



ORDINANCE NO. 11-04-24, 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. Instrument #1995007768, and Instrument #2015064307

This Ordinance (the "Montelena 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 "Montelena Preliminary Development Plan", as further described in Section 3 below (the "Plan"); and,

WHEREAS, the Plan Commission has sent a Favorable Recommendation for adoption of said amendment with a vote of eight (8) AYES and zero (0) 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 Montelena 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 Montelena 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 Montelena 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

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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 Montelena PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Montelena PD Ordinance.

Section 2. <u>Permitted Uses</u>.

- A. Only the development of Townhome Dwellings shall be permitted within the District. 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 February 22, 2024. What is attached hereto as <u>Exhibit B</u> is a general representation of the full sized plans and <u>Exhibit B</u>, 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. <u>Bulk Standards.</u> The bulk requirements applicable to the Underlying District shall be modified and superseded by the below:

Requirements	Montelena 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

- <u>Section 5.</u> <u>Architectural Standards.</u> 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 <u>Exhibit D</u> of this Montelena 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 <u>Exhibit C</u> or require approval by the Architectural Review Board if not found in compliance with the standards included in <u>Exhibit</u> <u>C</u>. 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. <u>Lot Landscaping</u>. The Front and Side Yard (area along the front and side building elevations) landscaping shall be substantially compliant to the landscaping as depicted in <u>Exhibit E</u>.
 - B. <u>Landscape Buffer Yards</u>. 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:
 - 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 onehundred (100) linear feet of along the street right of way.
 - 2. <u>East perimeter of the Real Estate</u>: 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. <u>Open Space</u>. Shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.
- D. <u>Tree Preservation</u>. 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. <u>Parking and Loading Standards.</u> 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. <u>Sign Standards.</u> 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 Montelena 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 <u>Exhibit B</u> Preliminary Development Plan and in <u>Exhibit F</u> 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. <u>Effective Date.</u> This Montelena 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 <u>23</u>. day of <u>April</u>, 2024 by the Common Council of the City of Noblesville, Indiana:

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	Meghan Wiles	Can ale	
flester	Pete Schwartz	798	
E-total	Evan Elliott		
THE S	Michael J. Davis		
	Todd Thurston		
Ah=	Aaron Smith		
	Mark Boice	mar 3	
BA	David Johnson		
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ATTEST: Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 23-4 day of

L___, 2024 at <u>\$:/0</u> P.M.

Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen, Mayor

<u>4-23-24</u> 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. Montelena PD Ordinance 6 041724

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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 DATE 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 AST 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 ONT HE 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 871.25 FEET ALCNG 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, 971.25 FEET ALCNG 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, 971.05 FEET ALCNG 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, 971.05 FEET ALCNG SAID NORTH LINE, THENCE SOUTH 00 DEGREES 23 MINUTES SOUTH 00 DEGREES 23 MINUTES WEST SECONDS WEST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF 11 FEONE SOUTH 90 DEGREES AND 00 MINUTES WEST EAST 871.25 FEET, THENCE NORTH 00 DEGREES 23 MINUTES AND 30 SECONDS EAST 250 FEET TO THE POINT OF BEGINNING. BEING A PART OF 11 FE 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)





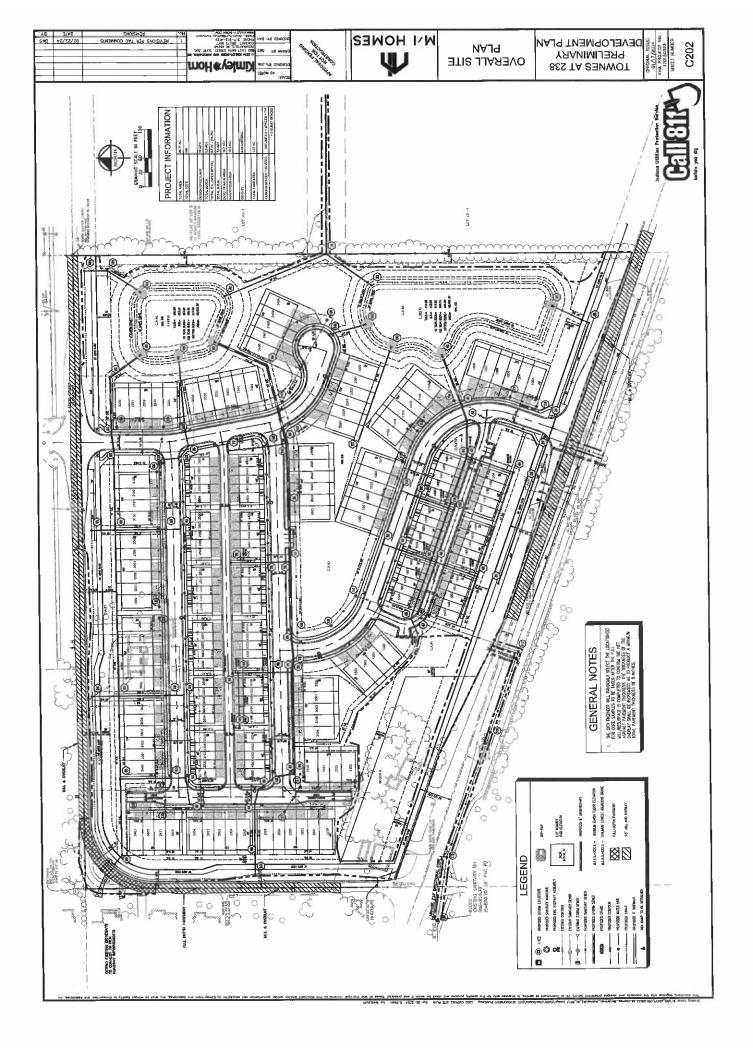
EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN

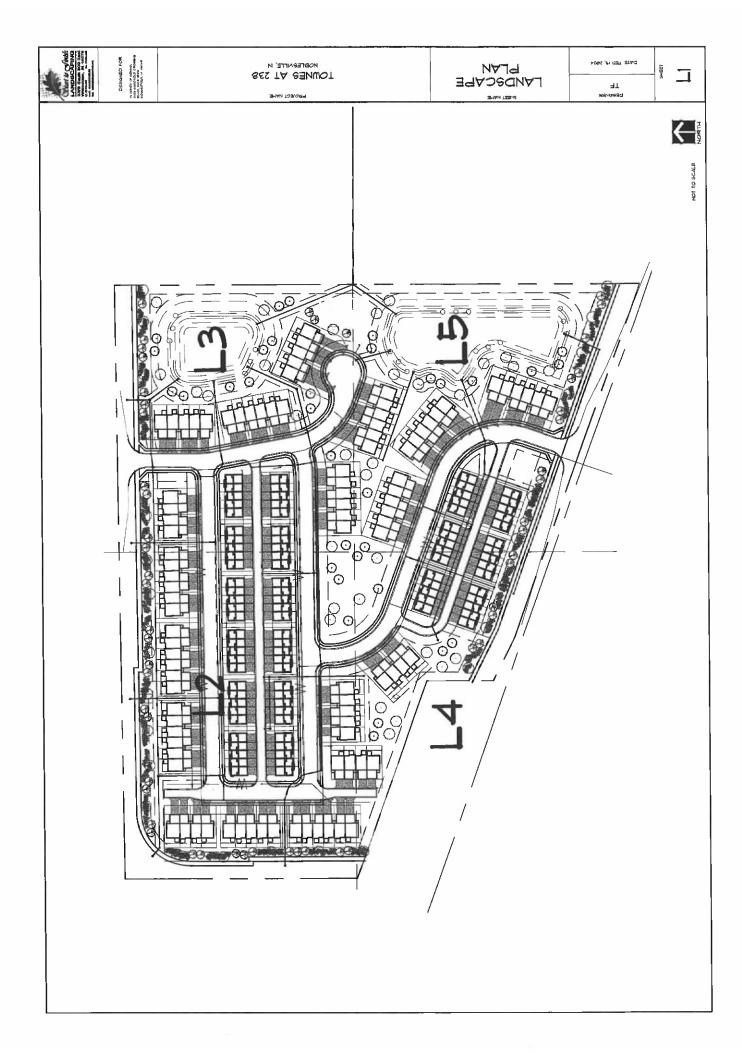


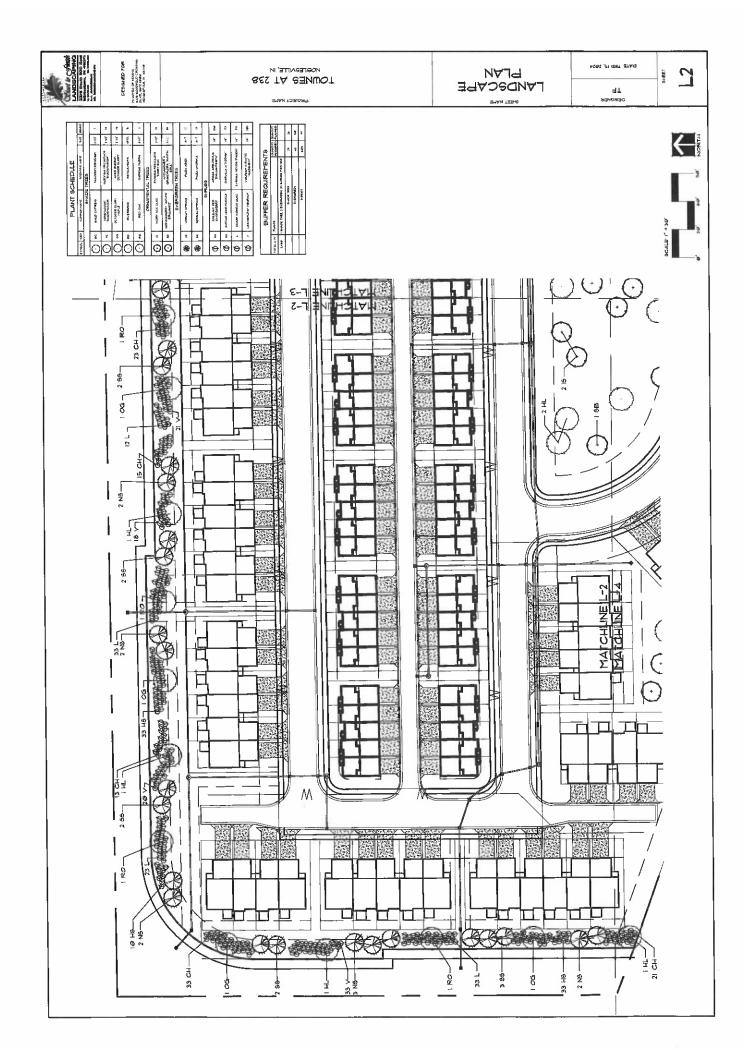
(See following 8 pages including PDP and Landscape Plan)

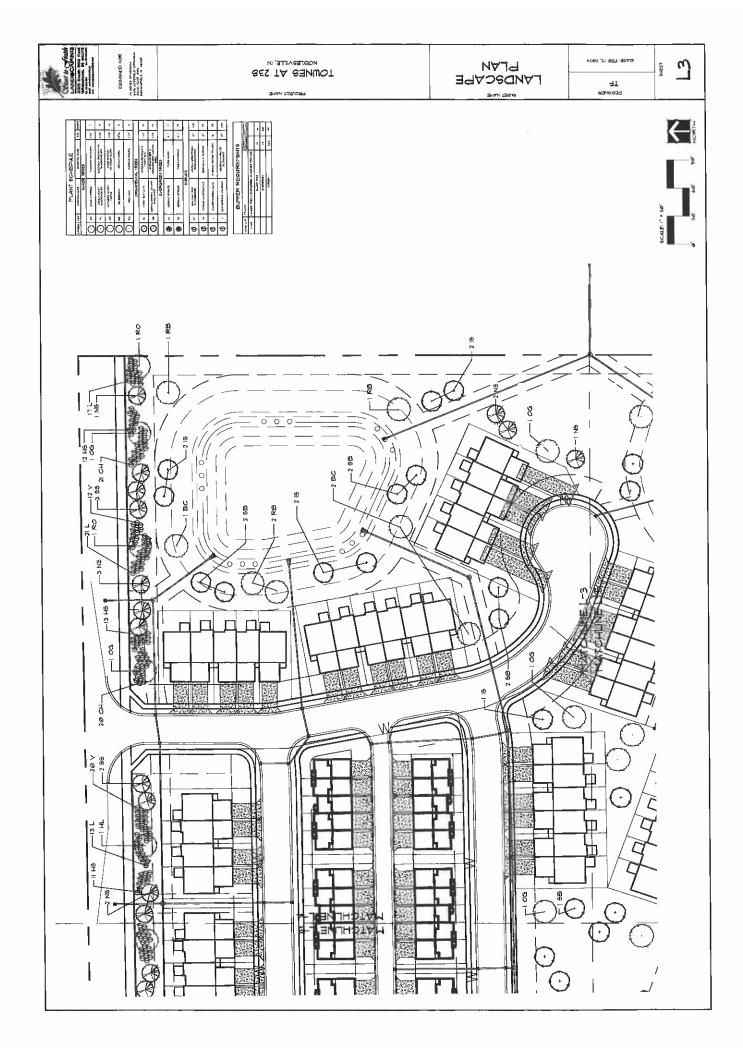
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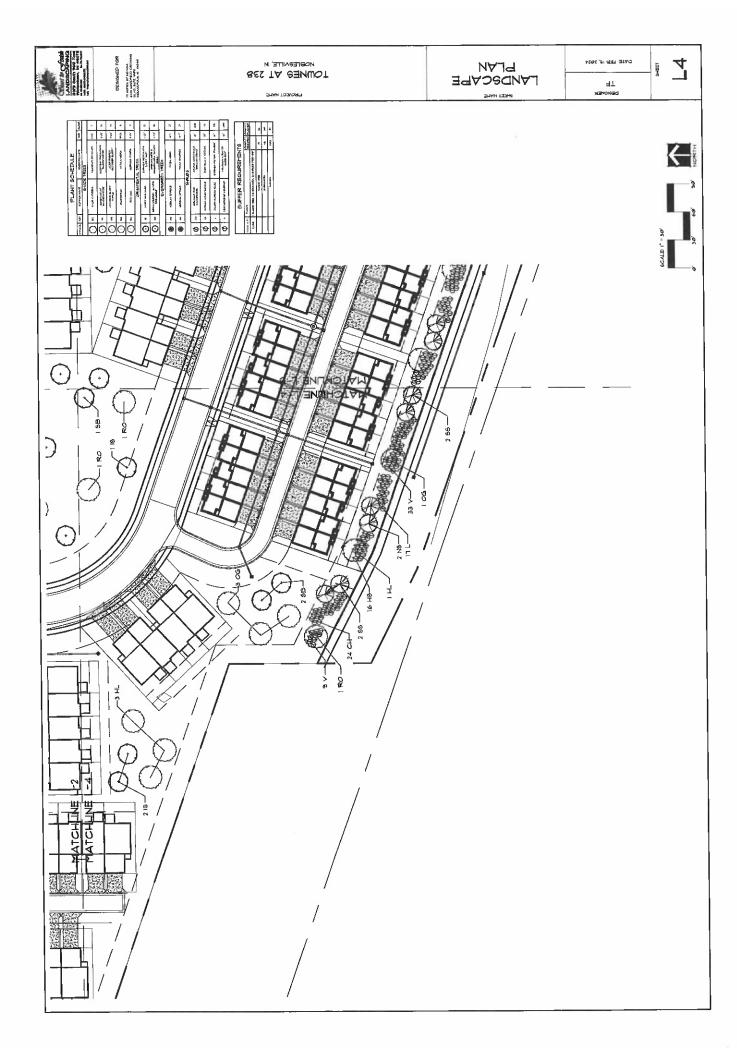












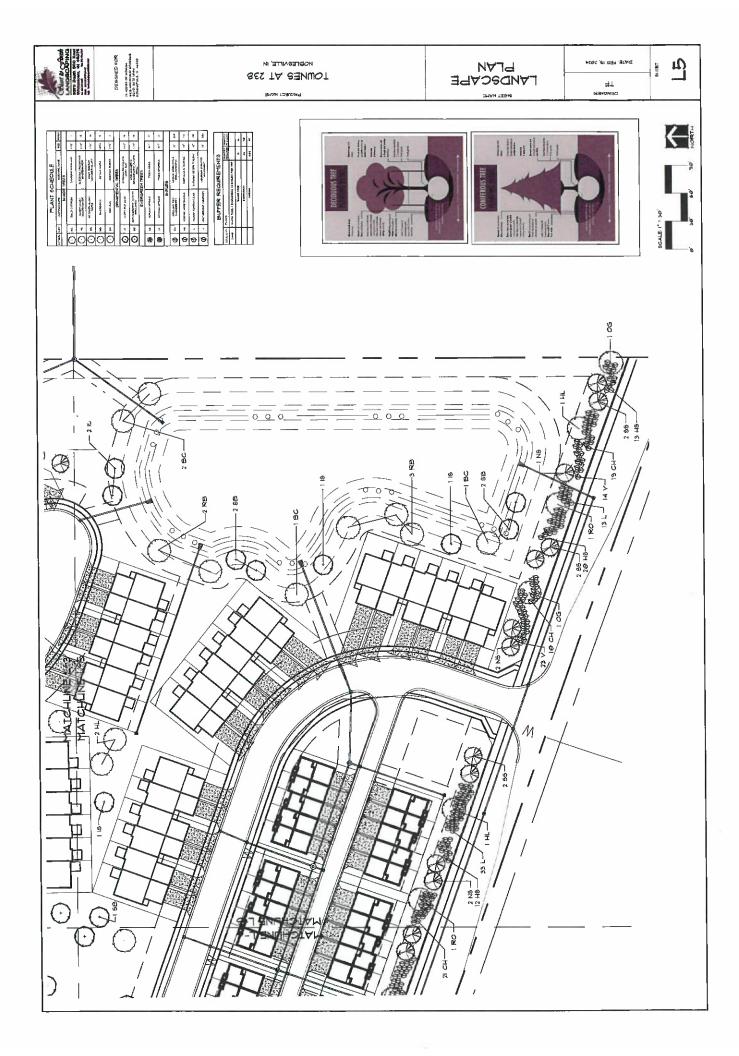


EXHIBIT C

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"	
lumber of Windows – Primary Façade ninimum) Amount of Windows are shown on the Dwelling Character Exhibits. Note the 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



Rear Elevation



Left Elevation



Right Elevation

EXHIBIT D

DWELLING CHARACTER EXHIBITS

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EXHIBIT E

TYPICAL LOT LANDSCAPING

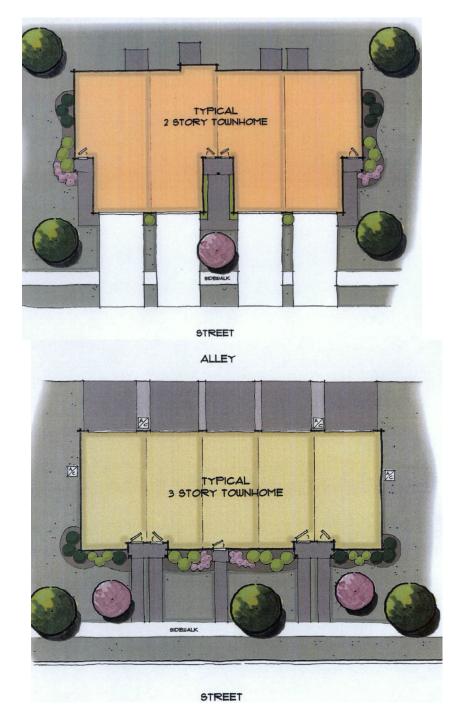


EXHIBIT F

COMMON AREA "PARK" ENHANCEMENTS

(Page 1 of 2)





EXHIBIT F

COMMON AREA "PARK" ENHANCEMENTS

(Page 2 of 2)





Corn Hole

Bocce Ball

<u>EXHIBIT G</u>

Entrance Signage Exhibit

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Noblesville Plan Commission Noblesville, Indiana

To the Noblesville City Council:

This is to certify that the Plan Commission of Noblesville, Indiana held a public hearing on the **18th** of March, 2024 for a preliminary development plan and ordinance, a part of the Comprehensive Master Plan, and after due consideration, recommends that the City of Noblesville said amendment.

Request:Application LEGP 0018-2024Change of Zoning from R5 Multi-Family Residential to
R5/PD Residential Planned Development and the adoption of a preliminary development
and ordinance including waivers for approximately 26.7 acres located north of Greenfield
Avenue and east of Promise Road in Noblesville Township to be known as "Townes on
238". Submitted by Willow Family Farms, LLC, Jerald E & Stephanie J. Waterman
(Owners) and MI Homes of Indiana, LP (Applicants)Staff Reviewer - Joyceann Yelton

Plan Commission Action: 6 Ayes 0 Abstentions Petition is forwarded with a recommendation

Respectfully submitted, Noblesville Plan Commission

R

Gretchen A. Hanes

President

Caleb P. Gutshall

Secretary