

**ORDINANCE NO. -01-18**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND  
OFFICIAL ZONING MAPS, AND THE ADOPTION OF A PRELIMINARY  
DEVELOPMENT PLAN AND PLANNED DEVELOPMENT ORDINANCE, A PART OF  
THE COMPREHENSIVE MASTER PLAN OF THE CITY OF NOBLESVILLE,  
HAMILTON COUNTY, INDIANA**

An ordinance to amend the Unified Development Ordinance (“UDO”) for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under authority of IC 36-7-4-600, 600 SERIES-ZONING ORDINANCE, as amended, and IC 36-7-4-1500, 1500 SERIES-PLANNED UNIT DEVELOPMENT, as amended.

**WHEREAS**, certain real estate in the City of Noblesville and described on **Exhibits A** and **B** attached hereto (the “Real Estate”) was rezoned to the PB/PD classification pursuant to Ordinance 24-3-06, recorded as Instrument No. 20060047473 in the office of the Recorder of Hamilton County, Indiana (the “Existing PUD Ordinance”); and

**WHEREAS**, the owner of the Real Estate seeks to develop the Real Estate in a different manner and with different uses than as set forth in the Existing PUD Ordinance; and

**WHEREAS**, the Plan Commission of the City of Noblesville (the “Plan Commission”) conducted a public hearing on application number \_\_\_\_\_ ( the “Petition”) at its \_\_\_\_\_, 2018, meeting as required by law in regard to the application filed by SR 32 & Hazel Dell, LLC, for a change of zoning and adoption of a preliminary development plan governing standards; 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 \_\_\_\_ in favor and \_\_\_\_ 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”) for said City, shall be amended 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 “Commercial Real Estate”), as a PB/PD Planned Development District (the “Commercial District”) to be known as “Hazel Dell Trails & Marketplace (of Noblesville) Planned Development”, as described herein. The Existing PUD Ordinance is hereby terminated and no longer applies to the Commercial Real Estate.

1.2 The Commercial District's underlying zoning district shall be the PB Planned Business District (the "Underlying Commercial District"). Development in this Commercial District shall be governed by (i) the provisions of this Ordinance and its exhibits and (ii) those provisions of the UDO in effect as of January 29, 2018 and applicable to the Underlying Commercial District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the "Governing Commercial Standards").

1.3 The Zoning Map is hereby changed to designate the land described in Exhibit B attached hereto (the "Residential Real Estate") as an R-5/PD Planned Development District (the "Residential District") to be known as Hazel Dell Trails & Marketplace (of Noblesville Planned Development), as described herein. The Existing PUD Ordinance is hereby terminated and no longer applies to the Residential Real Estate.

1.4 The Residential District's underlying zoning district shall be the R-5 Residential District (the "Underlying Residential District"). Development in this Residential District shall be governed by (i) the provisions of this Ordinance and its exhibits and (ii) those provisions of the UDO in effect as of January 29, 2018 and applicable to the Underlying Residential District, except as modified, revised, supplemented or expressly made inapplicable, by this Ordinance (collectively, the "Governing Residential Standards").

1.5 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 Preliminary Development Plan: The oversized, scaled development plans on file with the City of Noblesville Planning and Development Department dated January 29, 2018. The development plan as attached hereto as **Exhibit C** is a general representation of the oversized plans on file.

2.3 Approved Elevation: The set of home elevations on file with the City of Noblesville's Planning and Development Department dated January 29, 2018, as reviewed and approved by the City's Architectural Review Board at its March 21, 2018 meeting. The exhibit attached hereto as **Exhibit D** is a sampling and general representation of those approved elevations.

## **SECTION 3. Permitted Uses.**

3.1 The following uses shall be permitted within each District:

A. All uses permitted in the Underlying District.

B. Accessory buildings and uses customarily incidental to any of the permitted uses.

C. Prohibited uses within each District shall be as set forth in the Commitments attached hereto as **Exhibit F**.

**SECTION 4. Preliminary Development Plan.** The Preliminary Development Plan is hereby incorporated and approved. Pursuant to Article 8, Section 3, of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, architectural standards, and variations/waivers from the Underlying Commercial District and the Underlying Residential District standards and layout of the proposed development.

**SECTION 5. Commercial Bulk Standards.** The bulk standards set forth in Table 8.C of the UDO shall apply to the Commercial District, except as noted below:

5.1 The Commercial District shall allow a Minimum Side Yard Setback of ten feet (10').

5.2 The Commercial District shall allow a Minimum Front Setback of thirty-five feet (35'), measured from the property line as it intersects with the south (and east) access drives.

5.3 The Commercial District shall allow a Minimum Front Yard Setback of sixty feet (60'), measured from the rights of way of State Road 32 and Hazel Dell Parkway.

5.4 The minimum lot width to depth ratio shall be 1:1.2 up to a minimum of 2 lots; otherwise, a minimum of 1:1.5.

5.5 The Maximum Impervious Surface Coverage shall be 75%, cumulatively for all lots. Maximum Impervious Surface Coverage for any individual lot shall be 80%.

**SECTION 6. Bulk Standards.** The bulk standards set forth in Table 8.B of the UDO and applicable to the Underlying District shall apply, except as noted below:

6.1 The Residential Real Estate shall allow for a minimum separation of twenty feet (20') between buildings.

6.2 The Residential Real Estate shall allow for a Minimum Rear Yard Setback of twenty feet (20')

6.3 The Residential Real Estate shall allow for a Minimum Front Yard Setback of forty feet (40'), measured from the property line as it intersects with the north access drive, and thirty feet (30'), measure from the south property line.

6.4 The Minimum Lot Area per Dwelling Unit shall be 7,000 square feet per unit.

6.5 The Maximum Floor Area Ratio shall not exceed 40%.

6.6 The Maximum Lot Coverage shall be 65%.

6.7 The Minimum Floor Area (per Dwelling Unit) shall be 850 square feet on the first floor, and 1,700 square feet total.

6.8 The minimum driveway length, measured from the curb of the adjoining street to the face of the garage door, shall be twenty (20) feet.

**SECTION 7. Parking Standards.** The standards of Article 10, Off-Street Parking and Loading, of the UDO shall apply. In addition, the Residential District shall provide at least twenty eight (28) spaces for guest/visitor parking, generally in the area as shown on the Preliminary Development Plan.

**SECTION 8. Landscaping and Open Space Standards.** The standards of Article 12, Landscaping and Screening, of the UDO shall apply, except as noted below:

8.1 A twenty foot (20') landscape buffer, substantially in compliance with the plans shown on the Preliminary Development Plan, shall be located along the north, east and west perimeter property lines, as well as the south property lines of Lots 1 and 2 of the Commercial Real Estate, and variable width landscape buffers, substantially in compliance with the plans shown on the Preliminary Development Plan, shall be located along the north ( \_\_\_ feet), south (ten (10) feet), east (fifteen (15) feet) and west (ten (10) feet) property lines of the Residential Real Estate.

8.2 The permanent open space shall be equivalent to that shown on the Preliminary Development Plan, provided that in no event shall less than 28% of the Real Estate be Open Space.

**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. The identifying signage for the Commercial District shall be substantially similar to that shown on **Exhibit G-1**, and the identifying signage for the Commercial District shall be substantially similar to that shown on **Exhibit G-2**.

**SECTION 11. Architectural Standards.**

11.1 New construction with the Residential District shall substantially comply in quality and character as the elevations shown in **Exhibit D**, and new construction within the Commercial District shall substantially comply in quality and character as the photographs shown in **Exhibit E**.

11.2 The Director of the Planning Department, or his/her designees, shall review and approve building elevations at the time of filing of the Detailed Development Plan, and/or individual Building Permits, for substantial compliance with the Architectural Illustrations. If the Director determines proposed building elevations do not substantially comply with the Architectural Illustrations, then the Architectural Review Board shall review and may approve the proposed building elevations.



**SECTION 12. Amenities.** The following amenities shall be featured on the Real Estate, whether or not shown on the Preliminary Development Plan:

12.1 The retention area shown on the Preliminary Development Plan shall contain a water feature, such as a fountain, and walking path around the perimeter of said retention area.

12.2 There shall be at least two (2) pedestrian connection points to the Midland Trace Trail, generally as shown on the Preliminary Development Plan.

**SECTION 13. Circulation and Access Points.** The District's site circulation and access points (including number and location of curb cuts), shall be consistent with those shown on the Preliminary Development Plan.

**SECTION 14. Infrastructure Standards.** All public infrastructure within the District shall adhere to the City's 'Noblesville Standards' and design criteria, unless otherwise stated within this Ordinance or unless specific waivers have been approved by the City.

**SECTION 15. Detailed Development Plan.** In order to maintain design flexibility, the exact configuration and location 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 the Planning Department, or his/her designees, 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 H, Section 3, of the UDO.

**SECTION 16. Approval.**

16.1 Approval of the first phase of the Detailed Development Plan shall be obtained within six (6) months and building permits issued within one (1) year after adoption of the District by the Common Council. Secondary Plats may be undertaken in sections or phases at a later time.

**SECTION 17. Commitments.** Certain commitments made as a part of the Existing PUD Ordinance apply to the Real Estate (the "Existing Commitments"). The Existing Commitments are hereby terminated in their entirety, and replaced by those commitments attached hereto as **Exhibit F**.

**SECTION 18.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this \_\_\_ day of \_\_\_\_\_, 2018.

(Remainder of Page Intentionally Left Blank)

**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

AYE

NAY

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

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana  
this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
John Ditslear, Mayor  
City of Noblesville, Indiana

ATTEST:

\_\_\_\_\_  
Evelyn Lees, 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: Joseph D. Calderon

Prepared by: Joseph D. Calderon  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, IN 46204

## **EXHIBIT A**

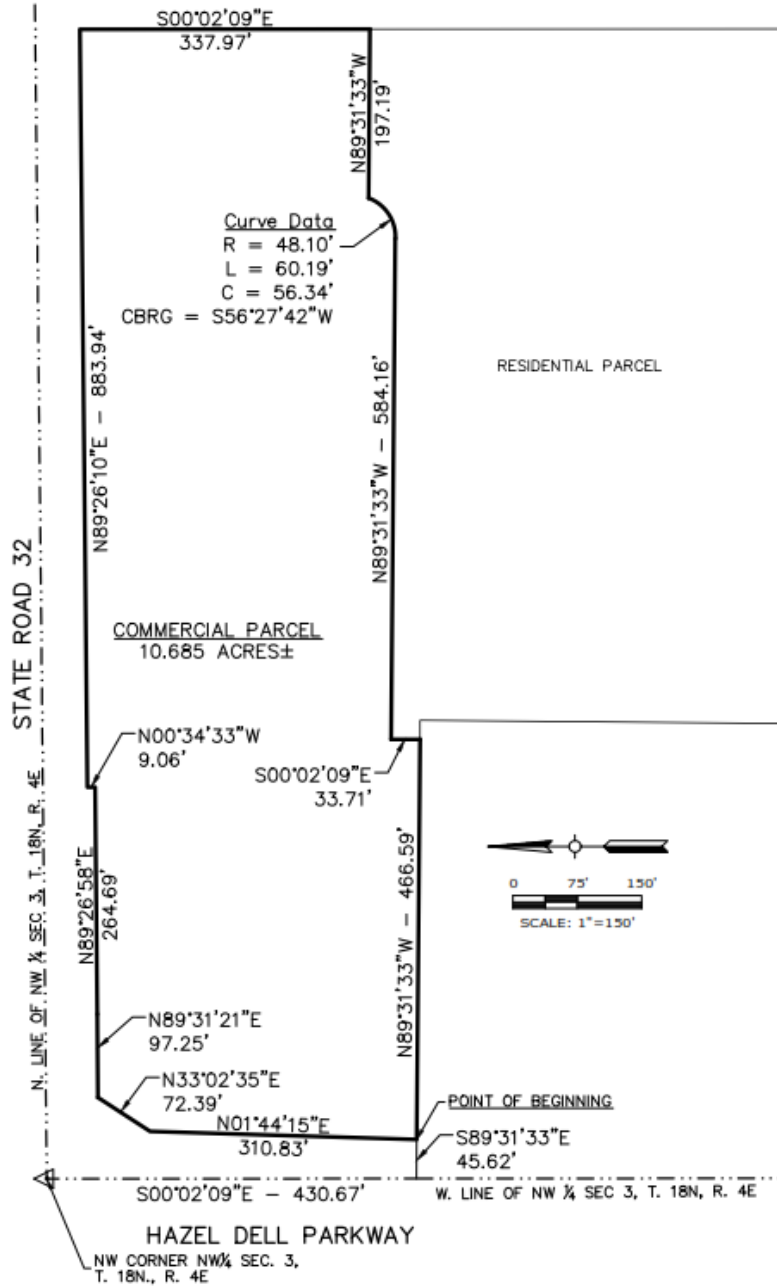
### **LEGAL DESCRIPTION**

#### Commercial Parcel

A part of the Northwest Quarter of Section 3, Township 18 North, Range 4 East in Noblesville Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter; thence South 00 degrees 02 minutes 09 seconds East 430.67 feet along the west line of said Northwest Quarter (the basis of bearings is the Indiana State Plane Coordinate System, East Zone); thence South 89 degrees 31 minutes 33 seconds East 45.62 feet to a point on the east line of a right-of-way parcel as described in Instrument Number 200300090653 on file in the Office of the Recorder of Hamilton County, Indiana, being the POINT OF BEGINNING (a rebar was found 2.1 feet south), the following three (3) courses are along the east and south lines of said right-of-way parcel; 1)thence North 01 degree 44 minutes 15 seconds East 310.83 feet (a concrete right-of-way monument was found 0.4 of a foot northeast); 2)thence North 33 degrees 02 minutes 35 seconds East 72.39 feet (a concrete right-of-way monument was found 0.6 of a foot southeast); 3)thence North 89 degrees 31 minutes 21 seconds East 97.25 feet to a southeast corner of said right-of-way parcel (a concrete right-of-way monument was found 0.5 of a foot southwest); thence North 89 degrees 26 minutes 58 seconds East 264.69 feet along the south line and the westerly extension of the south line of the right-of-way parcel described in Instrument Number 200100002817 on file in said Recorder's Office to the southeast corner thereof (a concrete right-of-way marker was found 0.5 of a foot southwest); thence North 00 degrees 34 minutes 33 seconds West 9.06 feet along the east line of said right-of-way parcel to a rebar with cap stamped "Structurepoint #0094" (hereafter referenced as "Structurepoint Rebar") on the south right-of-way line of State Road 32 as described in Deed Record 143, page 70, Deed Record 141, page 435, and Deed Record 141, page 250 on file in said Recorder's Office; thence North 89 degrees 26 minutes 10 seconds East 883.94 feet along said south right-of-way line to a Structurepoint Rebar on the east line of a parcel conveyed to Herbert E. and Betty Lou W. Boone in Instrument Number 200000061947 on file in said Recorder's Office; thence South 00 degrees 02 minutes 09 seconds East 337.97 feet along said east line; thence North 89 degrees 31 minutes 33 seconds West 197.19 feet; thence Southwesterly 60.19 feet along a non-tangent curve to the right having a radius of 48.10 feet and subtended by a long chord having a bearing of South 56 degrees 27 minutes 42 seconds West and a length of 56.34 feet; thence North 89 degrees 31 minutes 33 seconds West 584.16 feet; thence South 00 degrees 02 minutes 09 seconds East 33.71 feet to the south line of a parcel conveyed to French Property Management, LLC in Instrument Number 2013005072 on file in said Recorder's Office; thence North 89 degrees 31 minutes 33 seconds West 466.59 feet along said south line to the POINT OF BEGINNING. Containing 10.685 acres, more or less.

PLOT SCALE: 1:1 EDIT DATE: 1/26/18 - 4:47 PM EDITED BY: MSMTI DRAWING FILE: P:\2017\01067\DRAWINGS\SURVEY\201701067.SV.2017-01-26-EXH.COMMERCIAL PARCEL.DWG



## COMMERCIAL PARCEL EXHIBIT

**AMERICAN  
STRUCTUREPOINT  
INC.**

7260 SHADELAND STATION  
 INDIANAPOLIS, IN 46256-3957  
 TEL 317.547.5580 FAX 317.543.0270  
 www.structurepoint.com

DATE: 1-26-18

DRAWN BY: MJS

JOB NO. 17.01067

SHEET NO.

1  
of  
1

DESC. FILE: des.commercial parcel

## **EXHIBIT B**

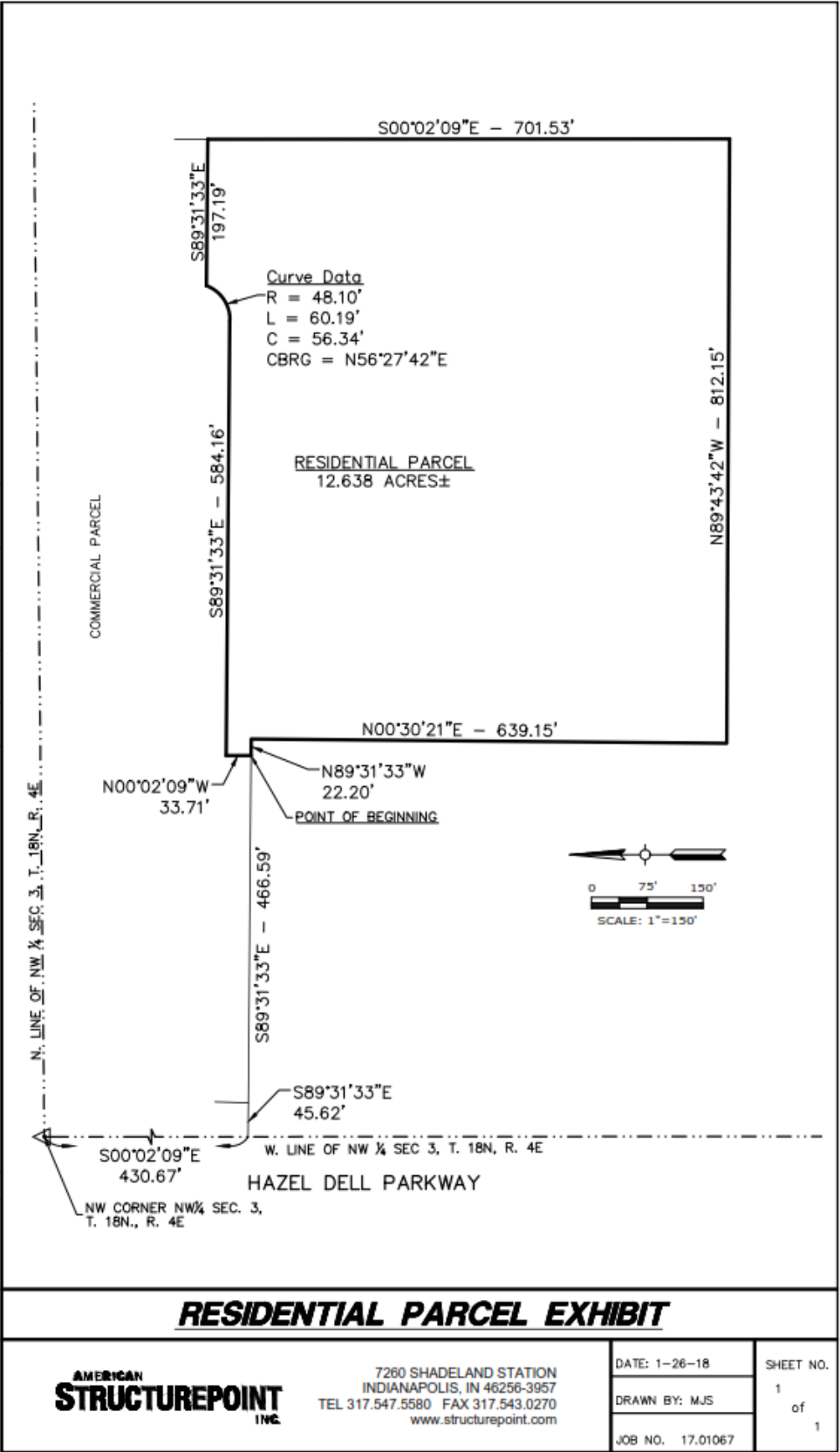
### **LEGAL DESCRIPTION**

#### Residential Parcel

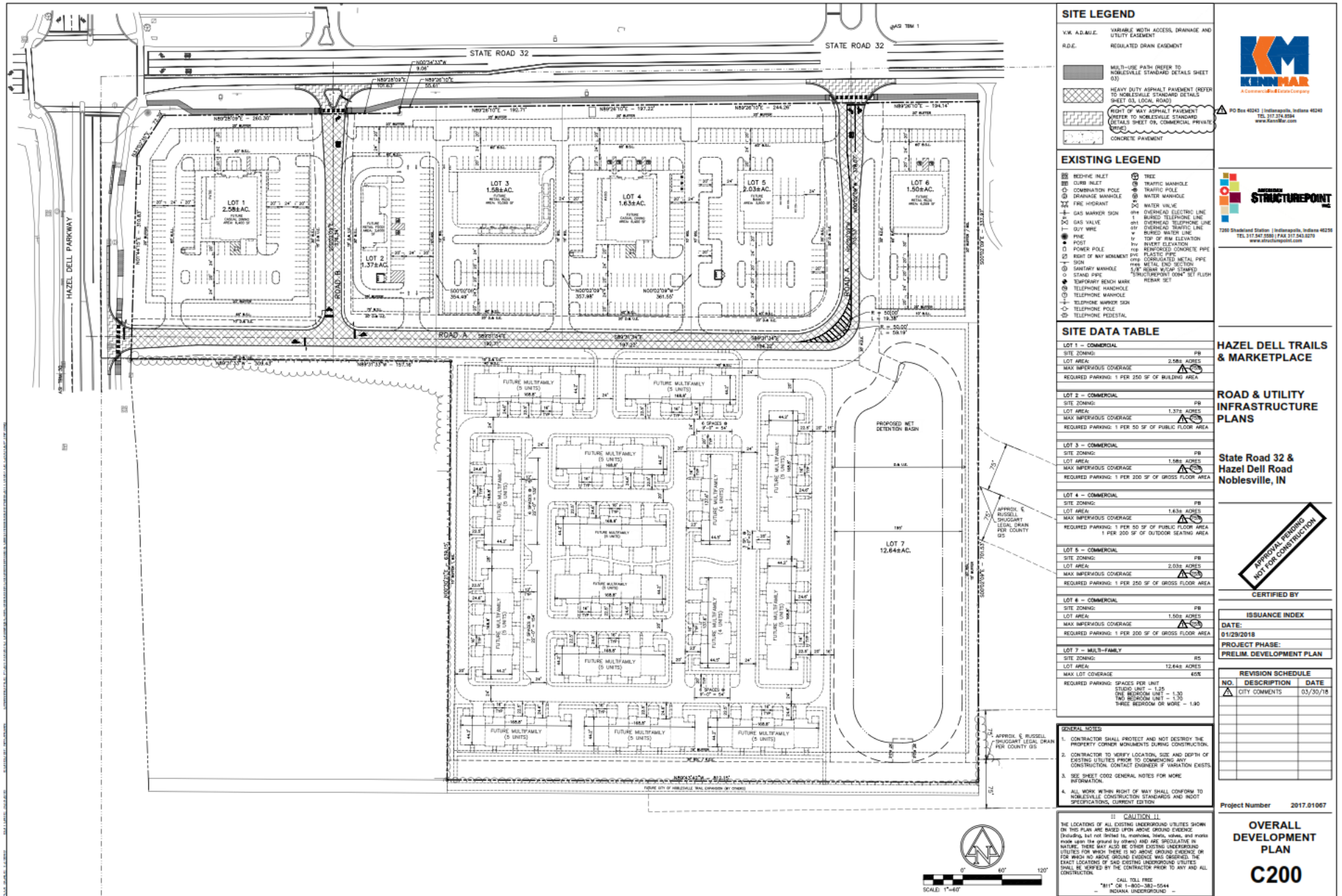
A part of the Northwest Quarter of Section 3, Township 18 North, Range 4 East in Noblesville Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest Corner of said Northwest Quarter; thence South 00 degrees 02 minutes 09 seconds East 430.67 feet along the west line of said Northwest Quarter (the basis of bearings is the Indiana State Plane Coordinate System, East Zone); thence South 89 degrees 31 minutes 33 seconds East 45.62 feet to a point on the east line of a right-of-way parcel as described in Instrument Number 200300090653 on file in the Office of the Recorder of Hamilton County, Indiana, said point also being on the south line of a parcel transferred to French Property Management, LLC in Instrument Number 2013005072 on file in said Recorder's Office; thence continue South 89 degrees 31 minutes 33 seconds East 466.59 feet along said south line to the POINT OF BEGINNING; thence North 00 degrees 02 minutes 09 seconds West 33.71 feet; thence South 89 degrees 31 minutes 33 seconds East 584.16 feet; thence Northeasterly 60.19 feet along a non-tangent curve to the left having a radius of 48.10 feet and subtended by a long chord having a bearing of North 56 degrees 27 minutes 42 seconds East and a length of 56.34 feet; thence South 89 degrees 31 minutes 33 seconds East 197.19 feet to the east line of a parcel conveyed to Herbert E. and Betty Lou W. Boone in Instrument Number 200000061947 on file in said Recorder's Office; thence South 00 degrees 02 minutes 09 seconds East 701.53 feet along the east line of said Boone parcel to the northeast corner of a parcel conveyed to the City of Noblesville in Instrument Number 2016004263 on file in said Recorder's Office (a one-inch diameter iron pipe was found 1.4 feet west and 2.8 feet north); thence North 89 degrees 43 minutes 42 seconds West 812.15 feet along the north lines of the parcels conveyed to the City of Noblesville in Instrument Numbers 2016004263 and 2016009905 on file in said Recorder's Office to a Structurepoint Rebar on the west line of said French Property Management, LLC parcel; thence North 00 degrees 30 minutes 21 seconds East 639.15 feet along said west line to a rebar with cap stamped "Banning"; thence North 89 degrees 31 minutes 33 seconds West 22.20 feet along the south line of said French Property Management, LLC parcel to the POINT OF BEGINNING Containing 12.638 acres, more or less.

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# EXHIBIT C



## SITE LEGEND

- VARIABLE WIDTH ACCESS, DRAINAGE AND UTILITY EASEMENT
- R.O.B.E. REGULATED DRAIN EASEMENT
- MULTI-USE PATH (REFER TO MOBILITY STANDARD DETAILS SHEET 03)
- HEAVY DUTY ASPHALT PAVEMENT (REFER TO MOBILITY STANDARD DETAILS SHEET 03, LOCAL ROAD)
- RIGHT OF WAY ASPHALT PAVEMENT (REFER TO MOBILITY STANDARD DETAILS SHEET 03, COMMERCIAL PRIVATE ROAD)
- CONCRETE PAVEMENT

## EXISTING LEGEND

- RECYCLING INLET
- CURB INLET
- COMBINATION POLE
- DRAINAGE MANHOLE
- FIRE HYDRANT
- GAS WARNER SIGN
- GAS VALVE
- DIY WIRE
- PIPE
- POWER POLE
- RIGHT OF WAY MONUMENT
- SEWER
- SANITARY MANHOLE
- STAND PIPE
- TEMPORARY BENCH MARK
- TELEPHONE HANCHOLE
- TELEPHONE MANHOLE
- TELEPHONE MARKER SIGN
- TELEPHONE POLE
- TELEPHONE PEDESTAL
- TREE
- TRAFFIC MANHOLE
- TRAFFIC POLE
- WATER MANHOLE
- WATER VALVE
- OVERHEAD ELECTRIC LINE
- BURIED TELEPHONE LINE
- OVERHEAD TELEPHONE LINE
- OVERHEAD TRAFFIC LINE
- BURIED WATER LINE
- TOP OF FIN ELEVATION
- INVERT ELEVATION
- REINFORCED CONCRETE PIPE
- FORWELDED METAL PIPE
- PIPE END SECTION
- 3/4" REBAR W/ 10" SPACING
- REBAR SET

## SITE DATA TABLE

<b>LOT 1 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	2.581 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 250 SF OF BUILDING AREA
<b>LOT 2 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	1.378 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 250 SF OF PUBLIC FLOOR AREA
<b>LOT 3 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	1.558 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 200 SF OF GROSS FLOOR AREA
<b>LOT 4 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	1.635 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 250 SF OF PUBLIC FLOOR AREA 1 PER 250 SF OF OUTDOOR SEATING AREA
<b>LOT 5 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	2.032 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 250 SF OF GROSS FLOOR AREA
<b>LOT 6 - COMMERCIAL</b>	
SITE ZONING:	PB
LOT AREA:	1.508 ACRES
MAX IMPERVIOUS COVERAGE:	75%
REQUIRED PARKING:	1 PER 200 SF OF GROSS FLOOR AREA
<b>LOT 7 - MULTI-FAMILY</b>	
SITE ZONING:	RS
LOT AREA:	12.648 ACRES
MAX LOT COVERAGE:	40%
REQUIRED PARKING:	SPACES PER UNIT STUDIO UNIT - 1.25 ONE BEDROOM UNIT - 1.50 TWO BEDROOM UNIT - 1.75 THREE BEDROOM OR MORE - 1.90

## GENERAL NOTES

- CONTRACTOR SHALL PROTECT AND NOT DESTROY THE PROPERTY CORNER MONUMENTS DURING CONSTRUCTION.
- CONTRACTOR TO VERIFY LOCATION, SIZE AND DEPTH OF EXISTING UTILITIES PRIOR TO COMMENCING ANY CONSTRUCTION. CONTRACT ENGINEER'S VARIATION EXITS INFORMATION.
- SEE SHEET C002 GENERAL NOTES FOR MORE.
- ALL WORK WITHIN RIGHT OF WAY SHALL CONFORM TO MOBILITY STANDARD DETAILS AND INDOT SPECIFICATIONS, CURRENT EDITION.

## CAUTION !!

THE LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON AERIAL GROUND CHECKS. DRAWINGS, BUT NOT TRIMMED TO MATCH, SHOWN, AND NOTED. THERE MAY ALSO BE OTHER EXISTING UNDERGROUND UTILITIES FOR WHICH THERE IS NO AERIAL GROUND CHECKING OR FOR WHICH NO AERIAL GROUND EVIDENCE WAS OBSERVED. THE EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY AND ALL CONSTRUCTION.

CALL TOLL FREE  
811 OR 1-800-381-5544  
INDIANA UNDERGROUND



PO Box 4024 | Indianapolis, Indiana 46204  
TEL 317.378.8884  
www.kennedy-murphy.com

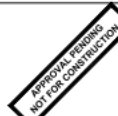


1200 Broadland Station | Indianapolis, Indiana 46204  
TEL 317.547.8888 | FAX 317.547.8879  
www.structurepoint.com

## HAZEL DELL TRAILS & MARKETPLACE

## ROAD & UTILITY INFRASTRUCTURE PLANS

State Road 32 &  
Hazel Dell Road  
Noblesville, IN



## CERTIFIED BY

<b>ISSUANCE INDEX</b>
DATE:
01/29/2018
PROJECT PHASE:
PRELIM. DEVELOPMENT PLAN

<b>REVISION SHEET</b>
NO.
DESCRIPTION
DATE
CITY COMMENTS
03/30/18

Project Number 2017.01067

## OVERALL DEVELOPMENT PLAN

C200



## **EXHIBIT D**





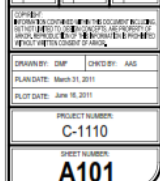
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DATE	BY								
DATE	BY								
4 UNIT HANOVER									
WESTPORT HOMES 8210 N. MERIDIAN ST. INDIANAPOLIS, IN									
SHEET NO.	1								







DATE: 7.7.11	
DESIGNED BY	DATE
RELEASED BY	BY
5 UNIT HANOVER	
WESTPORT HOMES 8210 N. MERIDIAN ST. INDIANAPOLIS, IN	
SHEET NO.	1

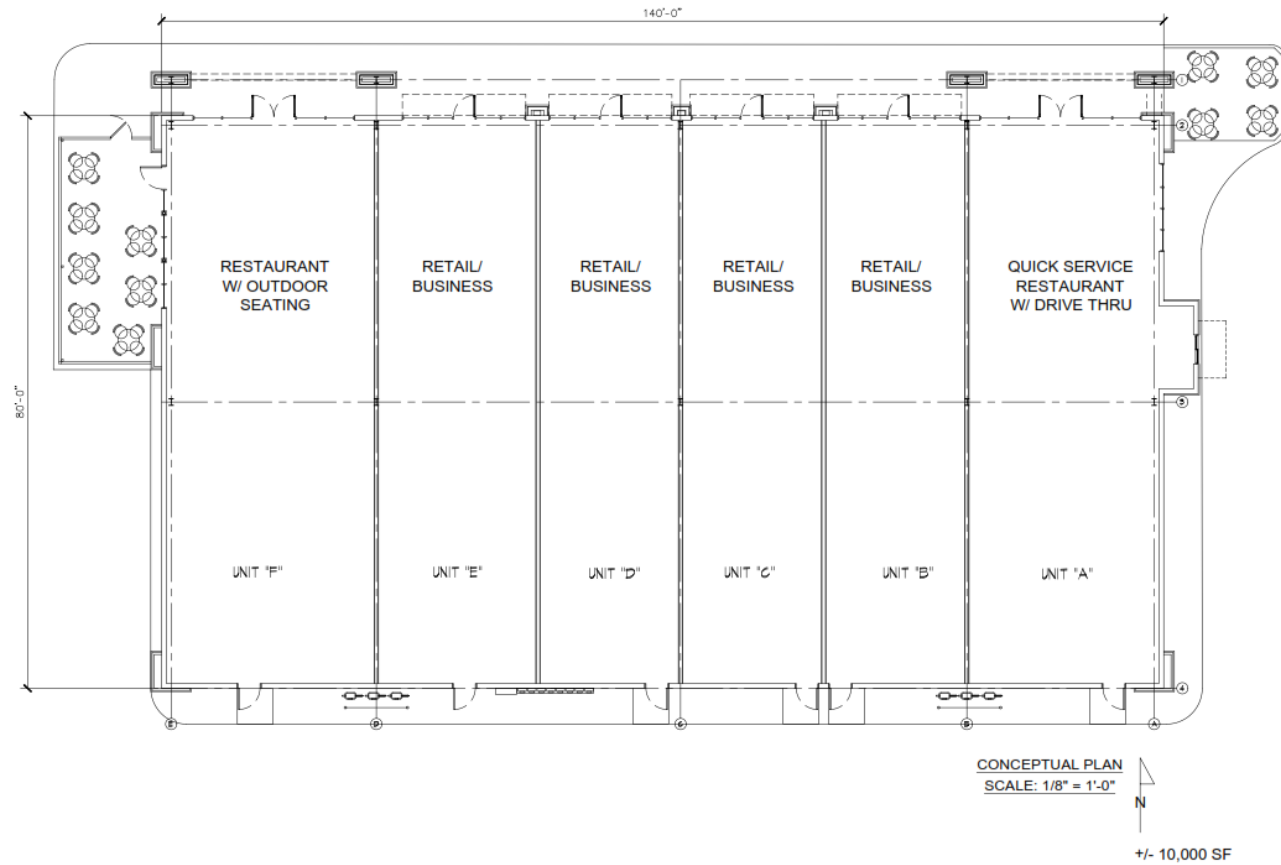




# EXHIBIT E



## EXHIBIT E



**KennMar**  
 INDIANAPOLIS, IN 46224  
 ATTN: BRENT BERGE  
 bberge@kennmar.com

HAZEL DELL MARKETPLACE  
 -RETAIL SHOPS-  
 HAZEL DELL AND WESTFIELD RD  
 NOBLESVILLE, IN 46062

OPTION:  
**OPTION 1  
 LAYOUT**

DATE:  
 01/24/18



## **EXHIBIT F**

### **COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Hamilton County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the parcel of real estate:

**Legal Description:** See Exhibit “A” attached hereto and incorporated by reference (the “Subject Property”)

#### **Statement of COMMITMENTS:**

1. The following uses shall be prohibited in the Residential District (as defined in Ordinance# \_\_-01-18)
  - (a) Dwelling, Multi-Family of 3 or more dwelling units
  - (b) Bed & Breakfast Establishment
  - (c) Manufactured Homes, Individual
  - (d) Nursing/Retirement/Convalescent Facility
  - (e) Residential Care Homes
  - (f) Temporary Shelters
  - (g) Montessori Schools
  - (h) Preschool/Nursery School
  - (i) Schools, (Primary and Secondary)
  - (j) Church, Temple, Place of Worship
  - (k) Fire and/or Police Station
  - (l) Government Office
  - (m) Library
  - (n) Post Office
  - (o) Public Service Facility
  - (p) Cemetery
  - (q) Disc Golf Course
  - (r) Golf Course
  - (s) Public Park/Playground
  
2. The following uses shall be prohibited in the Commercial District (as defined in Ordinance# \_\_-01-18):
  - (a) Nursing/Retirement/Convalescent Facility
  - (b) Temporary Shelters
  - (c) Penal or Correctional Facility
  - (d) Club or Lodge (Private)
  - (e) Drive-In Theater
  - (f) Meeting or Party Hall
  - (g) Stadium or Arena
  - (h) Cemetery
  - (i) Parking Garage
  - (j) Bus or Rail Passenger Terminal
  - (k) Parking as a Primary Use
  - (l) Adult Cabaret
  - (m) Adult Media Store

- (n) Adult Motion Picture Theater
- (o) Sex Shop
- (p) Amusements (Outdoor)
- (q) Driving Range
- (r) Public Park/Playground
- (s) Ambulance Service
- (t) Marine Craft Sales, Repair, Service
- (u) Retail Nursery/Greenhouse (unless seasonal)
- (v) Laboratory
- (w) Supply Yard
- (x) Warehousing
- (y) Warehousing, Mini-Storage
- (z) Wholesale Trade (Indoor)

3. Each side or rear elevation of a townhome which faces the perimeter of the property shall be finished with at least 50% brick or masonry material.

These COMMITMENTS shall be binding on the owner, subsequent owners, and other persons acquiring an interest in the real estate. These COMMITMENTS may be modified or terminated by a decision of the Noblesville Common Council made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the adoption of Ordinance# \_\_-01-18 by the Noblesville Common Council changing the zoning classification of the real estate from aa R-2 zoning classification to a PB/PD and R-5/PD zoning classification and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the PB/PD zoning classification as to the Commercial District or the R-5/PD zoning classification as to the Residential District or until such other time as may be specified herein.

These COMMITMENTS may be enforced by the City of Noblesville Advisory Plan Commission.

The undersigned hereby authorizes the Department of Planning to record this Commitment in the office of the Recorder of Hamilton County, upon final approval of Ordinance #\_\_\_\_\_.

IN WITNESS WHEREOF, the owner has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2018.

**SR 32 & Hazel Dell LLC**

By:

Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

Title \_\_\_\_\_

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

*Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, a duly authorized \_\_\_\_\_ of SR 32 & Hazel Dell LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing for and on behalf of said limited liability company.*

*Witness my hand and Notarial Seal this*

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ 18

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name of Notary Public*

*My Commission expires:* \_\_\_\_\_

*My County of residence:* \_\_\_\_\_

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. Joseph D. Calderon

*This instrument was prepared by Joseph D. Calderon, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.*