

DULY ENTERED FOR TAXATION
Subject to final separate for transfer
City of Noblesville 1998
J. M. Ogle Auditor
Hamilton County

35.00
(14)
2.00 none

Instrument
9809840511

ORDINANCE NO. 53-12-97

AN ORDINANCE TO AMEND THE ZONING ORDINANCE, A PART OF THE MASTER PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA.

An Ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, 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 has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Land Rush Development Services, Inc. for D.B. Mann Development Company and has approved the Preliminary Development Plan attached hereto as Exhibit A; and

WHEREAS, the Plan Commission has sent its recommendation to the Noblesville Common Council in the following manner: favorable by a vote of 8 in favor, 0 opposed and 0 abstention;

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 Zone Map of said Ordinance are hereby amended as follows:

SECTION 1. That the common location of the subject real estate is as follows: approximately five hundred ten (510) acres located at the northwest corner of Boden Road and State Road 238, in Wayne Township; that said real estate, all of which is located in the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana, is hereby rezoned from an R-1 Classification to an M-PD Classification, as designated in said City of Noblesville, Indiana Zoning Ordinance, and said real estate is more particularly described as

9809840511
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 07-23-1998 At 03:36 pm.
ORDINANCE 35.00

follows:

(Please See Exhibit B Attached Hereto)

SECTION 2. That the development of the Property shall include commercial, residential and recreational land uses as shown on the Preliminary Planned Development Plan (the "Preliminary Plan"), attached hereto as Exhibit A. All land uses developed within the Property and their respective development characteristics shall be reviewed by the Noblesville Plan Commission for Detailed Development Plan approval. The land uses and developmental standards for property within the PD district shall be as allowed as set forth in in the Development Guidelines attached hereto as Exhibit C.

SECTION 3. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 13th day of July, ¹⁹⁹⁸~~1997~~.

COMMON COUNCIL, CITY OF NOBLESVILLE

AYE

NAY

<u>Abstain</u>	Terry L. Busby	_____
<u>Alan Hinds</u>	Alan Hinds	_____
<u>Laurie Hurst</u>	Laurie Hurst	_____
<u>Jack Martin</u>	Jack Martin	_____
<u>Rick B. Moore</u>	Rick B. Moore	_____
<u>Dale Snelling</u>	Dale Snelling	_____
<u>C. Murphy White</u>	C. Murphy White	_____

An Ordinance to Amend the Zoning Ordinance,
a Part of the Master Plan of the City of Noblesville,
Hamilton County, Indiana

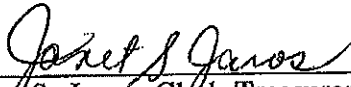
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APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County,
Indiana, this 13TH day of July, 1998

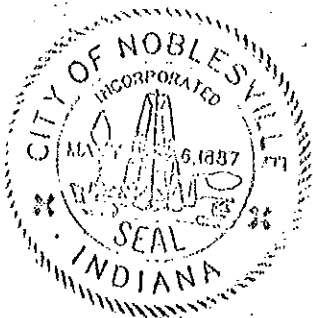


Dennis R. Redick, Mayor
City of Noblesville, Indiana

ATTEST:



Janet S. Jaros, Clerk-Treasurer
City of Noblesville, Indiana



This instrument prepared by Douglas B. Floyd, Attorney at Law, 970 Logan Street,
Noblesville, Indiana 46060.

An Ordinance to Amend the Zoning Ordinance,
a Part of the Master Plan of the City of Noblesville,
Hamilton County, Indiana

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EXHIBIT B

Legal Description of Property

LAND DESCRIPTION
(FOR ZONING PURPOSES ONLY)

Part of the Northeast Quarter, the Northwest Quarter, the Southwest Quarter and the Southeast Quarter all in Section 15, Township 18 North, Range 5 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of said Section 15, said point also being the Northeast Corner of the Southeast Quarter of said section 15; thence North 00°00'00" East (assumed bearing) along the East line of said Northeast Quarter a distance of 2664.18 feet to the Northeast corner of the Northeast Quarter of said Section 15; thence South 89°19'17" West along the North line of the said Northeast Quarter a distance of 1009.94 feet; thence South 00°23'17" East parallel with the West line of said Northeast Quarter a distance of 499.50 feet; thence South 89°19'17" West parallel with the North line of said Northeast Quarter a distance of 562.00 feet; thence North 00°23'17" West parallel with the West line of said Northeast Quarter a distance of 130.00 feet; thence North 89°19'17" East parallel with the North line of said Northeast Quarter a distance of 54.00 feet; thence North 00°23'17" West parallel with the West line of said Northeast Quarter a distance of 369.50 feet to the North line of said Northeast Quarter; thence South 89°19'17" West along the North line of said Northeast Quarter a distance of 1130.22 feet to the Northwest corner of said Northeast Quarter and the Northeast corner of the Northwest Quarter of said Section 15; thence South 89°14'50" West along the North line of said Northwest Quarter a distance of 1814.58 feet; thence South 00°05'43" West a distance of 452.88 feet; thence South 89°58'18" West a distance of 411.04 feet; thence North 00°37'21" East a distance of 447.76 feet to the North line of said Northwest Quarter; thence South 89°14'51" West along the North line of said Northwest Quarter a distance of 419.82 feet to the Northwest corner of said Northwest Quarter; thence South 00°05'37" West along the West line of said Northwest Quarter a distance of 2674.42 feet to the Southwest corner of said Northwest Quarter and the Northwest corner of the Southwest Quarter of said Section 15; thence South 00°01'28" West along the West line of said Southwest Quarter a distance of 2650.17 feet to the Southwest corner of said Southwest Quarter; thence North 89°37'13" East along the South line of said Southwest Quarter a distance of 902.05 feet; thence North 13°00'00" East a distance of 320.00 feet; thence North 16°30'00" East a distance of 501.00 feet; thence North 26°30'00" East a distance of 370.00 feet; thence North 12°00'00" East a distance of 550.00 feet; thence North 22°00'00" East a distance of 330.00 feet; thence North 05°30'00" East a distance of 420.00 feet to the centerline of State Road 238; thence South 58°08'49" East along said centerline a distance of 22.33 feet thence North 26°57'43" East a distance of 335.77 feet to the North line of said Southwest Quarter; thence North 89°03'08" East along the North line of said Southwest Quarter a distance of 126.29 feet; thence South 03°48'08" West a distance of 452.40 feet to the centerline of State Road 238; thence South 59°46'52" East along said centerline a distance of 628.89 feet;

thence North 26°32'59" East a distance of 874.71 feet to a point in the North line of the Southeast Quarter of said Section 15; thence North 89°17'54" East along the North line of said Southeast Quarter a distance of 101.31 feet; thence South 00°41'49" West parallel with the West line of said Southeast Quarter a distance of 1043.16 feet to a point 16.50 feet Northeasterly at right angles from the centerline of State Road 238; thence South 59°56'58" East a distance of 497.50 feet to the point of curvature of a curve concave to the Southwest having a radius of 2723.37 feet, said point of curvature being North 30°03'02" East a distance of 2723.37 feet from the radius point of said curve; thence Southeasterly along said curve an arc distance of 171.79 feet to the end point of said curve, said point being North 33°39'53" East a distance of 2723.37 feet from said radius point and also being 16.50 feet Northeasterly at right angles from the centerline of State Road 238; thence South 00°01'48" West a distance of 19.84 feet to a point on the centerline of State Road 238, said point being on a curve concave to the Southwest having a radius of 2706.87 feet and being North 33°53'51" East a distance of 2706.87 feet from the radius point of said curve; thence Southeasterly along said centerline and said curve an arc distance of 454.48 feet to the point of tangency of said curve, said point being North 43°31'02" East a distance of 2706.87 feet from said radius point; thence South 46°27'12" East along said centerline a distance of 234.24 feet; thence North 05°23'23" East a distance of 20.98 feet to a point 16.50 feet Northeasterly at right angles from the centerline of State Road 238; thence South 46°27'12" East a distance of 175.02 feet to the point of curvature of a curve concave to the Northeast having a radius of 1265.24 feet, said point of curvature being South 43°31'02" West a distance of 1265.24 feet from said radius point; thence Southeasterly along said curve an arc distance of 372.32 feet to the point of tangency of said curve, said point being South 26°39'25" West a distance of 1265.24 feet from said radius point; thence South 63°20'35" East a distance of 996.91 feet to a point that is 16.50 feet Northeasterly at right angles from the centerline of State Road 238 and 16.50 feet Westerly at right angles from the East line of said Southeast Quarter; thence North 00°05'23" East parallel with the East line of said Southeast Quarter a distance of 2637.76 feet to the North line of said Southeast Quarter; thence North 89°17'52" East along the North line of said Southeast Quarter a distance of 16.50 feet to the Point of Beginning. Containing 509.010 acres (22,172,474 Sq. Ft.), more or less.

Desc7/9071zone
RFP/vlv 11/13/97

CEDAR PATH
DEVELOPMENT GUIDELINES

A PLANNED COMMUNITY
NOBLESVILLE, INDIANA

D.B. MANN DEVELOPMENT COMPANY

SECTION I. STATEMENT OF PURPOSE AND INTENT

- A. Cedar Path is a planned community. While its primary focus is residential, associated commercial and recreational land uses have been included to complement the residential area and provide goods and services for the residents of the community and to blend with the established land use patterns which are dominated by Deer Creek Music Center.
- B. The Cedar Path development standards are intended to carry out the design goals of this planned community. They are written to ensure a unified, quality development and continuity in design among the various land uses. Through creativity in design, sensitivity to the natural features of the site and compatibility of land uses, a commitment is made to the future of the community.
- C. The following principles will be used in guiding development toward a planned community which can respond to changing market conditions. The Cedar Path PD shall:
1. Encourage a more creative approach in land and building site planning;
 2. Encourage an efficient, aesthetic, and desirable use of open space;
 3. Encourage a mixed-use, master planned community providing for residential, recreational, and community services;
 4. Achieve flexibility and provide incentives for development which will produce a wider range of choice in satisfying the changing urban needs;
 5. Permit special consideration of the unique features of Cedar Path, such as historical significance, unusual topography, landscape amenities, size, and shape and maximize the unique physical features.
 6. Create development patterns and project design that further the goals and policies of the City of Noblesville.
 7. Provide appropriate transitions between land uses while encouraging an overall community focus.
 8. Promote variety in the physical development pattern of the community, and provide for both land use type and density to be transferred between parcels.

SECTION II. AUTHORITY

These standards shall apply to all property contained within Cedar Path Planned Development as described herein. These regulations and requirements shall become part of the Planned Development Ordinance and shall provide the governing standards for review, approval, and modification of all land

use and development activities occurring at Cedar Path. Provisions of these guidelines shall prevail and govern the development of Cedar Path, superseding existing zoning and subdivision ordinances. The subdivision and zoning ordinances and regulations of the appropriate governmental entity shall apply if the provisions of these guidelines do not address a specific subject, or if the Noblesville Plan Commission or Common Council adopt amendments to these guidelines, which they may do from time to time as necessary.

SECTION III. LAND USE

- A. There are three primary land use categories within the Cedar Path conceptual Planned Unit Development, broken down as follows:

<u>USE</u>	<u>AREA</u>	<u>% TOTAL</u>	<u>PARCELS</u>
Residential	310± Ac.	61.8%	D,E,F,G,H,I
Commercial	100± Ac.	19.6%	A,B,C
Open Space*	100± Ac.	19.6%	K,L
TOTAL	<u>510± Ac.</u>	<u>100 %</u>	

* Includes the Perimeter Yard and right-of-way

- B. Parcels denoted "Residential" in these Guidelines and on the Preliminary Development Plan, shall allow institutional and ancillary land uses that are typically found in or adjacent to residential land uses. Such institutional and ancillary land uses shall include, without limitation, a clubhouse, library, school, day-care facility, or church, and shall be subject to detailed development plan review by the Noblesville Plan Commission.
- C. Parcels B and C are included in the Commercial category although they have potential for residential development. Commercial is the most likely land use for Parcels B and C.

SECTION IV. RESIDENTIAL DEVELOPMENT DENSITY

- A. Each of the individual Parcels of real estate that comprise the entire Cedar Path Planned Development are denoted on the attached Preliminary Development Plan and are defined hereinafter. Each Parcel shall be allowed a maximum density expressed in a ratio of total dwelling units per gross acre. When all residential Parcels are added together, the total number of dwelling units shall not be greater than 2,400. The maximum density per parcel and the total of 2400 dwelling units for Cedar Path shall not be exceeded without a formal amendment to the Planned Development. Modifications of up to fifteen percent (15%) of gross area of parcel boundaries shall be permitted when Detailed Development Plans of individual phases of the are submitted for the Plan Commission's consideration. Transfer of densities between parcels shall be permitted for flexibility in layout and design, and response to changing market conditions.
- B. Individual residential land use parcels shall be categorized as follows:

TABLE I - PARCEL DENSITY

PARCEL	SIZE	LAND USE	MAX. DENSITY	ZONING
A	57 acres	Commercial	N/A	PB
B	14 acres	Commercial/Residential	14 units/acre	PB/R5
C	29 acres	Commercial/Residential	14 units/acre	PB/R5
D	24 acres	Residential	14 units/acre	R5
E	31 acres	Residential	14 units/acre	R5
F	42 acres	Residential	5.5 units/acre	R4
G	25 acres	Residential	14 units/acre	R5
H	50 acres	Residential	4 units/acre	R3
I	72 acres	Residential	5 units/acre	R4
J	66 acres	Residential	5 units/acre	R4
K	60 acres	Open Space	N/A	*
L	40 acres*	Perimeter Open Space	N/A	*

* includes right-of-way

Total project acreage 510± acres

- C. For the purposes of predicting population size and maintaining public service capacities within the Cedar Path PD, the maximum number of lots in this PD district and in each parcel of the PD district will be limited. Development densities as set forth in Table I for each individual parcel shall determine the maximum number of lots for the individual residential Parcels. However, the maximum number of lots for the entire development shall *not* be equal to the aggregate of the maximum number of lots for each parcel.
- D. If one or more of the individual Parcels reaches its maximum development density, then the density of another parcel or other parcels may have to be reduced to keep the total number of lots from exceeding the maximum number established herein (2,400).

SECTION V. RESIDENTIAL DEVELOPMENT STANDARDS

- A. The following Tables shall establish certain developmental standards for the construction of improvements for the residential parcels within the Cedar Path Planned Development. Minimum lot sizes, minimum lot widths, and maximum lot coverage will not be regulated, but will be determined by the parcel development density and setback requirements. References to the residential Parcels established in Table I are used to describe land use and identify general development standards.

TABLE II - SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

		Parcels <u>D, E, G</u>	Parcel <u>F</u>	Parcel <u>H</u>	Parcel <u>I</u>	Parcel <u>J</u>
Front Yard Setback -	Local	20'*	25'	25'	25'	20' *
	Cul-de-sac bulb	20'*	20'	25'	25'	20' *
* setback to garage	Thoroughfare or Collector	25'	30'	30'	30'	25'
Side Yard Setback -		5'	5'	7'	6'	5'
Rear Yard Setback		20'	20'	25'	20'	20'
Maximum Building Height						
	Primary	35'	35'	35'	35'	35'
	Accessory	14'	14'	14'	14'	14'
Minimum Floor Area	One-story	900	1,200	1,200	1,200	900
(Excluding garages, porches, etc.)	Two-story	1,200	1,400	1,400	1,400	1,200
Off-street Parking Spaces		2	2	2	2	2

- B. A Perimeter Yard which has a minimum width of 50' along S.R. 238, and a minimum width of 30' along Boden Road, 156th Street, and Summer Road shall be developed and maintained abutting the perimeter of residential land uses at Cedar Path. The Perimeter Yard may be owned as a common facility by the property owners' association or it may exist in the form of landscape easements on individual lots that shall run with the land. It shall be landscaped and maintained as an aesthetic amenity to Cedar Path and as a transitional yard and landscape buffer with respect to adjoining land uses. The dimensions and typical planting of the Perimeter Yard shall be as denoted on the Preliminary Development Plan.
- C. The underlying zone district standards for each of the parcels included in the Cedar Path PD are expressed in Table I. Unless modified herein, said underlying district guidelines shall govern construction within the Planned Development. When there is a conflict between the standards of these Development Guidelines and the existing or amended Noblesville Unified Development Code, these Guidelines shall rule.

SECTION VI. PRESERVED OPEN SPACE

- A. As part of the integrated community design, two significant areas of Open Space have been planned at Cedar Path. They are identified on the Preliminary Development Plan and referred to as follows:

Parcel K - Central Commons along William Lehr Legal Drain - 60± acres

Parcel L. - Perimeter Open Space - 40 acres (includes new right-of-way)

- B. For the purposes of these Guidelines, "Open Space" shall be defined as land set aside to be commonly maintained and enjoyed as permanent open space by the residents, the Developer, the Property Owners Association, or the City of Noblesville, or some combination thereof. It may be developed with landscaping or such active and passive recreational and cultural features and facilities as are necessary to serve the residents of Cedar Path. Any land so designated shall be prohibited from development with residential, commercial, office, institutional, or other such land uses which are inconsistent with the concept of Preserved Open Space as herein defined.

Noblesville
Airport, Inc.

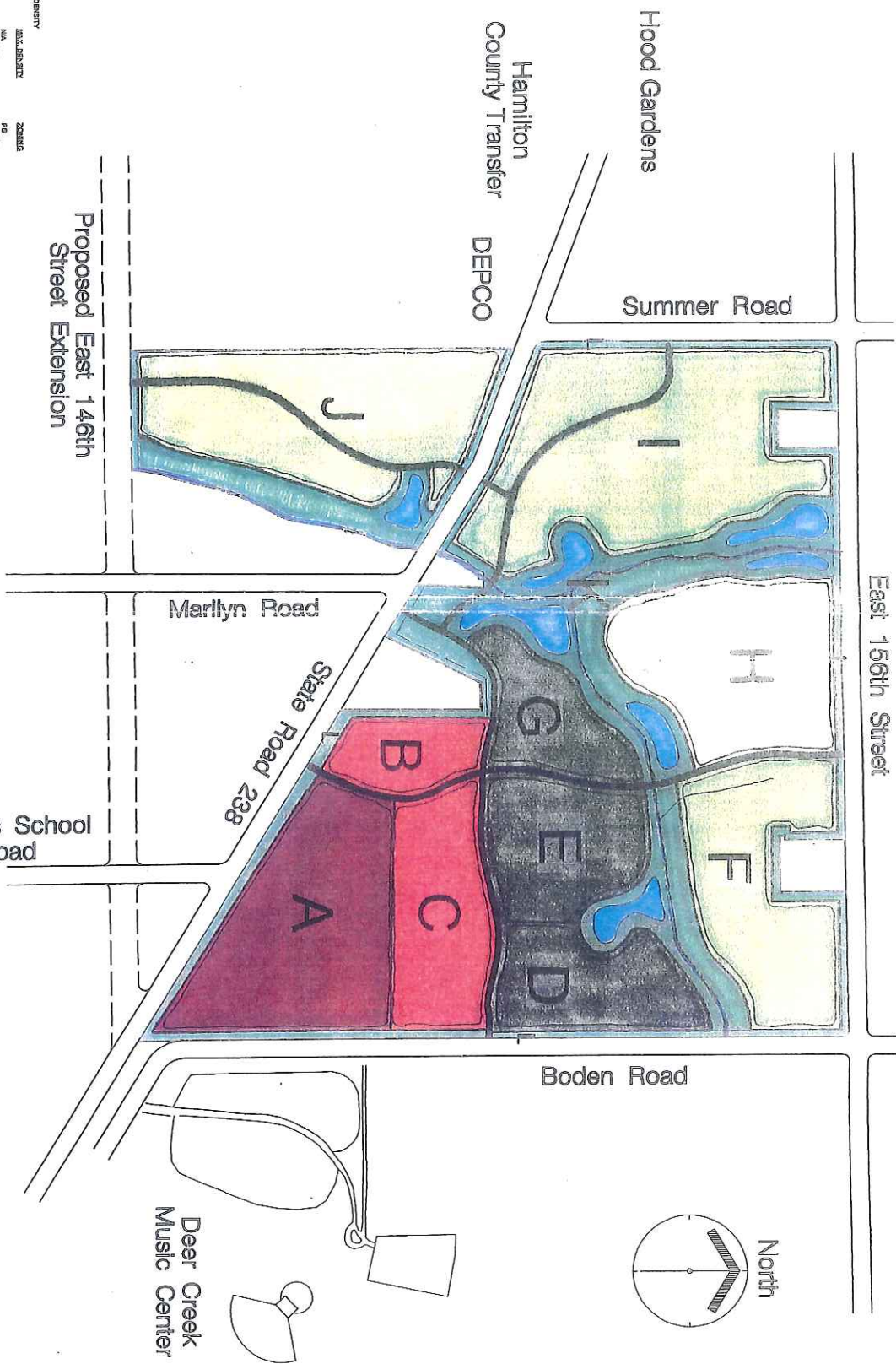


TABLE 1 - PARCEL SUMMARY

PARCEL	SIZE	LAND USE	MAX. DENSITY	ZONING
A	124.3 acres	Commercial	NA	PB
B	124.3 acres	Commercial	NA	PB
C	201.7 acres	Commercial	14 units/acre	PB
D	30 acres	Commercial	14 units/acre	PB
E	40.3 acres	Residential	4.4 units/acre	R4
F	40.3 acres	Residential	4.4 units/acre	R4
G	40.3 acres	Residential	4.4 units/acre	R4
H	72.2 acres	Residential	5 units/acre	R4
I	40.3 acres	Residential	5 units/acre	R4
J	40.3 acres	Open Space	NA	.

* Includes 100-acre
Total project average 400.0 acres