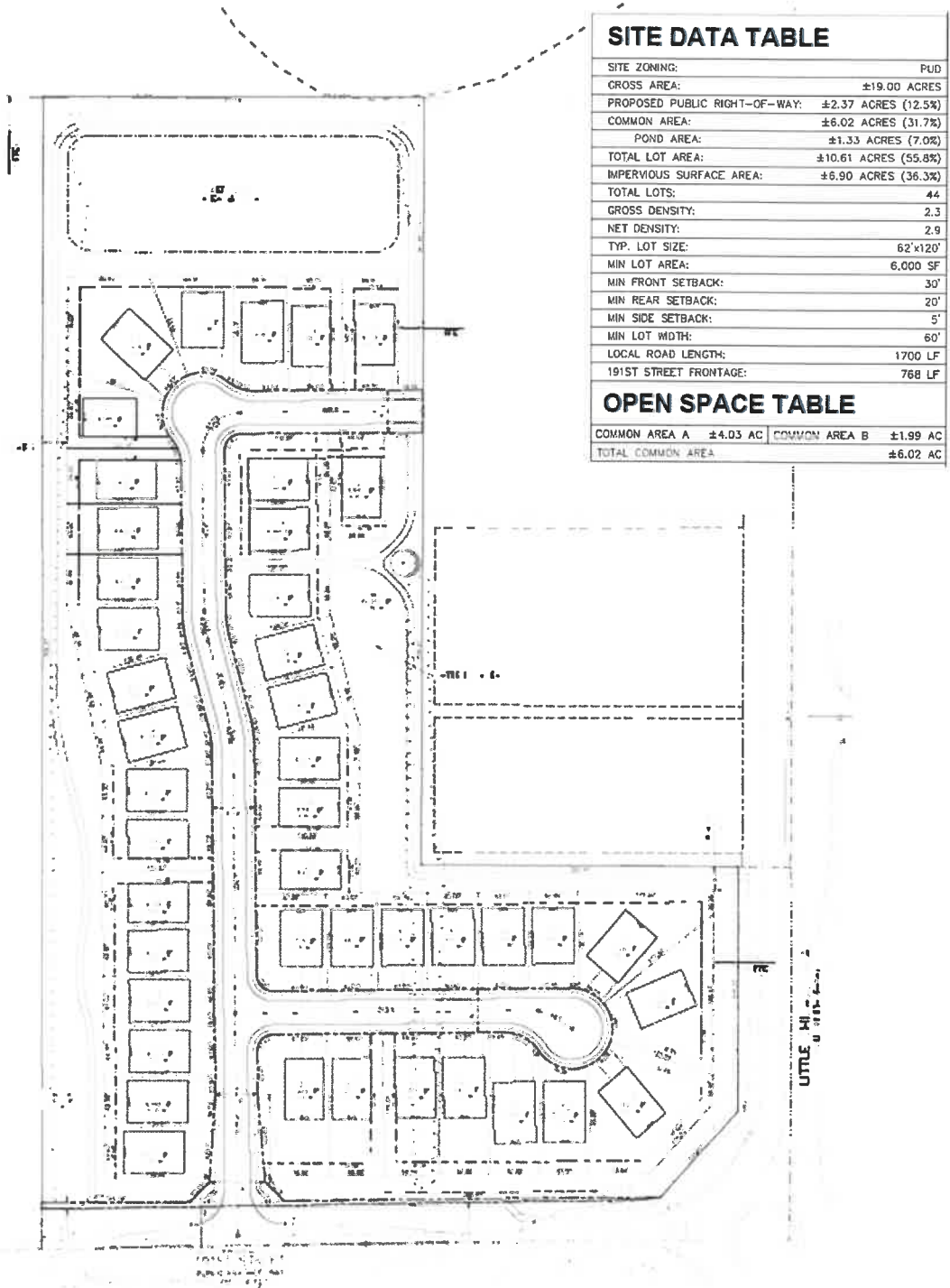
EXHIBIT A
Legal Description

Part of the Northeast Quarter of Section 28, Township 19 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, being that 18.426-acre tract of land shown on the ALTA/NSPS Land Title Survey dated March 19, 2021, as last revised, by Michael J. Smith, PS #LS20500025 of American Structurepoint, Inc. under project number 2021.00057, more particularly described as follows:

Commencing at a Harrison Monument at the northeast corner of said Northeast Quarter; thence South 00 degrees 02 minutes 51 seconds West 1,244.40 feet along the east line of said Northeast Quarter (the basis of bearings is the Indiana Geospatial Coordinate System, Hamilton Zone); thence North 89 degrees 57 minutes 09 seconds West 458.44 feet to a 5/8-inch diameter rebar with a cap stamped "ASI FIRM #0094 set flush (hereafter referred to as "set rebar") at the northeast corner of Tract I as described in Instrument Number 2019010723, on file in the Office of the Recorder of Hamilton County, Indiana, which is the POINT OF BEGINNING, the following two (2) courses are along the east and north lines of said Tract I; 1)thence South 00 degrees 02 minutes 51 seconds West 950.17 feet (a rebar was found 0.5 of a foot southeast and an iron pipe was found one foot southeast); 2)thence South 89 degrees 57 minutes 09 seconds East 393.44 feet to a set rebar on the west right-of-way line of Little Chicago Road as defined in Instrument Number 2008007118, on file in the Office of said Recorder, the following three (3) courses are along the west right-of-way line of Little Chicago Road as defined in Instrument Number 2008007118 and the second exception to Instrument Number 2019010723, on file in the Office of said Recorder; 1)thence South 00 degrees 02 minutes 51 seconds West 304.37 feet to a set rebar; 2)thence South 42 degrees 10 minutes 29 seconds West 141.62 feet to a set rebar; 3)thence South 82 degrees 54 minutes 44 seconds West 27.84 feet to a set rebar on the north right-of-way line of 191st Street as defined in Instrument Numbers 2020061172 and 2020061173, on file in the Office of said Recorder; thence South 89 degrees 01 minute 54 seconds West 739.85 feet along said north right-of-way line to a set rebar on the west line of Tract II as described in said Instrument Number 2019010723; thence North 00 degrees 02 minutes 48 seconds West 1,376.16 feet along said west line to the northwest corner of said Tract II (a "Miller" capped rebar was found 0.5 of a foot southeast); thence South 89 degrees 57 minutes 09 seconds East 471.18 feet along the north lines of said Tracts I and II to the POINT OF BEGINNING. Containing 18.426 acres, more or less.

EXHIBIT B

Preliminary Development Plan



SITE DATA TABLE

SITE ZONING:	PUD
GROSS AREA:	±19.00 ACRES
PROPOSED PUBLIC RIGHT-OF-WAY:	±2.37 ACRES (12.5%)
COMMON AREA:	±6.02 ACRES (31.7%)
POND AREA:	±1.33 ACRES (7.0%)
TOTAL LOT AREA:	±10.61 ACRES (55.8%)
IMPERVIOUS SURFACE AREA:	±6.90 ACRES (36.3%)
TOTAL LOTS:	44
GROSS DENSITY:	2.3
NET DENSITY:	2.9
TYP. LOT SIZE:	62'x120'
MIN LOT AREA:	6,000 SF
MIN FRONT SETBACK:	30'
MIN REAR SETBACK:	20'
MIN SIDE SETBACK:	5'
MIN LOT WIDTH:	60'
LOCAL ROAD LENGTH:	1700 LF
191ST STREET FRONTAGE:	768 LF

OPEN SPACE TABLE

COMMON AREA A	±4.03 AC	COMMON AREA B	±1.99 AC
TOTAL COMMON AREA		±6.02 AC	

EXHIBIT C

Architectural Standards

1. Roof Ridgelines

A ranch home shall have a minimum of three (3) ridgelines.

2. Corner Breaks

A ranch home shall have a minimum of three (3) corner breaks on three of 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.

3. Windows

- a. 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.
- b. A ranch home shall have a minimum of one (1) window on one of the two side facades.
- c. A ranch home shall have a minimum of three (3) windows on the rear façade of the structure.
- d. Double windows shall count as two (2) windows.

4. Garage

- a. Ranch homes with a front-load garage cannot exceed a maximum garage door percentage of 35%. This applies to two-car garages only.
- b. Garages with front facing doors must be on a separate plane from the front door 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.
- c. Ranch homes shall have two (2) dusk-to-dawn carriage lights.

5. Entryways

One front covered landing, stoop or porch is required on all homes with a front-loading garage. The minimum size shall be no less than four (4) feet in depth.

6. 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.

7. Overhangs

The roof overhangs shall be a minimum of 12" unless the façade surface is masonry, in which case the minimum overhang shall be 8". Secondary elements such as porches, bays, walkways, etc., may be covered with fewer inches of overhang.

8. Materials

- a. No vinyl or aluminum siding shall be permitted. Each home shall use all-natural materials. Brick, wood, limestone, natural stone, composite wood materials (LP siding, EIFS, cultured stone, concrete fiber board such as Hardi-plank or similar materials) shall be classified as natural materials.
- b. 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, have 50% masonry exclusive of doors, windows, garage doors, and gables.

9. Anti-Monotony

- a. No duplication of the same floor plan within one (1) homesite on the same side of the street or directly across the street.
- b. 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.
- c. No duplication of the combination of 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.

EXHIBIT D

Perimeter & Corner Lots

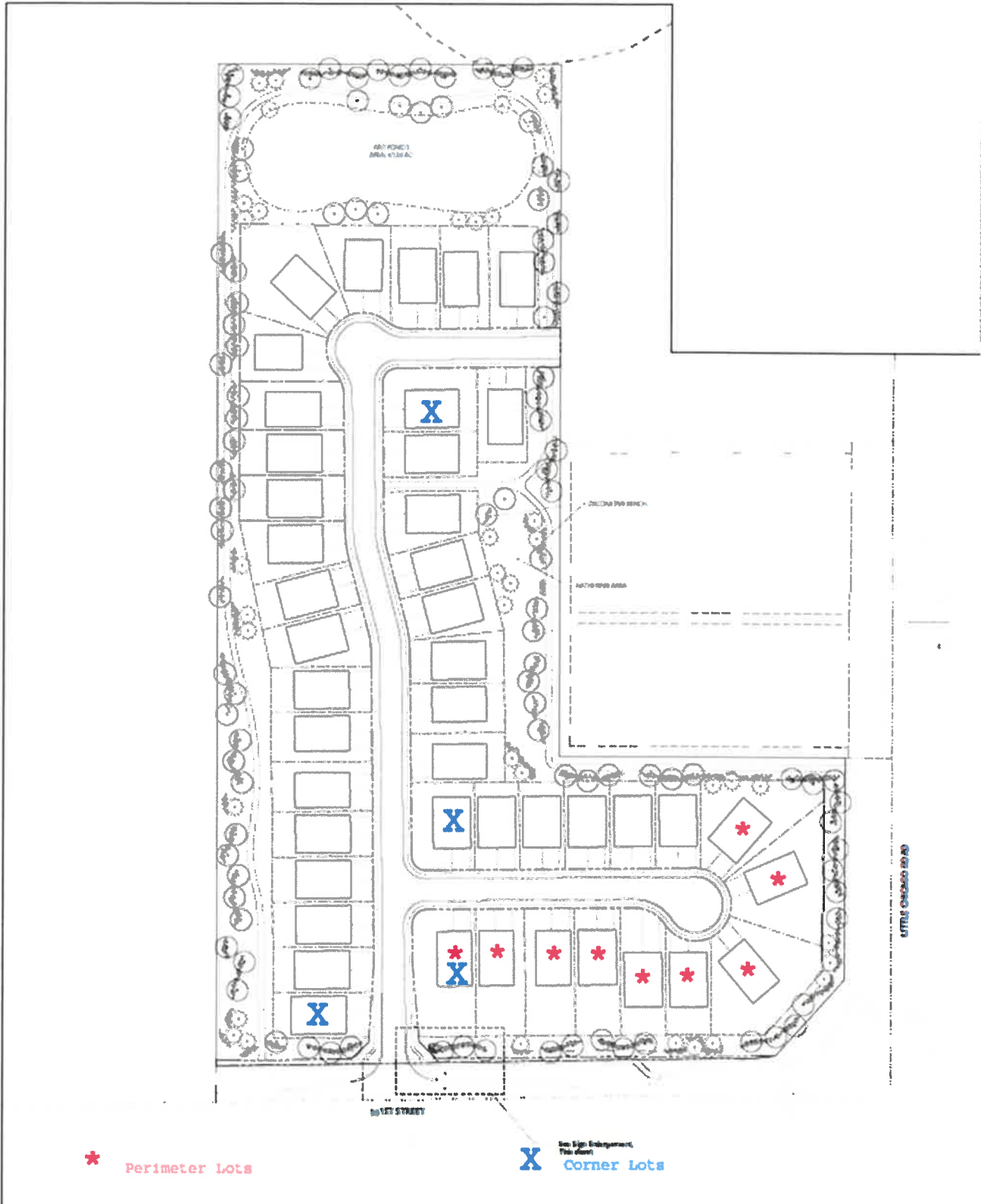


EXHIBIT E

Landscape Plan & Entry Signage



EXHIBIT F

Elevations

