

TAB 6

ORDINANCE NO. - -24

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND
OFFICIAL ZONING MAP, ALL PART OF THE COMPREHENSIVE PLAN OF THE
CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA**

Document Cross Reference Nos. Instrument #1995007768, and Instrument #2015064307

This Ordinance amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, 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 docket number LEGP-0017-2024 at its March 18, 2024 meeting as required by law concerning a change of zoning of certain property described in **Exhibit A** attached hereto (the “Real Estate”) containing approximately 28 acres, and depicted in **Exhibit B** attached hereto; and,

WHEREAS, the Plan Commission has sent a _____ Recommendation for adoption of said amendment with a vote of ____ () AYES and ____ () NAYS to the Common Council;

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 and Official Zoning Map, are hereby amended as follows:

Section 1. The Official Zone Map is hereby amended to change the zoning of the parcel legally described in **Exhibit A** and depicted in **Exhibit B** from the R1 Residential District to the R5 Residential District;

Section 2. That the Zoning map shall be updated concurrently to reflect the changes referred to in Section 1.

Section 3. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

Approved on this _____ day of _____, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Darren Peterson		
	Meghan Wiles		
	Pete Schwartz		
	Evan Elliott		
	Michael J. Davis		
	Todd Thurston		
	Aaron Smith		
	Mark Boice		
	David Johnson		

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:

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.

Townes on 238 - 2023 Rezone Ordinance 2 030424

EXHIBIT A

Legal Description (Page 1 of 2)

PROPERTY ID: 10-11-16-00-00-002.001
WARRANTY DEED
INSTRUMENT No. 1995007768

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES AND 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST-HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES AND 00 MINUTES 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES, 23 MINUTES AND 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST-HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES, 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

And

PROPERTY ID: 10-11-16-00-00-002.000
TRUSTEE'S DEED
INSTRUMENT No. 2015064307

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M. DESCRIBED AS FOLLOWS:

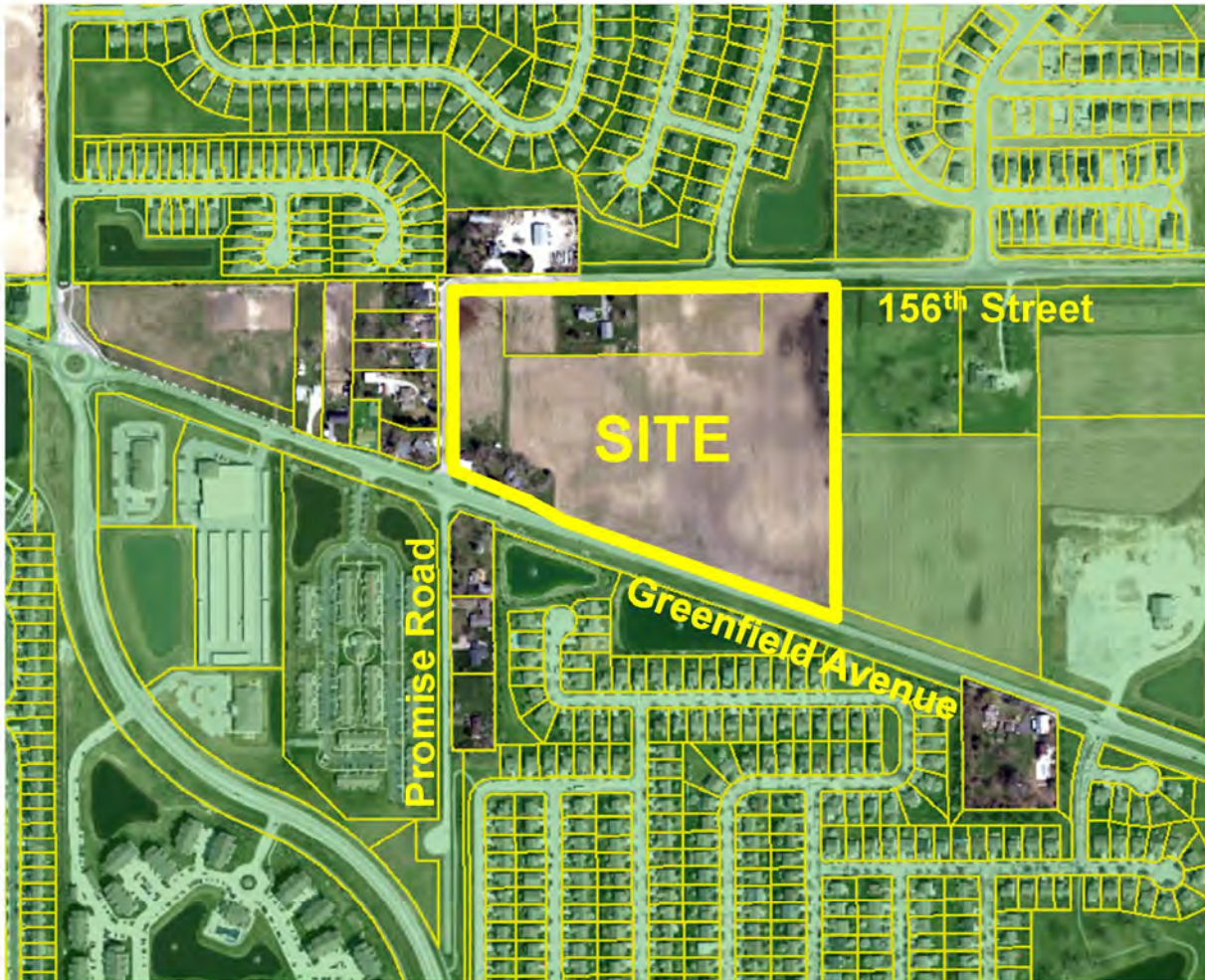
BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M., THENCE EAST AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 1330.8 FEET TO A POINT, THENCE SOUTH 1189.2 FEET TO THE INTERSECTION WITH THE CENTERLINE OF STATE ROAD 238, THENCE NORTHWESTERLY ON AND ALONG CENTERLINE OF SAID STATE ROAD 1412.8 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH AND ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER 706.0 FEET TO THE PLACE OF BEGINNING.

EXCEPT:
THAT PORTION BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES 00 MINUTES EAST 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 23 MINUTES 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS.

FURTHER EXCEPT FOR ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORDING INCLUDING BUT NOT LIMITED TO ANY GRANTED TO THE STATE OF INDIANA AS GRANTEE BY INSTRUMENT #9636104, RECORDED ON OR ABOUT AUGUST 26, 1996 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER.

EXHIBIT B

Depiction of Legal Description
(Page 1 of 1)



TAB 7

ORDINANCE NO. - -24

**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. Instrument #1995007768, and Instrument #2015064307

This Ordinance (the “Townes at 238 PD Ordinance”) amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, (the “UDO”) enacted by the City of Noblesville, Indiana (the “City”) 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 docket number LEGP 0018-2024 at its March 18, 2024 meeting, as required by law, in regard to the application (the “Petition”) filed by MI Homes of Indiana, an Indiana limited partnership, (the “Developer”) concerning a change of zoning of certain property described in Exhibit A attached hereto (the “Real Estate”) and the adoption of a preliminary development plan to be known, collectively with the attached Exhibits, as the “Townes at 238 Preliminary Development Plan”, as further described in Section 3 below (the “Plan”); and,

WHEREAS, the Plan Commission has sent a _____ Recommendation for adoption of said amendment with a vote of ____ () AYES and ____ () NAYS to the Common Council;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that it adopts this Townes at 238 PD 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.

- A. The Zoning Map is hereby amended to change the zoning of the Real Estate from “R5” Residential to “R5/PD” Residential Planned Development, which is to be known as the Townes at 238 Planned Development (the "District").
- B. The District's underlying zoning district shall be R5 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Townes at 238 PD 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”).

- C. All provisions and representations of the UDO that conflict with the provisions of this Townes at 238 PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Townes at 238 PD Ordinance.

Section 2. **Permitted Uses.**

- A. All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed one-hundred and ninety (190).
- B. Accessory Uses and Accessory Structures customarily incidental to any permitted use shall be permitted.

Section 3. **Preliminary Development Plan.**

- A. Full sized, scaled development plans are on file with the City’s Planning and Development Department with a revision date of March 6, 2024. What is attached hereto as Exhibit B is a general representation of the full sized plans and Exhibit B, together with the full sized plans, shall be collectively referred to as the “Preliminary Development Plan”.
- B. The Preliminary Development Plan is hereby incorporated herein 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.

Section 4. **Bulk Standards.** The bulk requirements applicable to the Underlying District shall be modified and superseded by the below:

Requirements	Townes at 238 PD Standards
Minimum Lot Area per Dwelling Unit	Not applicable
Minimum Lot Width	Not applicable
Maximum Building Height	35 ft. or 3-stories – Measured to the mid point of a sloped roof
Minimum Front Yard Setback	10 ft.
Minimum Side Yard Setback	NA
Minimum Rear Yard Setback	15 ft. from edge of alley pavement or property line
Floor Area Ratio shall not exceed:	Not applicable
Building Separation	20 Feet
Minimum Floor Area (per dwelling unit)	1,300 sq. ft.
Maximum Lot Coverage	Not applicable

Section 5. Architectural Standards. The following standards shall apply:

- A. The approved elevations shall be the set of home elevations on file with the City's Planning and Development Department as submitted on January 17, 2024 (the "Approved Elevations"). Color Illustrations of the Approved Elevations are included under Exhibit D of this Townes at 238 PD Ordinance.
- B. The Approved Elevations are hereby incorporated and approved. All townhome dwellings shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his or her designees, shall review and approve home elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance and consistency with the Approved Elevations.
- C. The elevations of any townhome dwelling that substantially varies from an Approved Elevation shall be submitted for review and approval by the Director of Planning and Development if in Compliance with the Architectural Standards hereby incorporated under Exhibit C or require approval by the Architectural Review Board if not found in compliance with the standards included in Exhibit C. The Architectural Review Board's review of said home 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. Landscaping and Open Space Standards. The standards of Article 12, Landscaping and Screening, of the UDO shall not apply, and are replaced with the following standards:

- A. Lot Landscaping. The Front and Side Yard (area along the front and side building elevations) landscaping shall be substantially compliant to the landscaping as depicted in Exhibit E.
- B. Landscape Buffer Yards. Landscape Buffer Yards shall be provided as shown on the Preliminary Development Plan. The Establishment of a Peripheral Yard, as set forth in Article 8, Part H, Section 3.F.2 of the UDO, shall apply as shown on the Preliminary Development Plan subject to the following:
 - 1. North, West, and South perimeter of the Real Estate adjacent to 156th Street, Greenfield Avenue and Promise Road: A minimum twenty (20) and thirty (30) foot buffer yard widths shall be required as shown on the Preliminary Development Plan. Two (2) shade trees, seven (5) ornamental deciduous trees and ten (10) large deciduous or evergreen shrubs shall be provided per one-hundred (100) linear feet of along the street right of way.
 - 2. East perimeter of the Real Estate: A minimum twenty (20) foot buffer yard shall be required as shown on the Preliminary Development Plan. The preservation

of existing trees shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation. Additionally, the proposed retention ponds will be located along the east property line increasing the separation of the dwelling buildings to the property line. No building shall be closer than fifty (50) feet to the east property line.

- C. Open Space. Shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.
- D. Tree Preservation. The requirements of Article 12, Section 13.B (Tree Preservation) of the UDO shall be applicable to the Real Estate in areas specified as Tree Preservation Easements on the Preliminary Development Plan and notice of the regulation of such standards shall be included in the Declaration of Covenants and Restriction that will be applicable to the Real Estate.

Section 7. Parking and Loading Standards. The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply.

Section 8. Lighting Standards. The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply, except as modified below:

- A. Photocell controlled light fixtures shall be required (i) between garage doors and (ii) on side building elevations where adjacent to sidewalks.

Section 9. Sign Standards. The District's signs shall comply with Article 11 of the UDO, except as modified below:

- A. Two (2) signs shall be permitted at each entrance to the subdivision which flank the entrance as depicted in Exhibit G.

Section 10. Infrastructure Standards. Unless otherwise stated within this Townes at 238 PD Ordinance, all public infrastructure within the District shall adhere to the City's standards and design criteria, subject to the following specific waivers that are hereby approved:

- A. The maximum block length shall be as shown on the Preliminary Development Plan.
- B. Right of Way shall be dedicated as shown on the Development Plan for 156th Street, Promise Road and Greenfield Avenue. The Half ROW for Greenfield Avenue is Seventy (70) feet, Promise Road and 156th Street is Fifty (50) feet except where shown as Forty (40) feet at the curve between Promise Road and 156th Street.
- C. The subdivision (platting) of lots on a private easement (without street frontage) shall be permitted.

Section 11. 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 Restriction that will be applicable to the Real Estate.

- A. Common Area Enhancements: The park area shall be provided within the area labeled “Park” on the Preliminary Development Plan and shall include landscaping, seating areas, and walking paths as generally depicted on Exhibit B – Preliminary Development Plan and in Exhibit F which includes illustrative examples of common area enhancements.

Section 12. 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, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

Section 13. Effective Date. This Townes at 238 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 blank; signature page follows.]

Approved on this _____ day of _____, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Darren Peterson		
	Meghan Wiles		
	Pete Schwartz		
	Evan Elliott		
	Michael J. Davis		
	Todd Thurston		
	Aaron Smith		
	Mark Boice		
	David Johnson		

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:

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.

Townes at 238 - 2023 PD Ordinance 4 030624

EXHIBIT A

Legal Description (Page 1 of 2)

PROPERTY ID: 10-11-16-00-00-002.001
WARRANTY DEED
INSTRUMENT No. 1995007768

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES AND 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST-HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES AND 00 MINUTES 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES, 23 MINUTES AND 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST-HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES, 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

And

PROPERTY ID: 10-11-16-00-00-002.000
TRUSTEE'S DEED
INSTRUMENT No. 2015064307

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, IN TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M. DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND P.M., THENCE EAST AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 1330.8 FEET TO A POINT, THENCE SOUTH 1189.2 FEET TO THE INTERSECTION WITH THE CENTERLINE OF STATE ROAD 238, THENCE NORTHWESTERLY ON AND ALONG CENTERLINE OF SAID STATE ROAD 1412.8 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH AND ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER 706.0 FEET TO THE PLACE OF BEGINNING.

EXCEPT:
THAT PORTION BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 90 DEGREES 00 MINUTES EAST (ASSUMED BEARING) 208 FEET FROM THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER, AND RUNNING THENCE NORTH 90 DEGREES 00 MINUTES EAST 871.25 FEET ALONG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 23 MINUTES 30 SECONDS WEST 250 FEET PARALLEL WITH THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, THENCE SOUTH 90 DEGREES AND 00 MINUTES WEST 871.25 FEET, THENCE NORTH 00 DEGREES 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 5 EAST AND CONTAINING 5.00 ACRES, MORE OR LESS.

FURTHER EXCEPT FOR ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORDING INCLUDING BUT NOT LIMITED TO ANY GRANTED TO THE STATE OF INDIANA AS GRANTEE BY INSTRUMENT #9636104, RECORDED ON OR ABOUT AUGUST 26, 1996 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER.

EXHIBIT A

Legal Description
(Page 2 of 2)

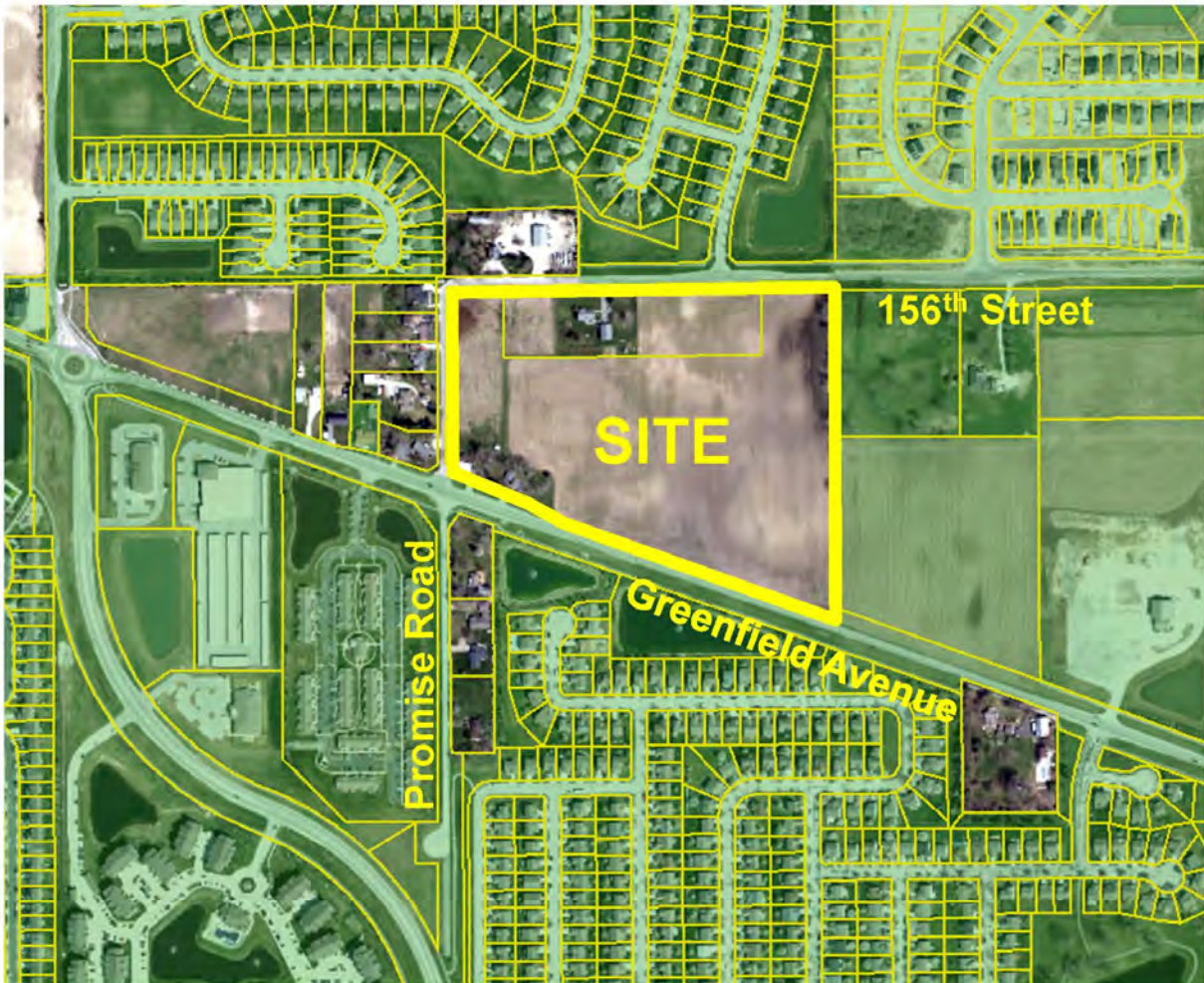


EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN



(See following __ pages including PDP and Landscape Plan)

Attach engineered plans post Plan Commission

EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 1 of 1)

Architectural Feature	Standard
Minimum Square Footage	1,300 sq. ft.
Corner Breaks (minimum)	5 per building
Front Façade Masonry (minimum)	24" wainscot – See Exhibit D
Secondary Façade Masonry (minimum)	n/a
Prohibited Siding Materials	Vinyl and Aluminum
Roof Pitch (minimum)	6:12 Secondary roof elements shall be 4.5:12 minimum
Roof Overhang (minimum inches measured from framing)	12"
Number of Windows – Primary Façade (minimum)	No less than 3 windows per dwelling unit. Amount of Windows are shown on the Dwelling Character Exhibits. Note there can be 3 to 6 units per building
Number of Windows – Secondary Façade (minimum)	No less than 2 windows per side of each building. As depicted on the Dwelling Character Exhibits
NO Monotony Code	All buildings have similar architecture and can be same exterior colors

EXHIBIT D
DWELLING CHARACTER EXHIBITS

(Page 1 of 2)



Front Elevation - Farmhouse Style
scale: 1/4" = 1'-0"



Rear Elevation
scale: 3/16" = 1'-0"



Left Elevation
scale: 3/16" = 1'-0"



Right Elevation
scale: 3/16" = 1'-0"

EXHIBIT D

DWELLING CHARACTER EXHIBITS

(Page 2 of 2)



EXHIBIT E

TYPICAL LOT LANDSCAPING

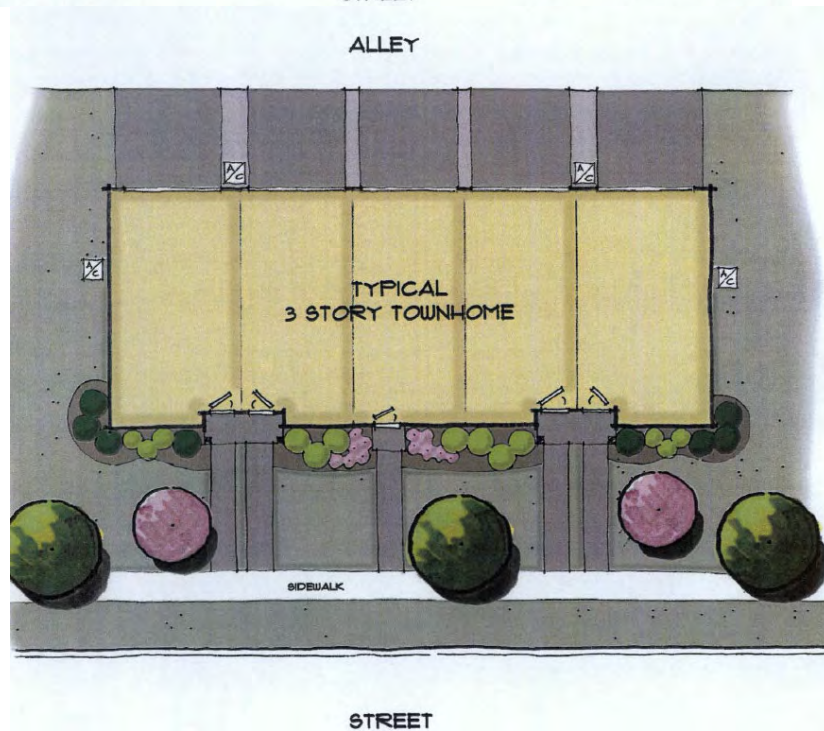
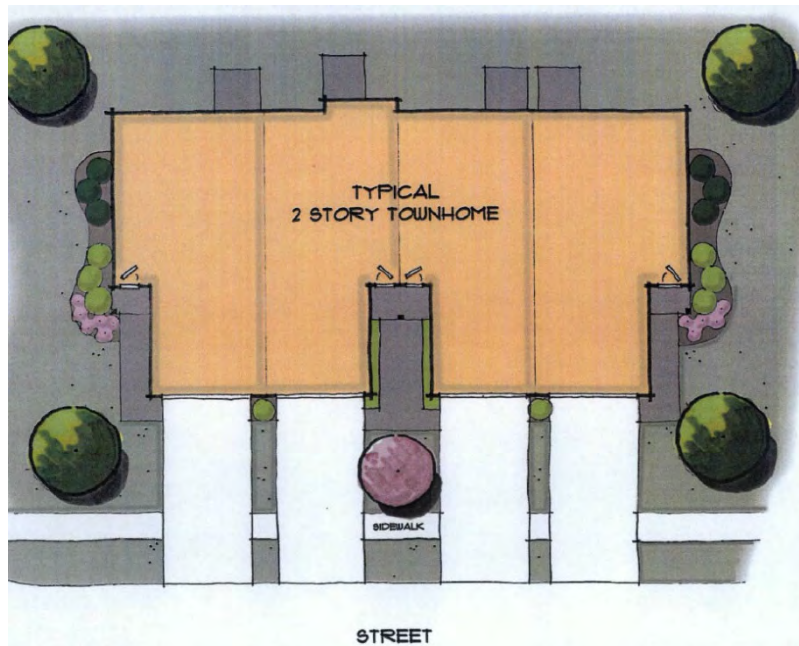


EXHIBIT F

COMMON AREA “PARK” ENHANCEMENTS

(Page 1 of 2)



EXHIBIT F

COMMON AREA “PARK” ENHANCEMENTS

(Page 2 of 2)



Bocce Ball



Corn Hole

EXHIBIT G

Entrance Signage Exhibit

(Page 1 of 1)

