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Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented  


**ORDINANCE NO. 54-08-16**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE,  
A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,  
HAMILTON COUNTY, INDIANA**

This Ordinance (the "Pebble Brook 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 000934-2016 at their August 15, 2016 meeting as required by law in regard to the application (the "Petition") filed by Pebble Brook Villas Developer, 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 "Pebble Brook 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 Pebble Brook 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 Pebble Brook 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 Pebble Brook Villas PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Pebble Brook 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 ninety (90).

**Section 3.** Preliminary Development Plan.

- A. Full sized, scaled development plans are on file with the City's Planning and Development Department with a revision date of August 3, 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 4.** Bulk Standards. The bulk requirements applicable to the Underlying District shall apply except as noted below:

- A. Front Yard Setback: Twenty (20) feet for all streets internal to the Real Estate  
Twenty-five feet along Moontown Road
- B. Rear yard setback: Fifteen (15) feet.
- C. Maximum Lot Coverage: Fifty-seven (57) 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 June 27, 2016, as reviewed and approved by the City's Architectural Review Board at its July 21, 2016 meeting (the "Approved Elevations").
- B. The Approved Elevations are hereby incorporated and approved. All two-family 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 two-family 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.

- D. The elevation of single-family homes constructed on Lots 1 and Lot 2 shall comply with the Architectural Review Board Standards (adopted on August 16, 2007) and are not subject to the above Section 5.(A-C) which regulate the design of two-family dwellings only.

**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.

1. Two-family Lot landscaping shall include a minimum of (i) 12 shrubs (minimum of 24' at planting), (ii) 1 shade tree (2.5" caliper) and (iii) 1 ornamental tree (1.5" caliper) per unit.
2. Individual Single-family Lots shall be landscaped in accordance with the Architectural Design Guidelines (adopted on August 16, 2007).

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 subject to the following:

1. North perimeter of the Real Estate: A minimum 25' landscape maintenance easement along Lot 1 and 150' +/- common area as shown on the Preliminary Development Plan. The preservation of existing trees in the landscape maintenance easement of Lot 1 and common area shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation.
2. East perimeter of the Real Estate: A minimum 50' yard and 25' tree preservation easement shall be required as shown on the Preliminary Development Plan. The preservation of existing trees in the common area shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation.
3. South perimeter of the Real Estate: A minimum 25' yard and 20' tree preservation easement shall be required as shown on the Preliminary Development Plan. The preservation of existing trees in the common area shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation.
4. West perimeter of the Real Estate: A minimum of 25' front yard setback along Lot 1 and Lot 2 and wider common areas as shown on the Landscape Plan. Additional plantings shall be provided at the entrance along Moontown Road per the Landscape Plan. The preservation of existing trees on Lot 1 and Lot 2 shall satisfy all tree planting minimum requirements and no shrub plantings shall be required due to additional natural area preservation.

- C. Open Space. A minimum of twenty-eight (28) percent 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 (i) shall comply with Article 11 of the UDO requirement specifying that the "Of Noblesville" text be a minimum of 50% the letter height of the subdivision name and (ii) shall be of a size, design and character as reflected in the Landscape Plan of the Preliminary Development Plan.

**Section 10.** Infrastructure Standards. Unless otherwise stated within this Pebble Brook 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.
- B. The minimum street centerline radius shall be one hundred (100) feet.

**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.

**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 Pebble Brook Villas PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.







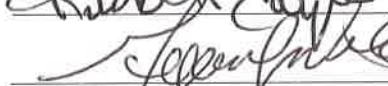

[The remainder of this page intentionally left blank; signature page follows.]

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, 2016.

**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

**AYE**

**NAY**

	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 13<sup>th</sup> day of September, 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.

Pebble Brook Villas - PD Ordinance 2 080516

**EXHIBIT A**

Legal Description  
(Page 1 of 2)

A part of the West Half of Section 33, Township 19, Range 4 East of Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Half Section ; thence South 00 degrees 21 minutes 32 seconds West 662.60 feet along the West line of said Section to the POINT OF BEGINNING of this description; thence North 89 degrees 42 minutes 04 seconds East 1,327.16 feet; thence South 00 degrees 07 minutes 33 seconds West 996.87 feet; thence South 89 degrees 42 minutes 02 seconds West 1,329.58 feet; thence North 00 degrees 15 minutes 53 seconds East 996.90 feet to the place of beginning, containing 30.40 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.



**EXHIBIT A**

Legal Description  
(Page 2 of 2)





**EXHIBIT B**

(PRELIMINARY DEVELOPMENT PLAN)



# EXHIBIT C

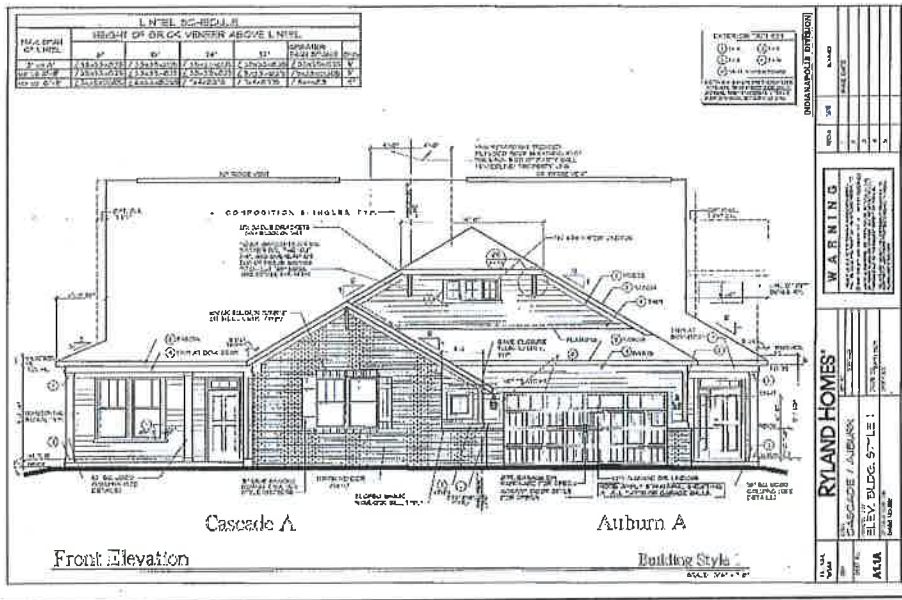
## ARCHITECTURAL STANDARDS

(Page 1 of 2)

APPROVED AS SUBMITTED BY ARB 7/21/2016  
ARB 935-2016

**BUILDER COMMITS TO:**  
-Vinyl Siding Prohibited  
-11.25" Overhangs (all elevations)

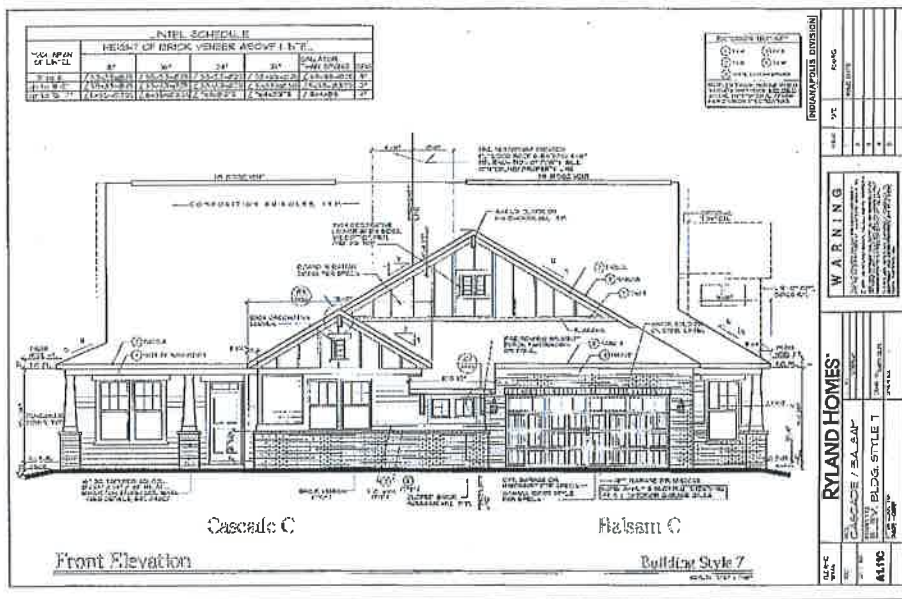
**STANDARDS WAIVED:**  
-Masonry Percentage (all elevations)  
-Roof Ridges/Lines  
-Number of Windows (all elevations)  
-Window Treatment (side and rear elevations)



APPROVED AS SUBMITTED BY ARB 7/21/2016  
ARB 935-2016

**BUILDER COMMITS TO:**  
-Vinyl Siding Prohibited  
-11.25" Overhangs (all elevations)

**STANDARDS WAIVED:**  
-Masonry Percentage (all elevations)  
-Roof Ridges/Lines  
-Number of Windows (all elevations)  
-Window Treatment (side and rear elevations)





# EXHIBIT C

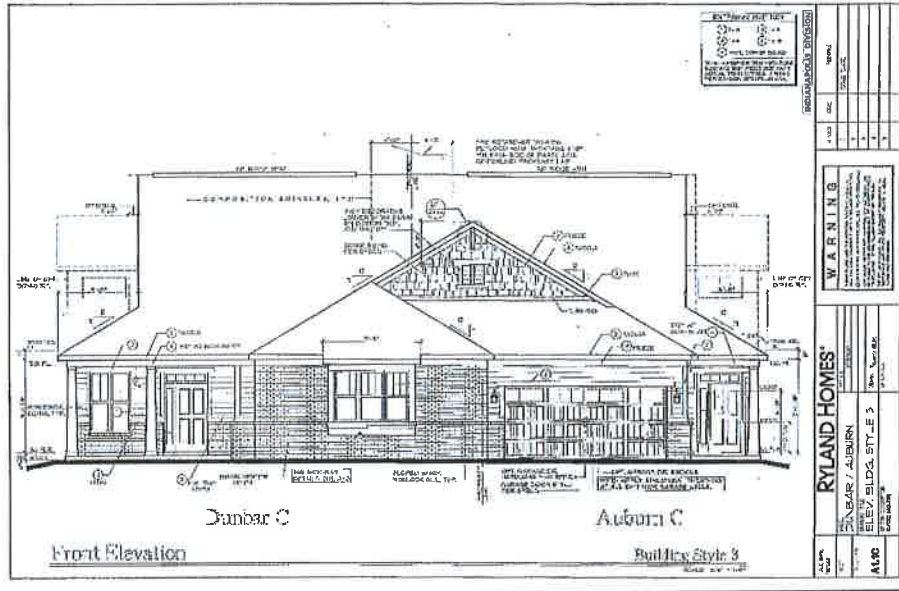
## ARCHITECTURAL STANDARDS

(Page 2 of 2)

APPROVED AS SUBMITTED BY ARB 7/21/2016  
ARB 938-2016

**BUILDER COMMITS TO:**  
-Vinyl Siding Prohibited  
-11.25" Overhangs (all elevations)

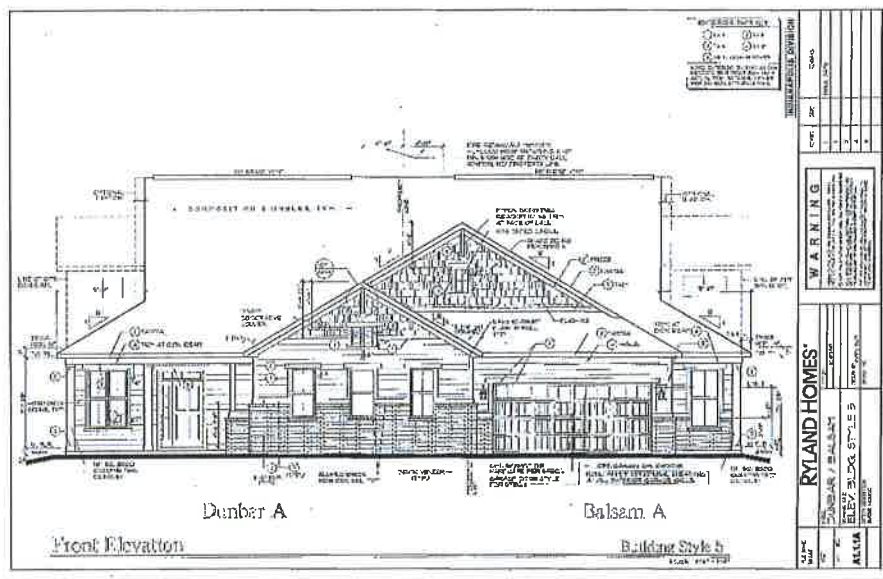
**STANDARDS WAIVED:**  
-Masonry Percentage (all elevations)  
-Roof Ridgelines  
-Number of Windows (all elevations)  
-Window Treatment (side and rear elevations)



APPROVED AS SUBMITTED BY ARB 7/21/2016  
ARB 938-2016

**BUILDER COMMITS TO:**  
-Vinyl Siding Prohibited  
-11.25" Overhangs (all elevations)

**STANDARDS WAIVED:**  
-Masonry Percentage (all elevations)  
-Roof Ridgelines  
-Number of Windows (all elevations)  
-Window Treatment (side and rear elevations)



**EXHIBIT D**

**OUTDOOR SCREEN CHARACTER EXAMPLES**

