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ORDINANCE NO. 03-02-17

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

*Document Cross Reference Nos.* \_\_\_\_\_

This Ordinance (the "Havenwood 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 993-2016 at its November 14, 2016 meeting as required by law in regard to the application (the "Petition") filed by MI Homes of Indiana, L.P. (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 the "Havenwood of Noblesville Preliminary Development Plan", as further described in Section 4 below (the "Plan"); and,

**WHEREAS**, the Plan Commission has sent an unfavorable recommendation for adoption of said amendment with a vote of six (6) 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 "R1" Residential to "R1/PD" Residential Planned Development, which is to be known as the Havenwood Planned Development (the "District").
- B. The District's underlying zoning district shall be R1 Residential (the "Underlying District"). Development in the Underlying District shall be governed entirely by (i) the provisions of this Havenwood 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. 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.
- D. All provisions and representations of the UDO that conflict with the provisions of this Havenwood PD Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Havenwood PD 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.** 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 eighty-one (181).

**Section 4.** **Preliminary Development Plan.**

- A. Full sized, scaled development plans are on file with the City’s Planning and Development Department dated March 30, 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 5.** **Bulk Standards.** The bulk requirements applicable to the Underlying District shall apply to all Lots except as noted below. The bulk requirements for Lots numbered 93 thru 102, on the Preliminary Development Plan (“PDP”), where different than the standards for all Lots, are shown below in italics:

- A. Maximum Lot Limitation: Notwithstanding the requirements of this Section 5 the maximum number of Lots shall be limited in the areas set forth below:
  - 1. A maximum of six (6) Lots shall be permitted on the north side of Street A between Hinkle Creek Road and the intersection of Street A and Street B (Lots 1 thru 6 as illustrated on the PDP).
  - 2. A maximum of ten (10) Lots shall be permitted on the south side of Street B adjacent to the 50’ Landscape Buffer Yard along the Hinkle Creek Estates Subdivision (Lots 93 thru 102 as illustrated on the PDP).
  - 3. Notwithstanding the standards of this section 5.A above; (i) a maximum of seven (7) Lots shall be permitted on the north side of Street A between Hinkle Creek Road and the intersection of Street A and Street B and (ii) a maximum of six (6) Lots shall be permitted on the south side of Street B between its intersection with Street A (on the west) and Street C (on the east) as illustrated on the PDP. The lot configuration shall be reflected on the Detailed Development Plan.
- B. The Minimum Lot Area: 

Nine Thousand (9,000) Square Feet
<i>Twelve Thousand Six Hundred (12,600) Square Feet –</i>
<i>Lots 93 thru 102 only</i>

- C. Minimum Lot Width measured at the front building setback line:  
     Sixty-six (66) feet  
     *Ninety (90) feet – Lots 93 thru 102 only*  
     Eighty (80) feet – Lots 103 thru 113 on PDP only
- D. Minimum Street Frontage: Forty (40) feet
- E. Minimum Front Yard Setback: Twenty-five (25) feet
- F. Minimum Side yard Setback: Eight (8) feet
- G. Minimum Rear yard Setback: Twenty (20) feet
- H. Maximum Floor Area Ratio: Forty (40) percent
- I. Minimum Floor Area: One-story – Eighteen Hundred (1,800) Square Feet  
     *Twenty-four Hundred (2,400) Square Feet –*  
     *Lots 93 thru 102 only*  
     Two-story – Twenty-two Hundred (2,200) Square Feet  
     *Twenty-eight Hundred (2,800) Square Feet –*  
     *Lots 93 thru 102 only*
- J. Maximum Lot Coverage: Fifty-five (55) percent

**Section 6. 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 October 3, 2016, as reviewed and approved by the City’s Architectural Review Board at its October 20, 2016 meeting (the “Approved Elevations”).
- B. 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 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 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. Notwithstanding the above standards in this Section 6 (Architectural Standards) all homes on Lots numbered 93 thru 102 (as shown on the PDP) shall have a minimum of three (3) corner breaks on the rear elevation of the home. A fireplace bump-out,

where provided, shall not qualify in meeting this standard. The three (3) corner breaks will be in addition to any fireplace bump-out, where provided.

**Section 7. 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. All Lots shall be landscaped in accordance with the Architectural Review Board Standards (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.

1. A minimum fifty (50) foot wide Landscape Buffer Yard shall be provided along the entire perimeter of the Real Estate as shown on the Preliminary Development Plan. The Landscape Buffer Yards shall be planted per the requirements of the UDO unless otherwise modified by the enhancements noted below in this Section 7.B.
2. The Landscape Buffer Yard along Hinkle Creek Road shall be a minimum of one-hundred and fifty (150) feet wide. This standard will result in the closest Lot being a minimum of two-hundred (200) feet from the center line of Hinkle Creek Road.
3. The required number of trees and shrubs within the Landscape Buffer Yard along the north perimeter of the Real Estate (adjacent to the Pine Knoll Subdivision) shall consist of two (2) Evergreen Trees planted within the Common Area north of the rear yard of each adjacent Lot. The additional trees will supplement the existing trees which are being saved along the property line and create a better transition between the lots.
4. The required number of trees and shrubs within the Landscape Buffer Yard along the south perimeter of the Real Estate beginning 150 feet west of Lot 93 continuing east to the stub street connection into the County Lake Estates subdivision shall be five (5) Evergreen Trees, three (3) Canopy or Ornamental Trees and ten (10) Shrubs (per 100 linear feet).
5. The required number of trees and shrubs within the Landscape Buffer Yard (i) along the south perimeter of the Real Estate beginning 150 feet west of Lot 93 continuing west to Hinkle Creek Road and (ii) along the shared perimeter with the parcel west of and adjacent to the Real Estate, shall be three (3) Evergreen Trees, three (3) Canopy or Ornamental Trees and ten (10) Shrubs (per 100 linear feet).
6. Mounding will be provided within the Landscape Buffer Yard adjacent to the Hinkle Creek Estates Subdivision. There shall be a minimum of three (3) mounds, each with a minimum height of three (3) feet and length of (twenty) feet. The mounds will create opportunities for better screening along the common property line. Additional mounding (a minimum of three feet in height) shall also be provided (i) west of Lot 93 and (ii) in the common area between Lot 99 and Lot 100 to better screen headlights from adjoining roadways.

7. A wood split rail board fence will be provided within the Landscape Buffer Yard along the south perimeter of the Real Estate beginning 150 feet west of Lot number 93 continuing west to Hinkle Creek Road adjacent to the Hinkle Creek Estates Subdivision in strategic locations in this area. The fence will be placed in two or three rail sections. The fence is intended to help create a sense of separation and not a buffer along the common property line. The location of the fence section will be shown on the Landscape Plan included in the Detailed Development Plan.
8. Trees and shrubs may be grouped within the Landscape Buffer Yard provided the minimum number of plantings meets the overall number of required number of plantings along segments of individual perimeter segments (i.e. north, east, south and west).
9. The Developer will work with the owner of the parcel to the west of the Real Estate (the "Stewart Parcel") on tree species, planting locations, mounding areas and two to three sections of fencing near the pedestrian path south of and adjacent the Stewart Parcel.

- C. Open Space. Open Space shall be provided substantially in the size, configuration and locations depicted on the Preliminary Development Plan.

**Section 8.** **Parking and Loading Standards.** The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply except as noted below:

- A. The minimum distance between the street centerline and the driveway for 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 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 as supplemented below:

- A. One temporary Off-Premise directional sign, as generally depicted on Exhibit D, shall be permitted on property at the northeast corner of the intersection of State Road 38 and Hinkle Creek Road for a period not to exceed three (3) years from the date of issuance of the first building permit on the Real Estate. The subject sign shall (i) not be illuminated, (ii) shall not advertise construction and/or builder(s) on property other than the Real Estate, and (iii) shall require a sign permit.

**Section 11.** **Site Design, Improvement and Infrastructure Standards.** Unless otherwise stated within this Havenwood PD Ordinance, all public infrastructure within the District shall adhere to the City's standards and design criteria.

- A. Corner Lots: Corner lots shall be permitted at a minimum of twenty-five (25) percent larger than the minimum lot area.
- B. The center line of the drainage swale along the Pine Knoll Subdivision shall be located a minimum of 20' feet from the shared property line to provide for more area between the existing tree line along the shared property line.

**Section 12.** **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. All fences on Lots shall be (i) black metal, vinyl or wood, (ii) of a consistent style and height and (iii) a maximum of 6' in height.

**Section 13.** **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 14.** **Effective Date.** This Havenwood 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 14<sup>th</sup> day of April, 2017.

**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

**AYE**

**NAY**

_____	Brian Ayer	_____
<u>MB</u>	Mark Boice	_____
<u>Wil Hampton</u>	Wil Hampton	_____
<u>Christopher Jensen</u>	Christopher Jensen	_____
<u>Roy Johnson</u>	Roy Johnson	_____
<u>Gregory P. O'Connor</u>	Gregory P. O'Connor	_____
<u>Mary Sue Rowland</u>	Mary Sue Rowland	_____
<u>Rick L. Taylor</u>	Rick L. Taylor	_____
_____	Megan G. Wiles	<u>Megan G. Wiles</u>

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 14<sup>th</sup> day of April, 2017.



[Signature]  
Mayor  
City of Noblesville, IN

ATTEST:

Evelyn L. Lees  
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.

Havenwood - PD Ordinance 10 041117

**EXHIBIT A**

Legal Description  
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A PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 4 EAST LOCATED IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWESTQUARTER OF SECTION 21, TOWNSHIP 19 NORTH, RANGE 4 EAST; THENCE SOUTH 00 DEGREES 11 MINUTES 20 SECONDS EAST (ASSUMED BEARING) 944.09 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO A MAG NAIL AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88 DEGREES 48 MINUTES 37 SECONDS EAST 1124.69 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 38 MINUTES 59 SECONDS EAST 944.43 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH.88 DEGREES 48 MINUTES 37 SECONDS EAST 1529.45 FEET TO A IRON ROD AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 57 MINUTES 17 SECONDS EAST 1334.21 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 09 MINUTES 38 SECONDS WEST 1326.465 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 55 MINUTES 10 SECONDS WEST 1332.35 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 50 MINUTES 50 SECONDS WEST 2661.72 FEET TO A MAG NAIL AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 11 MINUTES 20 SECONDS WEST 381.32 FEET TO THE POINT OF BEGINNING. CONTAINING 97.21 ACRES, MORE OR LESS.



**EXHIBIT A**

Legal Description  
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**EXHIBIT B**

**(PRELIMINARY DEVELOPMENT PLAN)**



## EXHIBIT C

### ARCHITECTURAL STANDARDS

**APPROVED BY ARB 10-20-16**

**ARB 994-2016 HAVENWOOD**

Architectural Feature		Havenwood
Floor Area/Dwelling Unit (Minimum)	One-Story Structures (sq. ft.)	1,800
	Two-Story Structures (sq. ft.)	2,200
Corner Breaks; Primary Architectural Plane (Minimum)	One-Story Structures	3
	Two-Story Structures	3
Corner Breaks; Secondary Architectural Plane (Minimum)	One-Story Structures	2
	Two-Story Structures	2
Porch	Required	n/a
	Minimum Size (sq. ft.)	16
Masonry Percentage (Minimum)	Primary Architectural Plane	50% (1)
	Secondary Architectural Plane	0%
	Total (All Architectural Planes)	n/a
Material Restrictions	Vinyl (.048 gauge minimum)	NO
	Vinyl (less than .048 gauge)	NO
	Aluminum	NO
Roof Pitch (Minimum)	Primary Ridge	6/12
Roof Ridgelines (Minimum)	One-Story	3
	Two-Story	3
Roof Overhang; From Framing (Minimum)		12 (2)
Number of Windows; Primary Architectural Plane (Minimum)	One-Story Structures	2
	Two-Story Structures	4
Number of Windows; Secondary Architectural Plane (Minimum)	One-Story Structures	2
	Two-Story Structures	3
Number of Windows; Total Aggregate (Minimum)	One-Story Structures	10
	Two-Story Structures	16
Window Treatment Required	Primary Architectural Plane	YES (3)
	Secondary Architectural Plane	NO
Garage Door Percentage; Primary Architectural Plane (Maximum)	One-Story Structures	30%
	Two-Story Structures	20%
Garage Door Windows Required		NO
(1) Brick may be reduced by the ARB based on architectural style of home (2) Overhang may be 8" in masonry areas (3) Window Treatment includes shutters, wood trim wrap, or brick detail surround		

**EXHIBIT D**

Directional Sign



**Directional Sign Data:**

Maximum Height: 10'

Maximum Area: 32 sq. ft.

Minimum Setback: 10'