

ORDINANCE NO. 28-05-16

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP, ALL PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

Document Cross Reference Nos. Parcels:20-11-10-00-00-012.000, 20-11-10-00-00-012.001, & 20-11-10-00-00-011.000

This Ordinance (the "Waterman Crossing 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 000417-2016 at its May 16, 2016 meeting as required by law in regard to the application (the "Petition") filed by Olthof Homes, 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 the "Waterman Crossing 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 "R2" Residential to "R2/PD" Residential Planned Development, which is to be known as the Waterman Crossing Planned Development (the "District").
- B. The District's underlying zoning district shall be R-2 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Waterman Crossing 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. In accordance with the provisions of this ordinance, the Official Zoning Map referred to in Article 7 of the UDO shall be updated concurrently to reflect the changes referred to in Section 1 above. A copy of the Official Zoning Map shall be located in the Office of the City Clerk of the City of Noblesville.
- D. All provisions and representations of the UDO that conflict with the provisions of this Waterman Crossing PD Ordinance and its exhibits are hereby rescinded as

applied to the Real Estate and shall be superseded by the terms of this Waterman Crossing PD Ordinance.

Section 2. **Definitions.** 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.

Section 3. **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-eight (88).

Section 4. **Preliminary Development Plan.**

- A. Full sized, scaled development plans are on file with the City's Planning and Development Department dated May 2, 2016. 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 5. **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: Seventy (70) feet
- C. Minimum Side Yard Setback: Six (6) feet
- D. Minimum Floor Area: 1,700 square feet (a maximum of 10 of the Villas Lots may have a minimum floor area of 1,540 square feet)
- E. Maximum Lot Coverage: forty (40) percent

Section 6. **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 28, 2016, as reviewed and approved by the City's Architectural Review Board at its April 28, 2016 meeting (the "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 Director of Planning and Development if in Compliance with the Architectural Standards hereby incorporated under Exhibit C or require approval by the Architectural Review Board if not found in compliance with the standards included in Exhibit C. 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 7. **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 Waterman Crossing Architectural Standards as reviewed and approved by the City's Architectural Review Board at its April 28, 2016 meeting.
- 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 8. **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 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 9. **Lighting Standards.** The standards of Article 13, Environmental Performance Standards, of the UDO, shall apply.

Section 10. **Sign Standards.** The District's signs shall comply with Article 11 of the UDO except as noted below:

- A. The subdivision sign for the District shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.

Section 11. **Site Design, Improvement and Infrastructure Standards.** Unless otherwise stated within this Waterman Crossing 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 thirty (30) percent larger than the minimum lot area.

Section 12. **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. Storage sheds shall be prohibited.
- B. All fences shall be (i) black metal, vinyl or wood, (ii) of a consistent style and height and (iii) a maximum of 6' in height.
- C. All mailboxes will be of the same material and design.

Section 13. **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 14. **Effective Date.** This Waterman Crossing PD Ordinance shall be in full force and effect from and upon the effective date of the annexation of all of the Real Estate into the corporate limits of the City.





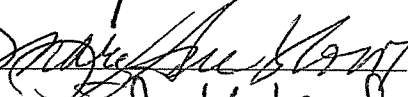
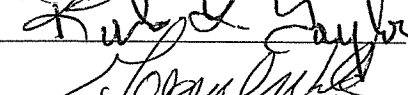

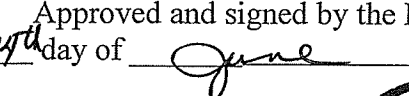

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Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 14th day of June, 2016.

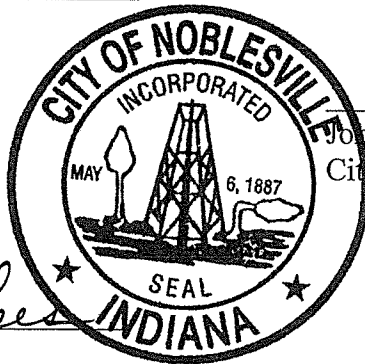
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

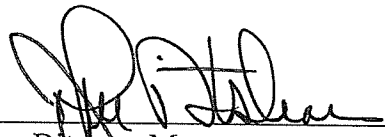
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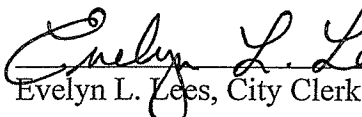
	Brian Ayer	_____
	Mark Boice	_____
	Wil Hampton	_____
	Christopher Jensen	_____
	Roy Johnson	_____
	Gregory P. O'Connor	_____
	Mary Sue Rowland	_____
	Rick L. Taylor	_____
	Megan G. Wiles	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 14th day of June, 2016.




John Ditslear, Mayor
City of Noblesville, IN

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: Jon C. Dobosiewicz.

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Waterman Crossing - PD Ordinance 2 051116

EXHIBIT A

**Waterman Crossing – Legal Description
(Page 1 of 2)**

The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 10, Township 18 North, Range 5 East, in Wayne Township, Hamilton County, Indiana.

Beginning at the Southeast corner of the Southeast quarter of the Southwest quarter of said Section 10; thence South 89 degrees 04 minutes 20 seconds West 1,320.53 feet along the South line of said Southeast quarter of said Southwest quarter to the Southeast corner of Logan's Pointe a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 2010-048366, Plat Cabinet 4, Slide 630, Dated: September 29, 2010 in the Office of the Recorder, Hamilton County, Indiana; thence North 00 degrees 10 minutes 11 seconds West 1,332.37 feet along the East line of said Logan's Pointe and the West line of said Southeast quarter to the North line of said Southeast quarter; thence North 89 degrees 05 minutes 57 seconds East 1,322.37 feet along said North line to the Northwest corner of the Southwest quarter of the Southeast quarter; thence North 89 degrees 08 minutes 12 seconds East 484.30 feet along the North line of said Southwest quarter; thence South 00 degrees 01 minutes 54 seconds West 1,331.90 feet to the South line of said Southwest quarter; thence South 89 degrees 08 minutes 51 seconds West 481.47 feet along said South line to the place of beginning, containing 55.169 acres, more or less.

EXHIBIT A

**Waterman Crossing – Legal Description
(page 2 of 2)**

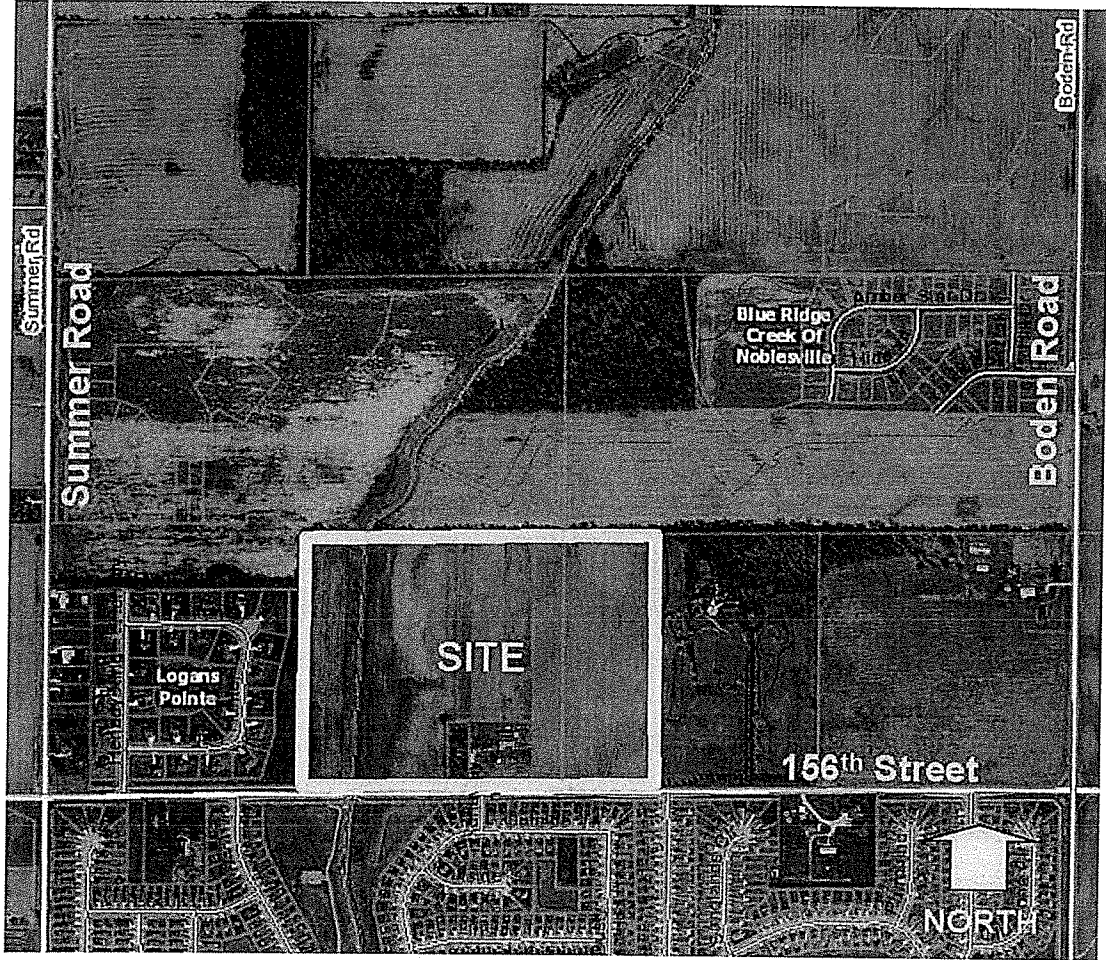


EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN)

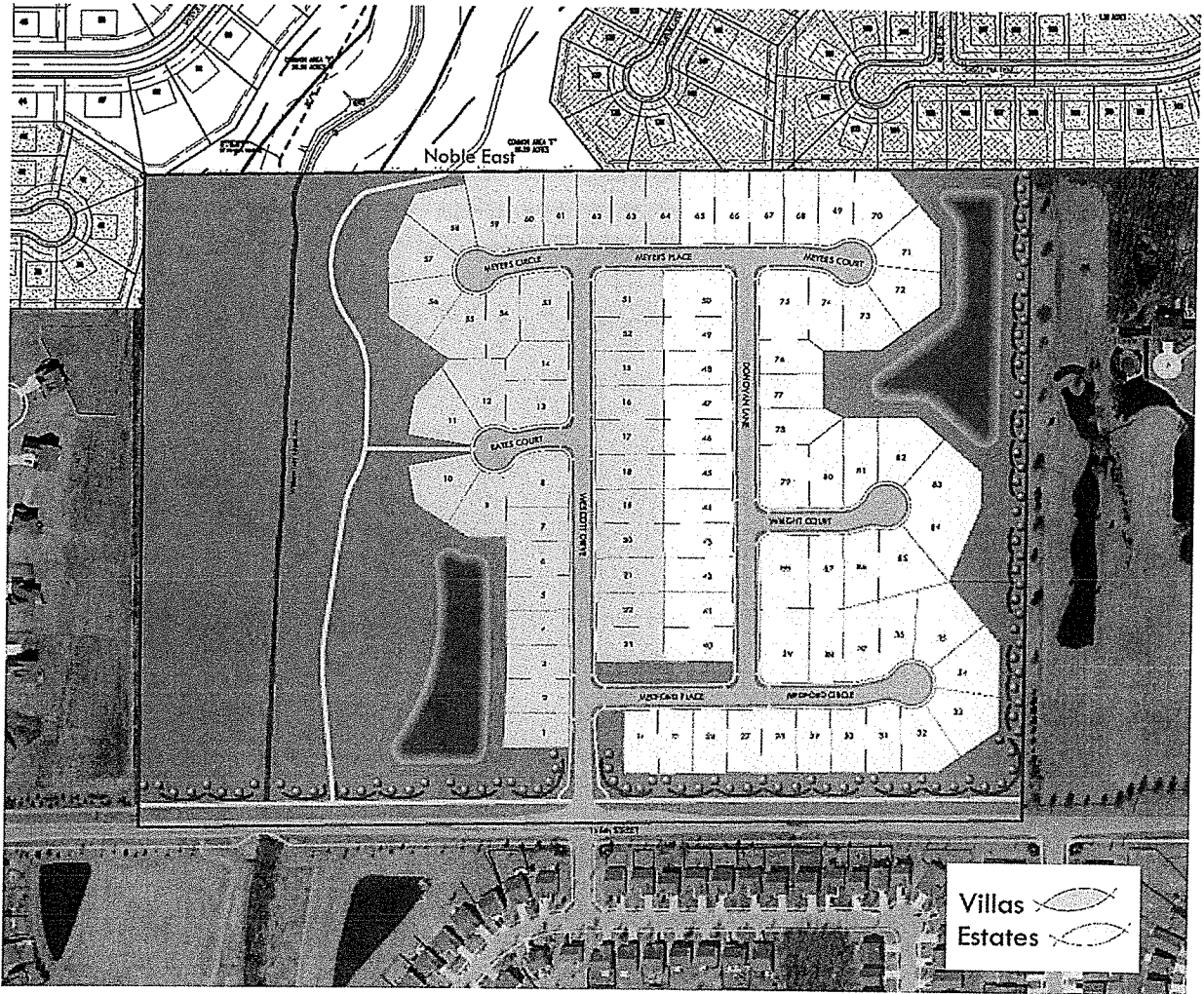


EXHIBIT C

**ARCHITECTURAL AND LANDSCAPING STANDARDS
(Page 1 of 2)**

Minimum Square Footage	Villas 1,700 SF Estates Ranch 1,800 SF 2-Story 2,300 SF
Ridges	Villas – All one story (ranch) Villas shall have a minimum of 2 ridgelines. Estates – All one story (ranch) Estate Homes shall have a minimum of 3 ridgelines. All two story Estate Homes shall have a minimum of 4 ridgelines.
Corner Breaks	The plane of a corner break projection shall be a minimum of 4 ft. differential from the adjacent plane for the purpose of defining a corner break. Villas Primary Plane Minimum 4 Secondary Plane Minimum 3 Estates Primary Plane Minimum 4 Secondary Plane Minimum 3
Foundations	Minimum of 4 in. exposed or what is required by Indiana Building Code, whichever is greater.
Windows	Minimum window size is 8 SF, mullied windows containing greater than 8 SF per section shall count as multiple windows. Accent windows are permitted to be 4 SF. Window trim a minimum of 1 in. x 4 in. is included on all planes of the home. Villas Front 2 Back and Sides 2 (standard or accent) Estates Front 4 Back and Sides 2 (standard or accent)
Garage Door Percentage	Villas 30% maximum Estates Single Story 30% maximum Two Story 20% maximum
Front Load Garage	Villas – Garages shall be offset a minimum of 4 ft. to a maximum of 14.5 ft. Estates – Garages shall be offset a minimum of 4 ft. to a maximum of 12 ft.

ARCHITECTURAL AND LANDSCAPING STANDARDS
(Page 2 of 2)

Entryways	Entryways are clearly defined, and all porches shall be a minimum of 5 ft. in depth for Estate Homes and 4 ft. in depth for villas.
Roof Pitch	Main roof pitch is a minimum of 6:12. Ancillary roofs on porches, dormers, or walkways may be lower where architecturally appropriate.
Roof, mechanical, equipment vents	Equipment vents shall not be located on the front façade of the home, and are permitted on the side and rear facades.
Overhangs	Minimum 12 in. on all facades. An overhang less than 12 in. is permitted where masonry and porches meet the overhang.
Chimneys	If external, shall extend fully from grade to above the eaves and can be constructed of the same materials as the immediately adjacent plane. Shed type or bump out chimneys are prohibited.
Materials	No vinyl or aluminum siding permitted. Homes will consist of a thoughtful blend of brick, cultured stone, LP siding or composite siding, and composite trims. Fiber cement is also a permitted material. All Estate and Villa Homes will have a minimum of 40% masonry on the front elevation.
Monotony	No home on either side, across the street including on either side of the home across the street, of the subject home will have the same elevation.
Landscaping	<p>Villas</p> <p>Front Yard – Minimum of either 2 shade trees 2.5 in. caliper or 1 shade tree 2.5 in. caliper and 1 6 ft. evergreen tree. Minimum of 8 shrubs.</p> <p>Side Yard – One of the 2 side yards will contain 1 – 1.5 in. ornamental tree. Each side yard will contain a 24 in. planting bed with 6 shrubs.</p> <p>Rear Yard – Minimum of 1 – 2.5 in. shade tree</p> <p>Estates</p> <p>Front Yard – Minimum of either 2 shade trees 2.5 in. caliper or 1 shade tree 2.5 in. caliper and 1 6 ft. evergreen tree. Minimum of 10 shrubs.</p> <p>Side Yard – One of the 2 side yards will contain 1 – 1.5 in. ornamental tree. Each side yard will contain a 24 in. planting bed with 8 shrubs.</p> <p>Rear Yard – Minimum of 1 – 2.5 in. shade tree</p> <p>Lawns</p> <p>Sod is required in the front yard up to the front corner of the home. Seed is permitted in the side and rear yards of the home. On corner lots, sod will be installed within the building setback line adjacent to the road. No irrigation is required.</p>