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Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented



**ORDINANCE NO. 26-8-11**

**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 No. 2007-25927 and 1992-43967*

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 docket number 11N-15-1118 at its August 15, 2011, meeting as required by law in regard to the application filed by Cardon & Associates, Inc. (the "Developer") for a request in change of zoning (the "Petition"); and

**WHEREAS**, the Plan Commission sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, by a vote of eight (8) in favor and one (1) opposed;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Noblesville, Hamilton County, Indiana, 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 land described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Harbour Manor Planned Development**.
- 1.2 The District's underlying zoning district shall be the **R-5 Residential District** (the "Underlying District"). Development in this 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 March 15, 2011 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and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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. Definitions.**

- 2.1 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. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.
- 2.2 **Continuing Care Campus Uses:** A use that includes any one or combination of the following: Convalescent, Nursing or Rest Home, assisted living facility, skilled nursing facility, therapy and rehabilitation facilities, memory care facility, continuing care facility and related Offices and administrative services.
- 2.3 **Existing Buildings:** The buildings that existed at the time of the enactment of this Ordinance as generally depicted in the attached **Exhibit C** and labeled on the Preliminary Development Plan as "Existing Building".
- 2.4 **Preliminary Development Plan:** The oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated July 29, 2011, revised August 8, 2011. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").
- 2.5 **Residential Lots:** Those lots abutting Stone Harbour subdivision and labeled on the Preliminary Development Plan as Lots #1 through #5.

**Section 3. Permitted Uses.**

- 3.1 The following uses shall be permitted within the District:
- A. All uses permitted in the Underlying District.
  - B. Continuing Care Campus Uses.
  - C. Accessory buildings and uses customarily incidental to any of the permitted uses.
- 3.2 The following uses shall be permitted on the Residential Lots; however, the maximum number of units shall not exceed ten (10):
- A. Dwelling, Single-Family Detached
  - B. Dwelling, Two-Family

**Section 4. Preliminary Development Plan.** 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/waivers from the Underlying District and layout of the District.

**Section 5. Bulk Standards.**

- 5.1 Except for the Residential Lots, the bulk standards applicable to the Underlying District shall apply except as noted below:
- A. Minimum Lot Area: Per the Preliminary Development Plan.
  - B. Minimum Lot Width: Per the Preliminary Development Plan.
  - C. Minimum Front Yard Setback:
    - (i) State Highway 38: 30'
    - (ii) Stone Harbour Drive: 10', except as otherwise noted on the Preliminary Development Plan for Existing Buildings.
  - D. Maximum Floor Area Ratio: Per the Preliminary Development Plan.
- 5.2 **Residential Lots.** The bulk standards applicable to the Underlying District shall apply to the Residential Lots except as noted below:
- A. Minimum Lot Width: 60'
  - B. Minimum Front Yard Setback: 20'

**Section 6. Landscaping Standards.** The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below.

- 6.1 **Landscape Buffer Yards.** Landscape Buffer Yards shall be provided as shown on the Preliminary Development Plan and in accordance with the following:
- A. **Abutting State Highway 38.** A thirty foot (30') wide landscape buffer yard easement shall be located along the Real Estate's perimeter abutting State Highway 38. The buffer shall include a minimum of three (3) staggered canopy trees and fifteen (15) deciduous or evergreen shrubs per one hundred (100) lineal feet. The buffer yard easement and plantings shall not be required where an existing easement, as shown on the Preliminary Development Plan, would otherwise prohibit such landscape easement or plantings. If the Indiana Department of Transportation does not permit a multi-use path within the State Highway 38 right-of-way as shown on the Preliminary Development Plan, then the multi-use path shall instead be installed within this landscape buffer yard easement.
  - B. The Establishment of a Peripheral Yard, as set forth in Article 8, Part G, Section 3.F.2 of the UDO, shall not apply, rather the other landscaping provisions of this Ordinance shall apply.
- 6.2 **Parking Lot and Building Base Landscaping.** The standards of the UDO shall apply; however, the minimum width for new perimeter parking lot and building base landscaping beds shall be seven (7) feet, as shown on the Preliminary Development Plan.
- 6.3 **Open Space.** Open areas for permanent landscaped open space shall be provided as shown on the Preliminary Development Plan and landscaped in accordance with this Ordinance. The existing trees to be preserved shall be identified at the

time of Detailed Development Plan approval in accordance with Article 12, Section 12, Natural Area Protection, of the UDO.

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

- 7.1 Off-street parking areas shall be permitted and generally located as shown on the Preliminary Development Plan and shall be landscaped in accordance with this Ordinance. In addition, parking bumpers shall be installed for parking spaces located along the perimeter of a parking lot that is not curbed.
- 7.2 Article 8, Part A, Section 9, Commercial Vehicle Storage, of the UDO, shall apply; however, the parking of commercial vehicles (e.g., step-up vans) within the District shall be limited to three (3) vehicles.

**Section 8. Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply. In addition, the following shall apply:

- 8.1 The maximum height of light fixtures in parking areas shall not exceed the building height, or eighteen (18) feet, whichever is less.
- 8.2 Parking area lighting shall be a full cut-off fixture (e.g., downcast fixtures with 90 degree cutoff).
- 8.3 Exterior lighting fixtures for new and existing buildings shall be compatible and consistent in design and color.

**Section 9. Sign Standards.** The District's signs shall comply with Article 11 of the UDO.

**Section 10. Architectural Standards.**

- 10.1 The architecture and design of Existing Buildings are depicted in **Exhibit C**.
- 10.2 The proposed architecture and design of buildings within the District are attached as **Exhibit D** (the "Architectural Illustrations"). New construction shall substantially comply in quality and character as those shown in the Architectural Illustrations.
- 10.3 The Director of Planning and Development, including his designees, shall review and approve building elevations at the time of filing of the Detailed Development Plan and/or Building Permit for substantial compliance with the Architectural Illustrations. If the Director determines proposed building elevations do not substantially comply with the Architectural Illustrations, then the Architectural Review Board shall review and may approve the proposed building elevations.
- 10.4 **Residential Lots.** If, and when, the Residential Lots are proposed to be developed, then at that time plans shall be submitted to the Architectural Review Board for review and approval prior to construction. The Architectural Review Board shall review the elevations for compatibility and consistency with the quality and character of the surrounding Dwellings within the Stone Harbour subdivision.

**Section 11. Stone Harbour Drive.** Stone Harbour Drive shall be constructed as shown on the Preliminary Development and pursuant to the City's standards for a public street. The District's site circulation and access points (including number and location of curb cuts), as shown on the Preliminary Development Plan, shall be permitted; however, if Stone Harbour Drive is dedicated as a public street, then only the northern and southern two (2) curb cuts (in addition to the limited/emergency access drive shown on the Preliminary Development Plan) shall be permitted on the west side of Stone Harbour Drive (the center curb cut as shown on the Preliminary Development Plan shall not be permitted).

**Section 12. Existing Buildings.** The Existing Buildings and related existing improvements (e.g., landscaping, lighting, parking lots, setbacks) shall be permitted as they exist at the time of the adoption of this Ordinance; however, any new buildings and related improvements within the District (e.g., building expansions, new buildings, new signage, new landscaping) shall be required to comply with the terms of this Ordinance.

**Section 13. Infrastructure Standards.**

- 13.1 All public infrastructure within the District shall adhere to the City's standards and design criteria, unless otherwise stated within this Ordinance or unless specific waivers have been approved by the City.
- 13.2 Low Impact Development (LID) techniques shall be permitted, subject to review and approval by the City's Engineering and Planning Departments, as an environmental system to help attain water quality standards in conjunction with development of the storm water conveyance plan for the District. Examples of permitted systems include the use of bioswales, bioretention, rain gardens and/or permeable pavers.
- 13.3 The private cul-de-sac serving the Residential Lots, as shown on the Preliminary Development Plan, shall be curbed with roll-type curb pursuant to the Noblesville Standards.



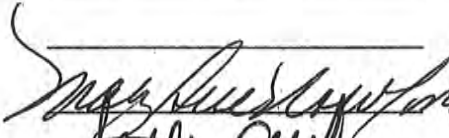
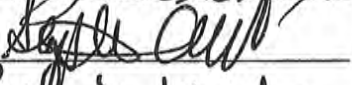
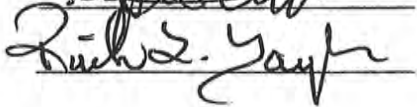
**Section 14. Detailed Development Plan.** In order to maintain design flexibility, the exact configuration and locations of each building and parking area set forth in a Detailed Development Plan ("DDP") may vary from the Preliminary Development Plan as long as the Governing Standards are met. Approval of a 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, Part E, Section 4, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP. The provisions of Article 5, Part B, Section 2E, Effective Period of Primary Plat Approval, and Article 8, Part G, Section 3.G.3.b(1), Time Period for Detailed Development Plan Approval, of the UDO shall be modified to require approval of the DDP and Secondary Plat within three (3) years after the adoption of this Ordinance.

**Section 15. Approval.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 13<sup>th</sup> day of September, 2011.


**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

**AYE**

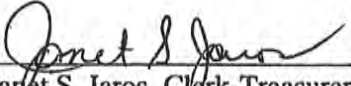
**NAY**

 _____	Mark Boice	_____
 _____	Brian Ayer	_____
_____	Roy Johnson	_____
_____	Greg P. O'Conner	_____
 _____	Mary Sue Rowland	_____
 _____	Stephen C. Wood	_____
 _____	Rick L. Taylor	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 13<sup>th</sup> day of September 2011.

  
\_\_\_\_\_  
John Ditslear, Mayor  
City of Noblesville, IN

ATTEST:

  
\_\_\_\_\_  
Janet S. Jaros, Clerk-Treasurer

Exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

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: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney-At-Law, Baker & Daniels, LLP  
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP  
23 South Eighth Street, Noblesville, Indiana 46060 | 317.569.9600

**EXHIBIT A**  
**REAL ESTATE**

**HARBOUR MANOR PROPERTY**

Instrument Number 2007-25927

Part of the Southwest Quarter of Section 26, Township 19 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 26, Township 19 North, Range 4 East in Hamilton County, Indiana; thence North 89 degrees 50 minutes 10 seconds East (assumed bearing) on the South line of said Southwest Quarter 775.49 feet measured (771.6 feet deed) to the place of beginning of the tract herein described; thence North 00 degrees 01 minutes 00 seconds East 952.28 feet measured (951.7 feet deed) to the centerline of State Road #38; thence South 61 degrees 16 minutes 37 seconds East on said centerline 533.53 feet to an Easterly line of real estate described in Deed Record 347, pages 449 thru 451; thence South 12 degrees 31 minutes 29 seconds West on the East line of said real estate 711.92 feet to the South line of said Southwest Quarter; thence South 89 degrees 50 minutes 10 seconds West on the South line of said Southwest Quarter 313.77 feet to the place of beginning, containing 7.616 acres, more or less.

**WNCC PROPERTY**

**TRACT I:**

A part of the Southwest quarter of Section 26, Township 19 North, Range 4 East, located in Noblesville Township, Hamilton County, Indiana, being more specifically described as follows:

BEGINNING at a point on the South line of the Southwest quarter of Section 26, Township 19 North, Range 4 East, said Point of Beginning being 230.00 feet (measured at right angles) Northwesterly of the East line of an 11.1 acre tract of land described in Instrument #5695 and recorded in Deed Record 193, page 252, in the records of Hamilton County, Indiana, and being North 89 degrees 50 minutes 10 seconds East (assumed bearing) 1086.39 feet from the Southwest corner of said Southwest quarter; thence North 12 degrees 30 minutes 20 seconds East 714.19 feet parallel with the East line of said 11.1 acre tract of land to the center line of State Road #38; thence South 61 degrees 15 minutes 42 seconds East 239.55 feet on and along the center line of State Road #38 to a point colinear with the East line of said 11.1 acre tract of land; thence South 12 degrees 30 minutes 10 seconds West 595.52 feet (measured: 591.5 feet prior deed) on and along the line coincidental with the East line of said 11.1 acre tract of land to its Southeast corner and the South line of said Southwest quarter; thence South 89 degrees 50 minutes 10 seconds West 235.74 feet on and along the South line of said Southwest quarter to the POINT OF BEGINNING.

Also an easement for ingress and egress being 40.00 feet wide (measured at right angles) adjacent to and immediately West of the above described tract of land.

TRACT II:

A part of the Northwest quarter of Section 35, Township 19 North, Range 4 East; located in Noblesville Township, Hamilton County, Indiana, being more specifically described as follows:

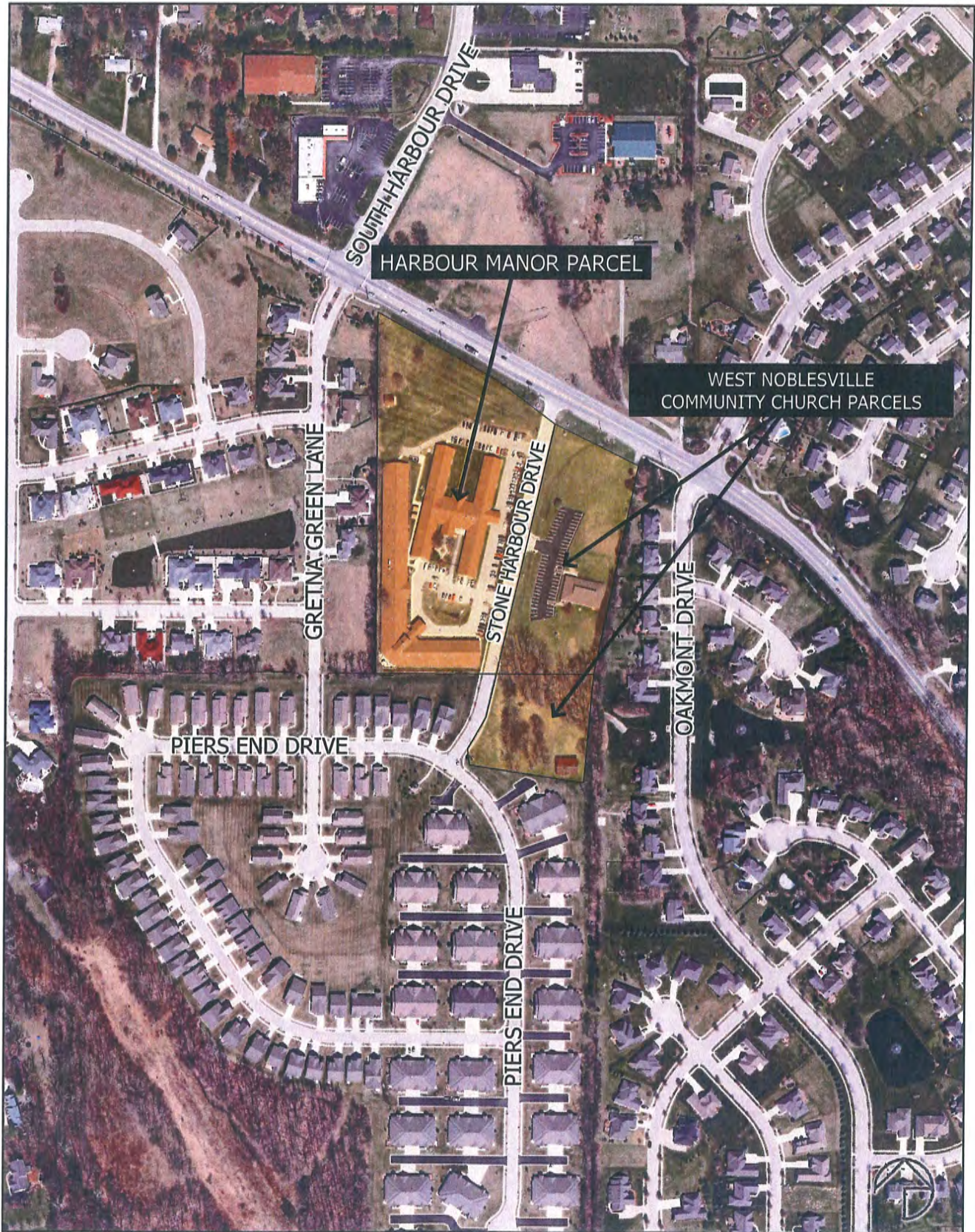
BEGINNING at a point on the North line of the Northwest quarter of Section 35, Township 19 North, Range 4 East, said Point of Beginning being 230.00 feet (measured at right angles) Northwesterly of the East line of an 11/1 acre tract of land described in Instrument #5695 and recorded in Deed Record 193, page 252, in the records of Hamilton County, Indiana, and being North 89 degrees 50 minutes 10 seconds East (assumed bearing) 1086.39 feet from the Northwest corner of said Northwest quarter; thence North 89 degrees 50 minutes 10 seconds East 237.37 feet to the Northeast corner of the West half of said Northwest quarter, said corner being colinear with and equidistant from the Northwest corner and the Northeast corner of said Northwest quarter; thence South 00 degrees 00 minutes 04 seconds West 285.66 feet on and along the East line of the West half of said Northwest quarter; thence North 77 degrees 29 minutes 50 seconds West 293.43 feet perpendicular to the East line of said 11.1 acre tract of land to a point being South 12 degrees 30 minutes 10 seconds West (parallel with the East line of said 11.1 acre tract of land) of the Point of Beginning; thence North 12 degrees 30 minutes 10 seconds East 226.84 feet parallel with the East line of said 11.1 acre tract of land to the POINT OF BEGINNING.

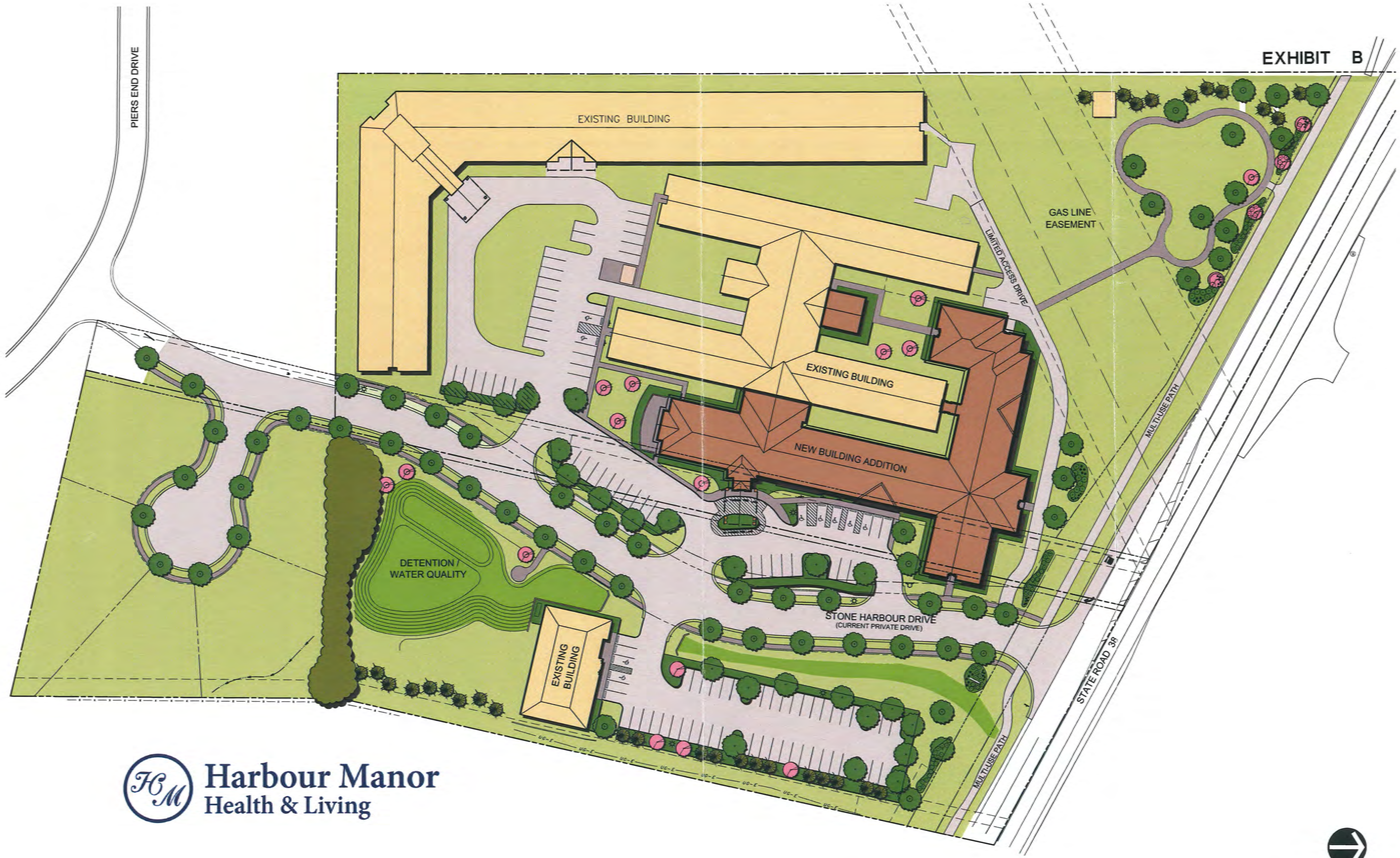
ALSO an easement for Ingress and Egress being 40.00 feet wide (measured at right angles) adjacent to and immediately West of the above described tract of land.



**AERIAL LOCATION EXHIBIT**

**HARBOUR MANOR**



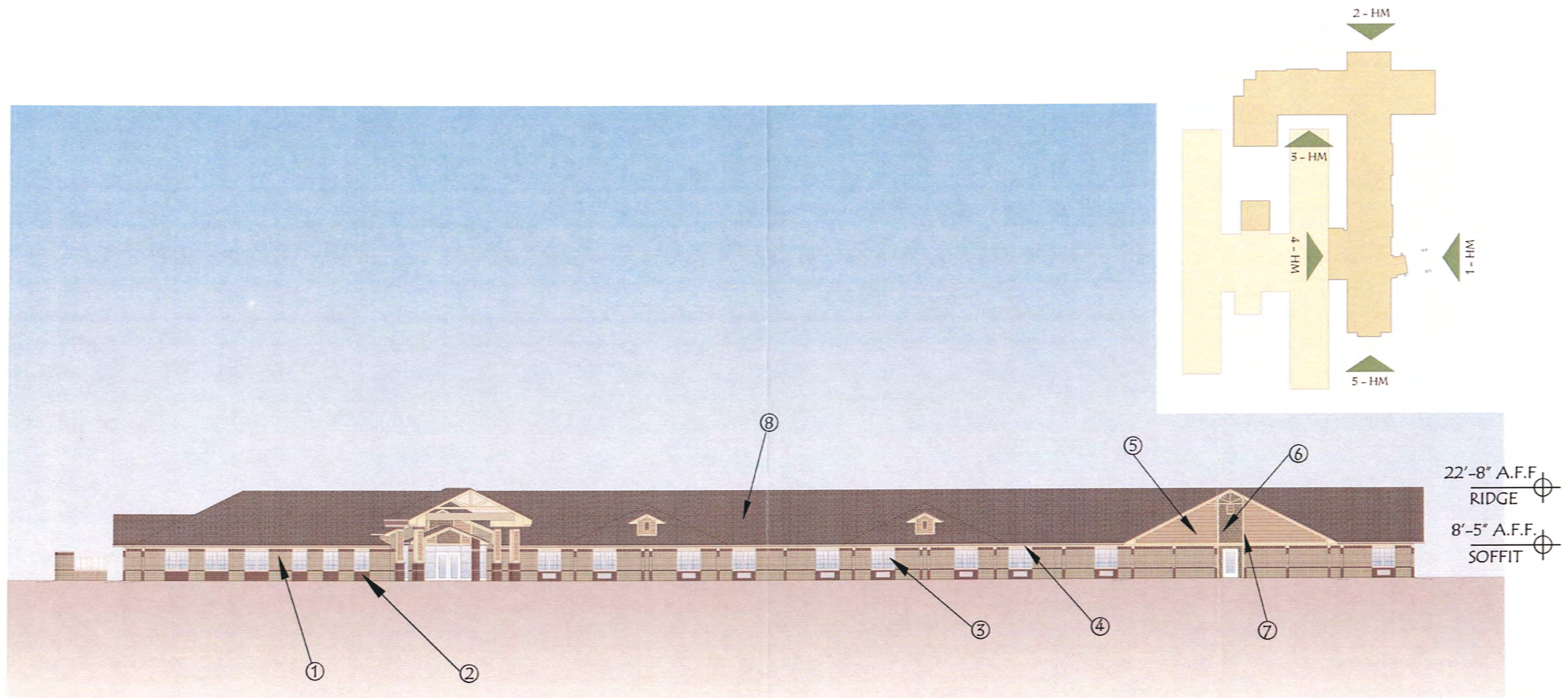


**HARBOUR MANOR PLANNED  
DEVELOPMENT**  
NOBLESVILLE, INDIANA



**EXHIBIT C  
EXISTING BUILDINGS**



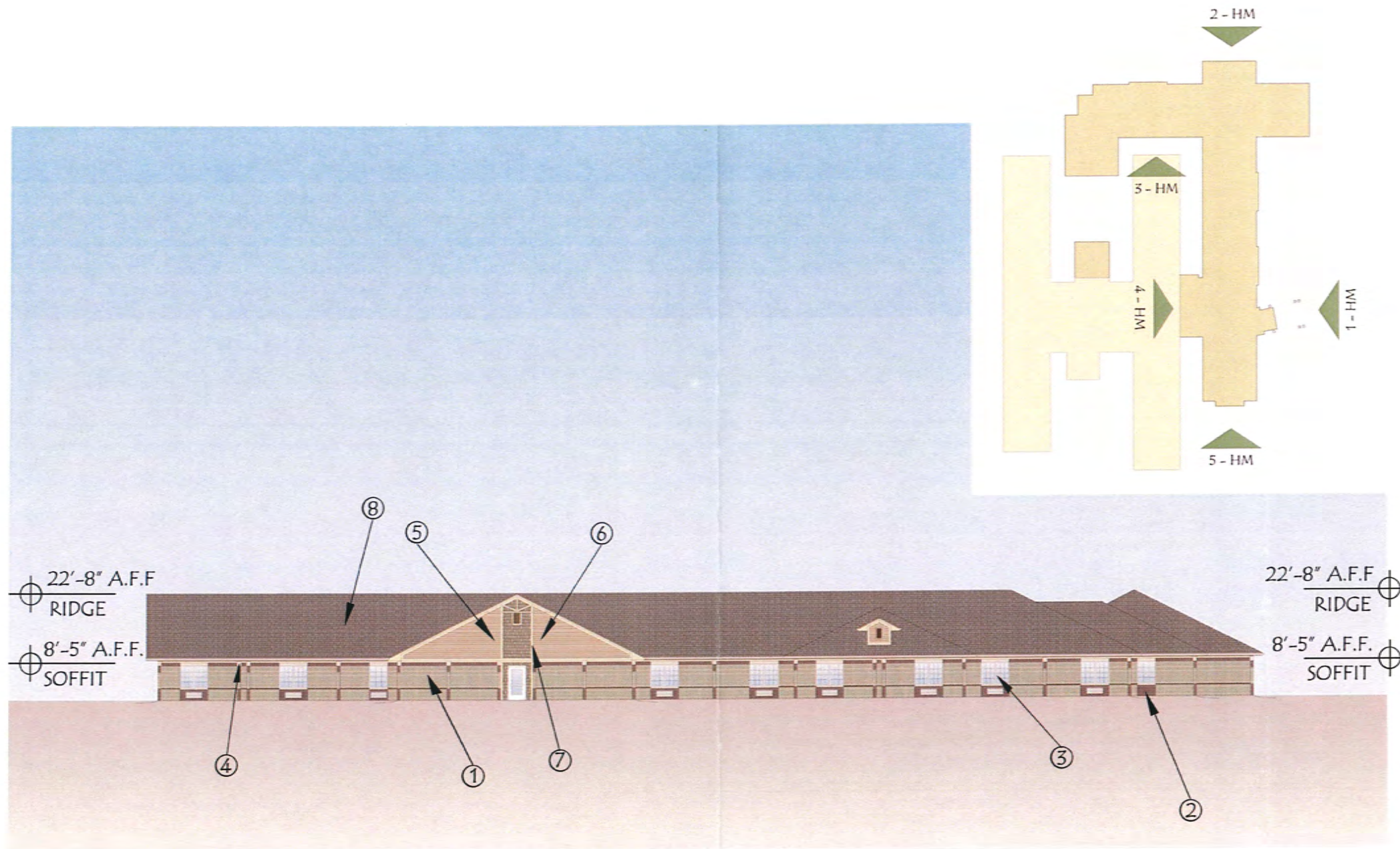


LEGEND:

- |  |   |
|--|---|
| ① BRICK TYPE 1: 55% OF MATERIAL SURFACE          | ⑤ FIBER CEMENT LAP SIDING: 4% OF MATERIAL SURFACE     |
| ② BRICK TYPE 2: 20% OF MATERIAL SURFACE          | ⑥ FIBER CEMENT SHAKE SIDING: 3% OF MATERIAL SURFACE   |
| ③ SINGLE HUNG VINYL WINDOWS: 10% OF WALL SURFACE | ⑦ FIBER CEMENT 1X6 TRIM BOARD: 2% OF MATERIAL SURFACE |
| ④ CAST STONE ACCENT: 6% OF MATERIAL SURFACE      | ⑧ FIBERGLASS ROOF SHINGLES                            |

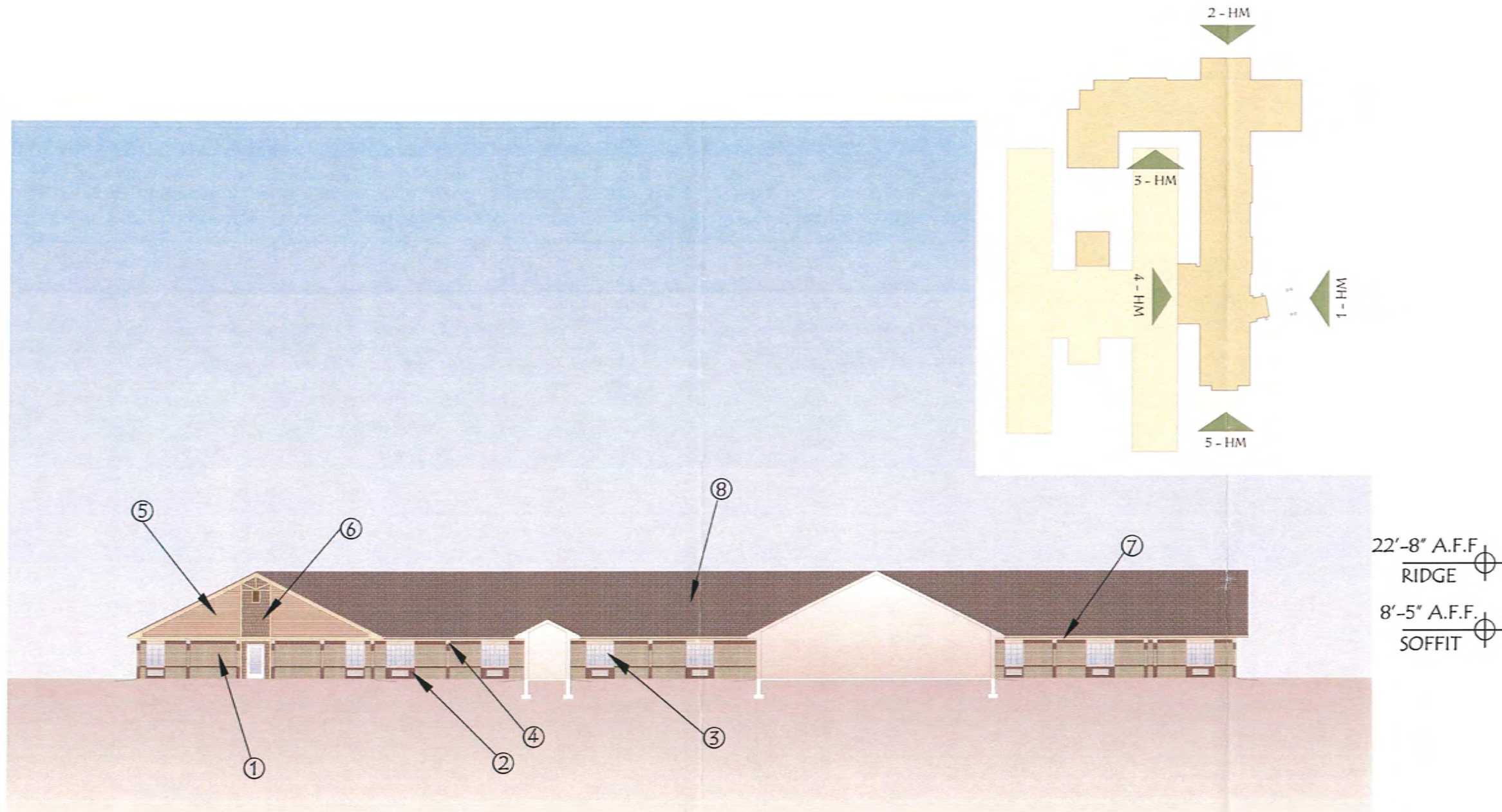
# HARBOUR MANOR ADDITION EAST ELEVATION - 1 - HM

Noblesville, Indiana  
June 27, 2011



LEGEND:

- |  |   |
|--|---|
| ① BRICK TYPE 1: 55% OF MATERIAL SURFACE          | ⑤ FIBER CEMENT LAP SIDING: 4% OF MATERIAL SURFACE     |
| ② BRICK TYPE 2: 20% OF MATERIAL SURFACE          | ⑥ FIBER CEMENT SHAKE SIDING: 3% OF MATERIAL SURFACE   |
| ③ SINGLE HUNG VINYL WINDOWS: 10% OF WALL SURFACE | ⑦ FIBER CEMENT 1X6 TRIM BOARD: 2% OF MATERIAL SURFACE |
| ④ CAST STONE ACCENT: 6% OF MATERIAL SURFACE      | ⑧ FIBERGLASS ROOF SHINGLES                            |

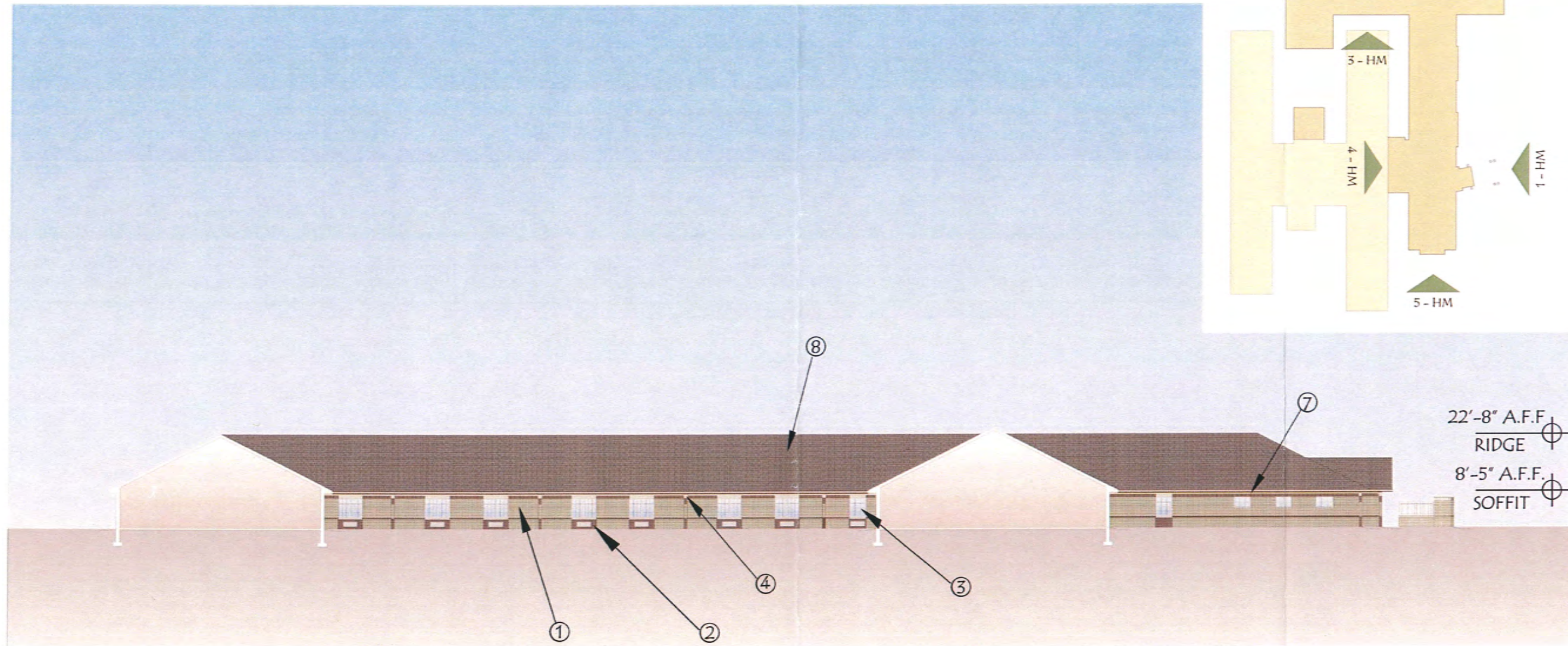


LEGEND:

- |  |   |
|--|---|
| ① BRICK TYPE 1: 55% OF MATERIAL SURFACE          | ⑤ FIBER CEMENT LAP SIDING: 4% OF MATERIAL SURFACE     |
| ② BRICK TYPE 2: 20% OF MATERIAL SURFACE          | ⑥ FIBER CEMENT SHAKE SIDING: 3% OF MATERIAL SURFACE   |
| ③ SINGLE HUNG VINYL WINDOWS: 10% OF WALL SURFACE | ⑦ FIBER CEMENT 1X6 TRIM BOARD: 2% OF MATERIAL SURFACE |
| ④ CAST STONE ACCENT: 6% OF MATERIAL SURFACE      | ⑧ FIBERGLASS ROOF SHINGLES                            |

# HARBOUR MANOR SOUTH COURTYARD ELEVATION-3-HM

Noblesville, Indiana  
June 27, 2011

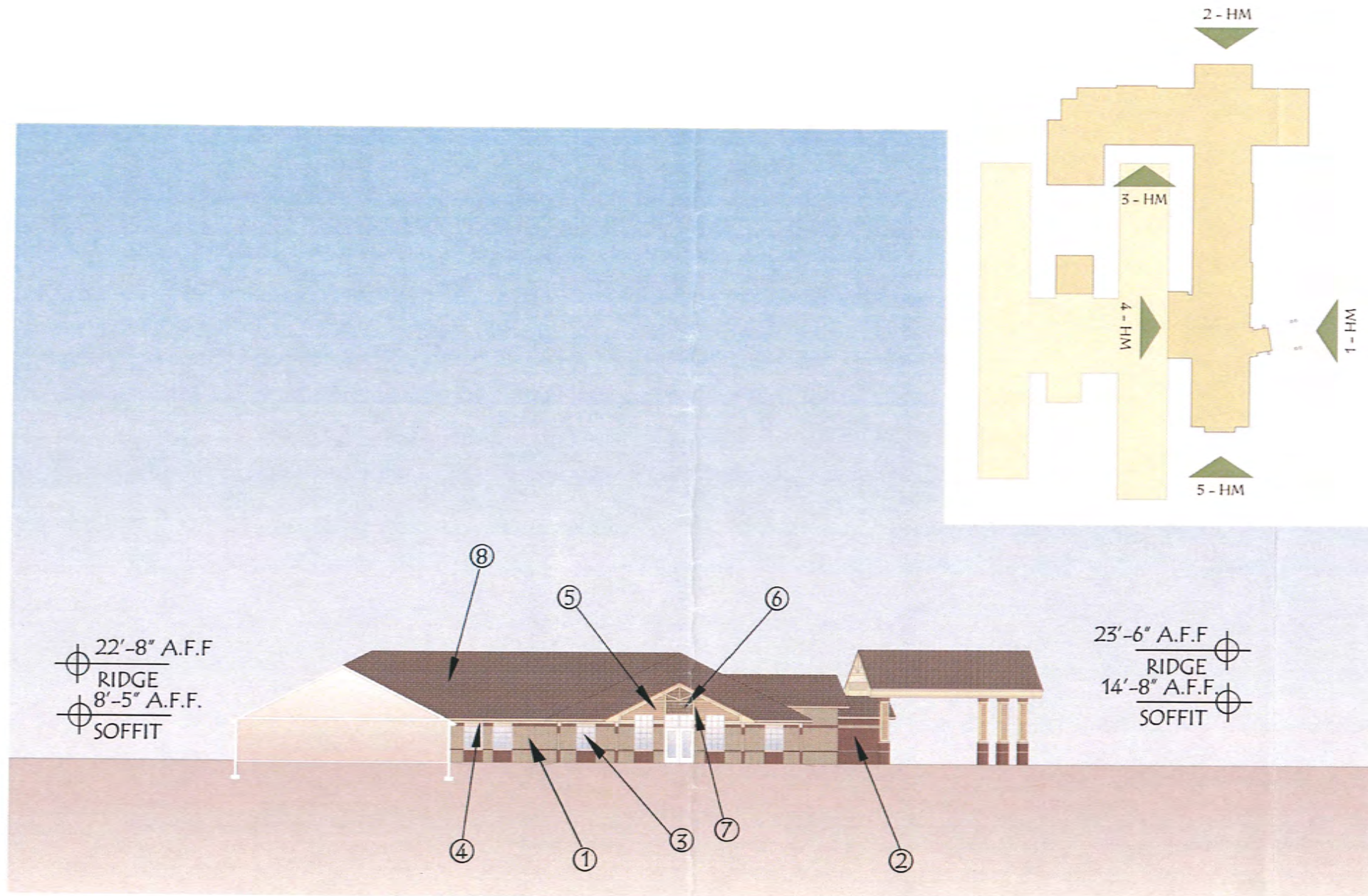


LEGEND:

- ① BRICK TYPE 1: 55% OF MATERIAL SURFACE
- ② BRICK TYPE 2: 20% OF MATERIAL SURFACE
- ③ SINGLE HUNG VINYL WINDOWS: 10% OF WALL SURFACE
- ④ CAST STONE ACCENT: 6% OF MATERIAL SURFACE

- ⑤ FIBER CEMENT LAP SIDING: 4% OF MATERIAL SURFACE
- ⑥ FIBER CEMENT SHAKE SIDING: 3% OF MATERIAL SURFACE
- ⑦ FIBER CEMENT 1X6 TRIM BOARD: 2% OF MATERIAL SURFACE
- ⑧ FIBERGLASS ROOF SHINGLES

## HARBOUR MANOR ADDITION WEST COURTYARD ELEVATION -4-HM



LEGEND:

- ① BRICK TYPE 1: 55% OF MATERIAL SURFACE
- ② BRICK TYPE 2: 20% OF MATERIAL SURFACE
- ③ SINGLE HUNG VINYL WINDOWS: 10% OF WALL SURFACE
- ④ CAST STONE ACCENT: 6% OF MATERIAL SURFACE

- ⑤ FIBER CEMENT LAP SIDING: 4% OF MATERIAL SURFACE
- ⑥ FIBER CEMENT SHAKE SIDING: 3% OF MATERIAL SURFACE
- ⑦ FIBER CEMENT 1X6 TRIM BOARD: 2% OF MATERIAL SURFACE
- ⑧ FIBERGLASS ROOF SHINGLES

# HARBOUR MANOR ADDITION SOUTH ELEVATION -5-HM

Noblesville, Indiana

June 27, 2011