

ORDINANCE NO. _____**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.* _____

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 _____-2022 (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 _____ Recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, (the "City Council") by a vote of ____ in favor and _____ 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 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 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.

Section 10. Subdivision Procedure. 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 Setback (side and rear yard)	25' (North); 10' (East); 25'(South)
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 not apply; instead, the required number of parking spaces shall be five-hundred. (500)
- 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. **Major Change.** For purposes of this Ordinance, a “Major Change” shall mean: (i) a substantial change to the **location** 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. **Minor Change.** 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 _____ day of _____, 2022 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		
	Dan Spartz		
	Megan G. Wiles		

ATTEST: _____
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of _____, 2022 at _____ .M.

 Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

 Chris Jensen, Mayor

 Date

MAYOR'S VETO

 Chris Jensen, Mayor

 Date

ATTEST: _____
 Evelyn L. Lees, City Clerk

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 3 092822

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 SOUTHWEST 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 SOUTHWEST QUARTER 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, N89°13'27"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°04'27"E, A DISTANCE OF 81.79 FEET; THENCE S40°50'22"W, A DISTANCE OF 753.39 FEET; THENCE S47°17'34 "W, A DISTANCE OF 321.02 FEET; THENCE S27°13'09"W, A DISTANCE OF 483.61 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22; THENCE ALONG SAID SOUTH LINE, S89°16'15"W, A DISTANCE OF 535.29 FEET TO THE WEST LINE SAID SOUTHWEST QUARTER; THENCE ALONG SAID WEST LINE, N00°07'04"W, A DISTANCE OF 1147.60 FEET TO THE POINT OF BEGINNING.

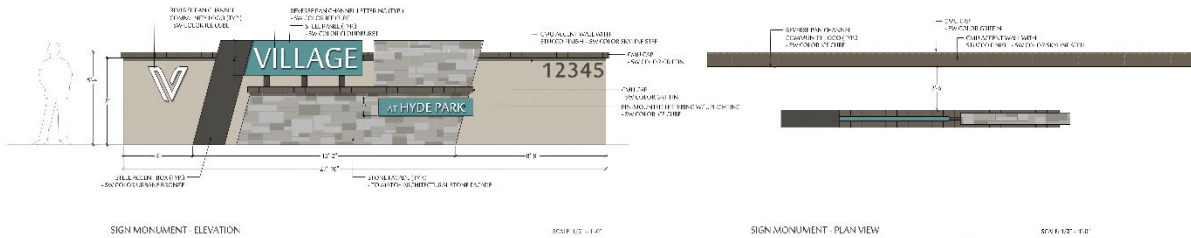
EXHIBIT C

**SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS**



EXHIBIT D

ENTRY SIGNAGE

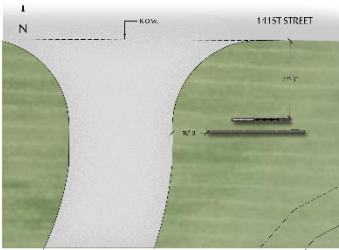


SIGN MONUMENT - ELEVATION

REVISED 12-1-17

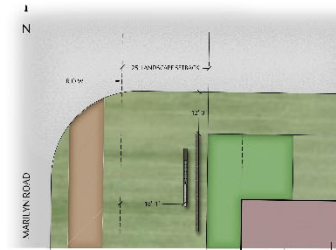
SIGN MONUMENT - PLAN VIEW

REVISED 12-1-17



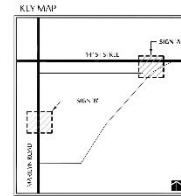
SIGN MONUMENT A - PRIMARY ENTRANCE LOCATION

12/1/17 - REV 3



SIGN MONUMENT B - SECONDARY ENTRANCE LOCATION

12/1/17 - REV 3



VILLAGE AT HYDE PARK CONCEPTUAL SIGN MONUMENTS

SFC OF 141ST STREET & MARILYN ROAD - NOBLESVILLE, IN
JULY 10, 2022