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ORDINANCE NO. 27-05-15

**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 Nos. 8809119 & 2013016920

This Ordinance (the "The Reserve at Woodside 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 000565-2015 at its May 18, 2015 meeting as required by law in regard to the application (the "Petition") filed by Beazer Homes of Indiana, LLP (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 "The Reserve at Woodside 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 ten (10) in favor and zero (0) opposed 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 "R1" Residential to "R1/PD" Residential Planned Development, which is to be known as The Reserve at Woodside Planned Development (the "District").
- B. The District's underlying zoning district shall be R-1 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this The Reserve at Woodside 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 The Reserve at Woodside PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this The Reserve at Woodside 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 eighty (80).

Section 3. Preliminary Development Plan.

- A. Full sized, scaled development plans are on file with the City's Planning and Development Department dated March 23, 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. The Minimum Lot Area per Dwelling Unit: 9,100 Square Feet
- B. Minimum Lot Width measured at the front building setback line: Sixty-five (65) feet
- C. Minimum Front Yard Setback: Twenty-five (25) feet
- D. Minimum Side Yard Setback: Five (5) feet
- E. Minimum Floor Area (per dwelling unit): 2,200 square feet
- F. Maximum Lot Coverage: fifty (50) percent

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 March 30, 2015, as reviewed and approved by the City's Architectural Review Board at its April 16, 2015 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 except as noted below:

- 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 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. Site Design, Improvement and Infrastructure Standards. Unless otherwise stated within this The Reserve at Woodside PD Ordinance, all public infrastructure within the District shall adhere to the City's standards and design criteria.

- A. Corner Lots: Corner lots shall be permitted at a minimum of twenty-two (22) percent larger than the minimum lot area.

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 dwelling shall have a main floor master bedroom.
- B. 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.
- C. All lots shall be subject to a required snow removal program.
- D. Swingsets, jungle gyms, trampolines, sandboxes, above ground pools and storage sheds shall be prohibited.
- E. All fences shall be (i) black metal, (ii) of a consistent style and height and (iii) a maximum of 48" in height.
- 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 The Reserve at Woodside PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

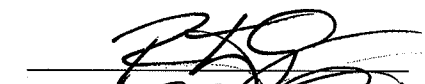


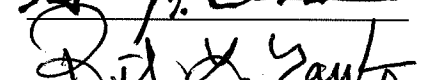
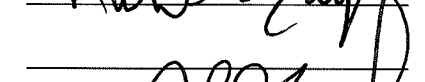

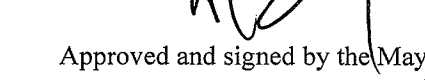
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Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of June, 2015.

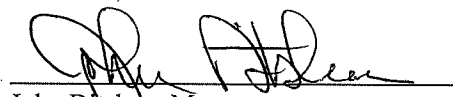
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

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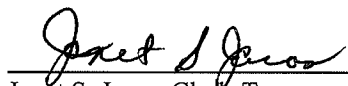
NAY

	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 9th day of June, 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 98th Street, Suite 170, Indianapolis, IN 46280.

EXHIBIT A

(The Reserve at Woodside – Legal Description)

The Southwest Quarter of the Southeast Quarter of Section 4, Township 18 North, Range 4 East, in Noblesville Township, Hamilton County, Indiana, being more particularly described as follows: BEGINNING at a Harrison marker at the Northwest corner of the Southwest Quarter of said Southeast Quarter Section; thence South 89 degrees 38 minutes 11 seconds East (bearing system based on Indiana State Plane East Zone, NAD 83 / CORS 96) along the North line thereof a distance of 1346.79 feet to the Northeast corner of the Southwest Quarter of said Southeast Quarter; thence South 00 degrees 07 minutes 06 seconds West along the East line thereof a distance of 1321.26 feet to the Southeast corner of the Southwest Quarter of said Southeast Quarter; thence North 89 degrees 42 minutes 23 seconds West along the South line thereof a distance of 1350.96 feet to the Southwest corner of the Southwest Quarter of said Southeast Quarter; thence North 00 degrees 17 minutes 57 seconds East along the West line thereof a distance of 1322.90 feet to the POINT OF BEGINNING. Containing 40.939 acres, more or less.

EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN)

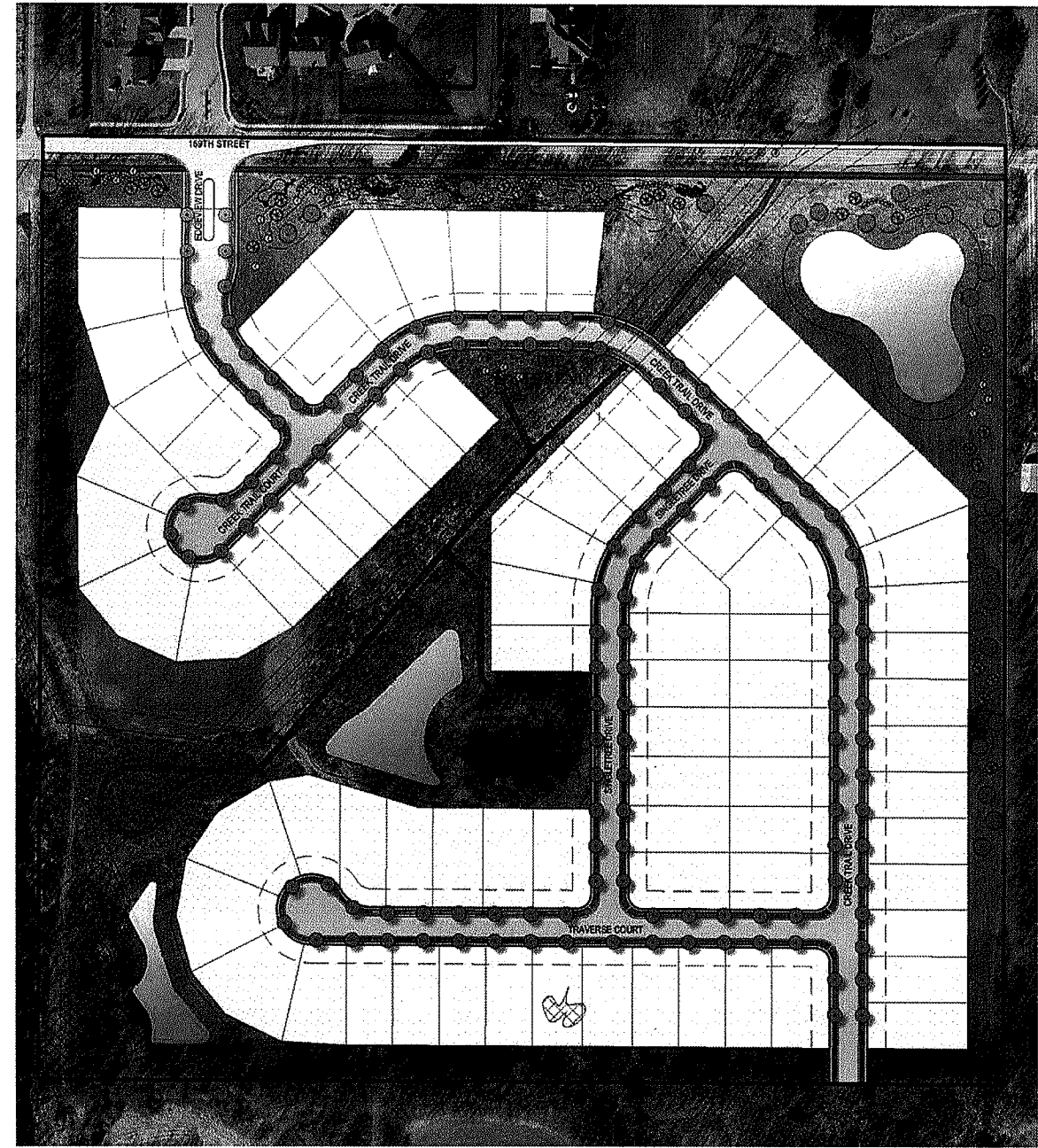


EXHIBIT C-1

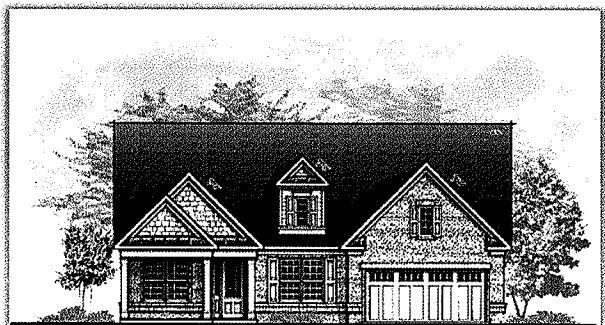
**SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹**



¹ As provided in Section 5.A of The Reserve at Woodside 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 April 16, 2015, meeting.

EXHIBIT C-2

**SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹**



¹ As provided in Section 5.A of The Reserve at Woodside 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 April 16, 2015, meeting.

EXHIBIT C-3

**SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹**



¹ As provided in Section 5.A of The Reserve at Woodside 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 April 16, 2015, meeting.