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200600016342
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
03-28-2006 At 11:21 am.
ORDINANCE 35.00

ORDINANCE NO. 6-1-06

Document Cross Reference Nos. 2003109379; 8929333

**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 (the "PUD Ordinance") to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "City's Development Ordinance"), 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 has conducted a public hearing on Application #05J-15-113¹¹²¹ as required by law in regard to the application for a change of zone district designation filed by Equicor Companies, LLC;

WHEREAS, the Plan Commission at their January 17, 2006 meeting sent its favorable recommendation to the Noblesville Common Council by a vote of 9-0; and,

WHEREAS, the Noblesville Common Council, meeting in regular session on January 17, 2006; February 14, 2006 and March 14, 2006 has requested certain amendments to the form of Ordinance recommended by the Plan Commission,

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 ("UDO") for said City and the Official Zone Map of said Ordinance are hereby amended as follows:

SECTION 1. The subject real estate (the "Real Estate"), more particularly described in Exhibit A attached hereto, is located generally along the north side of State Road 32, between Little Chicago Road and Mill Creek Road, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate hereby is rezoned to the PB/PD District in the Promenade Shoppes Area, the R1/PD District in the Promenade Creek and Promenade Woods Areas, and the R5/PD District in The Villas at Promenade and Promenade Assisted Living Areas as depicted in Exhibit B, the Preliminary Development Plan, attached hereto subject to this Promenade of Noblesville Planned Development Overlay District (the "District").

SECTION 2. Permitted Uses.

- A. Promenade Shoppes Area: All uses permitted in the PB District shall be permitted except for the following uses: Adult Cabaret, Adult Media Center, Adult Motion Picture Theater, Sex Shop, Public or Commercial Garages, Cemeteries, Parking as a Primary Use, Bus Passenger Terminal, Supply Yard, Agricultural Processing as an Accessory Use, and Amphitheater. Drive-through windows shall only be permitted for banks or other financial institutions, cleaners, pharmacies and coffee shops. Notwithstanding anything in this Ordinance to the contrary, without the approval of the Noblesville City Council, no use permitted

in the Promenade Shoppes Area shall be open for business prior to February 14, 2008, other than one use from among any of the uses permitted in the PB District except those prohibited above located in a single-user building which may be constructed on an outlet depicted on the preliminary development fronting along State Road 32.

- B. Promenade Assisted Living Area: Assisted living facilities, convalescent homes, nursing homes, rest homes and related uses are permitted.
- C. The Villas at Promenade Area: 2-4 unit attached active adult/empty nester low maintenance attached homes and related accessory uses are permitted.
- D. Promenade Creek and Promenade Woods Areas: All uses allowed in the R1 District are permitted.

SECTION 3. Development Standards.

- A. A. Promenade Shoppes Area: The bulk, density, landscaping, parking and sign (except as hereafter provided with respect to designation signs) standards applicable to the PB District shall apply. Notwithstanding anything contained in the sign standards applicable to the PB District to the contrary, (i) one monument designation sign, not exceeding 160 square feet of signable area, as depicted on Exhibit C-1 attached hereto, shall be permitted along Little Chicago Road at the location depicted on the Preliminary Development Plan and (ii) two monument designation signs, not exceeding 160 square feet and 80 square feet of signable

area, respectively, as depicted on Exhibit C-2 attached hereto, shall be permitted along State Road 32 at the location depicted on the Preliminary Development Plan. In addition, not later than September 30, 2007, one masonry ground sign similar to the design depicted on Exhibit C-3 attached hereto, meeting the size and placement requirements of the UDO, and containing only the words "Promenade of Noblesville" shall be constructed at the intersection of State Road 32 and Little Chicago Road. No other ground or monument signs shall be permitted in the Promenade Shoppes Area. Only wall signs consisting of individual channel letters shall be permitted, and shall meet the size and placement requirements of the UDO.

- B. Promenade Assisted Living Area: The bulk, density, landscaping, parking and sign standards applicable to the R-5 District shall apply.
- C. The Villas at Promenade Area:
 - a. Minimum Lot Area: N/A
 - b. Minimum Lot Width at Setback Line: N/A
 - c. Minimum Setbacks:
 - i. Front Yard: 25 feet
 - ii. Side Yard: 40 feet between buildings
 - iii. Rear Yard: N/A
 - d. Maximum Building Height: 35 feet

e. Minimum Floor Area:

- i. One Story: 1,350 square feet
- ii. Two Story: 1,750 square feet

f. Maximum Floor Area Ratio: 0.60

g. Signage: Substantially similar in design for signage for Promenade Creek and Promenade Woods, as depicted on Exhibits H-1 and H-2, not exceeding 21.5 square feet of signable area.

D. Promenade Creek and Promenade Woods Areas:

a. Estate Home

- i. Minimum Lot Area: 13,000 square feet
- ii. Minimum Lot Width at Setback Line: 90 feet
- iii. Minimum Setbacks :
 - 1. Front Yard: 25 feet
 - 2. Side Yard: 15 feet aggregate side yard between structures with at least 5 feet of setback from property line.
 - 3. Rear Yard: 25 feet
- iv. Maximum Building Height: 35 feet
- v. Minimum Floor Area:
 - 1. One Story: 2,000 square feet
 - 2. Two Story: 2,400 square feet

vi. Maximum Floor Area Ratio: 0.35

b. Executive Home

i. Minimum Lot Area: 10,000 square feet

ii. Minimum Lot Width at Setback Line: 80 feet

iii. Minimum Setbacks:

1. Front Yard: 25 feet

2. Side Yard: 15 feet aggregate side yard between structures with at least 5 feet of setback from property line.

3. Rear Yard: 25 feet

iv. Maximum Building Height: 35 feet

v. Minimum Floor Area:

1. One Story: 1,800 square feet

2. Two Story: 2,200 square feet

vi. Maximum Floor Area Ratio: 0.35

c. Hearth Home

i. Minimum Lot Area: 7,000 square feet

ii. Minimum Lot Width at Setback Line: 70 feet

iii. Minimum Setbacks:

1. Front Yard: 25 feet

2. Side Yard: 15 feet aggregate side yard between structures with at least 5 feet of setback from property line.
3. Rear Yard: 25 feet
- iv. Maximum Building Height: 35 feet
- v. Minimum Floor Area:
 1. One Story: 1,600 square feet
 2. Two Story: 2,000 square feet
- vi. Maximum Floor Area Ratio: 0.40

d. Cottage Home

- i. Minimum Lot Area: 6,000 square feet
- ii. Minimum Lot Width at Setback Line: 60 feet
- iii. Minimum Setbacks:
 1. Front Yard: 25 feet
 2. Side Yard: 15 feet aggregate side yard between structures with at least 5 feet of setback from property line.
 3. Rear Yard: 20 feet
- iv. Maximum Building Height: 35 feet
- v. Minimum Floor Area:
 1. One Story: 1,400 square feet
 2. Two Story: 1,800 square feet

vi. Maximum Floor Area Ratio: 0.40

e. Signage: As depicted on Exhibits H-1 and H-2, not exceeding 21.5 square feet of signable area.

SECTION 4. Architectural Standards. The architectural and landscaping standards for the Promenade Creek and Promenade Woods Areas, The Villas at Promenade Area and the Promenade Shoppes Area are attached hereto as Exhibits D, E and F, respectively. Any future elevations that do not substantially comply with the attached architectural guidelines and the renderings attached as Exhibit G, must be submitted to and approved by the City of Noblesville Architectural Review Board ("ARB"). Architectural guidelines for the Promenade Assisted Living Area, as identified in Exhibit B attached hereto, shall be submitted and approved by the ARB at a later date.

SECTION 5. Maximum Density.

- A. Promenade Shoppes Area: The density standards applicable to the PB District shall apply.
- B. Promenade Assisted Living Area: The density standards applicable to the R-5 District shall apply.
- C. The Villas at Promenade Area: The maximum number of residential units permitted is 110, which computed as provided in the UDO is a maximum density of 4.48 dwellings per acre.

D. Promenade Creek and Promenade Woods Areas: The maximum density permitted shall be 2.4 dwellings per acre, which shall be computed as provided in the UDO.

SECTION 6. Open Space; Peripheral Yard. The Promenade Creek, Promenade Woods and The Villas at Promenade shall collectively include a minimum of 35 percent of open space as defined by the UDO. A 50' wide peripheral yard shall be provided along the perimeter of the District. The Promenade Shoppes Area shall comply with the landscaping standards applicable to the PB District rather than the peripheral yard requirements set forth in Article 8, Part E, Section 4, of the UDO. No ponds shall be located within the floodplain area.

SECTION 7. Preliminary Development Plan. The preliminary development plan attached hereto as Exhibit B is approved. The preliminary development plan is intended to establish conceptual goals for the development.

SECTION 8. Detailed Development Plan. The detailed development plan may be approved in phases. The Director of Planning and Zoning shall determine whether the exact configuration and locations of each building within the Promenade Shoppes and Promenade Assisted Living Areas constitutes major changes or minor changes from the preliminary development plan as those terms are defined in the UDO. Major changes shall only be approved in accordance with Article 8, Part E, Section 4.M of the UDO. The Director of Planning and Zoning shall approve minor changes. Approval of a detailed development plan is subject to the provisions of Article 8, Part E, Section 4, of the UDO. A Detailed Development Plan shall be considered to meet the filing, review, and approval requirements of a final plat for administration

purposes. The provisions of Article 5, Part B Section 2E of the Zoning Ordinance shall not apply to any approved Detailed Development Plan.






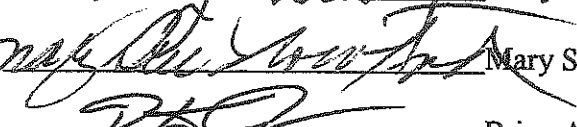

SECTION 9. Traffic Design. The design criteria and recommended improvements set forth in the memorandum of Kevin Jump, Noblesville Department of Engineering, dated February 8, 2006 and attached hereto as Exhibit I (including, without limitation, a contribution of \$125,000.00 to the City of Noblesville for improvements to Mill Creek Road upon commencement of development of Promenade of Noblesville) are hereby made part of the approved preliminary development plan.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 14th day of March, 2006.

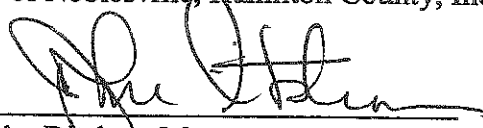
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

<u></u>	Alan Hinds
<u></u>	Laurie Jackson
<u></u>	Kathie Stretch
<u></u>	Dale Snelling
<u></u>	Terry Busby
<u></u>	Mary Sue Rowland
<u></u>	Brian Ayer

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 14th day of March, 2006.


John Ditslear, Mayor
City of Noblesville, IN

ATTEST:


Janet Jaros, Clerk-Treasurer

Prepared by Thomas H. Engle, Attorney-at-Law
Barnes & Thornburg, 11 S. Meridian Street, Indianapolis, Indiana 46204

EXHIBITS ARE ON FILE AND MAY BE VIEWED IN THE CITY OF NOBLESVILLE CLERK-TREASURER'S OFFICE.

EXHIBIT A

LEGAL DESCRIPTION

That portion of the Southwest Quarter of Section 34, Township 19 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, described as follows:

BEGINNING at a ½ inch iron pipe found marking the northeast corner of said Southwest Quarter; thence South 00 degrees 25 minutes 21 seconds West (assumed bearing) along the east line thereof 2547.89 feet to the northeast corner of the land of John F. Kreuzinger as described in Instrument Number 8701525 in the Office of the Recorder of said county; thence South 89 degrees 24 minutes 29 seconds West along the north line thereof 280.50 feet; thence South 00 degrees 25 minutes 21 seconds West along the west line thereof 132.00 feet to the south line of said Southwest Quarter; thence South 89 degrees 24 minutes 29 seconds West along said south line 2363.45 feet to the southwest corner of said Southwest Quarter; thence North 00 degrees 24 minutes 21 seconds East along the west line thereof 99.23 feet to the southwest corner of the land of the City of Noblesville as described in Instrument Number 200300109379 in said county records (the following fifteen (15) courses are along the south and east lines of said land), said point being the beginning of a curve to the left having a radius of 122,676.66 feet, a central angle of 00 degrees 00 minutes 28 seconds, and a radial line passing through said point which bears South 00 degrees 21 minutes 22 seconds East; 1) thence easterly along the arc of said curve 16.50 feet; 2) thence South 47 degrees 05 minutes 31 seconds East 72.93 feet to the beginning of a curve to the left having a radius of 122,726.67 feet, a central angle of 00 degrees 12 minutes 01 second, and a radial line passing through said point which bears South 00 degrees 23 minutes 19 seconds East; 3) thence easterly along the arc of said curve 429.22 feet; 4) thence North 89 degrees 24 minutes 39 seconds East 976.80 feet; 5) thence North 87 degrees 44 minutes 13 seconds West 631.08 feet; 6) thence South 89 degrees 47 minutes 07 seconds West 587.05 feet; 7) thence North 19 degrees 44 minutes 33 seconds West 60.56 feet; 8) thence North 08 degrees 01 minute 10 seconds West 243.21 feet; 9) thence North 12 degrees 40 minutes 00 seconds West 319.83 feet; 10) thence North 03 degrees 11 minutes 06 seconds West 290.98 feet; 11) thence North 00 degrees 09 minutes 43 seconds West 407.26 feet; 12) thence North 01 degree 10 minutes 00 seconds West 189.04 feet; 13) thence North 01 degree 52 minutes 24 seconds East 200.08 feet; 14) thence North 00 degrees 16 minutes 37 seconds East 700.00 feet; 15) thence North 01 degree 10 minutes 44 seconds West 196.03 feet to the north line of said Southwest Quarter; thence North 89 degrees 21 minutes 39 seconds East along said north line 2544.58 feet to the POINT OF BEGINNING, containing 153.248 acres, more or less.

Legend:

- 1. Promenade Shoppes
- 2. Commercial Retail Outlots
- 3. Professional Office
- 4. Promenade Creek Residential Homesites
- 5. Promenade Woods Residential Homesites
- 6. Creek
- 7. Pedestrian Greenway
- 8. The Villas at Promenade
- 9. Pond
- 10. Parking
- 11. Service Drive
- 12. Landscape Buffer with Earthen Mound
- 13. Woodland Preservation
- 14. Common Area



Equicor Companies, LLC
Promenade of Noblesville
State Road 32 and Little Chicago Road

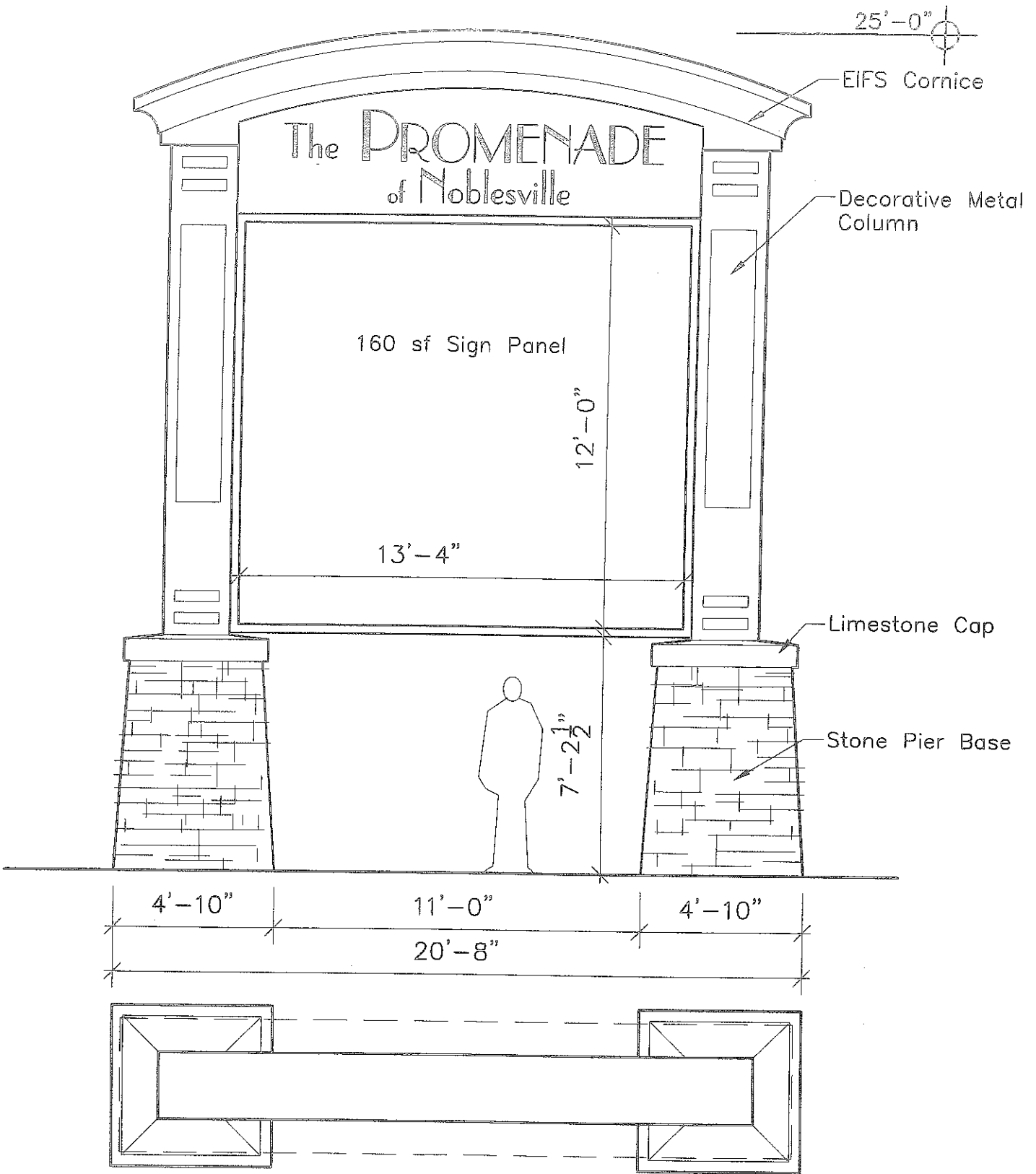
Master Site Plan with Pedestrian Walkways

Designed By: E32015
Drawn By: E32015
Revisions: E32015

Project #	Date
2005	04/06
LP	100

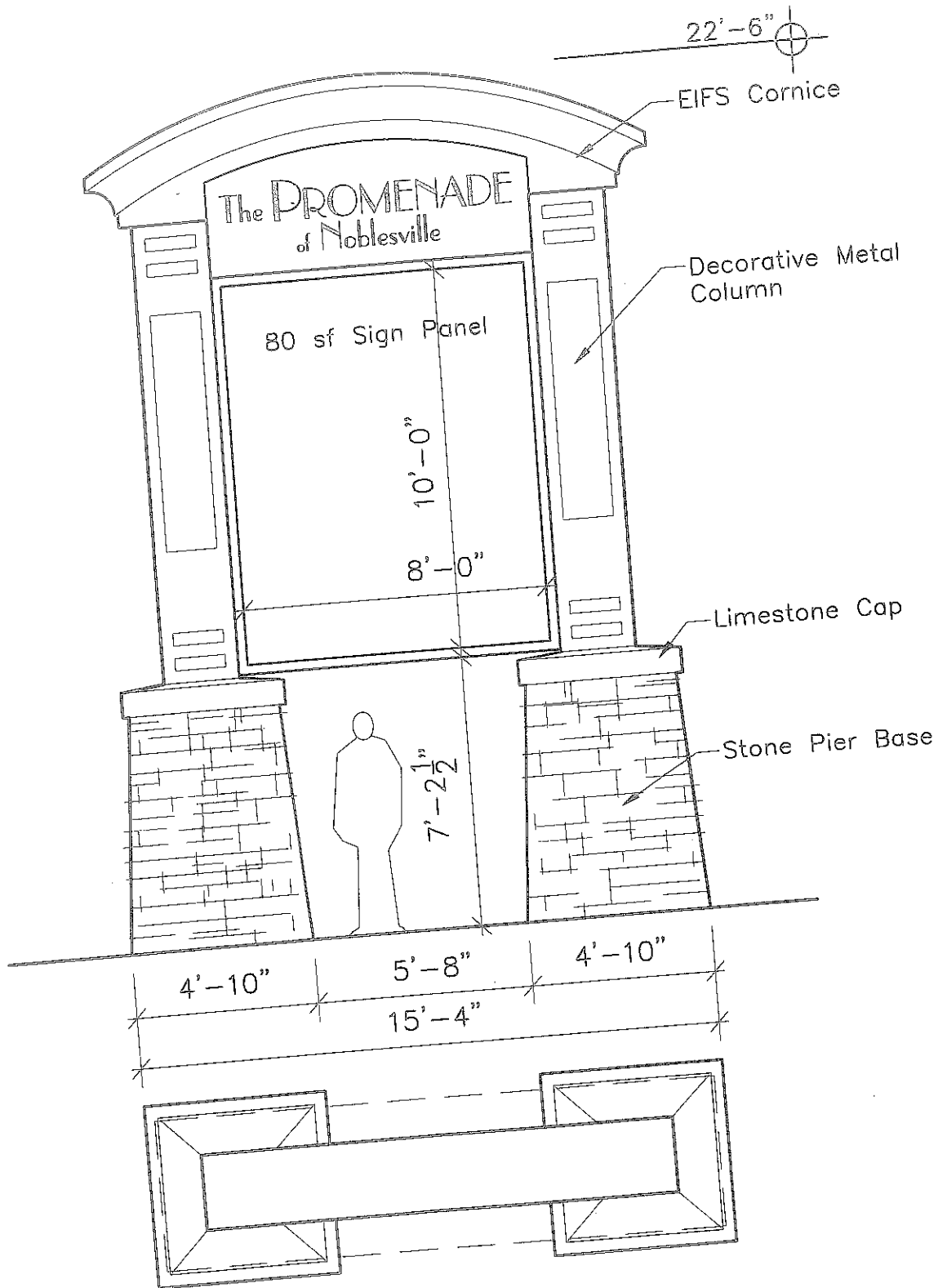
REMENSCHNEIDER ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
SITE PLANNING
URBAN DESIGN
212 West Tenth Street, Suite B415,
Indianapolis, Indiana 46201-3007
317.955.9500 Fax: 317.955.9961

All designs indicated on this drawing were created for use in this project, and are subject to change in response to field conditions. Remenschneider Associates, Inc. does not warrant the accuracy or completeness of the information provided on this drawing, and is not responsible for any errors or omissions. Contractors shall verify all dimensions and conditions on site. Remenschneider Associates, Inc. is not responsible for any construction over or under dimensions. Contractors shall verify all dimensions and conditions on site. Remenschneider Associates, Inc. is not responsible for any construction over or under dimensions.



The Promenade of Noblesville
 160sf Pylon Sign
 March 15, 2006
 scale: 1/4"=1'-0"



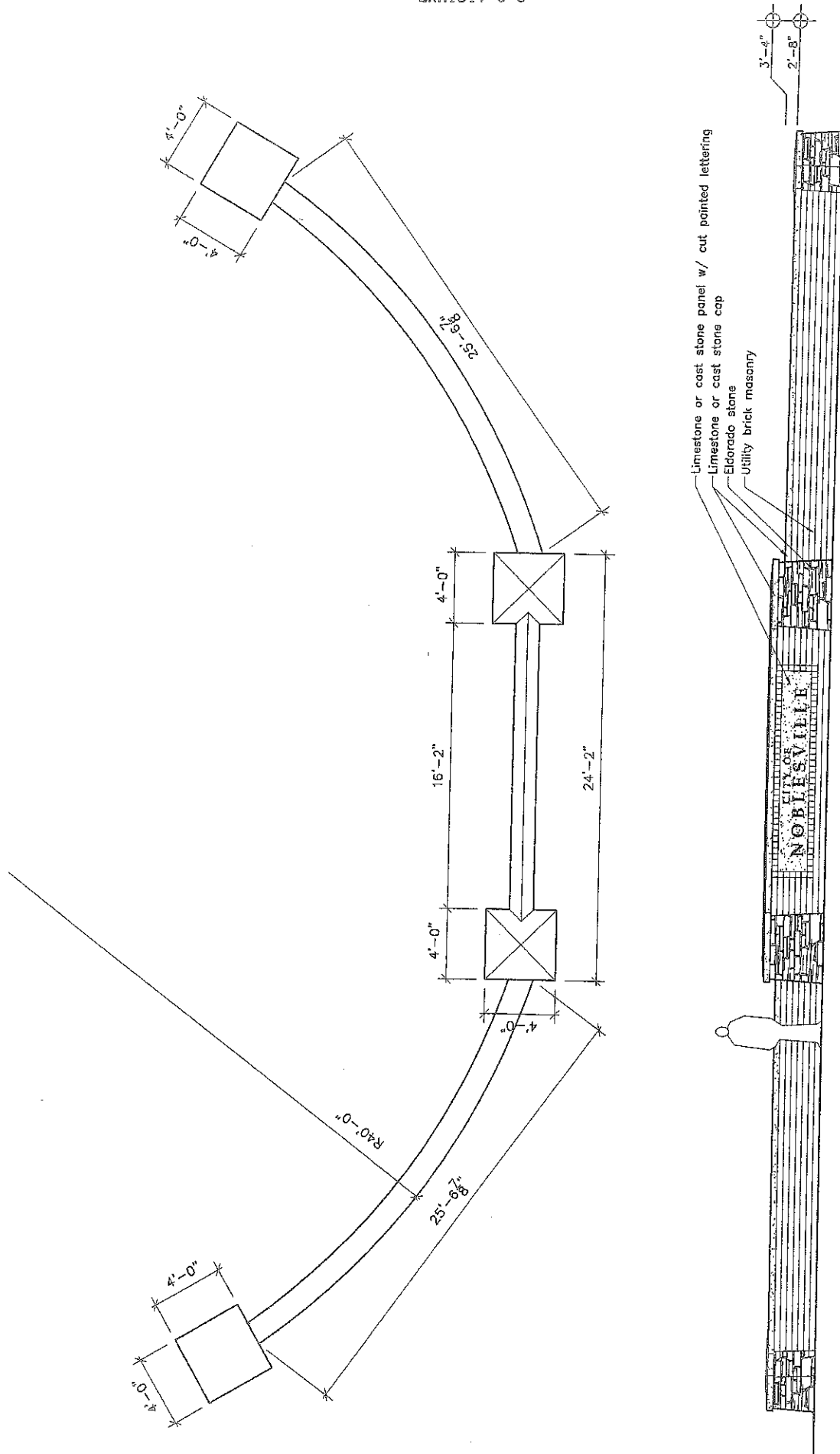


The Promenade of Noblesville

80sf Pylon Sign
 March 15, 2006
 scale: 1/4"=1'-0"

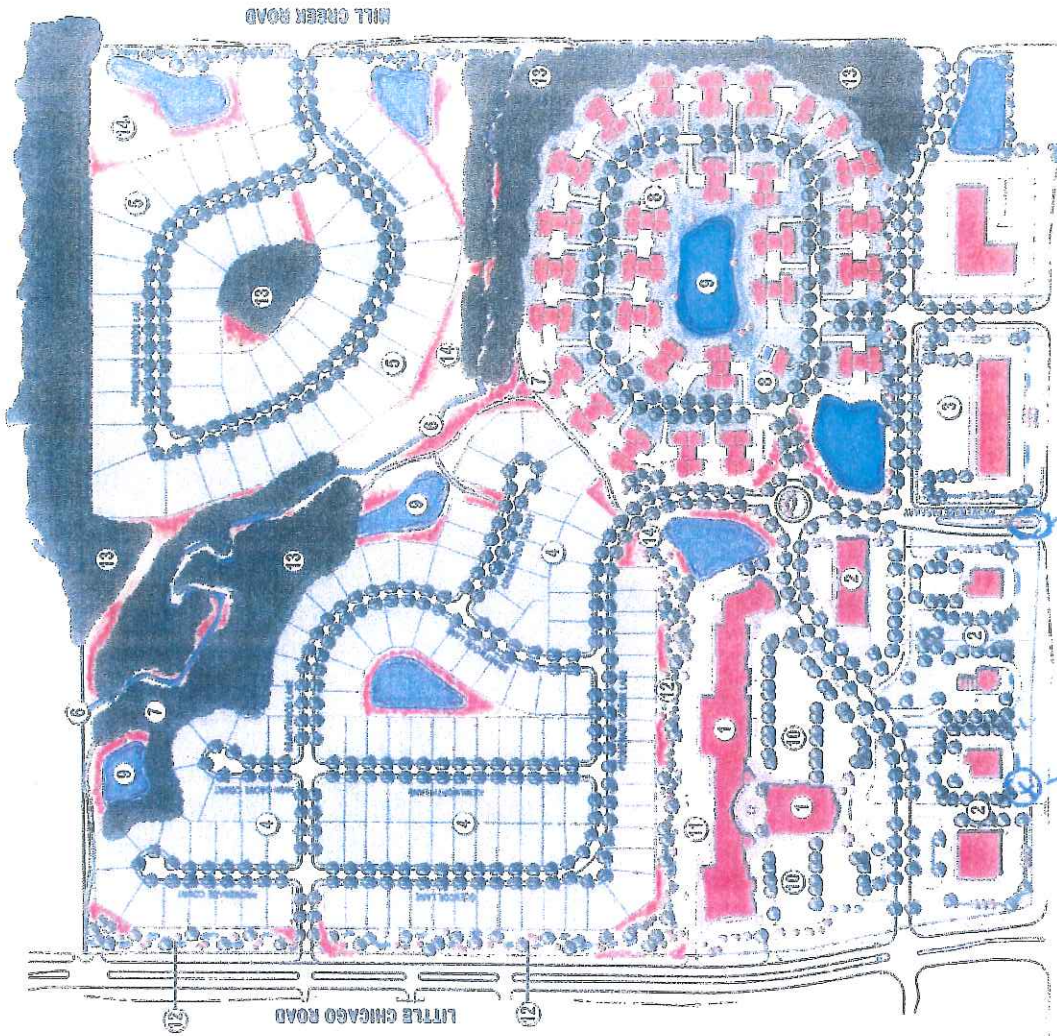


EXHIBIT C-3



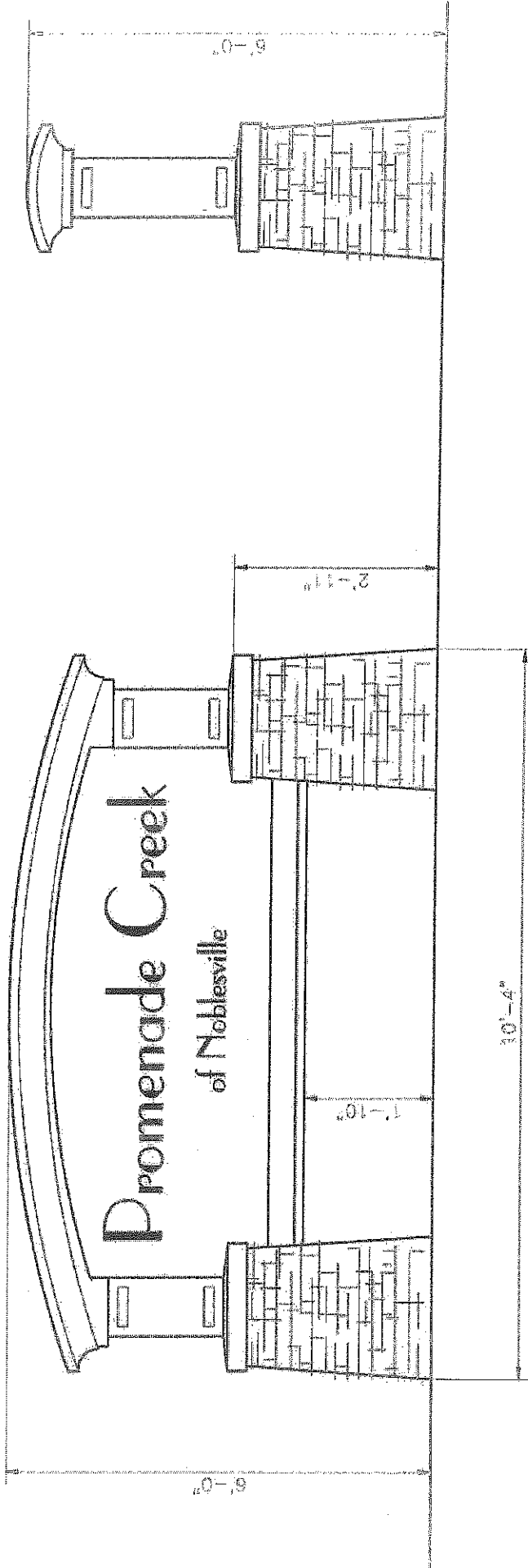
REVISION #3 - Feb. 2, 2006

- Legend:**
- 1. Promenade Shoppes
 - 2. Commercial Retail Outlets
 - 3. Professional Office
 - 4. Promenade Creek Residential Homesites
 - 5. Promenade Woods Residential Homesites
 - 6. Creek
 - 7. Pedestrian Greenway
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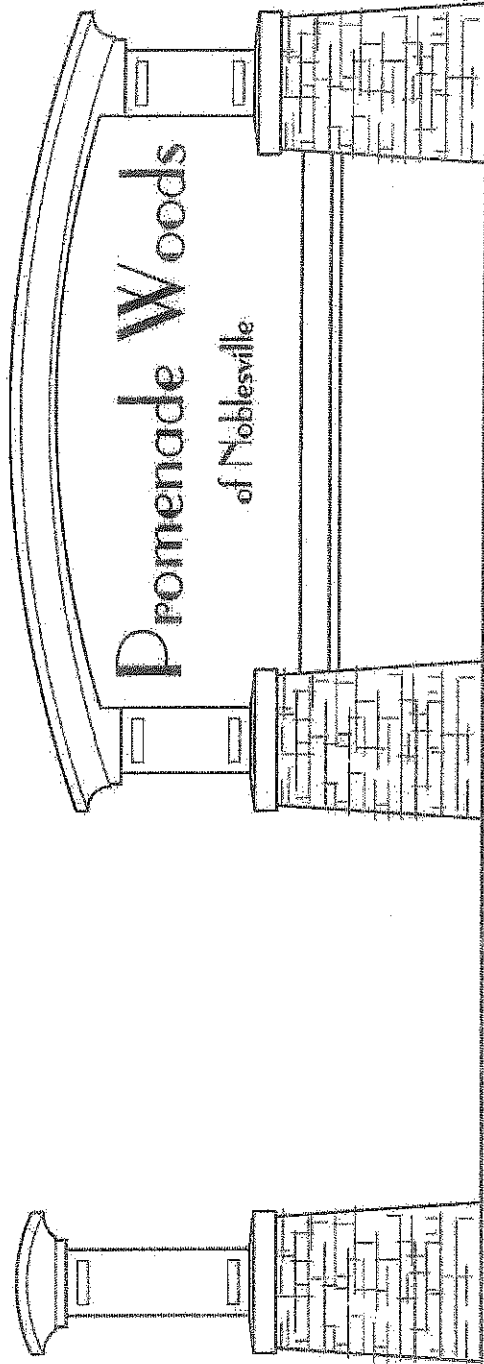


80 SF sign

160 SF sign in entry island.



Promenade Creek Residential Entrance Monument



Promenade Woods Residential Entrance Monument