

25.00
13

2018045021 ORDINANCE \$25.00
09/27/2018 09:36:29A 13 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 29-09-18

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. Deed Bk. 317, Pg. 501, 2004-031897, 2004-061497,
2006-004412, 2006-005915, 2006-006963, 2006-012199, 2007-004135, 2010-008977,
2011-025263, 2014-050892, 2015-058222

This Ordinance (the "Midland Overlook 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-0070-2018 at its August 20, 2018 meeting as required by law in regard to the application (the "Petition") filed by CalAtlantic Homes of Indiana, Inc. (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 "Midland Overlook 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 seven (7) in favor and one (1) 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 "R3" Residential and "R5" Residential to "R3-R5/PD" Residential Planned Development, which is to be known as the Midland Overlook Planned Development.
- B. The underlying zoning districts shall be R3 Residential or R5 Residential as illustrated in Ordinance 28-09-18 (the "Underlying Districts"). Development in this Districts shall be governed entirely by (i) the provisions of this Midland Overlook 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 Midland Overlook PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Midland Overlook PD Ordinance.

Section 2. Permitted Uses.

- A. All uses permitted in the Underlying Districts shall be permitted within the District.
 - 1. The maximum number of Detached Dwelling Units shall not exceed one-hundred and forty-four (144).
 - 2. The maximum number of Attached Dwelling Units shall not exceed thirty (30).

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 2, 2018. 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 Districts and layout of the site.

Section 4. Bulk Standards. The bulk requirements applicable to the Underlying Districts shall apply except as noted below:

- A. R3 Residential District:
 - 1. The Minimum Lot Area per Dwelling Unit: Six thousand, five hundred (6,500) Square Feet. Corner lots shall be a minimum of nine thousand (9,000) Square Feet.
 - 2. Minimum Lot Width measured at the front building setback line: Fifty (50) feet.
 - 3. Minimum Street Frontage: Thirty-five (35) feet
 - 4. Maximum Building Height: Thirty-five (35) feet
 - 5. Minimum Front Yard Setback: Twenty-five (25) feet
 - 6. Minimum Side Yard Setback: Five (5) feet (10' total side yard minimum)

7. Minimum Rear yard Setback: Twenty (20) feet
8. Maximum Floor Area Ratio: Fifty-five (55) percent
9. Minimum Floor Area: One-story – fifteen hundred (1,500) Square Feet
Two-story – eighteen hundred (1,800) Square Feet
10. Maximum Lot Coverage: Fifty-five (55) percent

B. R5 Residential District:

1. The Minimum Lot Area per Dwelling Unit: Not applicable. See Section 2.A.2 above for maximum number of Dwellings.
2. Minimum Lot Width measured at the front building setback line: Twenty (20) feet.
3. Minimum Street Frontage: not applicable
4. Maximum Building Height: Thirty-five (35) feet
5. Minimum Front Yard Setback: Twenty (20) feet
6. Minimum Side Yard Setback: Not applicable (minimum 15' between buildings)
7. Minimum Rear yard Setback: Not applicable
8. Maximum Floor Area Ratio: Not applicable
9. Minimum Floor Area: Fourteen hundred (1,400) Square Feet
10. Maximum Lot Coverage: Not applicable

Section 5. Architectural Standards. The following standards shall apply:

A. Detached Dwellings:

1. The approved elevations shall be the set of home elevations on file with the City's Planning and Development Department as submitted on April 2, 2018 and supplemented on May 30, 2018, as reviewed and approved by the City's Architectural Review Board at its July 18, 2018 meeting (the "Approved Elevations").
2. The Approved Elevations are hereby incorporated and approved. 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.

3. 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 Page 1 of 2 of 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.
4. Specific rear elevations of homes (on lots as identified on Page 2 of 2 of Exhibit C) shall require three (3) corner breaks on the rear elevation of each home.

B. Attached Dwellings:

1. The approved elevations shall be the set of home elevations on file with the City's Planning and Development Department as submitted on August 1, 2018, as reviewed and approved by the City's Architectural Review Board at its August 16, 2018 meeting (the "Approved Elevations").
2. 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 D or require approval by the Architectural Review Board if not found in compliance with the standards included in Exhibit D. 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.

1. Lots occupied by Single Family Detached Dwellings shall be landscaped in accordance with the Architectural Design Guidelines (adopted on October 18, 2007).
2. Lots occupied by Single Family Attached Dwellings shall be landscaped with four (4) shrubs and (1) shade tree per Dwelling.

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. A minimum fifty (50) foot yard shall be required as shown on the Preliminary Development Plan.
 2. Tree and shrub plantings shall be required per the buffer yard standards shown on the Preliminary Development Plan. In addition the minimum number of shrubs to be planted within one-hundred and fifty (150) feet of the development entrance on Willowview Road and 171st Street shall be at a rate of thirty-three (33) per one-hundred (100) linear feet. Along the remained of the perimeter street frontages shrubs shall be required at a rate of five (5) per one-hundred (100) linear feet.
 3. A mound with a minimum height of three (3) feet may be substituted for required shrubs except as noted above in Section 6.B.2.
 4. No shrubs shall be required along the north Peripheral Yard of the Real Estate.
- C. Open Space. A minimum of 17.7 acres (approximately 28%) Open Space shall be provided generally 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. Parking shall be permitted between the dwelling and the street in the R5 Residence District.
- B. Additional guest parking shall be provided in the R5 Residence District as illustrated on the Preliminary Development Plan.

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 Midland Overlook 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.

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 Midland Overlook PD Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.


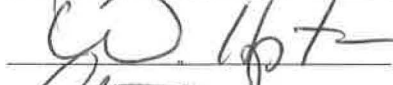


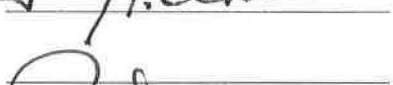


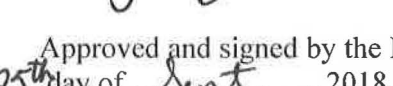
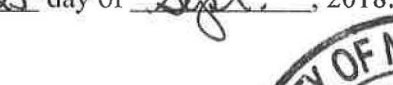
[The remainder of this page intentionally left blank; signature page follows.]

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 25th day of September, 2018.

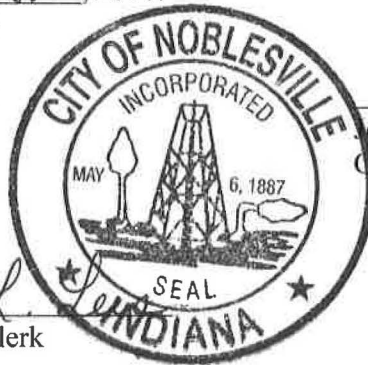
COMMON COUNCIL OF THE CITY OF NOBLESVILLE


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 25th day of Sept., 2018.




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.

Midland Overlook - PD Ordinance 10 091418

EXHIBIT A

Legal Description
(Page 1 of 2)

A part of the Northeast Quarter of Section 3, Township 18 North, Range 4 East, Noblesville Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Quarter Section; thence South 00 degrees 25 minutes 12 seconds West along the east line thereof 1087.91 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 25 minutes 12 seconds West along said east line 855.84 feet; thence North 89 degrees 59 minutes 56 seconds West 281.17 feet; thence North 00 degrees 53 minutes 41 seconds East 20.00 feet; thence North 00 degrees 00 minutes 00 seconds West 524.82 feet; thence North 00 degrees 51 minutes 24 seconds East 410.56 feet; thence South 89 degrees 11 minutes 06 seconds West 396.44 feet; thence South 00 degrees 07 minutes 46 seconds West 876.81 feet to a point on the south line of said Quarter Section; thence South 89 degrees 34 minutes 19 seconds West along said south line 1478.30 feet to the southwest corner of said Quarter Section; thence North 00 degrees 27 minutes 44 seconds East along the west line thereof 1290.05 feet; thence North 89 degrees 22 minutes 59 seconds East 2672.20 feet to the place of beginning, containing 63.02 acres, more or less.

EXHIBIT A

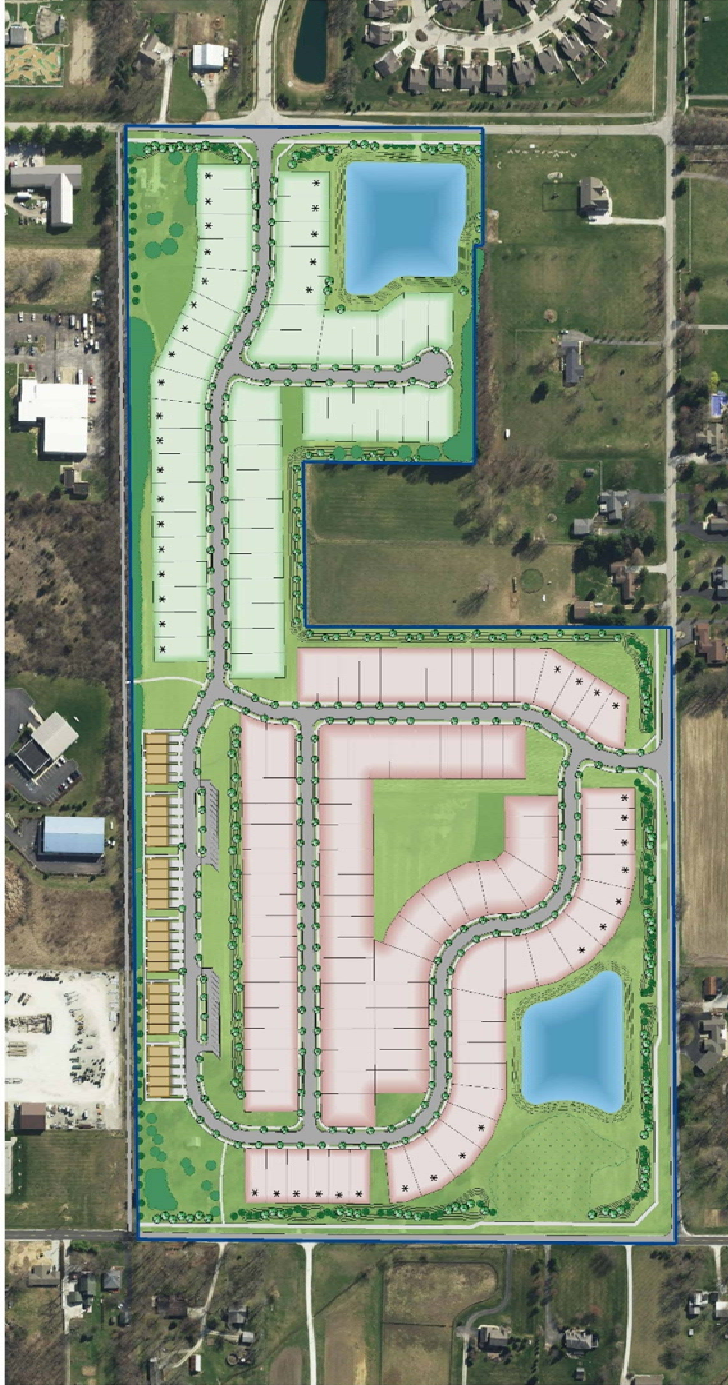
Legal Description
(Page 2 of 2)



EXHIBIT B

(PRELIMINARY DEVELOPMENT PLAN)

MIDLAND OVERLOOK
Noblesville, Indiana



Concept Plan
September 12, 2018



EXHIBIT C

ARCHITECTURAL STANDARDS – SINGLE FAMILY DETACHED

(Page 1 of 2)

Architectural Standards – Single-Family Detached Residential			
General/ Miscellaneous	Floor Area/Dwelling Unit (Minimum)	One-Story	1,500 sf
		Two-Story	1,800 sf
	Lot Coverage (Maximum)		55%
	Building Height (Maximum)		35 feet
	Corner Breaks (Minimum)	Primary Architectural Plane	3
		Secondary Architectural Plane	2
	Porch	Required	Y
		Area (Minimum)	20 sf
Address Block Required		Y	
Allowable Foundation Type	Slab	Y	
	Basement	Y	
Materials	Masonry Percentage (Minimum)	Primary Architectural Plane	20%
		Secondary Architectural Plane	NA
		Chimney	100%
	Approved Materials (Non-Masonry)	Fiber Cement Board	Y
		Stucco	Y
		Wood	Y
Vinyl (.048 gauge minimum)		N	
Aluminum	N		
Roof	Roof Pitch (Minimum)	Primary Ridge	6/12
	Roof Ridgelines (Minimum)	One-Story	3
		Two-Story	3
	Roof Overhang (Minimum)	All Architectural Planes	11 inches
	Allowable Vent Location (Roof)	Primary Architectural Plane	N
Secondary Architectural Plane		Y	
Windows	Window Size (Minimum)	Standard Window	8 sf
		Accent Window	4 sf
	Number of Windows (Minimum)	Primary Architectural Plane - Ranch	3
		Primary Architectural Plane – Two Story	4
		Secondary Architectural Plane - Ranch	2
		Secondary Architectural Plane – Two Story	3
		Total Aggregate - Ranch	10
		Total Aggregate – Two Story	14
	Window Treatment Required	Primary Architectural Plane	Y
Secondary Architectural Plane		N	
Garage	Garage Location	Primary Architectural Plane	Y
		Primary Architectural Plane (Corner Lot)	Y
		Secondary Architectural Plane	Y
	Garage Door Percentage, Primary Architectural Plane (Maximum)	One-Story	35%
		Two-Story	20%
Garage Windows Required		Y	

* A grouping of Accent Windows with an aggregate window size greater than 8 sf count as a window.

* Sliding rear door counts as two windows.

EXHIBIT C

ARCHITECTURAL STANDARDS – SINGLE FAMILY DETACHED

(Page 2 of 2)

Home architecture enhancement map:

Homes constructed on the lots denoted on the below plan with and “*” shall include a minimum of three (3) corner breaks.



EXHIBIT D

ARCHITECTURAL STANDARDS – SINGLE FAMILY ATTACHED

(Page 1 of 1)

Architectural Standards – Single-Family Attached Residential			Midland Overlook
General/ Miscellaneous	Floor Area/Dwelling Unit (Minimum)	One-Story	NA
		Two-Story	1,400 sf
	Lot Coverage (Maximum)		NA
	Building Height (Maximum)		35 feet
	Corner Breaks (Minimum)	Primary Architectural Plane	1 per 25 feet
		Secondary Architectural Plane	2
	Porch	Required	N
	Address Block Required		Y
	Allowable Foundation Type	Slab	Y
Basement		Y	
Materials	Masonry Percentage (Minimum)	Primary Architectural Plane	20%
		Secondary Architectural Plane	NA
		Chimney	100%
	Approved Materials (Non-Masonry)	Fiber Cement Board	Y
		Stucco	Y
		Wood	Y
Vinyl		N	
Aluminum	N		
Roof	Roof Pitch (Minimum)	Primary Ridge	6/12
	Roof Ridgelines (Minimum)	Two-Story	4
	Roof Overhang (Minimum)	All Architectural Planes	11 inches
	Allowable Vent Location (Roof)	Primary Architectural Plane	N
		Secondary Architectural Plane	Y
Windows	Window Size (Minimum)	Standard Window	8 sf
		Accent Window	4 sf
	Number of Windows (Minimum)	Primary Architectural Plane	3 per Unit
		Secondary Architectural Plane (side)	2
		Secondary Architectural Plane (rear)	3 per Unit
	Window Treatment Required	Primary Architectural Plane	Y
Secondary Architectural Plane		N	
Garage	Garage Location	Primary Architectural Plane	N
	Garage Door Percentage (Maximum)	Two-Story	N/A

* A grouping of Accent Windows with an aggregate window size greater than 8 sf count as a window.

* Sliding rear door counts as two windows.