

ORDINANCE NO. 07-01-15

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. 2012-30833 and 2009-71318*

This Ordinance (the "Chapel Villas 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-1549-2014 at its January 20, 2015 meeting as required by law in regard to the application (the "Petition") filed by Platinum Properties management Company, LLC (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 attached Exhibits, as "Chapel Villas 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 nine (9) ayes and one (1) nay 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 UDO and Zoning Map, are hereby amended as follows:

**Section 1.**     Applicability of Ordinance.

- A.     The Official Zone Map of the City of Noblesville, a part of the UDO, is hereby amended to change the zoning of the Real Estate from "R4" Residential to "R4/PD" Residential Planned Development, which is to be known as the Chapel Villas Planned Development (the "District").
- B.     The District's underlying zoning district shall be R-4 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Chapel Villas 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 Chapel Villas PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Chapel Villas PD Ordinance.

**Section 2.**     Permitted Uses. All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed fifty-six (56).

**Section 3.**     Preliminary Development Plan.

- A.     Full sized, scaled development plans are on file with the City's Planning and Development Department dated December 1, 2014 with a revision date of January 20, 2015. 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 apply except as noted below:

- A. Front Yard Setback: Twenty (20) feet
- B. Rear yard setback: Fifteen (15) feet
- C. In addition to the required rear yard setback applicable to individual lots a minimum forty (40) foot building setback shall be required from the north property line of the Real Estate.

**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 December 1, 2014, as reviewed and approved by the City's Architectural Review Board at its December 18, 2014 meeting (the "Approved Elevations"). What is attached hereto as Exhibit C is a sampling and general representation of those Approved Elevations.
- B. The Approved Elevations are hereby incorporated and approved. All homes 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 home that substantially varies from an Approved Elevation shall be submitted for review and approval by the Architectural Review Board. 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 apply, except as noted below:

- A. Lot Landscaping. Individual Lots shall be landscaped in accordance with the Architectural Design Guidelines.
- 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.
- C. Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.

**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.

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

**Section 10.** Infrastructure Standards. Unless otherwise stated within this Chapel Villas 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 minimum distance between the street centerline and the driveway for the two lots which front more than one public street shall be fifty (50) feet and the driveways are not required to be placed 10' from the lot line furthest from the intersection.

**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. All lots and common areas shall be subject to a required landscape maintenance program including mulching, edging, fertilizations, mowing, weeding of beds, and fall clean up.
- B. All lots shall be subject to a required snow removal program.
- C. Jungle gyms, trampolines, sandboxes and storage sheds shall be prohibited.
- D. All fences shall be (i) black metal, (ii) of a consistent style and height and (iii) a maximum of 48" in height.
- E. Enclosures or screens (i) surrounding air conditioning units and (ii) which screen outdoor patios and living spaces within 16' of a dwelling shall not be subject to the fence standards of this Section 11. Each type of enclosure or screen permitted under this section shall be of a consistent style. In addition, the screen for outdoor patios and living spaces shall be of a design similar to one of the design character examples illustrated in Exhibit D as determined by the Director of Planning. If the screen design is determined to be substantially different than the character examples shown in Exhibit D the design shall be subject to review and approval by the Architectural Review Board.
- F. All mailboxes will be of the same material and design.

**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, Part E, Section 4, of the UDO. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

**Section 13.** Effective Date. This Chapel Villas PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.



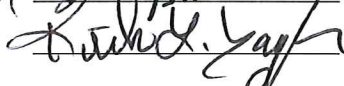

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Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10<sup>th</sup> day of February, 2015.

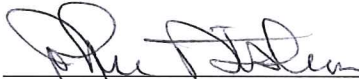
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

	_____	Brian Ayer	_____
_____	_____	Mark Boice	_____
_____	_____	Roy Johnson	_____
	_____	Gregory P. O'Conner	_____
	_____	Rick L. Taylor	_____
_____	_____	Stephen C. Wood	_____
	_____	Jeff Zeckel	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,  
this 10<sup>th</sup> day of Feb, 2015.

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

ATTEST:

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

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.

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 3105 East 98<sup>th</sup> Street, Suite 170, Indianapolis, IN 46280.



**EXHIBIT A**

**(Chapel Villas – Legal Description)**

A part of the Southwest Quarter of Section 9, Township 18 North, Range 5 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Quarter Section; thence East on the South line thereof 70.0 feet to a point on the East Right-of-Way line of Union Chapel Road; said point also being the POINT OF BEGINNING of this description; thence North 500.0 feet along said East Right-of-Way line to a point on the South line of Chapel Woods, Section 4, recorded as Instrument Number 2011039594, Plat Cabinet #4, Slide #705, in the Office of the Recorder of Hamilton County, Indiana; thence East 1,258.9 along said South line of Chapel Woods, Section 4 to a point on the East line of the West Half of the aforesaid Southwest Quarter; thence South 500.2 feet along said East line to a point on the South line of the aforesaid Southwest Quarter; thence West 1,258.8 feet along the South line thereof to the place of beginning, containing 14.4 acres, more or less.

**EXHIBIT B**

(PRELIMINARY DEVELOPMENT PLAN)



**EXHIBIT C-1**

**SAMPLING AND GENERAL REPRESENTATION  
OF THE APPROVED ELEVATIONS<sup>1</sup>**



<sup>1</sup>As provided in Section 5.A of the Chapel Villas PD Ordinance, the Approved Elevations are those 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 December 18, 2014, meeting.



**EXHIBIT C-2**

**SAMPLING AND GENERAL REPRESENTATION  
OF THE APPROVED ELEVATIONS<sup>1</sup>**



<sup>1</sup> As provided in Section 5.A of the Chapel Villas PD Ordinance, the Approved Elevations are those 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 December 18, 2014, meeting.



**EXHIBIT C-3**

**SAMPLING AND GENERAL REPRESENTATION  
OF THE APPROVED ELEVATIONS<sup>1</sup>**



<sup>1</sup> As provided in Section 5.A of the Chapel Villas PD Ordinance, the Approved Elevations are those 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 December 18, 2014, meeting.

**EXHIBIT C-4**

**SAMPLING AND GENERAL REPRESENTATION  
OF THE APPROVED ELEVATIONS<sup>1</sup>**



<sup>1</sup> As provided in Section 5.A of the Chapel Villas PD Ordinance, the Approved Elevations are those 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 December 18, 2014, meeting.



**EXHIBIT D**

**OUTDOOR SCREEN CHARACTER EXAMPLES**

