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2016

ORDINANCE NO. 18-03-16

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04/15/2016 11:30:44A 9 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented


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

Document Cross Reference No. 2005-56059

An ordinance to amend the Unified Development Ordinance (“UDO”) as amended for the City of Noblesville, Hamilton County, Indiana, and its Official Zoning Map 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 document number 000088-2016 (the “Petition”) at its March 21, 2016, meeting as required by law in regard to the application filed by Fiore Nursery, LLC, for a request in change of zoning; 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, that the Unified Development Ordinance for said City and the Official 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 land described in **Exhibit A**, attached hereto (the “Real Estate”), as a Planned Development Overlay District to be known as **Fiore Nursery Planned Development** (the “District”).
- 1.2 The District’s underlying zoning district shall be **PB Planned Business 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 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.

- 1.4 All provisions and representations of the UDO that conflict with the provisions of the 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. 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.

3.1 The following uses shall be permitted within the District:

- A. The only uses permitted within the Fiore Nursery Planned Development shall be a Wholesale Nursery and Landscape Supply Company. No other uses permitted in the Underlying District shall be permitted within this District.
- B. Accessory buildings and uses customarily incidental to any of the permitted uses.

SECTION 4. Preliminary Development Plan. The Preliminary Development Plan, attached hereto as **Exhibit B**, 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. The bulk standards applicable to the Underlying District shall apply.

SECTION 6. Landscaping Standards. The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below.

- 6.1 **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 be required except on the west side of the Real Estate where a reduction from Fifty feet (50') to Thirty feet (30') shall apply.

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 shall comply with Article 11 of the UDO.

SECTION 10. Architectural Standards. The District's architecture shall comply with Article 4.B.6 of the UDO.

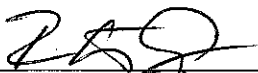

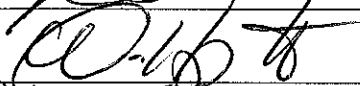


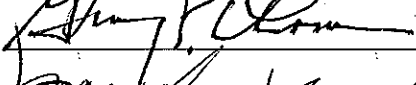
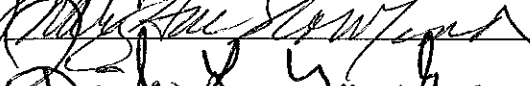
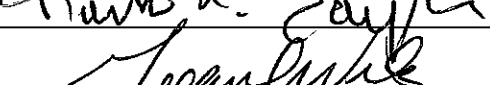

SECTION 11. Circulation and Access Points. The District's site circulation and access points (including number and location of curb cuts), as shown on the Preliminary Development Plan.

SECTION 12. 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.

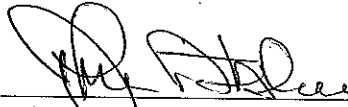
SECTION 13. Detailed Development Plan. In order to maintain design flexibility, the exact configuration and locations of each building and parking area set forth in a Detailed Development Plan ("DDP") may vary from the Preliminary Development Plan as long as the Governing Standards are met. Approval of a 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.

SECTION 14. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 12th day of April, 2016.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

	_____ 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 12th day of April, 2016.



John Ditslear, Mayor
City of Noblesville, Indiana

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: Andrew E. Wert.

Prepared by: Andrew E. Wert, City of Noblesville
16 South 10th Street, Suite 150, Noblesville, Indiana 46060 | (317) 776-6325

EXHIBIT A
LEGAL DESCRIPTION

Part of the West Half of the Northeast Quarter of Section 16, Township 18 North, Range 5 East, Noblesville Township in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of the West Half of the Northeast Quarter of said Section 16, thence North 89 degrees 32 minutes 13 seconds East 1,334.25 feet along the North line of said West Half to the Northeast Corner of said West Half; thence South 00 degrees 07 minutes 53 seconds East 505.72 feet along the East line of said West Half to the Point of Beginning of this description; thence South 00 degrees 07 minutes 53 seconds East 1,128.95 feet along said East line to the proposed 50 feet right-of-way line of Greenfield Avenue; thence North 69 degrees 34 minutes 58 seconds West 694.15 feet along the proposed 50 feet right-of-way line; thence North 00 degrees 07 minutes 53 seconds West 881.54 feet parallel with said East line; thence North 89 degrees 32 minutes 13 seconds East 650 feet parallel to said North line to said East line also being the Place of Beginning; containing 15.000 acres more or less.

EXHIBIT B-1 PRELIMINARY DEVELOPMENT PLAN

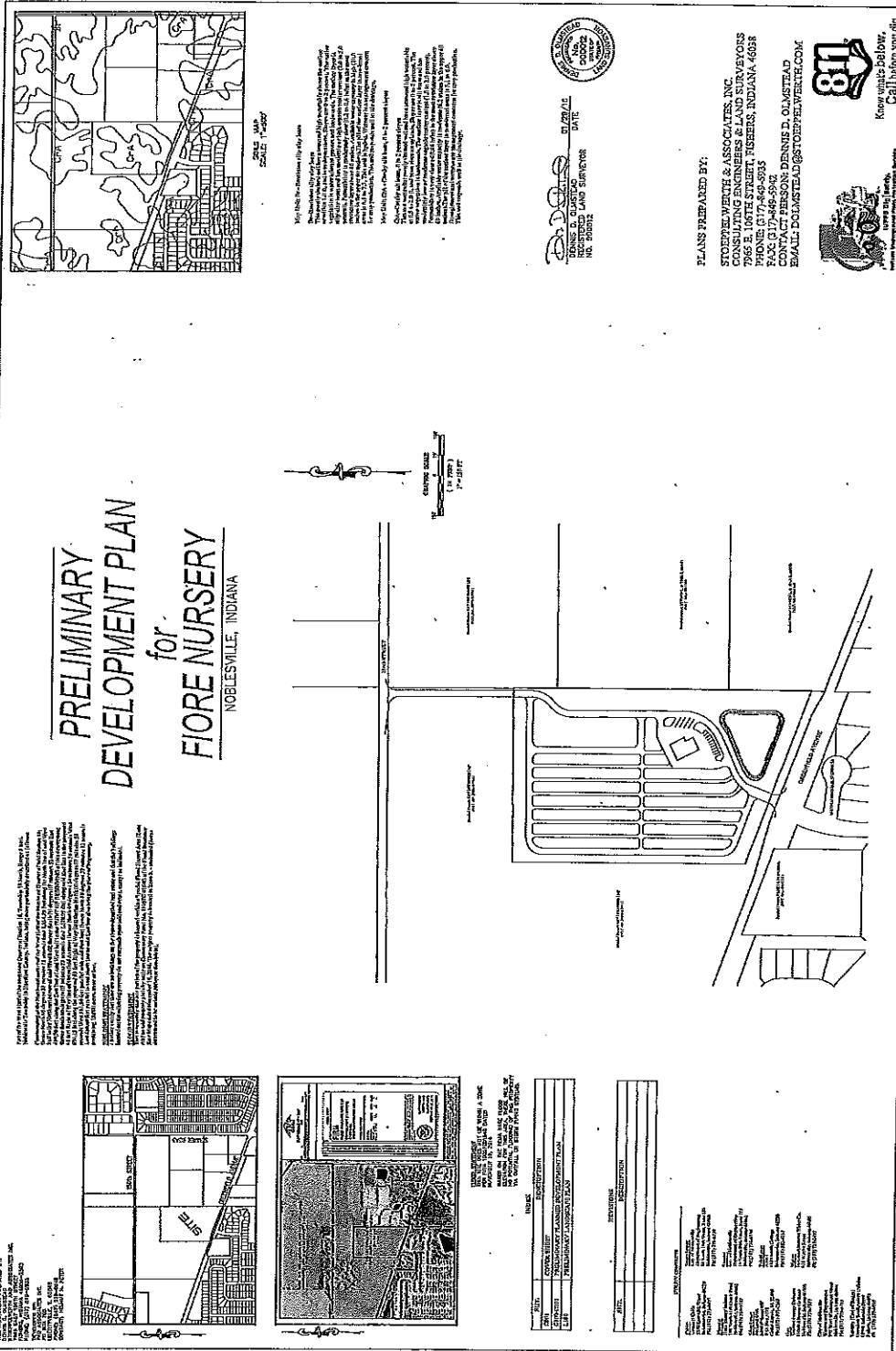


EXHIBIT B-2 PRELIMINARY DEVELOPMENT PLAN

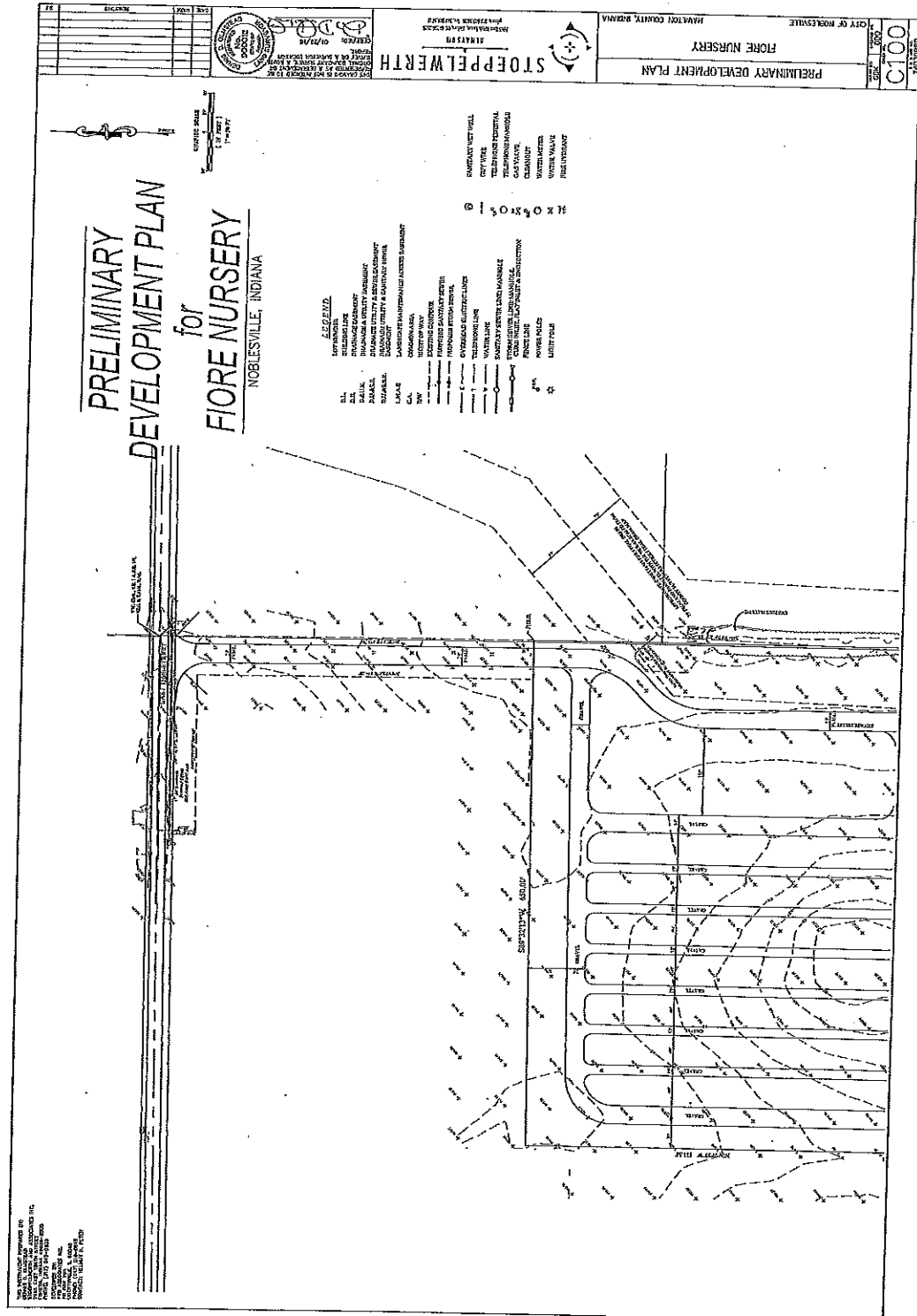
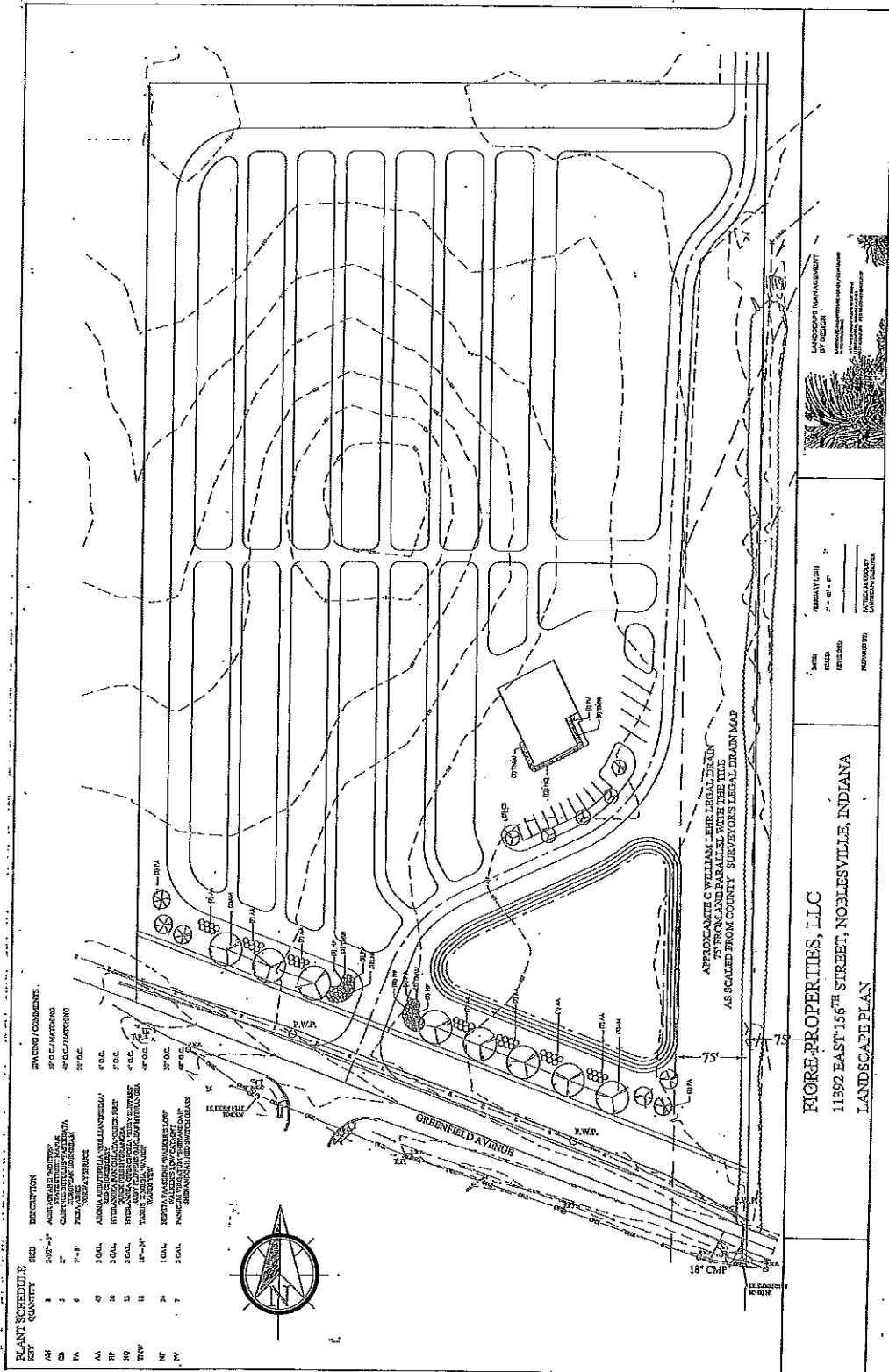


EXHIBIT B-4 PRELIMINARY DEVELOPMENT PLAN



PLANT SCHEDULE	QUANTITY	SIZE	DESCRIPTION	SPACING / COMMENTS
AS	1	30" x 30"	ACER FRAXINUS	SPACING: 10' x 10'
CS	1	2"	CORNUS FLORIDA	SPACING: 10' x 10'
PA	6	7" x 8"	PAONIA PRAENANSA	SPACING: 10' x 10'
AA	49	3 GAL	ARISAEMA SPICATA	SPACING: 10' x 10'
TP	28	3 GAL	TRIFOLIUM ALPESINUM	SPACING: 10' x 10'
NQ	15	3 GAL	NERIUM OLEANDER	SPACING: 10' x 10'
TRAP	18	1P-1P"	TRIFOLIUM ALPESINUM	SPACING: 10' x 10'
NT	24	1 GAL	NERIUM OLEANDER	SPACING: 10' x 10'
PV	7	2 GAL	PAONIA PRAENANSA	SPACING: 10' x 10'



APPROXIMATE WILLIAM LEHR LEGAL DRAIN
75' FROM AND PARALLEL WITH THE TIE
AS SCALED FROM COUNTY SURVEYORS LEGAL DRAIN MAP

SCALE: 1" = 40' - 0"
 DATE: 10/10/17
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]

FIGORE PROPERTIES, LLC
 11392 EAST 156TH STREET, NOBLESVILLE, INDIANA
 LANDSCAPE PLAN