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ORDINANCE NO. 36-10-17

**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. 200100068750

This Ordinance (the "Miller's Walk 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 000128-2017 at its September 18, 2017 meeting as required by law in regard to the application (the "Petition") filed by Beazer Homes of Indiana, 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 "Miller's Walk 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 "R4" Residential to "R4/PD" Residential Planned Development, which is to be known as the Miller's Walk Planned Development (the "District").
- B. The District's underlying zoning district shall be R4 Residential (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this Miller's Walk 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 Miller's Walk PD Ordinance and its exhibits are hereby rescinded as applied

to the Real Estate and shall be superseded by the terms of this Miller's Walk PD Ordinance.

Section 2. Permitted Uses.

- A. All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed one-hundred and sixty-six (166).
- B. A maximum of fifty (50) percent of the maximum number of Dwellings shall be Two-story Dwellings subject to the Architectural Standards included under Section 5 of this Ordinance.

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 September 13, 2017. 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-five (25) feet
- B. Maximum Lot Coverage: Sixty (60) 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 July 31, 2017, as reviewed and approved by the City's Architectural Review Board at its August 16, 2017 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. All Dwellings, including a Dwelling with less than four hundred (400) square feet of finished living area above the first story with operable windows only on the side elevations ("1 ½ stories"), shall be subject to compliance with the standards applied to a One-story Dwelling.
- E. Specific rear and side dwelling elevations (as identified on Page 4 of 5 of Exhibit C) shall provide the enhancements as required under the additional architectural commitments and requirements shown on Page 5 of 5 of Exhibit C.

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. Lots shall be landscaped in accordance with the Architectural Design Guidelines (adopted on October 18, 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 50' yard shall be required allowing for a minimum 25' yard along Lots 9-10 as shown on the Preliminary Development Plan. The preservation of existing trees shall satisfy all minimum tree planting requirements and no shrub plantings shall be required due to additional natural area preservation (with the exception of the area north of Lot 1). Tree and shrub plantings shall be required north of Lot 1 as shown on the Preliminary Development Plan.
 - 2. East perimeter of the Real Estate: A minimum 50' yard shall be provided along the east perimeter of the Real Estate. Tree preservation easements shall be required as shown on the Preliminary Development Plan. The preservation of existing trees in the common areas 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 50' yard shall be required as shown on the Preliminary Development Plan. Tree and shrub plantings shall be required per the buffer yard standards of the UDO as shown on the Preliminary Development Plan.
 4. West perimeter of the Real Estate: A minimum 50' yard shall be required as shown on the Preliminary Development Plan except where adjacent to a portion of Lot 52, 53 and 69 and Cole Evans Drive as shown on the Preliminary Development Plan. Tree and shrub plantings shall be required per the buffer yard standards of the UDO as shown on the Preliminary Development Plan.
- C. Open Space. A minimum of twenty-six acres (approximately 45%) Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.
- D. Tree Preservation. The requirements of Article 12, Section 13.B (Tree Preservation) of the UDO shall be applicable to the Real Estate in areas specified as Tree Preservation Easements on the Preliminary Development Plan and notice of the regulation of such standards shall be included in the Declaration of Covenants and Restriction that will be applicable to the Real Estate.

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 illustration on Exhibit D of this ordinance.

Section 10. Infrastructure Standards. Unless otherwise stated within this Miller's Walk 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. Storage sheds shall be prohibited.
- B. 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 white vinyl and of a consistent style for all Lots.
- C. All fences shall be (i) black metal, (ii) of a consistent style and height and (iii) a maximum of 48" in height.

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 Miller's Walk PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.


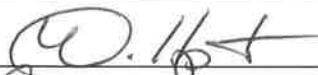
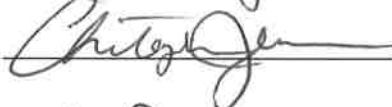
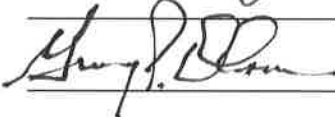
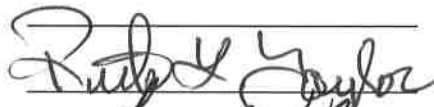

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Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 7th day of November, 2017.

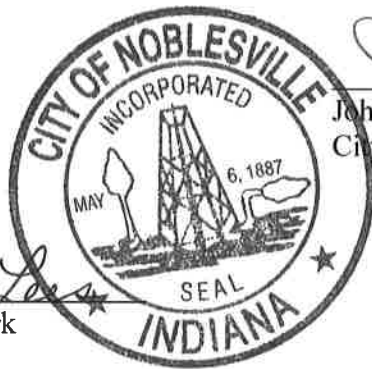
COMMON COUNCIL OF THE CITY OF NOBLESVILLE


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 7th day of November, 2017.




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.

Millers Walk - PD Ordinance 6 103017

EXHIBIT A

Legal Description
(Page 1 of 2)

PART OF THE WEST HALF OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN NOBLESVILLE, HAMILTON COUNTY, INDIANA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 45 MINUTES 52 SECONDS EAST, 1393.92 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 09 SECONDS WEST, 35.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 09 SECONDS WEST, 466.11 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 24 SECONDS WEST, 112.54 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 09 SECONDS WEST, 1476.82 FEET TO THE SOUTH LINE OF INSTRUMENT NUMBER 200500030024 AS RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY; THENCE NORTH 89 DEGREES 39 MINUTES 20 SECONDS EAST ALONG SAID SOUTH LINE, 183.65 FEET TO THE SOUTHEASTERLY LINE OF SAID INSTRUMENT; THENCE NORTH 85 DEGREES 20 MINUTES 11 SECONDS EAST ALONG SAID SOUTHEASTERLY LINE, 119.06 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 16 SECONDS EAST, 1073.18 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 05 MINUTES 29 SECONDS EAST ALONG SAID EAST LINE, 663.96 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 03 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 1269.62 FEET TO THE NORTH LINE OF INSTRUMENT NUMBER 2009006380; THENCE SOUTH 89 DEGREES 42 MINUTES 34 SECONDS WEST ALONG SAID NORTH LINE, 973.66 FEET; THENCE 49.67 FEET ALONG A NON TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 60.00 FEET AND CHORD BEARING SOUTH 89 DEGREES 42 MINUTES 34 SECONDS WEST, 48.26 FEET TO THE NORTH LINE OF SAID INSTRUMENT; THENCE SOUTH 89 DEGREES 42 MINUTES 34 SECONDS WEST ALONG SAID NORTH LINE, 49.66 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 26 SECONDS EAST, 19.87 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS WEST, 181.05 FEET TO THE POINT OF BEGINNING, CONTAINING 59.71 ACRES, MORE OR LESS.

EXHIBIT A

Legal Description
(Page 2 of 2)



EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN)



EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 1 of 5)

Single Family Attached Residential Architectural Standards		
Architectural Features		Miller's Walk
Floor area per dwelling unit (minimum)		1,500 sq. ft.
Corner Breaks; Primary Architectural Plane		1 per 12 ft.
Corner Breaks per secondary Architectural Plane		2
Porch	Required	Yes
	Depth (minimum)	6 feet
Masonry Percentage (minimum)	Primary Architectural Plane	8%
	Secondary architectural plane	n/a
	Total (All architectural planes)	n/a
Material Restriction	Vinyl (0.048 gauge min)	No
	Vinyl (Less 0.048 gauge min)	Fiber Cement
	Aluminum	No
Roof Pitch (Minimum)		6/12
Roof Ridgelines; per architectural plane		2
Number of windows per architectural plane	One Story Structure	Front: 4 Side: 2
	Two Story Structure	4
Window Treatment required ; all architectural planes		Front only
Garage Door Size (maximum)		16ft x 8ft
Garage Door Offset (Minimum)		2 ft.
Landscaping per Unit	Shrubs	12
	Shade Tree(s)	1
	Ornamental Tree(s)	1

EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 2 of 5)

Minimum Square Footage

Ranch Homes	1,500 SF
Two-Story Homes	2,200 SF

Ridges

All Homes shall have a minimum of two (2) ridgelines per architectural plane.

All horizontal ridges which form the peak of a pitched roof shall be considered ridgelines. Covered and enclosed porches shall count as a ridgeline.

Corner Breaks

Each home shall have a minimum of two (2) corner breaks per architectural plane. Each projection of a corner break shall be a minimum of two (2) feet in depth from the architectural plane to which it is attached.

The exterior corner of a covered porch, and the outermost corner of the home, shall count toward this requirement.

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 front plane of the home.

Ranch Homes

Front	4
Back and Sides	2

Two-story Homes

Front	4
Back and Sides	4

Front Load Garage

Garages with front facing garage doors must be on a separated plane from the main body of the home. Front facing garage doors must be projected or recessed from the main house plane a minimum of two (2) feet. A projection or recessed area of less than two (2) feet will be allowed if the front face of the garage has a minimum of six (6) foot offset from the forward most projection of the front façade of the main body of the home.

EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 3 of 5)

Entryways	Entryways are clearly defined, and all porches shall be a minimum of 6 ft. in depth.
Roof Pitch	Minimum 6:12 (Primary Ridge) Ancillary roofs such as porches, bats, or walkways may have a lower pitched ratio than the minimum set forth above.
Roof, Mechanicals, 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 twelve (12) inches on all facades. Where masonry meets any overhang, the overhang shall measure a minimum of eight (8) inches.
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	<p>Vinyl siding and aluminum siding are prohibited. Brick, wood, Limestone, natural stone, Hardi-plank (fiber cement board) are permitted.</p> <p>All dwelling shall have a minimum of thirty percent (30%) masonry on the front façade excluding doors and windows. Elevations which are designed to be consistent with a historical architectural style shall have a minimum masonry of eight percent (8%) on the front facade, but shall not exceed 20% of the homes built in the community. All front facades shall contain a minimum mix of two (2) materials and two (2) distinct colors.</p>
Anti- Monotony	<p>No home on either side or across the street including on either side of the home across the street, of the subject home will have the same elevation and color palette</p> <p>Landscaping <u>Lawns</u>: 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> <p>One shade tree at 2.5-IN caliper One ornamental tree at 2.5-IN caliper. Twelve shrubs.</p>

EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 4 of 5)

Architectural Enhancements Map



EXHIBIT C

ARCHITECTURAL STANDARDS

(Page 5 of 5)

Corner Lot Additional Architectural Commitments:

- Architectural feature (an example of which is shown in the illustration below) or "clipped" hip roof line shall be provided on the side elevation of the Dwelling facing the street.
- An additional two 8' evergreen trees and eight shrubs shall be installed in the side yard facing the street.



EXHIBIT D

ENRTY FEATURE AND GATHERING AREA CHARACTER EXAMPLES

(Page 1 of 2)



EXHIBIT D

ENTRY FEATURE AND GATHERING AREA CHARACTER EXAMPLES

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