

3300

13

1.00 none

ORDINANCE NO. 25-5-00

200100004501
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
01-30-2001 02:59 pm.
ORDINANCE 33.00

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 Zoning Ordinance of 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 Centex Homes, Inc. and has approved the Preliminary Development Plan (the "Preliminary Plan") attached hereto as Exhibit A; and,

WHEREAS, the Plan Commission has sent its recommendation to the Noblesville Common Council in the following manner: favorably 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 one hundred and fifty (150) acres located on the south side of State Road 38 approximately 1/2 mile West of Boden Road in Noblesville Township; that said real estate is hereby rezoned from an R-1 Classification to R-PD Classification, as designated in said City of Noblesville, Indiana Zoning Ordinance, and said real estate is more particularly described as follows:

(See Exhibit B Attached Hereto)

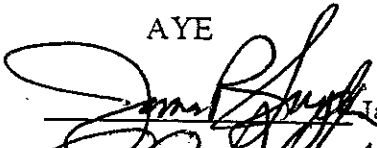
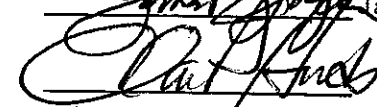


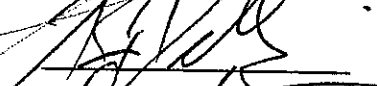


SECTION 2. That the development of the Property shall include residential and recreational land uses as shown on the Preliminary Plan, attached hereto as Exhibit A. All land uses developed within the Property and their respective development characteristics shall be reviewed by the Noblesville Plan Commission 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 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 11th day of Sept, 2000.

COMMON COUNCIL, CITY OF NOBLESVILLE

AYE

NAY

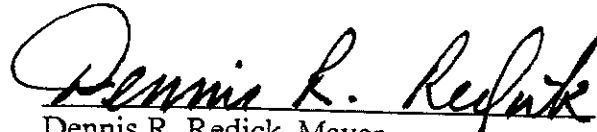
	James R. Snyder	_____
	Alan Hinds	_____
	Laurie Hurst	_____
	Jack Martin	_____
	Rex Dillinger	_____
	Dale Snelling	_____
	Jay McCoskey	_____


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

Page 3

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,
this 11th day of SEPTEMBER, 2000.




Dennis R. Redick, Mayor
City of Noblesville, Indiana


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

This instrument prepared by Michael Howard, Attorney-at-Law

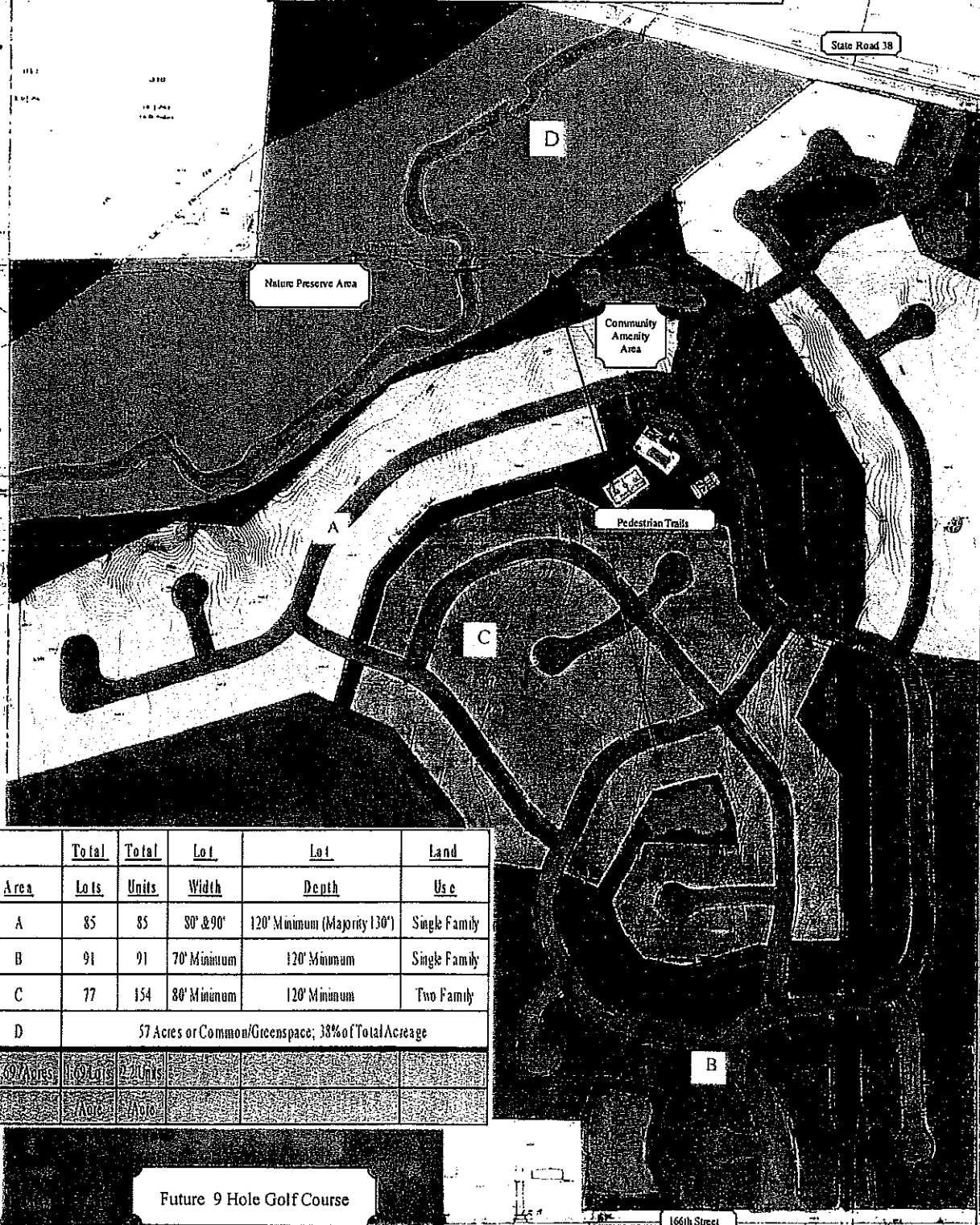
LAND DESCRIPTION

Part of the West Half of Section 3, Township 18 North, Range 5 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at a railroad spike marking the Southwest corner of the Southwest Quarter of said Section 3; thence North 89 degrees 00 minutes 45 seconds East (bearings based on NAD83 State Plane Coordinates – East Zone) along the South line of said Southwest Quarter 1587.00 feet to a MAG Nail marking the Point of Beginning; thence continuing North 89 degrees 00 minutes 45 seconds East along the said South line 1062.66 feet to a railroad spike marking the Southeast corner of the said Southwest Quarter; thence North 00 degrees 09 minutes 50 seconds West along the East line of the said Southwest Quarter 2645.36 feet (2645.68 feet – deed) to the Northeast corner of the said Southwest Quarter, marked by a stone (with high point); thence North 00 degrees 01 minutes 38 seconds East along the East line of the Northwest Quarter of said Section 3 a distance of 420.27 feet (420.60 feet – deed) to a point on the centerline of State Road No. 38 (Old Noblesville and Clarksville Road) marked by a MAG Nail, said point lies on a curve having a radius of 15048.08 feet, the radius point of which bears North 12 degrees 20 minutes 37 seconds East; thence Northwesterly along said centerline and said curve 364.16 feet (362.64 feet – deed) to a MAG Nail, which bears South 13 degrees 43 minutes 49 seconds West from said radius point; thence North 76 degrees 16 minutes 11 seconds West along said centerline 1622.49 feet to a MAG Nail marking the Northeast corner of the real estate described in Deed Record 278, pages 52-55 in the Office of the Recorder of Hamilton County, Indiana; thence South 03 degrees 14 minutes 01 seconds West along the East line of said real estate 924.52 feet to a 5/8 inch diameter rebar with a plastic yellow cap stamped "P.I. Cripe, Inc." (hereinafter referred to as a "rebar") marking the Southwest corner of the East Half of the West Half of the Northwest Quarter of said Section 3; thence South 88 degrees 58 minutes 24 seconds West along the North line of the said Southwest Quarter 661.05 feet (660.90 feet – deed) to a 5/8 inch rebar with a plastic yellow cap stamped "Miller S0083" marking the Northwest corner of the said Southwest Quarter; thence South 00 degrees 02 minutes 43 seconds East along the West line of the said Southwest Quarter 944.02 feet to a "rebar"; thence North 89 degrees 57 minutes 17 seconds East 30.00 feet to a "rebar" Thence South 00 degrees 02 minutes 43 seconds East parallel with the said West line 485.00 feet to a "rebar"; thence North 73 degrees 00 minutes 00 seconds East 821.06 feet to a "rebar"; thence South 68 degrees 00 minutes 00 seconds East 250.00 feet to a "rebar"; thence South 38 degrees 00 minutes 00 seconds East 310.00 feet to a "rebar"; thence South 17 degrees 00 minutes 00 seconds East 300.00 feet to a "rebar"; thence South 07 degrees 00 minutes 00 seconds West 310.00 feet to a "rebar"; thence South 00 degrees 00 minutes 00 seconds East 295.00 feet to a "rebar"; thence North 89 degrees 00 minutes 45 seconds East parallel with the South line of the said Southwest Quarter 294.92 feet to a "rebar"; thence South 00 degrees 59 minutes 15 seconds East 294.96 feet to the Point of Beginning, containing 149.693 acres, more or less.

Subject to all legal easements and rights of way.

The Highlands @ Stony Creek



	Total	Total	Lot	Lot	Land
Area	Lots	Units	Width	Depth	Use
A	85	85	30' & 90'	120' Minimum (Majority 130')	Single Family
B	91	91	70' Minimum	120' Minimum	Single Family
C	77	154	30' Minimum	120' Minimum	Two Family
D	57 Acres or Common/Greenspace; 38% of Total Acreage				
	112.90 Acres	162 Units	2.4 Units		
	Acres	Units	Units		

Future 9 Hole Golf Course

166th Street

THE HIGHLANDS AT
STONEY CREEK
DEVELOPMENT GUIDELINES

A PLANNED COMMUNITY
NOBLESVILLE, INDIANA

CENTEX HOMES, INC.

SECTION I. STATEMENT OF PURPOSE AND INTENT

The Highlands at Stoney Creek is a planned community of residential neighborhoods, open space and recreational land uses adjoining Stoney Creek Golf Course.

The Stoney Creek development standards are intended to carry out the design goals of this planned community and the goals of the Comprehensive Master Plan for the City of Noblesville. The Standards are written to ensure a unified, quality development and continuity in design among the various land uses.

The following goals of the Noblesville Benchmarking Study as repeated in the Comprehensive Master Plan will be achieved in the development of The Highlands at Stoney Creek:

- Retain and Enhance our Distinctive Small Town Atmosphere
- Control the pattern of growth in Noblesville
- Reduce the risk of flooding
- No net loss of flood-fringe volume
- Increase the use of the floodplain for recreational use and greenspace
- Reduce nonrecreational development in the floodplain
- Protect and improve our environment
- Provide adequate greenspace
- Identify and protect the community's critical assets
 - (a) Environmental
 - (b) Historical
 - (c) Nonhistorical, unique physical
- Traffic congestion should be restricted to currently accepted Federal Standard "C"
- Traffic road location decisions should be sensitive to local business needs
- Create and maintain a fair level of service to all of Noblesville

SECTION II. AUTHORITY

These standards shall apply to all property contained within The Highlands at Stoney Creek Planned Development as described herein. These regulations and requirements shall provide the governing standards for review, approval, and modification of all land use and development activities occurring at Stoney Creek. Provisions of these guidelines shall prevail and govern the development of Stoney Creek, 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.

SECTION III. LAND USE

- A. There are two primary land use categories within The Highlands at Stoney Creek conceptual Planned Unit Development, broken down as follows:

<u>USE</u>	<u>AREA</u>	<u>PARCELS</u>
Residential	92.7 ± Ac.(approx.)	(A) Executive, (B) Lifestyle (C) Designer, (D) Open Space
Open Space, Recreational	57.0 ± Ac. (approx.)	
TOTAL	<hr/> 149.7 ± Ac. (approx.)	

- 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.

SECTION IV. RESIDENTIAL DEVELOPMENT DENSITY

- A. Each of the individual Parcels of real estate that comprise the entire The Highlands at Stoney Creek 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 330. The maximum density per parcel and the total of 330 dwelling units for The Highlands at Stoney Creek shall not be exceeded without a formal amendment to the Planned Development. Modifications of up to ten percent (10%) of gross area of parcel boundaries shall be permitted when Detailed Development Plans of individual phases of the Plan 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
Executive Series)			85 lots	R-1
Designer Series)	92.7 acres	Residential	91 lots	R-3
Lifestyle-Two) Family Homes)			77 lots	R-4
Open Space				
Recreation/ Commons	22.7 acres			R-1
Natural	31.5 acres			R-1
Storm Water Retention	2.8 acres			R-1

Total project acreage 149.7 ± acres

- C. For the purposes of predicting population size and maintaining public service capacities within The Highlands at Stoney Creek 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.
- 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 residential living units from exceeding the maximum number established herein (330).

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 Highlands at Stoney Creek Planned Development. Minimum lot sizes, minimum lot widths, and maximum lot coverage will be regulated by the standards in Table II. 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

		Executive Parcels	Designer Parcel	Lifestyle
Front Yard Setback-		25'	25'	20'
Side Yard Setback -		9'	5'	5'
	Aggregate	15'	15'	10'
Rear Yard Serback -		20'	20'	20'
Maximum Building Height	Primary	35'	35'	35'
	Accessory	14'	14'	14'
Minimum Floor Area (Excluding garages, porches, etc.)	One-story	1,200'	1,200'	1,200'/dwelling unit
	Two-story	1,400'	1,400'	1,400'
Minimum Lot Area		10,400'	8,000'	9,500'
Minimum Lot Width		80"	70"	80"

- B. A Perimeter Yard which has a minimum width of 30' along the perimeter of the entire planned development, shall be developed and maintained abutting the perimeter of residential land uses at The Highlands at Stoney Creek. 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 The Highlands at Stoney Creek 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 classification for each of the parcels included in The Highlands at Stoney Creek 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 The Highlands at Stoney Creek. They are identified on the Preliminary Development Plan and referred to as follows:

Natural Area - 31.5 ± acres

Open Space/Recreation and Common Area - 22.7 acres

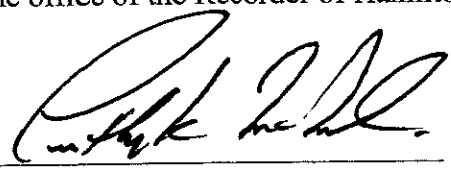
Storm Water Retention Ponds - 2.8 acres

- B. For the purposes of these Guidelines, "Open Space" shall be defined as land set aside as natural area or to be commonly maintained and enjoyed as permanent open space by the residents, the Developer, the Property Owners Association, 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 The Highlands at Stoney Creek. Any land so designated shall be restricted from development with residential, commercial, office, institutional, or other such land uses which are inconsistent with the concept of Preserved Open Space.

VOLUNTARY COMMITMENT

Centex Homes, a Nevada General Partnership, (hereinafter "Centex") covenants that real estate legally described in Exhibit A hereto (hereinafter the "Real Estate"), shall, from the date of the recording of this instrument and until the amendment or vacation of the subdivision plat of The Highlands @ Stony Creek, is and shall be subject to the following voluntary commitments:

1. The homes built by Centex upon the Real Estate shall be consistent with the floor plans and elevations filed with the Noblesville Planning Department as part of application 00J-15-0770.
2. Any changes, revisions or additions to the floor plans and elevations referred to above shall be approved by the Noblesville Planning Department according to the procedure for approval of plans and elevations for all plans and elevations filed with the Noblesville Planning Department.
3. This instrument shall be recorded in the office of the Recorder of Hamilton County, Indiana.



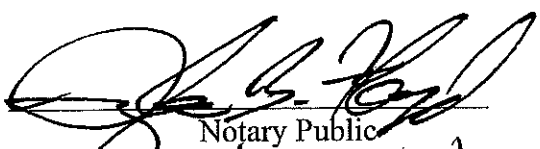
Timothy K. McMahon, President
Centex Homes, Indianapolis Division
A Nevada General Partnership

STATE OF INDIANA)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Timothy K.

McMahon, President of Centex Homes, Indianapolis Division, a Nevada General Partnership, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 11th day of September, 2000.



Notary Public

Printed: Douglas B. Floyd



My Commission Expires: DOUGLAS B. FLOYD
My County of Residence: MY COMMISSION EXPIRES: 3-6-2008
MY COUNTY OF RESIDENCE IS: HAMILTON

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