



# Common Council

## Agenda Item

## Cover Sheet

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**MEETING DATE:** March 12, 2024

- Previously Discussed Ordinance
- Proposed Development Presentation
- New Ordinance for Discussion
- Miscellaneous
- Transfer

**ITEM or ORDINANCE:** #1

**PRESENTED BY:** Amy Steffens, Attorney Matthew Skelton

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets

# church church hittle + antrim

ATTORNEYS AT LAW

December 19, 2023



*A Simply Luxurious Lifestyle*

City of Noblesville  
c/o Caleb Gutshall and Joyceann Yelton  
16 South 10th Street  
Noblesville, IN 46060

Dear City Representatives:

Epcon Communities is excited to share the attached materials for The Courtyards of Hazel Dell, to be located along the Midland Trace Trail, on the east side of Hazel Dell Road. Thank you to the City for the various meetings and discussions with our project team as we have worked to refine plans for this project. The City's input and feedback has been instrumental in the in shaping the Courtyards of Hazel Dell proposal.

The Courtyards of Hazel Dell will feature 110 of Epcon's classic courtyard homes on the property. The Courtyards of Hazel Dell is an HOA maintained, low maintenance community, providing lawn maintenance and snow removal for all homes within the development.

Home values within The Courtyards of Hazel Dell neighborhood are expected to range between \$450,000 and \$1,000,000. Each home includes one of Epcon's branded courtyard spaces. Examples are shown in the attached materials. Each home is architecturally enhanced and constructed of high-end building materials, such as masonry and hardiplank siding. Epcon provides community amenities of the highest caliber as illustrated in the attached materials as well.

Epcon's market niche centers around providing higher-end, resort-quality housing opportunities for active adults that prefer to live in a closely connected community. This segment of the American population is growing at an incredible rate. Epcon is excited to provide this housing option for Noblesville.

Thank you for your consideration. We look forward to working with you on this exciting new project.

Respectfully,

CHURCH CHURCH HITTLE + ANTRIM

*Matthew S. Skelton*

Matthew S. Skelton  
Attorney at Law



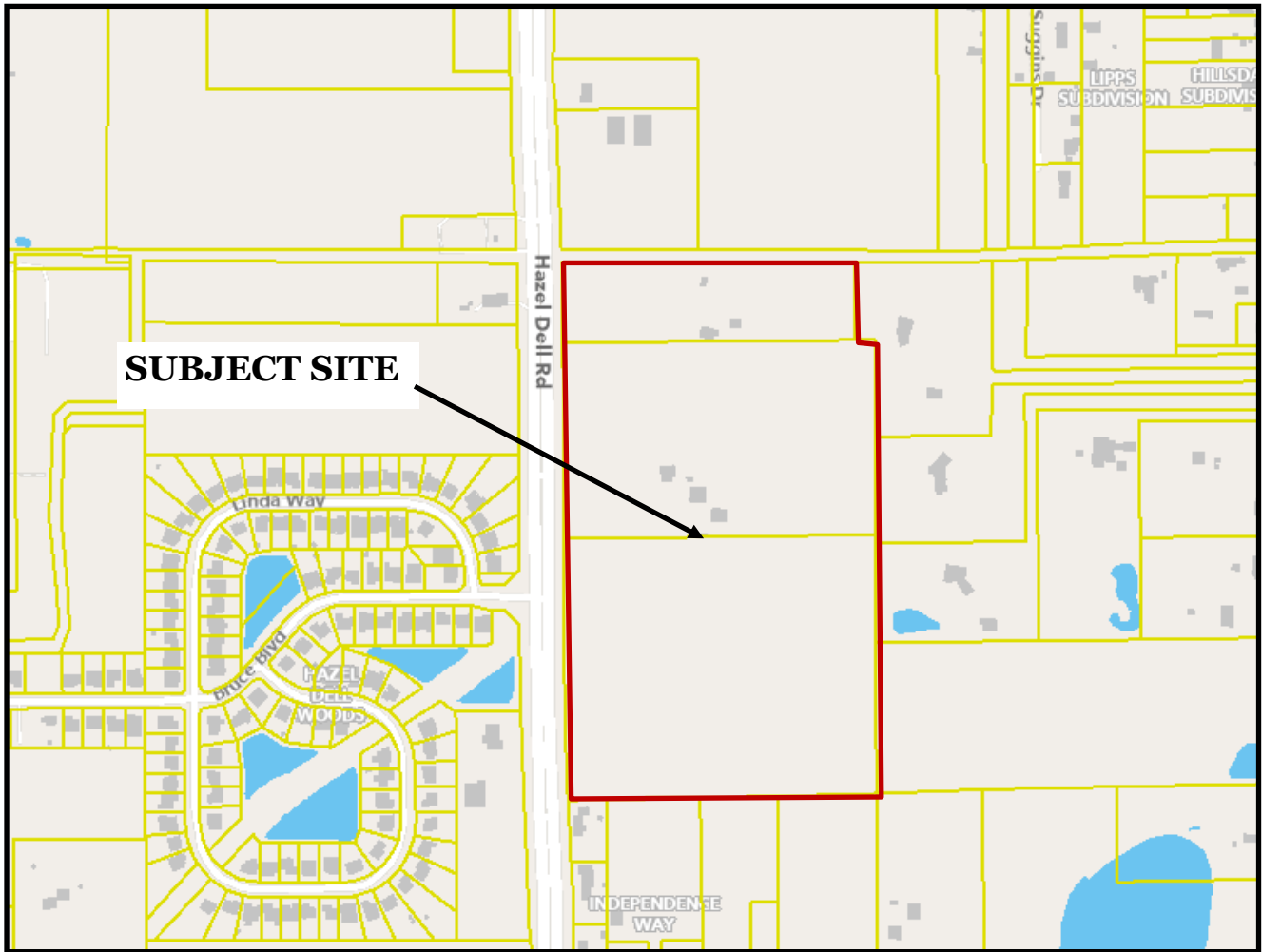
Two North Ninth Street, Noblesville, IN 46060 P 317.773.2190 F 317.773.5320

NOBLESVILLE : FISHERS : TIPTON : MERRILLVILLE : ZIONSVILLE : CCHALAW.COM

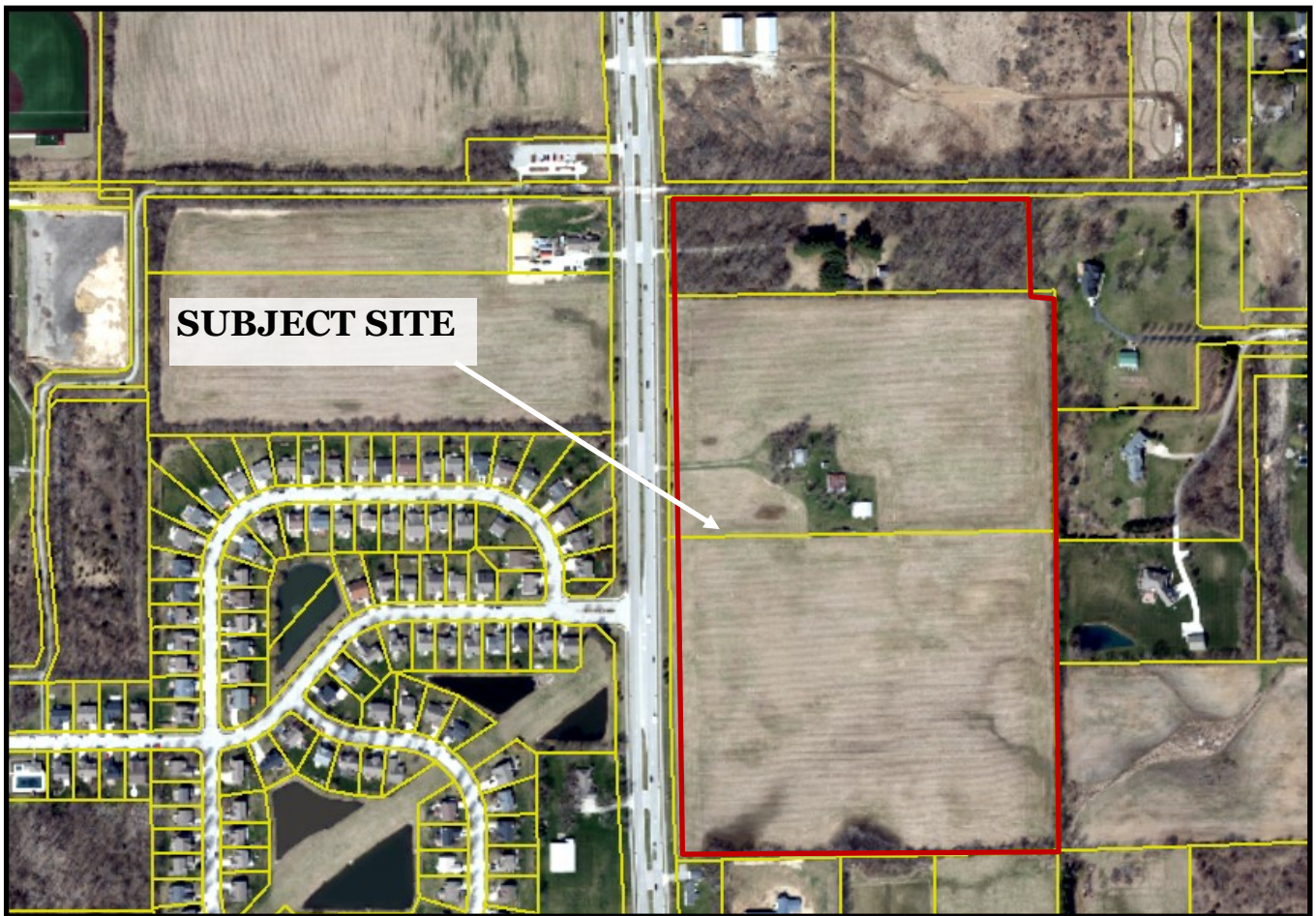
A Partnership of Professional Corporations

# VICINITY MAP

## COURTYARDS OF HAZEL DELL

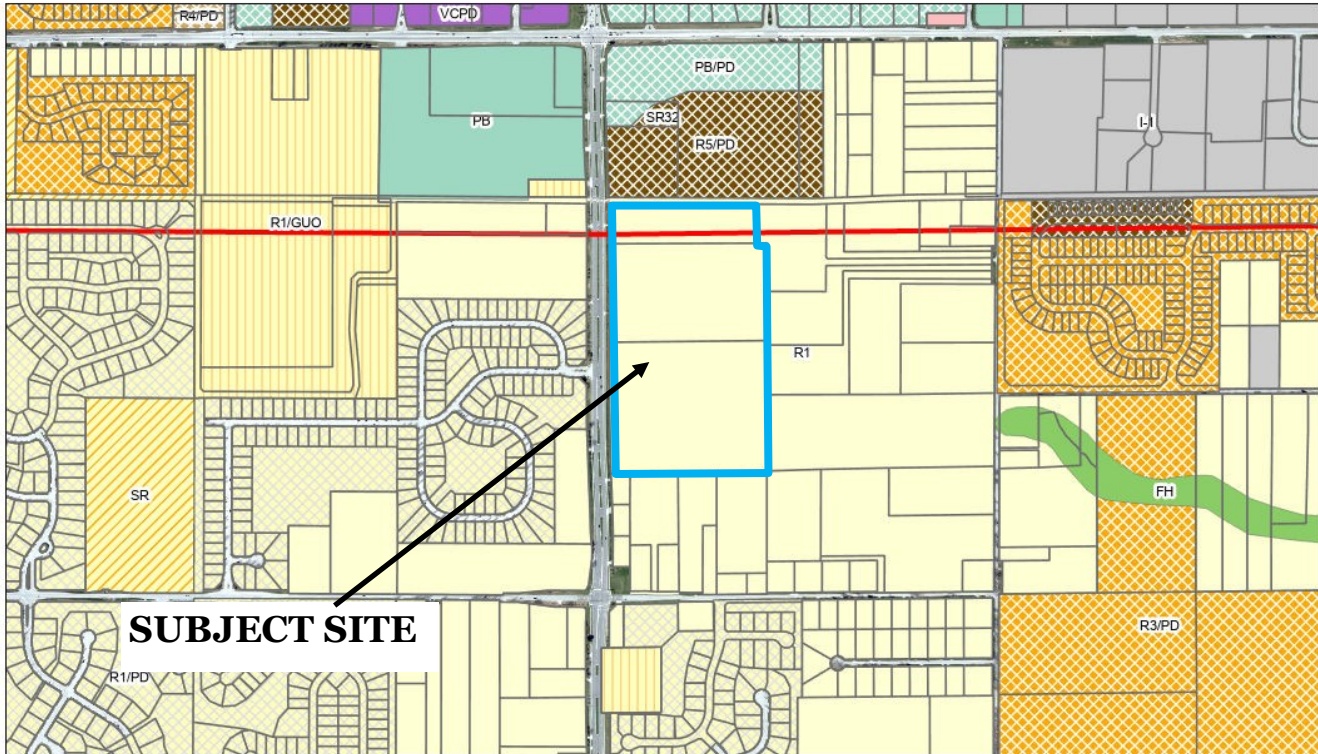


**VICINITY MAP**  
**COURTYARDS OF HAZEL DELL**



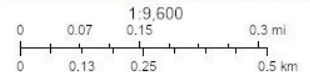
# ZONING MAP EXCERPT

## COURTYARDS OF HAZEL DELL



11/17/2023, 10:04:15 AM

- |   |  |   |
|---|--|---|
| Parcel Boundary (public)                            | R1/PD - Low Density Single Family Residential/PD                         | PB - Planned Business                     |
| Zoning Districts                                    | R3/PD - Moderate to High Density Single Family Residential/PD            | PB/PD - Planned Business/PD               |
| FH  | R4/PD - Moderate to High Density Single Family Residential/Two Family/PD | I-1 - Light Industrial                    |
| SR - Low Density Single Family Suburban Residential | R5/PD - Multi-Family Residential/PD                                      | VCPD - Village Center Planned Development |
| R1 - Low Density Single Family Residential          | LB - Local Business  | SR32                                      |
| R1/GUO - Low Density Single Family Residential/GUO  |  |   |



Your name here



ORDINANCE NO. \_\_\_\_\_

**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 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 on application number \_\_\_\_\_ (the “**Petition**”) at its \_\_\_\_\_, 2024, meeting as required by law in regard to the application filed by EC New Vision Indiana, LLC (the “**Developer**”) for a request of change in zoning; 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 \_\_\_\_\_ ( ) 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.**

- 1.1 The Zoning Map is hereby changed to designate the subject real estate generally located southeast of the intersection of State Road 32 and Hazel Dell Road, more particularly described in Exhibit A, attached hereto (the “**Real Estate**”), as a Planned Development Overlay District to be known as the Courtyards of Hazel Dell Planned Development.
- 1.2 The District's underlying zoning district shall be the R-3 Residential District for (the “**Underlying District**”). Development in the Underlying District shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO in effect as of the date of adoption of this Ordinance, 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 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. Permitted Uses.**

- 2.1 All uses permitted in the R-3 Residential District shall be permitted in the District.
- 2.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses shall be permitted.

**Section 3. Preliminary Development Plan.**

- 3.1 The Preliminary Development Plan and the stipulations and waivers listed in Exhibit D are 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.
- 3.2 The maximum number of Dwelling Units in the District shall not exceed 110.

**Section 4. Architectural Standards.** The following standards shall apply.

- 4.1 The Approved Elevations are hereby incorporated and approved. The Dwellings in the District shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his/her designees, shall review and approve final plans at the time of filing of a Building Permit for compliance.
- 4.2 If a Dwelling does not comply with Section 4.1, then the proposed elevation(s) shall be submitted for review and approval by the Director. The Director's review of the elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and/or the Approved Elevations.

**Section 5. Title, Purpose and Effect.** The regulations of Article 1 (Title, Purpose and Effect) of the UDO shall apply.

**Section 6. Definitions and Rules of Word Usage.** The regulations of Article 2 (Definitions and Rules of Word Usage) of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Words not defined in this Ordinance, but defined in the UDO, shall be interpreted in accordance with the UDO definition.

- 6.1 “**Approved Elevations**” shall mean the set of home 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 \_\_\_\_\_, 2024, meeting. The exhibit attached hereto as Exhibit C is a sampling and general representation of those approved elevations (collectively, the “**Approved Elevations**”).



6.2 **“Preliminary Development Plan”** shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department dated \_\_\_\_\_, 2024. The exhibit attached hereto as Exhibit B is a representation of the oversized plans (collectively, the **“Preliminary Development Plan”**).

**Section 7.** **Administrative Bodies and Officials.** The regulations of Article 3 (Administrative Bodies and Officials) of the UDO shall apply.

**Section 8.** **Zoning Applications and Approvals.** The regulations of Article 4 (Zoning Applications and Approvals) of the UDO shall apply.

**Section 9.** **Subdivision Procedure.** The regulations of Article 5 (Subdivision Procedure) of the UDO shall apply.

**Section 10.** **Site Design and Improvement Standards.** The regulations of Article 6 (Site Design and Improvement Standards) of the UDO shall apply, except that Article 6, Part C, Section 1 is hereby modified to permit block lengths consistent with the Preliminary Development Plan.

**Section 11.** **Plans, Maps, and Zoning Districts.** The regulations of Article 7 (Plans, Maps, and Zoning Districts) of the UDO shall apply.

**Section 12.** **Zoning Districts.** The regulations of *Article 8 (Zoning Districts) of the UDO* shall apply, except as modified below:

12.1 **Table 8.B. Summary of Residential Bulk Requirements:** Shall not apply. Instead, the following requirements shall apply within the District:

Minimum Lot Area	6,000 SF
Minimum Lot Width	52’
Maximum Building Height	35’
Minimum Front Yard Setback	20’
Minimum Side Yard Setback	5’
Minimum Rear Yard Setback	10’
Floor Area Ratio	35%
Minimum Floor Area (per dwelling unit)*	1,400 SF
Maximum Lot Coverage	N/A

\*Minimum Floor Area shall be a measurement of Gross Floor Area as defined in the UDO.

Note: Accessory structures such as entrance signs and decorative entrance structures shall be permitted within the building setbacks, subject to the City Engineering Department’s approval.

**12.2 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.

**12.3 Article 8, Part H, Section 3.H. Designation of Permanent Common Open Space:** Shall not apply. Instead, open space shall be provided as shown on the approved Preliminary Development Plan.

**Section 13. General Regulations.** The regulations of Article 9 (General Regulations) of the UDO shall apply; however, setbacks shall be measured from the property lines as shown on the approved Preliminary Development Plan and not from the right-of-way shown on the thoroughfare plan.

**Section 14. Off-Street Parking and Loading.** The regulations of Article 10 (Off-Street Parking and Loading) of the UDO shall apply.

**Section 15. Signs.** The regulations of Article 11 (Signs) of the UDO shall apply and as supplemented below:

**15.1 Article 11, Part C, Section 1.B.2. Type of Sign Permitted:** Shall apply. In lieu of the signage permitted under Article 11, Part C, Section 1.B.2, one (1) Yard Arm Sign (defined herein) may be installed at each corner of an entrance on Hazel Dell Road. A “**Yard Arm Sign**” shall mean a double-sided sign with a masonry base, as depicted in Exhibit D of this Ordinance.

**Section 16. Landscaping and Screening.** The regulations of Article 12 (Landscaping and Screening) of the UDO shall not apply. Instead, the landscaping and screening shall be as shown generally on the approved Preliminary Development Plan. Additionally, the following shall apply:

**16.1 Table 12.0.7.E. Landscape Buffer Yard Requirements:** Shall not apply. Instead, the landscape buffer yards shall be as shown generally on the approved Preliminary Development Plan.

**Section 18. Environmental Performance Standards.** The regulations of Article 13 (Environmental Performance Standards) of the UDO shall apply.

**Section 19. Nonconforming Uses and Structures.** The regulations of Article 14 (Nonconforming Uses and Structures) of the UDO shall apply.

**Section 20. Enforcement.** The regulations of Article 15 (Enforcement) of the UDO shall apply.

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 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 Wiles		

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

Presented by me to the Mayor of the City of Noblesville, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 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: Matthew S. Skelton.

Prepared by: Matthew S. Skelton, Attorney-At-Law, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46074 | (317) 773-2190.