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2024026640 ORDINANCE \$25.00  
07/24/2024 03:17:09P 68 PGS  
Trini Beaver  
HAMILTON County Recorder IN  
Recorded as Presented



ORDINANCE NO. 40-07-24

**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 LEGP-000187-2023 & LEGP-000188-2023 (the “Petition”) at its July 15, 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 six (6) in favor and zero (0) 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 identified in this Ordinance 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 111.

**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 March 20, 2024 meeting and attached hereto as Exhibit C (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 June 25, 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	60%

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

**Section 16. Nonconforming Uses and Structures.** The regulations of Article 14 (Nonconforming Uses and Structures) of the UDO shall apply.

**Section 17. Waivers.** The regulations of Article 8 and Article 12 of the UDO shall apply except as modified below:

**17.1 Article 8.H.3.F.2. Establishment Peripheral Yard:** Peripheral landscape buffer yard common areas shall be provided as shown on the approved Preliminary Development Plan.



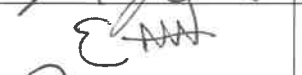


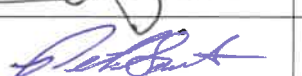


**17.2 Table 12.0.7.E. Landscape Buffer Yard Requirements:** Landscape buffer yards shall be provided as set forth below:

- (a) A 40-foot landscape buffer yard shall be provided along the north property line. No additional plantings are proposed due to preservation of existing trees. Amenities (pickleball courts, bocce court, and Midland Trace Trail connection) to be located in portions of the buffer.
- (b) A 40-foot landscape buffer yard shall be provided along the west property line with fencing and landscaping proposed. An additional 20 feet of commonly maintained space shall be provided between the landscape buffer yard and the rear façade of homes.
- (c) 20-foot landscape buffer yards shall be provided along the east and south property lines. No additional plantings are proposed due to preservation of existing trees. An additional 20 feet of commonly maintained space shall be provided between the landscape buffer yard and the rear façade of homes.

**17.3 Article 12.4.B.1.b.iii. Design Standards for Shrubs and Grasses:** Low ornamental grasses shall be permitted to be planted at less than 24” in height at installation, including but not limited to, big blue lirioppe, variegated lirioppe, little bunnies fountain grass, etc. These shall be installed in a minimum 1-gallon containers.

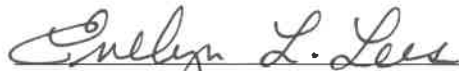
**Section 18. Enforcement.** The regulations of Article 15 (Enforcement) of the UDO shall apply.

Approved on this 23rd day of July, 2024 by the Common Council of the City of Noblesville, Indiana:

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

ATTEST:   
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this 23rd day of July, 2024 at 8:14 P.M.

  
 Evelyn L. Lees, City Clerk

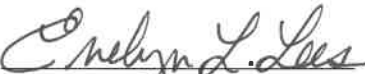
  
 Chris Jensen, Mayor

MAYOR'S APPROVAL

7-23-2024  
 Date

Chris Jensen, Mayor

MAYOR'S VETO

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.

**Exhibit A**

**“Real Estate”**

Part of the Southwest quarter of the Northwest quarter of Section 3, Township 18 N., Range 4E; beginning at the West line of said section at a point 20 feet south of the center of the tracks of Midland Rail Road as now located, and running South 16 rods and 3 feet; thence East 64 rods; thence North 16 rods and 3 feet to the rights-of-way of said railroad; thence West on said right-of-way to the place of beginning.

ALSO:

A part of the northwest quarter and part of the southwest quarter of Section 3, Township 18 north, Range 4 East, described as follows: Begin at a point 830 feet north of the southwest corner of the north half of the southwest quarter, Section 3, Township 18 North, Range 4 East, thence north on the west line of Section 3, township 18 north, Range 4 East, 1530 feet to a point; thence east along an old fence 1122 feet; thence south along old fence line 1014.6 feet to stone marked X. said stone being on the line between the northwest quarter and the southwest quarter of said section 3 and 1532.4 feet west of the southeast corner of said northwest quarter; thence south 500 feet to a stone; thence west along said fence line 1122 feet to place of beginning. Containing 39.21 acres, more or less, except twenty two one-half acres (22 1/2), by parallel lines, off of the entire south side thereof.

ALSO:

A part of the northwest quarter and part of the southwest quarter of Section 3, Township 18 north, Range 4 east, described as follows:  
Begin at a point 830 feet north of the Southwest corner of north half of southwest quarter, Section 3, Township 18 North, Range 4 East, thence north on west line of section 3, township 18 north, range 4 east, 1530 feet to a point; thence east along an old fence 1122 feet; thence south along old fence line 1014.6 feet to stone marked X, said stone being on the line between the northwest quarter and the southwest quarter of said section 3; thence south 500 feet to a stone; thence west along said fence line 1122 feet to place of beginning.

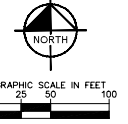
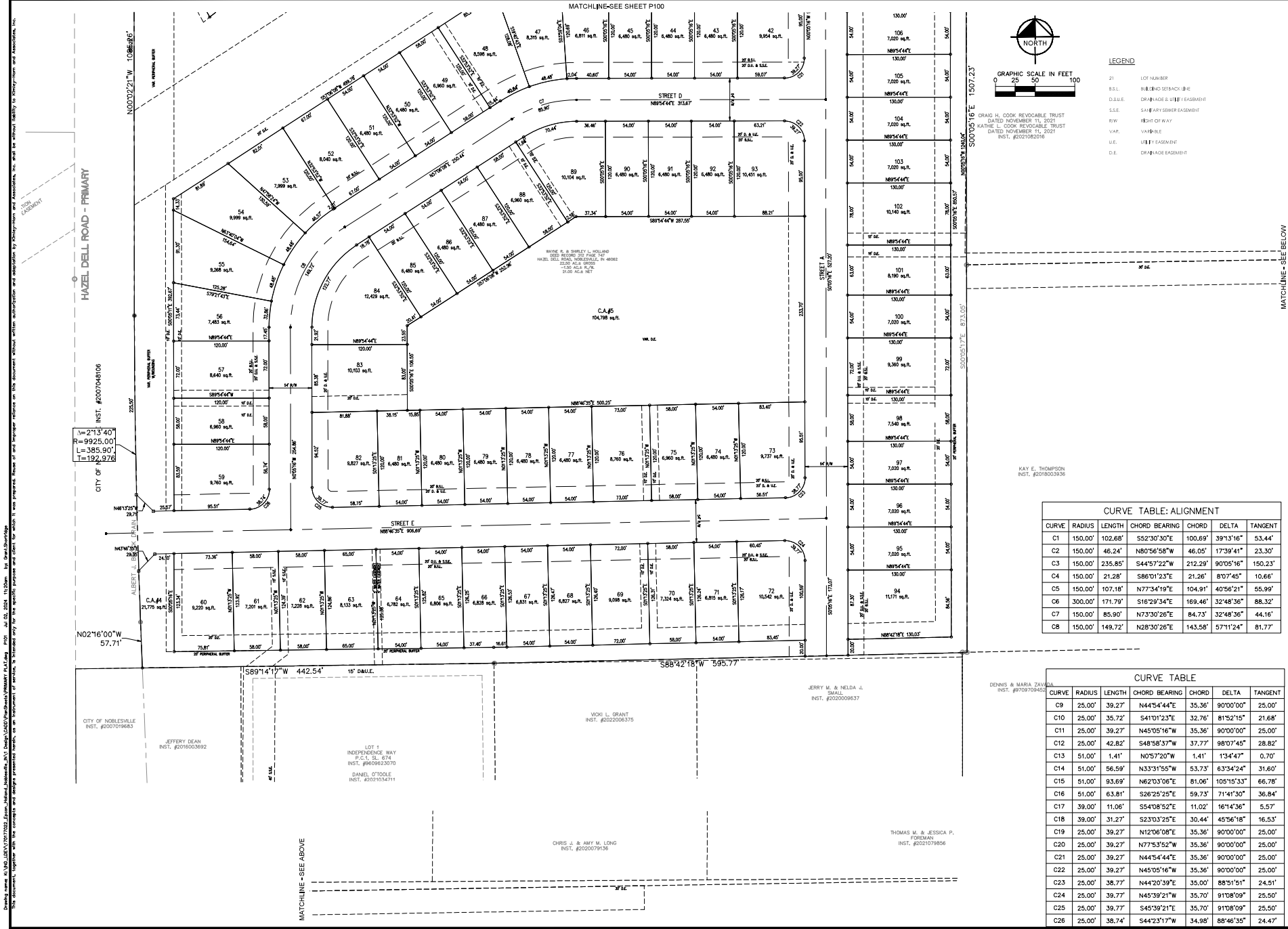


**Exhibit B**

**“Preliminary Development Plan”**







- LEGEND**
- 21 LOT NUMBER
  - SSL BUILDING SETBACK LINE
  - D&BE DRAINAGE & UTILITY EASEMENT
  - S&E SANITARY SEWER EASEMENT
  - R&W RIGHT OF WAY
  - V&P VARIABLE
  - U&T UTILITY EASEMENT
  - D&E DRAINAGE EASEMENT

GRAIG H. COOK REVOCABLE TRUST  
 DATED NOVEMBER 11, 2021  
 KATHIE L. COOK REVOCABLE TRUST  
 DATED NOVEMBER 11, 2021  
 INST. #2021082026

KAY L. THOMPSON  
 INST. #2018033938

**CURVE TABLE: ALIGNMENT**

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	150.00'	102.68'	S52°30'30"E	100.89'	39°13'16"	53.44'
C2	150.00'	46.24'	N80°56'58"W	46.05'	17°39'41"	23.30'
C3	150.00'	235.85'	S44°57'22"W	212.29'	9°05'16"	150.23'
C4	150.00'	212.88'	S86°01'23"E	21.26'	8°07'45"	10.66'
C5	150.00'	107.18'	N77°34'19"E	104.91'	40°56'21"	55.99'
C6	300.00'	171.79'	S16°29'34"E	169.46'	32°48'36"	88.32'
C7	150.00'	85.90'	N73°30'26"E	84.73'	32°48'36"	44.16'
C8	150.00'	149.72'	N28°30'26"E	143.58'	57°11'24"	81.77'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C9	25.00'	39.27'	N44°54'44"E	35.36'	90°00'00"	25.00'
C10	25.00'	35.72'	S41°01'23"E	32.76'	81°52'15"	21.68'
C11	25.00'	39.27'	N45°05'16"W	35.36'	90°00'00"	25.00'
C12	25.00'	42.82'	S48°58'37"W	37.77'	98°07'45"	28.82'
C13	51.00'	1.41'	N05°7'20"W	1.41'	134°47'	0.70'
C14	51.00'	56.59'	N33°31'55"W	53.73'	63°34'24"	31.60'
C15	51.00'	93.69'	N62°03'06"E	81.06'	105°15'33"	66.78'
C16	51.00'	63.81'	S26°25'25"E	59.73'	71°41'30"	36.84'
C17	39.00'	11.06'	S54°08'52"E	11.02'	16°14'36"	5.57'
C18	39.00'	31.27'	S23°03'25"E	30.44'	45°56'18"	16.53'
C19	25.00'	39.27'	N12°06'08"E	35.36'	90°00'00"	25.00'
C20	25.00'	39.27'	N77°53'52"W	35.36'	90°00'00"	25.00'
C21	25.00'	39.27'	N44°54'44"E	35.36'	90°00'00"	25.00'
C22	25.00'	39.27'	N45°05'16"W	35.36'	90°00'00"	25.00'
C23	25.00'	38.77'	N44°20'39"E	35.00'	88°51'51"	24.51'
C24	25.00'	39.77'	N45°39'21"W	35.70'	91°08'09"	25.50'
C25	25.00'	39.77'	S45°39'21"E	35.70'	91°08'09"	25.50'
C26	25.00'	38.74'	S44°23'17"W	34.98'	88°46'35"	24.47'

SCALE AS NOTED  
 DESIGNED BY: JKH  
 DRAWN BY: CHS  
 CHECKED BY: JKH

APPROVAL PRINTING NOT FOR CONSTRUCTION

**EPCON**  
 Communities

**PRIMARY PLAT**

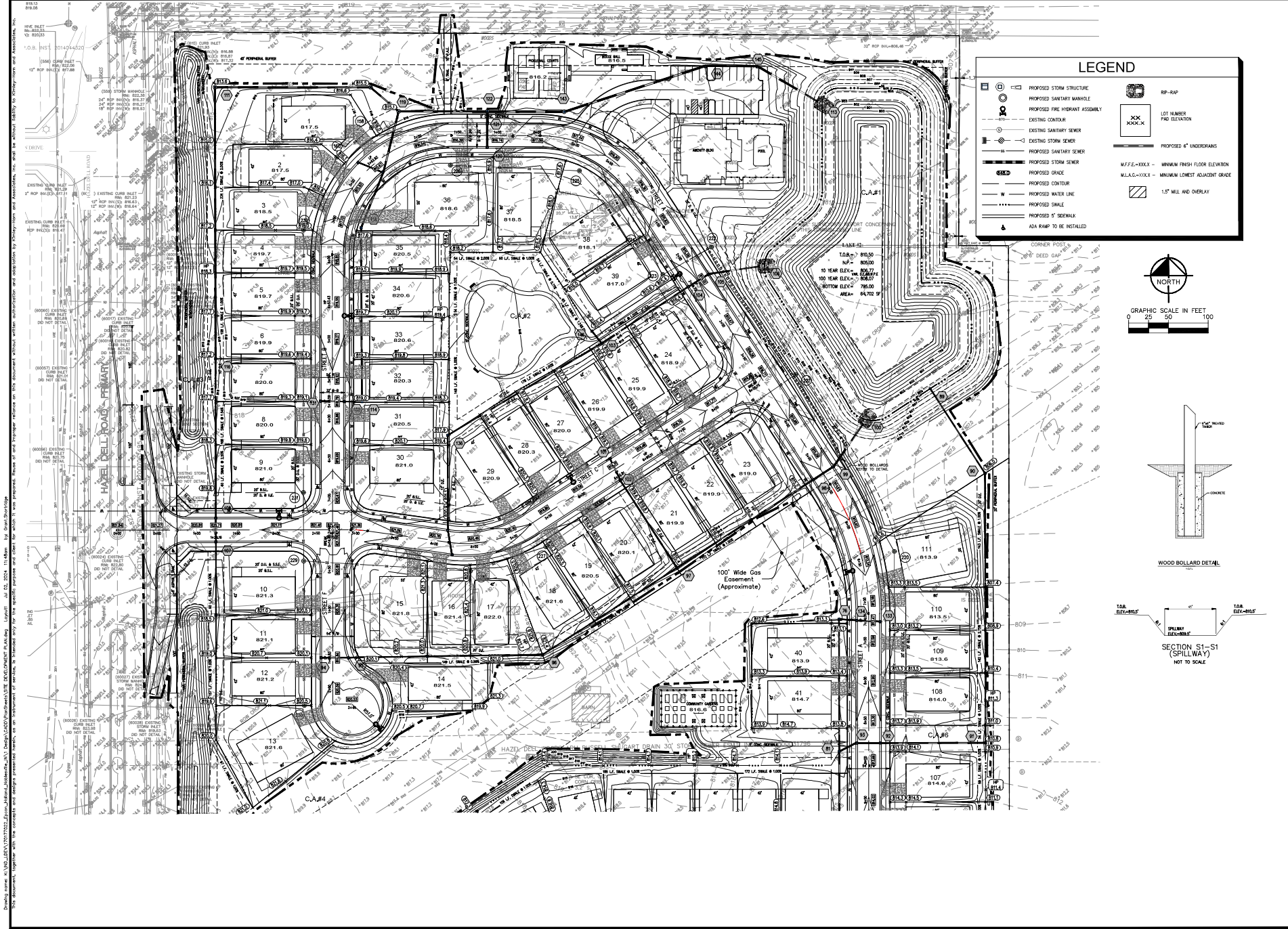
**COURTYARDS OF HAZEL DELL PRIMARY PLAT**

ORIGINAL ISSUE: 12/20/2023  
 KHA PROJECT NO. 170177022

**P101**

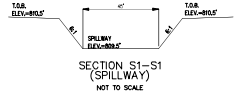
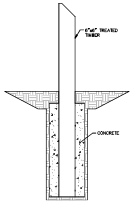
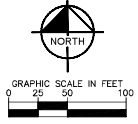
NO.	DATE	BY	REVISIONS
1	02/26/24	CHS	REVISED PER ROADWAY CHANGE PER CITY
2	02/26/24	CHS	REVISED PER ROADWAY CHANGE PER CITY

HAZEL DELL ROAD - PRIMARY  
 INST. #2007048106  
 CITY OF NOBLESVILLE  
 INST. #2016003992  
 JEFFERY DEAN  
 INST. #2016003992  
 DANIEL STODOLNE  
 INST. #2021034711  
 MORGAN L. GRANT  
 INST. #2022006373  
 CHRIS J. & AMY M. LONG  
 INST. #2020079136  
 JERRY M. & NELDA J. SMALL  
 INST. #2020096537  
 DENNIS & MARIA ZAVADA  
 INST. #9709700452  
 THOMAS M. & JESSICA P. FOREMAN  
 INST. #2021079858



### LEGEND

	PROPOSED STORM STRUCTURE		PROPOSED 4' UNDERDRAINS
	PROPOSED SANITARY MANHOLE		M.F.F.E. = XXXX - MINIMUM FRESH FLOOR ELEVATION
	PROPOSED FIRE HYDRANT ASSEMBLY		M.L.A.G. = XXXX - MINIMUM LOWEST ADJACENT GRADE
	EXISTING CONTOUR		1.5' MILL AND OVERLAY
	EXISTING SANITARY SEWER		
	PROPOSED SANITARY SEWER		
	PROPOSED STORM SEWER		
	PROPOSED GRADE		
	PROPOSED CONTOUR		
	PROPOSED WATER LINE		
	PROPOSED SWALE		
	PROPOSED 4' SIDEWALK		
	ADA RAMP TO BE INSTALLED		
	RP-RAP		
	LOT NUMBER, PAD ELEVATION		



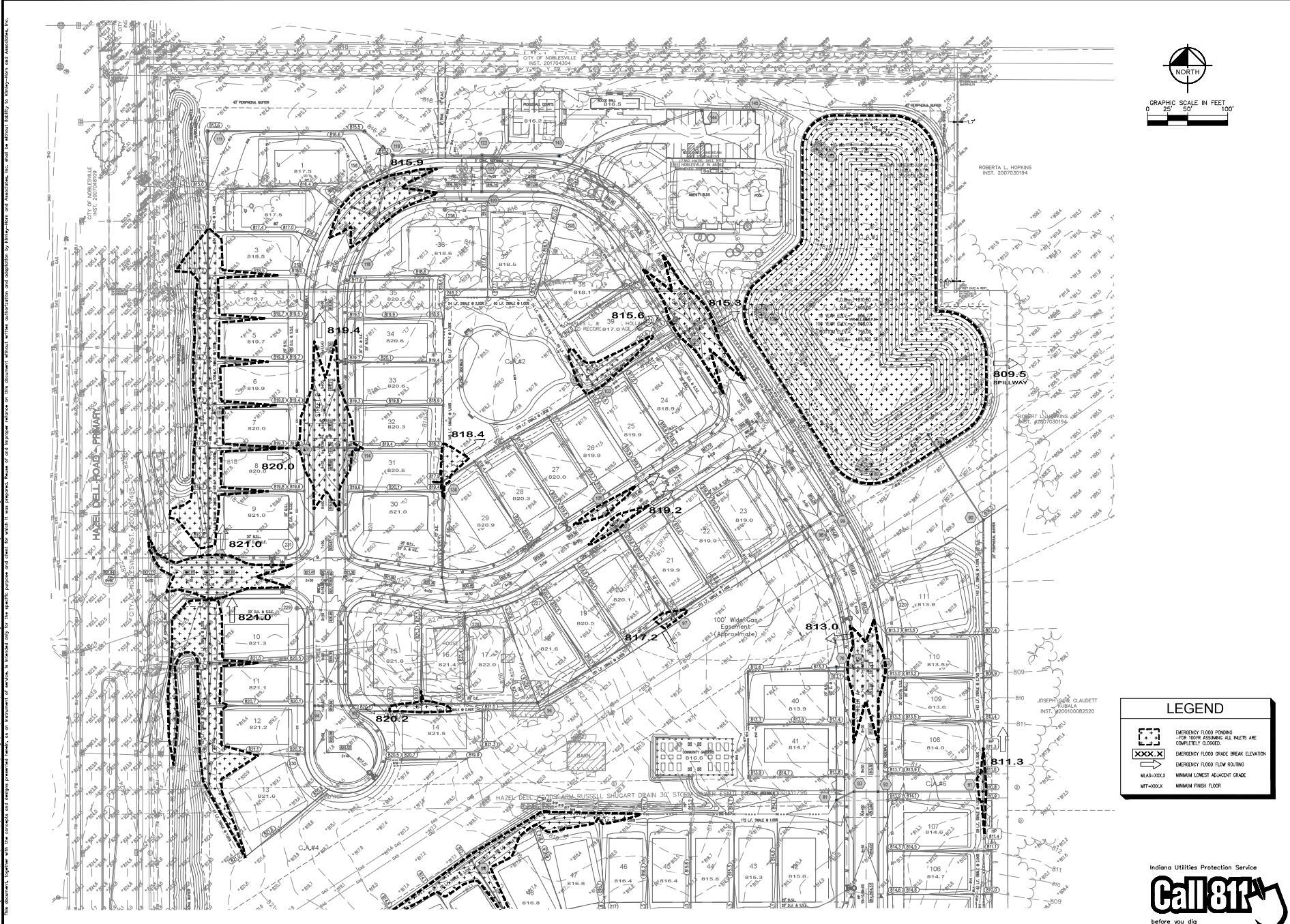
This document, together with the contract and any amendments thereto, shall constitute the entire agreement between the parties hereto. It is understood that the contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

	SCALE: AS NOTED DESIGNED BY: JAH DRAWN BY: CHS CHECKED BY: JAH DATE: 12/20/2023	REVISIONS 1. 06/25/24 2. 06/25/24 3. 06/25/24 4. 06/25/24 5. 06/25/24
	APPROVAL FOR CONSTRUCTION	DMS DMS DMS DMS DMS
DEVELOPMENT PLAN	COURTYARDS OF HAZEL DELL PRIMARY PLAT	ORIGINAL ISSUE: 12/20/2023 KHA PROJECT NO. 170177022 SHEET NUMBER <b>C200</b>





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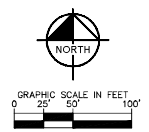
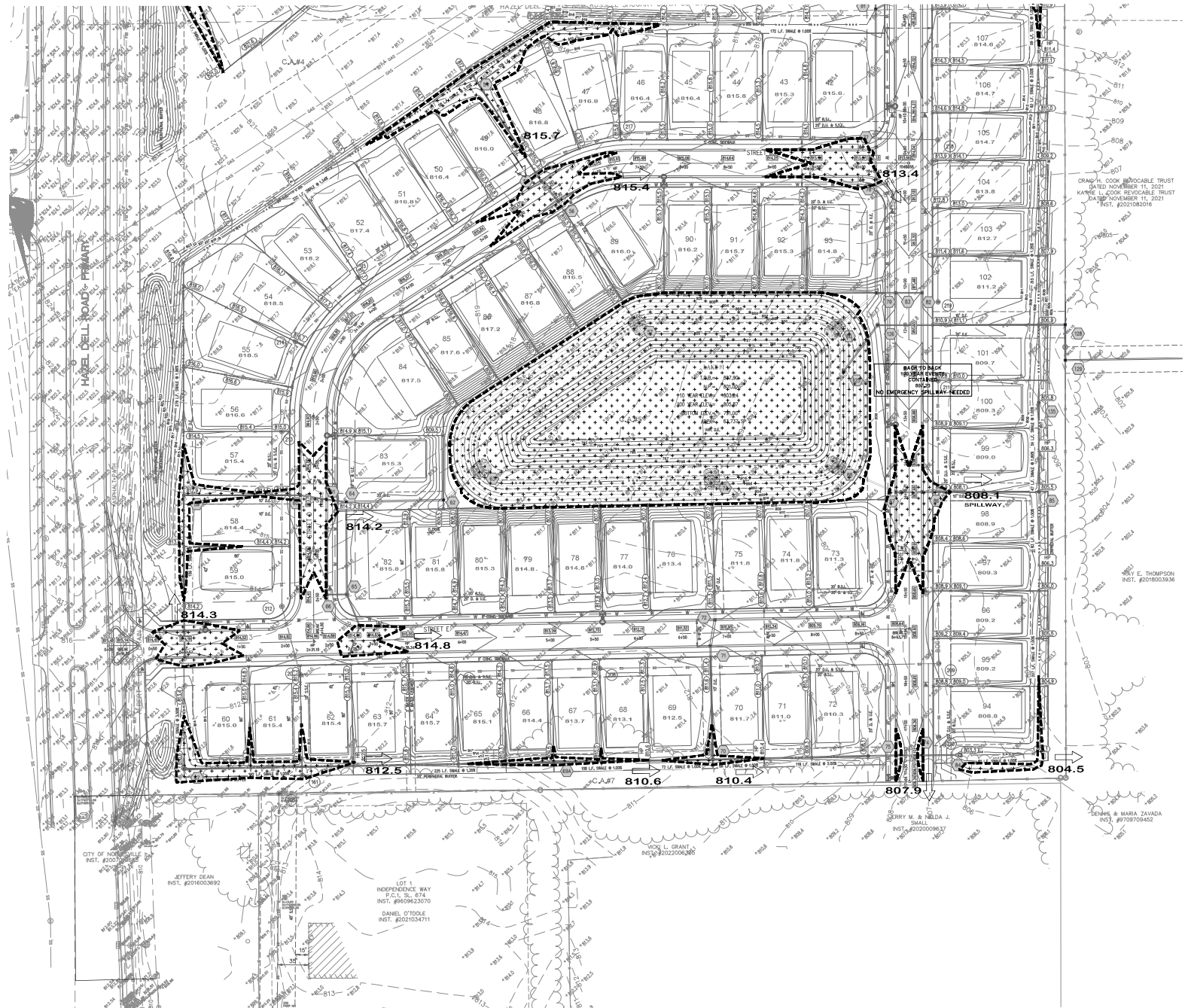
LEGEND	
	EMERGENCY FLOOD FLOODING FOR FLOODING ASSUMING ALL INLETS ARE COMPLETELY CLOSED.
	EMERGENCY FLOOD GRADE BREAK ELEVATION
	EMERGENCY FLOOD FLOW ROUTING
MLAS-XXXX	MINIMUM LOWEST ADJACENT GRADE
MT-XXXX	MINIMUM FINISH FLOOR

Indiana Utilities Protection Service  
**Call 811**  
 before you dig

	REVISIONS NO. 1 DATE 06/25/24 DESCRIPTION REVISIONS
	<b>EMERGENCY FLOOD ROUTING</b> HAZEL DELL PRIMARY PLAT
APPROVAL FLOODING NOT FOR CONSTRUCTION	ORIGINAL ISSUE: 12/20/2023 KHA PROJECT NO. 170177022 SHEET NUMBER C300
SCALE: AS NOTED DESIGNED BY: JAM DRAWN BY: CHS CHECKED BY: RMH	CITY OF NOBLESVILLE INST. 201704304 PROJECT NO. 170177022 SHEET NO. C300 DATE 06/25/24 DESCRIPTION REVISIONS



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CRAIG H. COOK REVOCABLE TRUST  
 DATED NOVEMBER 11, 2021  
 KAYLE L. COOK REVOCABLE TRUST  
 DATED NOVEMBER 11, 2021  
 INST. #2021082016

WILEY E. THOMPSON  
 INST. #2008003946

LOT 1  
 INDEPENDENCE WAY  
 P.C. 3. 21. 174  
 INST. #860423070  
 DANIEL O'TOOLE  
 INST. #202104711

**LEGEND**

- EMERGENCY FLOOD FLOODING - FOR 100yr ASSUMING ALL INLETS ARE COMPLETELY CLOSED.
- EMERGENCY FLOOD GRADE BREAK ELEVATION
- EMERGENCY FLOOD FLOW ROUTING
- MAG+XXXX MINIMUM LOWEST ADJACENT GRADE
- MT+XXXX MINIMUM FINISH FLOOR

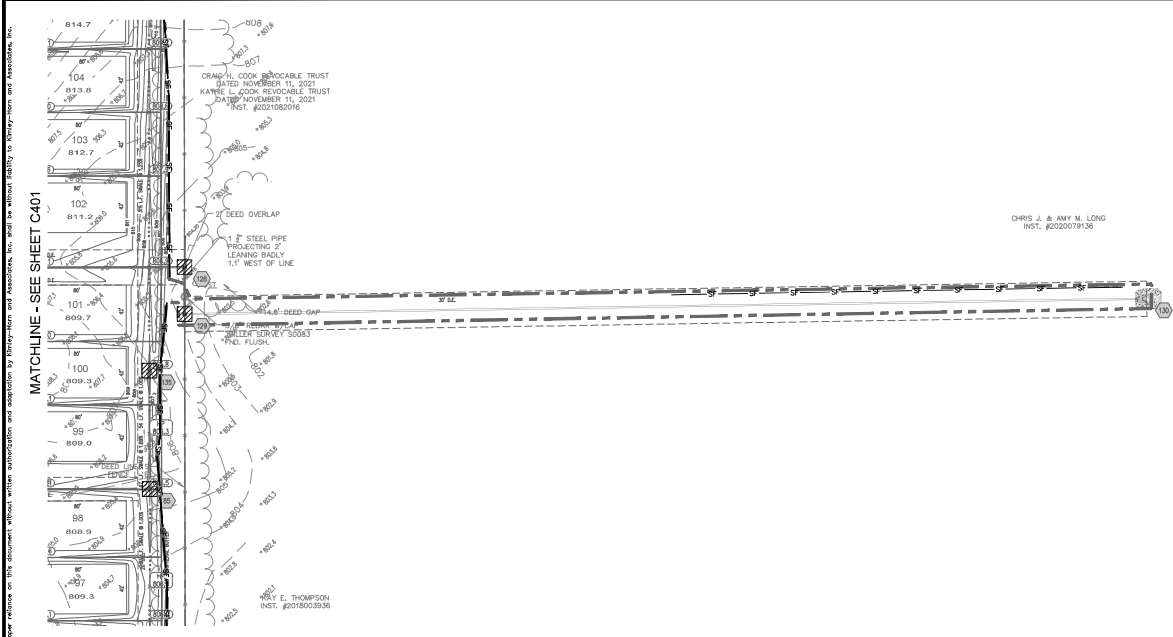
Indiana Utilities Protection Service  
  
 before you dig

 KIMLEY-HORN AND ASSOCIATES, INC. 100 EAST W. 10TH STREET, SUITE 200 INDIANAPOLIS, IN 46204 PHONE: 317.633.1111 FAX: 317.633.1112 WWW.KIMLEY-HORN.COM	REVISIONS NO. DATE BY 1 06/25/24 DMS 2 06/26/24 DMS 3 06/26/24 DMS 4 06/26/24 DMS 5 06/26/24 DMS
SCALE: AS NOTED DESIGNED BY: JAM DRAWN BY: CMC CHECKED BY: RHM	APPROVAL: FLOODING NOT FOR CONSTRUCTION
 EPCON Communities	EMERGENCY FLOOD ROUTING COURTYARDS OF HAZEL DELL PRIMARY PLAT
ORIGINAL ISSUE: 12/20/2023 KHA PROJECT NO. 170177022 SHEET NUMBER <b>C301</b>	

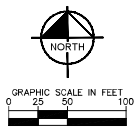




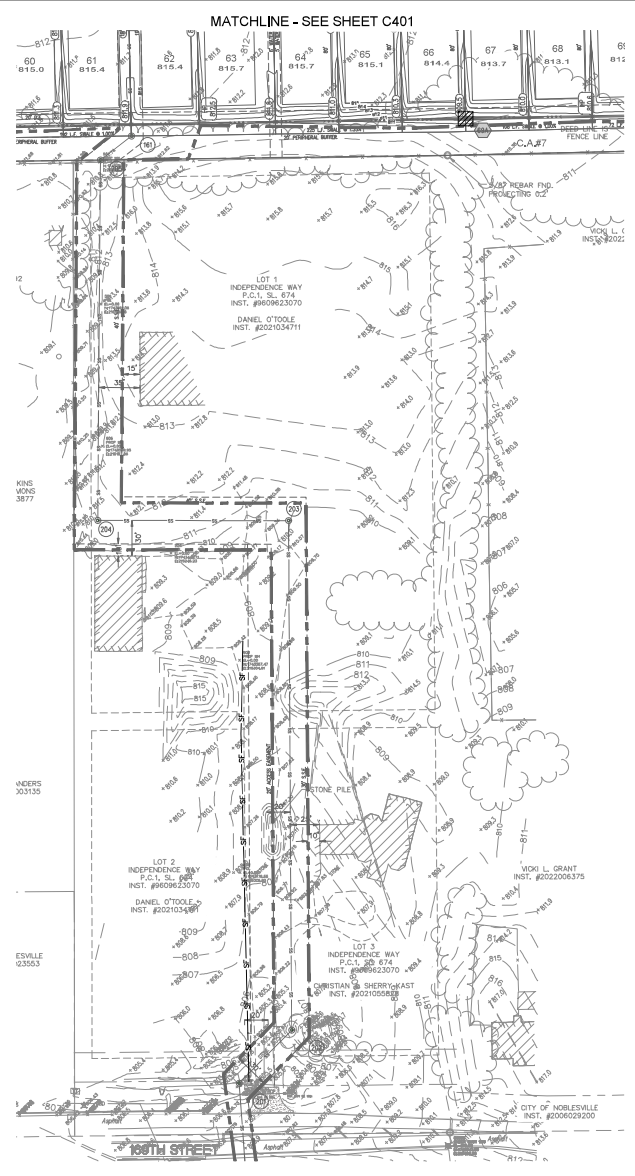
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CHRIS J. & AMY M. LONG  
INST. #2022079136



EROSION CONTROL LEGEND			
	CONSTRUCTION ENTRANCE (SEE EROSION CONTROL DETAILS)		ROCK HORSESHOE DAM (SEE EROSION CONTROL DETAILS)
	SHEET FLOW PROTECTION (SEE EROSION CONTROL DETAILS)		TEMPORARY TOPSOIL STOCKPILE
	SNOW FENCE		EXISTING CONTOURS
	AREA INLET PROTECTION (SEE EROSION CONTROL DETAILS)		PROPOSED CONTOURS
	CONCRETE WASHOUT (SEE EROSION CONTROL DETAILS) (TO BE DETERMINED BY CONTRACTOR)		POSTING INFORMATION
	RIP RAP (SEE EROSION CONTROL DETAILS)		



DESIGNED BY: JAH	REVISIONS
DRAWN BY: CHS	DATE
CHECKED BY: RHM	DATE
SCALE: AS NOTED	
<b>Kimley-Horn</b>	
<b>EPCON</b>	
<b>EROSION CONTROL PLAN</b>	
<b>COURTYARDS OF HAZEL DELL PRIMARY PLAT</b>	
ORIGINAL ISSUE: 12/20/2023	
KHA PROJECT NO. 170177022	
SHEET NUMBER	
<b>C402</b>	



Indiana Utilities Protection Service





