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Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 77-10-16

**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 973-2016 (the "Petition") at its October 17, 2016, meeting as required by law in regard to the application filed by Beazer Homes Indiana LLP (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, (the "City Council") by a vote of nine (9) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the City Council, 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 at the southeast corner of 166th Street and Summer Road, more particularly described in Exhibit A, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as the **Summerland Park Planned Development** (the "District").
- 1.2 The District's underlying zoning district shall be the **R-2 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and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.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” shall mean the set of home elevations on file with the City of Noblesville’s Planning and Development Department, as reviewed and approved by the City’s Architectural Review Board at its August 18, 2016, 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 and Landscaping Standards” shall mean the standards set forth attached hereto as **Exhibit D.**
- 2.4 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department dated September, 27, 2016. 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 ninety-five (95).
- 3.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses.

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.** The bulk requirements applicable to the Underlying District shall apply except as noted below:

- 5.1 The Minimum Lot Area per Dwelling Unit shall be 9,800 ft².
- 5.2 The Minimum Lot Width measured at the front building setback line shall be seventy (70) feet.
- 5.3 The Minimum Front Yard Setback shall be twenty-five (25) feet.
- 5.4 The Minimum Side Yard Setback shall be five (5) feet.
- 5.5 The Minimum Floor Area per dwelling unit shall be 1,800 ft².

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 or otherwise comply with the standards set forth in **Exhibit D.** The Director of Planning and Development, including her 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 elevation does not comply with Section 6.1, 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 standards set forth in **Exhibit D.**
- 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 and as shown on the Preliminary Development Plan.
- 7.3 **North Buffer Yard.** The fifty (50) foot buffer yard along the Real Estate's north property line shall require six (6) trees per one hundred (100) linear feet, except for the buffer yard area spanning the length of the pond. Trees shall be an even mix of canopy and evergreen trees.

7.4 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-two and one-half percent (22.5%) of the Real Estate be Open Space.

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. **Site Design and Improvement Standards.** The standards of Article 6, Site Design and Improvement Standards, of the UDO shall apply, except as noted below:

11.1 Infrastructure. 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.

11.2 Corner Lots. Corner lots shall be a minimum of twenty-eight (28) percent larger than the minimum lot area.

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. **Waivers.**

13.1 A wall or fence may be allowed within the Common Area/Landscape Buffer.

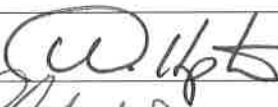
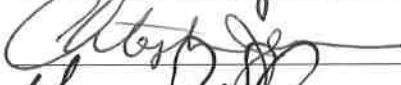
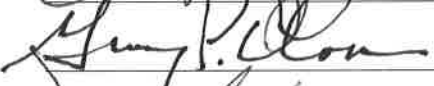



Section 14. **Effective Date.** This change of zoning shall be in full force and effect from and upon the effective date of the annexation of all of the Real Estate into the corporate limits of the City.

Approval. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of November, 2016.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE


AYE

NAY

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

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 14th day of December, 2016.




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: 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

Corporate Deed (Inst. No.: 2003-105100)

Corrective Corporate Deed (Inst. No.: 2004-030203)

A part of the Northwest Quarter of Section 10, Township 18 North, Range 5 East located in Wayne Township, Hamilton County, Indiana being bounded as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 10, Township 18 North, Range 5 East; thence South 00 degrees 40 minutes 48 seconds West (assumed bearing) 460.63 feet along the West line of said Northwest Quarter to the POINT OF BEGINNING of this description; thence South 89 degrees 40 minutes 54 seconds East 2,263.27 feet to a point on the West line of a tract of land described in Instrument Number 1907 and recorded in Deed Record 291, page 197 in the records of Hamilton County, Indiana; thence South 01 degrees 07 minutes 34 seconds West 856.38 feet along the West line of last said tract of land to a point on the South line of the North half of said Northwest Quarter, said point being North 89 degrees 56 minutes 29 seconds West 389.52 feet from the Southeast corner of the North half of said Northwest Quarter; thence North 89 degrees 56 minutes 29 seconds West 933.58 feet along the South line of the North half of said Northwest Quarter to the Southeast corner of the Northwest Quarter of said Northwest Quarter; thence North 89 degrees 56 minutes 29 seconds West 1323.10 feet along the South line of the North half of said Northwest Quarter to the Southwest corner of the Northwest Quarter of said Northwest Quarter; thence North 00 degrees 40 minutes 48 seconds East 866.54 feet along the West line of said Northwest Quarter to the POINT OF BEGINNING. Containing 44.661 acres, more or less.

A PORTION OF THE ABOVE-DESCRIBED REAL ESTATE (Parcel 1 Only) WAS FOUND BY THIS SURVEY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A part of the Northwest Quarter of Section 10, Township 18 North, Range 5 East located in Wayne Township, Hamilton County, Indiana being bounded as follows:

Commencing at the Northwest corner of the Northwest quarter of said Section 10; thence South 00 degrees 18 minutes 15 seconds East 460.63 feet along the West line of said Northwest quarter to the POINT OF BEGINNING of this description; thence North 89 degrees 19 minutes 47 seconds East 2,263.27 feet; thence South 00 degrees 05 minutes 43 seconds West 856.38 feet; thence South 89 degrees 04 minutes 13 seconds West 2,257.39 feet to said West line; thence North 00 degrees 18 minutes 15 seconds West 866.54 feet along said West line to the place of beginning, containing 44.697 acres, more or less.

EXHIBIT B
PRELIMINARY DEVELOPMENT PLAN

Min. 50' buffer area



White 3-board vinyl fence (similar to the photo above) shall be installed along the east property line

Six (6) trees per linear feet

Six (6) trees per linear feet



Min. 50' buffer area

EXHIBIT C
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS

(See subsequent pages)

ILLUSTRATIVE HOME ELEVATIONS

SUMMERLAND PARK



ILLUSTRATIVE HOME ELEVATIONS

SUMMERLAND PARK



Exhibit D - Approved Architectural and Landscaping Standards

Summerland Park | Beazer Homes

Minimum Square footage	Ranch Homes	1,800 SF
	Two-Story Homes	2,400 SF
Ridges	All Homes shall have a minimum of three (3) ridgelines, unless fewer are consistent with a historical style of the home in which case a minimum of two (2) ridgelines are required.	
	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 three (3) corner breaks on the front façade and a minimum of two (2) corner breaks on the secondary façades. Each projection of a corner break shall be a minimum of four (4) 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 all planes of the home.	
	Ranch Homes	
	Front	2
	Back and Sides	2
	Aggregate	10
	Two-Story Homes	
	Front	3
	Back and Sides	2
	Aggregate	14
Garage Doors Percentage	Except in the case of the a single story home containing 3-car garage, the area of the garage door (s) on a single story home with front facing garage doors shall be a maximum of 30% of the total area of the front elevation including the garage door (s) as	

part of the total area of the front elevation.

Except in the case of the a two story home containing 3-car garage, the area of the garage door (s) on a two story home with front facing garage doors shall be a maximum of 20% of the total area of the front elevation including the garage door (s) as part of the total area of the front elevation.

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.

Entryways

Entryways are clearly defined, and all porches shall be a minimum of 4 ft. in depth.

Roof Pitch

Minimum 6:12

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

No vinyl or aluminum siding shall be permitted. Homes will consist of a thoughtful blend of brick, cultured stone, LP siding or composite siding, and composite trims. Fiber cement is also a permitted material.

Brick, wood, Limestone, natural stone, or Hardi-Plank siding is required on the front façade of each home. For front facades that are designed to be consistent with a historical architectural style, a minimum of three (3) architectural characteristics must be represented. A list of different characteristics for various architectural styles has been submitted with these ARB standards. For Homes with a front façade that is not consistent

with a historical architectural style; brick, limestone, or natural stone shall be required on forty (40) percent of the front façade of the home, not including windows, doors or garage doors.

Anti- Monotony

No home on either side of, or across the street, including on either side of the home across the street, from the subject home will have the same elevation.

No home on either side of, or across the street from, the subject home shall have the same color package (e.g. brick, siding, and trim color).

Landscaping

Front Yard: Two (2) 2.5 in. Deciduous trees and ten (10) shrubs of a minimum of 24- inches in width or height.

Side Yard: In the side yard adjacent to the house side of the home, one (1) 1.5 in. Ornamental tree and eight (8) shrubs of a minimum of 24- inches in width or height will be planted off of this front corner and wrapping down the sidewall a minimum of six (6) feet.

Lawns: 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.