

Re-recorded due
to language added
to Section 3.2 and
7.5 on pages 2
and 4.

2014003726 ORDINANCE \$23.00
02/03/2014 02:14:07P 7 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 02-01-14

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

This is an Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville 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 13N-15-2030 (BP13N-15-6193) at its December 16, 2013, meeting as required by law in regard to the application filed by Boomerang Development, LLC (the "Developer") for a request in change of zoning (the "Petition"); and

WHEREAS, the Plan Commission sent a Favorable Recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, by a vote of ten (10) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, it hereby adopts this ordinance (the "Ordinance") as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") to establish this Planned Development Overlay District (the "District") to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Map is hereby changed to designate the subject real estate generally located north of 156th Street and extending from Summer Road east to and across Boden Road, and more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Noble East Planned Development** (the "District").
- 1.2 The District's underlying zoning district shall be the **R-1 Residential District** (the "Underlying District"). Development in this District shall be governed entirely by (i) the provisions of this 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").

- 1.3 All provisions and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions.

- 2.1 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.
- 2.2 Approved Elevations: The set of home elevations on file with the City of Noblesville's Planning and Development Department dated October 28, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the "Approved Elevations").
- 2.3 Architectural Design Guidelines: The Architectural Review Board's "Architectural Design Guidelines for Single-Family Residences (detached)", as dated and adopted by the board August 16, 2007.
- 2.4 District Area: A discrete geographic area within the District, as identified on the Preliminary Development Plan. The District contains three (3) District Areas: Willow Creek (Estates and Americana Sections), Blue Ridge Creek, and Copperleaf.
- 2.5 Preliminary Development Plan: The oversized, scaled development plans on file with the City of Noblesville's Planning and Development Department dated October 28, 2013. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the "Preliminary Development Plan").

Section 3. Permitted Uses.

- 3.1 All uses permitted in the Underlying District shall be permitted within the District; however, the maximum number of Dwelling Units shall not exceed four hundred ninety-seven (497).
- 3.2 A preschool/day care facility shall be permitted within the District; however, vehicular access to the preschool/day care parcel shall be provided via an internal street with no direct access from Boden Road, unless specifically approved by the Noblesville City Engineer.

Section 4. Preliminary Development Plan.

- 4.1 The Preliminary Development Plan is hereby incorporated 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.

- 5.1 The bulk requirements applicable to the Underlying District shall apply except as noted below for each District Area:

District Area	Minimum Lot Area (sq. ft.)	Minimum Lot Width	Min. Side Yard Setback
Willow Creek (Estates)	12,000	90'	5' with a 20' aggregate separation
Willow Creek (Americana)	9,100	70'	6'
Blue Ridge Creek	9,100	70'	6'
Copperleaf	9,100	70'	6'

- 5.2 The minimum floor area (per Dwelling Unit) shall be as noted below for each District Area (basement area not included):

District Area	Minimum Floor Area - Ranch (sq. ft.)	Minimum Floor Area - 2 Story (sq. ft.)
Willow Creek (Estates)	2,200	2,600
Willow Creek (Americana)	1,800	1,840
Blue Ridge Creek	1,800	2,200
Copperleaf	1,800	1,840

Section 6. Architectural Standards. The following standards shall apply.

- 6.1 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 designees, shall review and approve home elevations at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.
- 6.2 If a home(s) is proposed that substantially varies from an Approved Elevation, then the proposed home elevation(s) shall be submitted for review and approval by the Architectural Review Board. The Architectural Review Board's review of the 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.

- 7.1 Lot Landscaping. Individual Lots shall be landscaped in accordance with the Architectural Design Guidelines.
- 7.2 Landscape Buffer Yards. The Establishment of a Peripheral Yard, as set forth in Article 8, Part H, Section 3.F.2 of the UDO, shall apply only where shown on the Preliminary Development Plan. It shall be no less than 50 feet on the east side of Summer Road, no less than 50 feet on the west side of Boden Road, and no less than 30 feet on the east side of Boden Road. Said Peripheral Yard requirement shall be waived elsewhere in the Preliminary Development Plan except where Common Areas are located.

- 7.3 Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan, provided that in no event shall less than twenty-three percent (23%) of the Real Estate be Open Space.
- 7.4 Tree Preservation Area. A forty (40) foot wide tree preservation area shall be established along the Real Estate's shared property line with Logan's Pointe Subdivision. Within this tree preservation area, no trees with a diameter at breast height ("DBH") in excess of four inches (4") or more (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, or is to be removed in order to: (1) comply with safety requirements of any governmental agency; or (2) to accommodate the installation of drainage, utilities, street connections or other infrastructure. If a Protected Tree is damaged or otherwise removed by the developer or builder, except as permitted to be removed as listed above, then the developer or builder shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the tree preservation area.
- 7.5 Copperleaf Landscape Plantings. In addition to the landscape plantings depicted on the Preliminary Development Plan, trees shall be planted along the north, east, and south boundaries of the Copperleaf district. These trees shall consist of two (2) staggered Evergreen Trees and one (1) Canopy Tree within every 100 linear feet. These Evergreen Trees and Canopy Trees shall comply with the Design Standards for Landscaping and Screening specified in Noblesville UDO. Understory Trees shall not be used to meet this requirement.

Section 8. Parking and Loading Standards. The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply.

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.

Section 11. Infrastructure Standards. All public infrastructure within the District shall adhere to the City's standards and design criteria, unless otherwise stated within this Ordinance or unless specific waivers have been approved by the City.

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. Developer and the City of Noblesville shall coordinate pedestrian and vehicular connection points between the Real Estate and Eastside Park, and those points shall be shown on the DDP and shall not be considered a major change.

Section 13. Additional Stipulations.

- 13.1 All public improvements, retention ponds, public safety, stormwater run-off, infrastructure, landscaping, irrigation, signage, and any other site development standards shall be met as per the current adopted ordinances and standards unless granted waivers.
- 13.2 All approvals from the governing agencies regarding the installation of a trail in the regulated drain/floodplain/wetlands area shall be submitted to the Planning Department prior to the issuance of an Improvement Location Permit for the trail in the easement.
- 13.3 Driveway locations for corner lots shall be located on the DDP.
- 13.4 The minimum lot area for all corner lots shall be as noted below for each District Area:

District Area	Minimum Lot Area for Corner Lots (sq. ft.)
Willow Creek (Estates)	16,800
Willow Creek (Americana)	13,600
Blue Ridge Creek	13,600
Copperleaf	13,600

Section 14. Waivers.

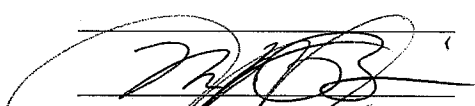

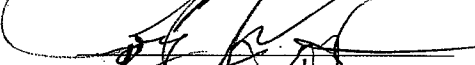

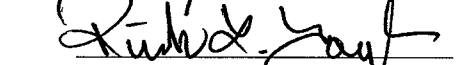
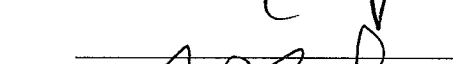
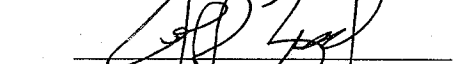

- 14.1 A wall or fence may be allowed within the peripheral landscape buffer.

Section 15. Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 28th day of Jan, 2014.

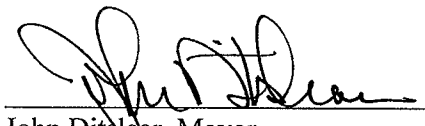
COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

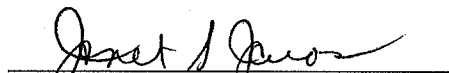
NAY

	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 28th day of Jan, 2014.


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: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney-At-Law, Faegre Baker Daniels, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46032 | (317) 569-9600



EXHIBIT A
REAL ESTATE

Part of the south half of Section 10 and part of the west half of Section 11 in Township 18 North, Range 5 East in Hamilton County, Indiana, described as follows:

Beginning at the northwest corner of the south half of said Section 10; thence North 89 degrees 07 minutes 44 seconds East along the north line of said south half section a distance of 2642.68 feet to the center of Section 10; thence continuing North 89 degrees 07 minutes 44 seconds East along the north line of said south half section a distance of 2649.01 feet to the northeast corner of said half section, also being the northwest corner of the southwest quarter of said Section 11; thence North 00 degrees 13 minutes 30 seconds West along the west line of said Section 11 a distance of 1662.31 feet to the northwest corner of a tract of land described in Instrument Number 2000-8347 in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 59 minutes 23 seconds East along the north line of said tract a distance of 1305.37 feet to the east line of the west half of the west half of said Section 11; thence South 00 degrees 15 minutes 14 seconds East along the east line of the west half of the west half of said Section 11 a distance of 1661.95 feet to the northeast corner of the northwest quarter of the southwest quarter of said Section 11; thence South 00 degrees 09 minutes 19 seconds East along the east line of said quarter quarter section a distance of 1329.62 feet to the southeast corner of said quarter quarter section; thence South 89 degrees 51 minutes 35 seconds West along the south line of said quarter quarter section a distance of 1306.57 feet to the southeast corner of the north half of the south half of said Section 10; thence South 89 degrees 08 minutes 20 seconds West along the south line of said half half section a distance of 2648.59 feet to the southeast corner of the northwest quarter of the southwest quarter of said Section 10; thence South 89 degrees 06 minutes 02 seconds West continuing along the south line of said half half section a distance of 1322.20 feet to the east line of a tract of land described in Instrument Number 2000-58287 in said Recorder's Office; thence South 00 degrees 10 minutes 43 seconds East along the east line of said tract a distance of 228.50 feet to the north line of a tract of land described in Instrument Number 2000-43320 in said Recorder's Office; thence North 89 degrees 07 minutes 44 seconds East along the north line of said tract a distance of 1.05 feet to the east line of the southwest quarter of the southwest quarter of said Section 10; thence South 00 degrees 10 minutes 05 seconds East along said east line a distance of 45.54 feet to the easterly extension of a 5 foot high white vinyl fence and the southeast corner of said tract; thence North 89 degrees 55 minutes 01 seconds West along said fence line and the south line of said tract of land a distance of 1320.96 feet the west line of the southwest quarter of said Section 10; thence North 00 degrees 10 minutes 43 seconds West along said west line a distance of 1584.44 feet to the Point of Beginning, containing 259.51 acres, more or less.

EXHIBIT B
PRELIMINARY DEVELOPMENT PLAN

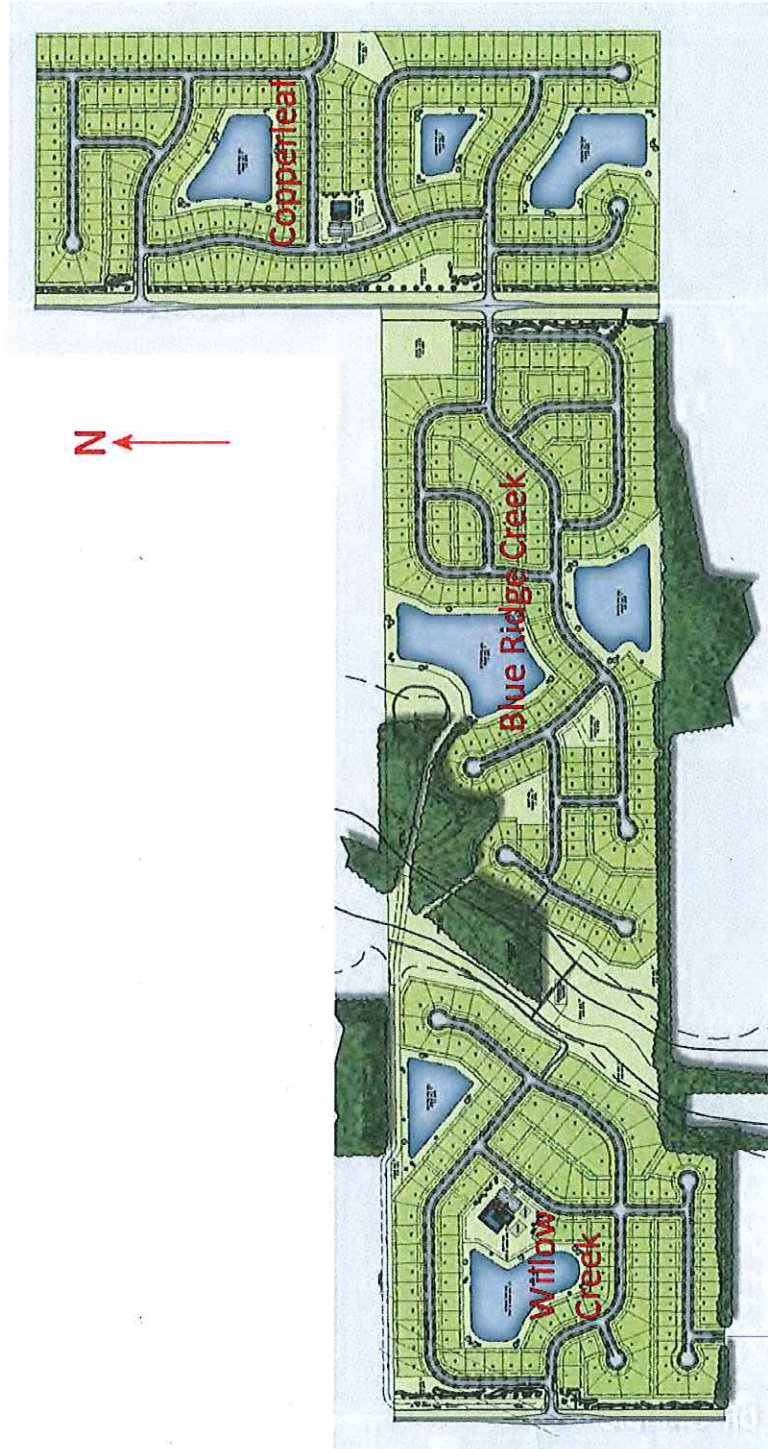


EXHIBIT C
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Pulte Homes – Illustrative Elevations



Amberwood



Westchester



Victoria



Riverton

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.

EXHIBIT C (continued)
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Pulte Homes – Illustrative Elevations



Hilltop



Baldwin



Greenfield

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.

EXHIBIT C (continued)
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Ryland – Americana Collection –
Illustrative Elevations



Providence



Stratford



McKinley



Franklin



Columbia



Jamestown

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.

EXHIBIT C (continued)
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Ryland – Americana Collection –
Illustrative Elevations



Jamestown II



Rushmore



Washington



Williamsburg

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.

EXHIBIT C (continued)
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Ryland – Estate Collection –
Illustrative Elevations



Southhill



St. Andrews



St. Michaels



Westchester

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.

EXHIBIT C (continued)
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS¹

Ryland – Estate Collection –
Illustrative Elevations



Augusta



Brookstone



Carrington



Penhurst

¹ As provided in Section 2.2 of the Ordinance, the Approved Elevations are those home elevations on file with the City of Noblesville's Planning and Development Department dated November 21, 2013, as reviewed and approved by the City's Architectural Review Board at its November 21, 2013, meeting.