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ORDINANCE NUMBER 37-5-03

200300058881
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
06-19-2003 At 10:06 am.
ORDINANCE 44.00

**ORDINANCE AMENDING ORDINANCE NO. 59-12-02
WHICH ESTABLISHED THE NOBLE WEST
PLANNED DEVELOPMENT OVERLAY DISTRICT**

WHEREAS, in July of 2002 an Application was filed to establish an Ordinance ("Noble West PD Ordinance") to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana ("Zoning Ordinance") to establish on certain property located in Noblesville Township, Hamilton County, Indiana, as more particularly described in the Noble West PD Ordinance ("Property"), a Mixed-Use Planned Development District to be known as the Noble West Planned Development District ("Noble West");

WHEREAS, the Common Council of the City of Noblesville, on the 14th day of January 2003, adopted the Noble West PD Ordinance and the Noble West PD Ordinance was recorded in the Office of the Recorder of Hamilton County, Indiana, as Instrument No. 2003-00008624;

WHEREAS, due to certain agreements made at the time of the adoption of the Noble West PD Ordinance and certain other changes that have occurred subsequent to the adoption of the Noble West PD Ordinance, a new Application ("New Application") has been filed to amend the Noble West PD Ordinance to (a) make certain revisions to the text of the Noble West PD Ordinance to reflect changes desired by the Council; (b) to revise the text to provide that the Retail Area designated for a Nursery may be used for something other than a Nursery; (c) to rezone certain of the Property from R-5 to R-1; and (d) to add to the Noble West PD Ordinance certain additional property that is zoned R-1 and to make the appropriate text changes relating to that addition.

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") has conducted the public hearing as required by law in connection with the New Application for the changes to the Noble West PD Ordinance; and

WHEREAS, the Plan Commission has sent a recommendation relating to such New Application to the Common Council dated 19th day of May, 2003;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Indiana, meeting in regular session that the Noble West PD Ordinance, the Zoning Ordinance and the Official Zoning Map of the Zoning Ordinance are amended in accordance with the amendments to the Noble West PD Ordinance as such are designated in the attached Noble West PD Ordinance.

BE IT FURTHER ORDAINED that the Amendments be incorporated into the Noble West PD Ordinance and that the Noble West PD Ordinance, as amended and restated, (a) be known as Amended and Restated Ordinance Number 59-12-02; (b) be

recorded in the Office of the Recorder of Hamilton County; and, (c) be the applicable Ordinance governing development of the Property.

COMMON COUNCIL
CITY OF NOBLESVILLE

BY: AYE

NAY

Rex Dillinger

Laurie Hurst

Alan Hinds

Alan Hinds

Laurie Hurst

Jack Martin

Jay McCoskey

Dale Snelling

James Snyder

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of June, 2003.



ATTEST:

Jarret Jaros
Jarret Jaros, Clerk-Treasurer

Dennis R. Redick
Dennis R. Redick, Mayor
City of Noblesville

This Ordinance prepared by: Philip A. Nicely, Bose McKinney & Evans LLP, 600 East 96th Street, Suite 500, Indianapolis, Indiana, 46240.

ALL EXHIBITS AND AMENDED AND RESTATED ORDINANCE #59-12-02 ARE ON FILE AND MAY BE VIEWED IN THE CITY OF NOBLESVILLE CLERK-TREASURER'S OFFICE AT 135 S. 9TH STREET, NOBLESVILLE, INDIANA.

AMENDED AND RESTATED
ORDINANCE NUMBER #59-12-02

**An Ordinance Establishing the
Noble West Planned Development Overlay District**

WHEREAS, an Application has been filed to establish an Ordinance ("Noble West PD Ordinance") to amend the Unified Development Ordinance of the City of Noblesville, Hamilton County, Indiana ("Zoning Ordinance"), to establish on certain property located in Noblesville Township, Hamilton County, Indiana, the legal description of which is attached hereto and marked Exhibit A (the "Property"), a mixed use planned development district to be known as the Noble West Planned Development Overlay District ("Noble West");

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") has conducted the public hearing as required by law in connection with the Application for a change in the zoning map for the City of Noblesville;

WHEREAS, the Plan Commission has sent a recommendation relating to such Application to the Common Council dated the 19th day of May, 2003.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Indiana, meeting in regular session, that the Zoning Ordinance, and the Zone Map of the Zoning Ordinance are hereby amended in accordance with the provisions of this Noble West PD Ordinance.

Section 1. Legislative Intent. Having given reasonable regard to the Comprehensive Plan of the City of Noblesville and all other matters contained in the Zoning Ordinance, the intent of the Common Council in adopting this Noble West PD Ordinance is to ensure that the increased flexibility and specific design criteria applicable to the Property and the development authorized herein are implemented under appropriate administrative standards and procedures.

Section 2. Applicability of Ordinance.

Section 2.1. The Official Zoning Map, a part of the Zoning Ordinance, is hereby amended to designate the Property as a Planned Development Overlay District known as the Noble West Planned Development Overlay District.

Section 2.2. Development of the Property shall be governed entirely by the provisions of this Noble West PD Ordinance except to the extent reference is made to the Zoning Ordinance and then the provisions so referenced, as are in effect under the Zoning Ordinance, shall be applicable to the development.

Section 3. Definitions. Unless otherwise stated, the following words shall, for the purpose of this Noble West PD Ordinance, have the meaning herein indicated. Any word used in this Noble West PD Ordinance which is not defined herein and which is defined in Article II of the Zoning Ordinance shall, for purposes of this Noble West PD Ordinance, have the meaning ascribed to such word in the Zoning Ordinance unless the context otherwise requires.

- “Application” shall mean the application filed with the Director of Planning and Development for the City of Noblesville to establish a Planned Development Overlay District for the Property and includes all plans, documents, and supporting information filed therewith.
- “Assisted Living Plan” shall mean the Preliminary Development Plan for the development of Office Area 2 filed as part of the Noble West Preliminary Development Plan.
- “Director” shall mean the official in charge of the Department or Director of Planning and Development for the City of Noblesville and authorized to administer and enforce the Zoning Ordinance.
- “Location Plan” shall mean the plan attached hereto as Exhibit C that designates the various areas of development.
- “Multi-Family Area” shall mean that area designated on the Location Plan as Multi-Family Area 1 and Multi-Family Area 2 consisting of approximately forty-nine (49) acres.
- “Multi-Family Plan” shall mean the specific criteria and guidelines for the development of the Multi-Family Area as set forth in the Noble West Architectural Guidelines and the Multi-Family Bulk Requirements as set forth in Exhibit G.
- “Noble West Architectural Guidelines” shall mean the criteria and guidelines presented to and approved by the Architectural Review Board outlining the architectural character of the proposed multi-family, single family, retail and office developments.
- “Noble West PD Ordinance” shall mean the ordinance establishing the Noble West Planned Development Overlay District.
- “Noble West Preliminary Development Plan” shall mean the Preliminary Development Plan for the Property prepared by Schneider Corporation and filed with and as a part of the Application.
- “Noble West Single Family Architectural Guidelines” shall mean the architectural guidelines for the single family homes to be constructed on the Property contained in the Noble West Architectural Guidelines and filed with and as a part of the Application and made a part of this Ordinance.

- “Nursery” shall mean the nursery and landscape business currently operated on a portion of the Retail Area as designated on the Location Plan.
- “Office Area” shall mean that area designated on the Location Plan as Office Area 1 and Office Area 2 and consisting of approximately forty (40) acres.
- “Office Area 1” shall mean the Office Area designated as Office Area 1 on the Location Plan and consisting of approximately twenty-nine (29) acres.
- “Office Area 2” shall mean the Office Area designated as Office Area 2 on the Location Plan and consisting of approximately eleven (11) acres.
- “Office Plan” shall mean the Preliminary Development Plan for the development of Office Area 1 and Office Area 2 filed as part of the Noble West Preliminary Development Plan.
- “Office Uses” shall mean those uses permitted in the Office Area as designated in this Noble West PD Ordinance.
- “Open Space” shall mean those areas within the Property that are dedicated as greenspace areas, water areas, natural environmental features and outdoor recreational areas and includes Open Space North.
- “Open Space North” shall mean the area designated on the Location Plan as Open Space North and consisting of approximately forty (40) acres.
- “Overall Plan” shall mean the overall development plan for the development of the Property, a copy of which is attached hereto and marked Exhibit D.
- “Park Area” shall mean that area designated on the attached Exhibit K as Proposed Public Park consisting of approximately 70 acres.
- “Plan Commission” shall mean the Noblesville Plan Commission.
- “Residential Property” shall mean the Single Family Area and the Multi-Family Area.
- “Retail Area” shall mean that area designated on the Location Plan as the Retail Area and consisting of approximately thirty-nine (39) acres.
- “Retail Plan” shall mean the Preliminary Development Plan for the development of the Retail Area filed as part of the Noble West Preliminary Development Plan.
- “Retail Uses” shall mean those uses permitted in the Retail Area as designated in this Noble West PD Ordinance.

- "School Area" shall mean the area designated on the Location Map as "potential School Site," such area also being included in the Single Family Area.
- "Sign Program" shall mean the sign program and criteria for the development in the Zoning Ordinance.
- "Single Family Area" shall mean that area designated on the Location Plan as the Single Family Area and consisting of approximately five hundred forty-three (543) acres.
- "Single Family Plan" means the Preliminary Development Plan for the development of the Single Family Area filed as part of the Noble West Preliminary Development Plan.
- "Zoning Ordinance" shall mean the Unified Development Ordinance for the City of Noblesville, Indiana as such existed on June 1, 2002.

Section 4. Location.

Section 4.1. Office Area. The Office Area shall be located as designated on the Location Plan and is divided into two areas: Office Area 1 and Office Area 2, as designated on the Location Plan.

Section 4.2. Retail Area. The Retail Area shall be located as designated on the Location Plan.

Section 4.3. Single Family Area. The Single Family Area shall be located as designated on the Location Plan and shall be divided into 7 areas, as designated on Exhibit E, with each area to be known or designated as Parcel 1, Parcel 2, Parcel 3, Parcel 4, Parcel 5, Parcel 6, and Parcel 7.

Section 4.4. Multi-Family Area. The Multi-Family Area shall be located as designated on the Location Plan. The Multi-Family Area shall be divided into two areas as shown on the Location Plan and shall be known as Multi-Family Area 1, and Multi-Family Area 2.

Section 5. Permitted Principal Uses.

Section 5.1. Office Area. The following uses shall be permitted in the Office Area:

- a. Medical Offices and Clinics of medical doctors, physicians, dentists or other health care practitioners
- b. General Offices
- c. Financial institutions, including drive-thru banking facilities and exterior ATMs

- d. Congregate housing, nursing homes, assisted living care facility

Section 5.2. Retail Area. The uses permitted in the Retail Area shall be those uses permitted under the Planned Business Zoning District of the Zoning Ordinance and includes a Nursery.

Section 5.3. Single Family Area. Only the following uses shall be permitted in the Single Family Area, R-1:

1. Single-family detached dwellings;
2. Non-commercial recreational developments and facilities incidental to residential development, including clubhouses, parks, pools, ball fields, ball courts, playgrounds and other recreational spaces and buildings;
3. Agricultural uses, except agri-business structures; and
4. Schools.

Section 5.4. Multi-Family Area. The uses permitted in the Multi-Family Area shall be those uses permitted pursuant to the underlying zoning for the Multi-Family Area, R-5.

Section 5.5. Accessory Uses: Retail Area and Office Area. The accessory uses permitted in the Office Area and the Retail Area shall be those accessory uses permitted under the Planned Business Zoning District of the Zoning Ordinance.

Section 5.6. Accessory Uses: Single Family Area. No lot may be used for any "accessory use" or "conditional use" that is not clearly incidental and necessary to single-family dwellings. No home occupation shall be conducted or maintained on any lot other than one which is incidental to a business, profession or occupation of the owner or occupant of such lot that is generally or regularly conducted at another location away from such lot. No signs of any nature, kind or description shall be erected, placed or permitted to remain on any lot advertising a permitted home occupation.

Section 5.7. Accessory Uses: Multi-Family Area. The accessory uses permitted in the Multi-Family Area shall be those accessory uses permitted pursuant to the underlying zoning for the Multi-Family Area, R-5.

Section 6. Square Footage (Amount) and Number of Units.

Section 6.1. Office Area 1. The maximum square footage in Office Area 1 shall be three hundred fifty thousand (350,000) square feet of offices, or if something other than offices is proposed, in such amount as is approved by the Plan Commission.

Section 6.2. Office Area 2. The maximum square footage for offices in Office Area 2 shall be ten thousand (10,000) square feet per acre, or if something other than offices is proposed for Office Area 2 such as the assisted living facility as shown on the Assisted Living Plan, in such amount as is approved by the Plan Commission.

Section 6.3. Retail Area. The maximum square footage in the Retail Area (excluding the Nursery) shall be two hundred fifty thousand (250,000) square feet; provided, however, if the Nursery ceases to exist, an additional thirty-three thousand (33,000) square feet of Retail Area shall be permitted.

Section 6.4. Single Family Area and Multi-Family Area. The maximum number of units in the Single Family Areas shall be 951 and the maximum number of units in the Multi-Family Areas shall be 520.

Section 7. Development Requirements.

Section 7.1. Office Area. Development of the Office Area shall be in accordance with the following:

- a. Development of Office Area 1 shall be substantially in accordance with the Office Plan. If Office Area 2 is developed for an assisted living facility, the development of Office Area 2 shall be substantially in accordance with the Assisted Living Plan. No preliminary plan for offices currently exists for Office Area 2.
- b. The maximum height of any building in the Office Area shall be three (3) stories but in no event greater than fifty (50) feet.
- c. The elevation and exterior of the buildings in Office Area 1 shall be substantially in accordance with the elevation plan and other criteria filed as part of the Noble West Architectural Guidelines.
- d. The streetscape along 146th Street and Hazel Dell Parkway within the Office Area shall be substantially in accordance with the streetscape plan filed as part of the Noble West Preliminary Development Plan. The bufferyard adjacent to the right-of-way of 146th Street and Hazel Dell Parkway shall have a minimum width of ten (10) feet.
- e. Setbacks and maximum front, side and rear yards shall be as shown on the Office Plan or, if such are not shown on the Office Plan, then as designated in the Zoning Ordinance.
- f. There shall be no minimum lot widths.

- g. The elevation and exterior of any building in Office Area 2 shall be designed so as to be architecturally compatible with the buildings constructed in Office Area 1.
- h. Streets within the Office Area shall be private; provided, however, access shall be provided over and across the Office Area from the Grace Community Church located immediately west of the Office Area to provide access for the Church directly to Hazel Dell Parkway.
- i. Off-street parking for office uses shall be provided at the rate of one (1) space per two hundred fifty (250) square feet of gross floor area. For all non-office uses in the Office Area, off-street parking shall be as provided in the Zoning Ordinance or as otherwise approved by the Plan Commission.
- j. All parking lots shall be landscaped, buffered and screened in accordance with the requirements of the Zoning Ordinance or as otherwise approved by the Plan Commission.
- k. The number of loading berths shall be as is required under the Zoning Ordinance or as otherwise approved by the Plan Commission and shall be constructed subject to the following requirements:
 - 1. Loading docks and other service areas shall be placed to the rear or side of buildings.
 - 2. Screening or landscaping shall minimize the direct view of the loading area from adjacent properties.
 - 3. Screening and buffering may be achieved through walls, fences and landscaping and shall be a minimum of five (5) feet in height.
 - 4. Recesses in the building or depressed access ramps may be used.

Section 7.2. Retail Area. Development of the Retail Area shall be in accordance with the following:

- a. Development of the Retail Area shall be substantially in accordance with the Retail Plan or to the extent no Retail Plan is shown on a particular Retail Area as subsequently approved by the Plan Commission.

- b. The maximum height of any building in the Retail Area shall be two (2) stories but in no event greater than forty-two (42) feet except the entry towers which may be a height of fifty (50) feet.
- c. The elevation and exterior of the buildings in the Retail Area shall be substantially in accordance with the elevation plan and other criteria filed as part of the Noble West Architectural Guidelines.
- d. The streetscape along 146th Street and Hazel Dell Parkway adjacent to the Retail Area shall be substantially in accordance with the streetscape plan filed as part of the Noble West Preliminary Development Plan. The bufferyard adjacent to the right-of-way of 146th Street and Hazel Dell Parkway shall have a minimum width of ten (10) feet.
- e. Setbacks and maximum front, rear and side yards shall be as shown on the Retail Plan or, if not shown on the Retail Plan, as designated in the Zoning Ordinance.
- f. There shall be no minimum lot widths.
- g. Parking for all uses within the Retail Area shall be provided at the minimum rate of one (1) space per two hundred fifty (250) square feet of gross floor area.
- h. All parking lots shall be landscaped, buffered and screened in accordance with the requirements in the Zoning Ordinance and in accordance with item (d) above. Parking areas adjacent to the bufferyard along the rights-of-way of 146th Street and of Hazel Dell Parkway shall be screened through the use of any of the following: landscaping, earth mounds, depression of the parking lots, walls or any combination thereof.
- i. The number of loading berths shall be as is required under the Zoning Ordinance or as otherwise approved by the Plan Commission and shall be constructed subject to the following requirements:
 - 1. Loading docks and other service areas shall be placed to the rear or side of buildings.
 - 2. Screening or landscaping shall minimize the direct view of the loading area from adjacent properties.

3. Screening and buffering may be achieved through walls, fences and landscaping shall be a minimum of five (5) feet in height.
4. Recesses in the building or depressed access ramps may be used.

Section 7.3. Single Family Area. The development of the Single Family Area shall be substantially in accordance with the street and lot layout plan for the Single Family Area as shown in the Single Family Plan. The Single Family Area is divided into seven (7) parcels as shown on Exhibit E, with the development requirements or the Residential Bulk Requirements for each section being designated on Exhibit F attached hereto. The houses in the Single Family Area shall be constructed in accordance with the house design guidelines designated in the Noble West Single Family Architectural Guidelines.

Section 7.4. Multi-Family Area. The development of the Multi-Family Area shall be substantially in accordance with the Multi-Family Plan (the architectural guidelines for the Multi-Family Area established in the Noble West Architectural Guidelines and the Multi-Family Bulk Requirements [Exhibit G]); provided, however, prior to construction all buildings must be approved by the Architectural Review Board and Preliminary Development Plan for the Multi-Family Area must be obtained in the manner provided in this Noble West PD Ordinance and Section 4,G,2 of Article 4, Part B of the Zoning Ordinance.

Section 7.5. School. A school may be located in the area designated on the Location Plan as Potential School Site. If a school is constructed, the school shall be architecturally compatible with the total development as determined by the Director.

Section 8. Streets. The street layout and type (including rights-of-way) within the Single Family Area shall be substantially as indicated on the Single Family Plan and adapted as appropriate to the topography, unique natural features and environmental constraints of the Property; provided, however, streets shown on the Single Family Plan may be eliminated or relocated as part of an Approved Final Development Plan or a Secondary Plat so long as there is no materially adverse impact on the flow of traffic within the Single Family Area. Streets shall conform to the following requirements:

Noble West Street Standards

Noble West Street Types	Minimum Right-of-Way Width	Minimum Pavement Width	Design Speed	Minimum Centerline Radius	Minimum Curb Return Radius	Minimum Tangent Between Reverse Curves
Alley	16'	12'	5	26'	20'	0'
Place	54'	32'	20	50'	20'	50'
Drive	54'	32'	20	75'	20'	75'
Avenue	54'	32'	20	150'	20'	100'

* Minimum Pavement Width includes curb and gutter where present

The street types are designated on Exhibit H attached hereto.

All streets, excluding alleys, are to be dedicated for public use and accepted for maintenance by the City of Noblesville or the Board of County Commissioners of Hamilton County, as applicable, and shall be constructed to the standards of the City of Noblesville or the Hamilton County Highway Department, as applicable, at the time of construction for depth and materials. All cul-de-sacs shall not exceed the standard length for cul-de-sacs as established by the applicable governmental agency.

Section 9. Open Space and Park Area. Approximately 20% of the Retail Area and Office Area shall be Open Space; however, neither the Retail Area nor the Office Area shall have less than 15% Open Space. Approximately 35% of the Residential Property shall be Open Space. Open Space shall generally be of the size and configuration and in the locations depicted in the Noble West Preliminary Development Plan. The landscape requirements provided in the Zoning Ordinance shall apply for parking areas in the Retail and Office Areas.

Open Space shall be restricted by a declaration or by other means to prohibit future development; however, open space may be used for social, recreation and/or environmental preservation purposes; and, the developer may make improvements such as (a) the cutting of trails for walking or jogging, (b) the establishment of picnic areas, (c) the removal of dead or diseased trees and thinning of trees or other vegetation to encourage more desirable growth, and (d) grading and seeding. In addition, Open Space North, as designated on the Location Plan, shall also be part of the Open Space for the development and shall be maintained as greenspace provided one house may be constructed on Open Space North and Open Space North may be used for horse pasture, a golf course, or similar open space uses.

An owner's association shall establish a reserve fund for the maintenance and repair of the open space to which it has title and shall maintain such fund at an amount which is reasonable in relationship to anticipated expenditures.

There are approximately 70 acres designated as a "Proposed Public Park" on Exhibit K ("Park Area"). Assuming the Parks Department for the City of Noblesville will

amended and restated2

accept the Park Area, such Park Area shall be conveyed to the City of Noblesville for use as a public park. Impact Fees generated by Noble West may be applied towards the construction of improvements in the Park Area.

Section 10. Sidewalks. Sidewalks shall be provided on both sides of all streets within the Single Family Area unless otherwise shown on the Single Family Plan. Sidewalks within the Single Family Area shall be a minimum of four (4) feet in width.

Sidewalks in the Multi-Family Area, Retail Area and Office Area shall be as shown on the applicable Retail Plan, Office Plan and Multi-Family Plan.

A sidewalk or trail shall be provided, within the Property, along the south side of both 156th and 161st Streets.

Section 11. Signage.

1. The signage within the Office Area and the Retail Area shall be in accordance with the requirements of the Zoning Ordinance.
2. A program for signs to identify the development in the Single Family Area and the Multi-Family Area, together with street signs and other identification signs, shall be submitted to the Director in whole or in part as part of the Detailed Development Plan approval. Detailed Development Plan approval for the signage in the Residential Property may be made as each particular area within the Residential Property is approved and, while signs identifying a particular area may be different from some other area, all signs shall be architecturally compatible.

Section 12. Streetscape. The streetscape along Hazel Dell Parkway bordering the Residential Property shall be substantially in accordance with the streetscape plan filed as part of the Noble West Preliminary Development Plan.

Section 13. Commitments. Applicant has made certain commitments relating to the development of the Property which are in addition to the requirements of this Noble West PD Ordinance. The commitments are attached hereto as Exhibit I.

Section 14. Landscaping. Except as otherwise provided in the landscape plans that are part of the Noble West Preliminary Development Plan or as otherwise approved by the Plan Commission, the landscaping shall be in accordance with the landscaping requirements of the Zoning Ordinance.

Section 15. Lighting. Lighting facilities within the development shall be in accordance with the requirements of the Zoning Ordinance.

Section 16. Detailed Development Plan Approval.

Section 16.1 Retail Area and Office Area. Approval by the Director of the Detailed Development Plan for the Retail Area and Office Area (or any part thereof) including architectural design and landscaping shall be necessary prior to (i) construction of any structure, or (ii) issuance of any improvement location permit for a structure. Preliminary Development Plans (including architectural design and landscaping) for the Retail Area and Office Area or in lieu thereof detailed criteria for development of the Retail Area and Office Area are attached hereto as the Retail Plan and Office Plan and have been approved. Upon application for a Detailed Development Plan, if the structure substantially complies with the Retail Plan or Office Plan, as applicable, or the detailed criteria and complies with any other applicable development standards in this Noble West PD Ordinance, the Director shall approve the application. If the Director determines that the structure does not substantially comply with the Retail Plan or Office Plan, as applicable, or in lieu thereof does not comply with the detailed criteria or does not comply with some other applicable development standard in this Noble West PD Ordinance and denies the application for approval, the Director shall specifically detail in writing the basis for its belief that the structure does not substantially comply with the Retail Plan or Office Plan, as applicable, or does not meet some other development standard in this Noble West PD Ordinance. An applicant who has been denied may immediately apply for approval of a new or amended plan for the structure.

Section 16.2 Single Family Area. Approval by the Director of the Detailed Development Plan for the Single Family Area shall be necessary. Assuming the application for the Detailed Development Plan approval is substantially in accordance with the Single Family Plan (subject to change in streets as provided in Section 8 of this Noble West PD Ordinance), the Director shall approve the application. If the Director denies the application for approval, the Director shall specifically detail in writing the basis for his belief that the proposed Detailed Development Plan is not substantially in accordance with the Single Family Plan. An applicant who has been denied may immediately apply for approval of a new or amended Detailed Development Plan or may appeal the decision of the Director to the Plan Commission in accordance with the Plan Commission's rules and regulations.

The Director shall also determine that the house is in substantial compliance with the house design guidelines in the Noble West Single Family Architectural Guidelines. If, upon application for an improvement location permit, the Director determines that the house does not substantially comply with the house design guidelines, the Director shall specifically detail in writing the basis for its belief that the proposed house does not comply with the house design guidelines. Any applicant who has been denied approval may immediately apply for approval of a new or amended plan for the house or the applicant may appeal the decision of the Director to the City of Noblesville Architectural Review Board.

Section 16.3 Multi-Family Area. Approval of the Preliminary Development Plan for development of any Multi-Family Area shall be necessary and shall be obtained in accordance with this PD Ordinance and Section 4,G,2 of Article 4, Part B of the Zoning Ordinance. The Architectural Review Board shall also be required to approve the architectural character of the buildings. Plan Commission Approval of the Preliminary Development Plan shall be provided upon a determination by the Plan Commission that (i) such development is in accordance with the Overall Plan for the Property and (ii) such development is architecturally compatible with the overall development. Approval of the Detailed Development Plan for any Multi-Family Area shall also be necessary. Such approval may be made by the Plan Commission contemporaneously with approval of the Preliminary Development Plan or by the Director subsequent to Plan Commission Approval of the Preliminary Development Plan. If the Director denies the application for approval, the Director shall specifically detail in writing the basis for his belief that the proposed Detailed Development Plan is not substantially in accordance with the Multi-Family Area Plan as approved by the Plan Commission. An applicant who has been denied approval of either a Preliminary Development Plan or Detailed Development Plan may immediately apply for approval of a new or amended Preliminary Development Plan or Detailed Development Plan as applicable. In addition, any decision of the Director may be appealed to the Plan Commission in accordance with the Plan Commission's rules and regulations.

Section 16.4 Appeals. For any appeal to the Plan Commission as provided in this Section 16, the Plan Commission shall either affirm or reverse the decision of the Director. If the Plan Commission reverses the decision of the Director, the Detailed Development Plan or house design shall be approved. If the Plan Commission affirms the decision of the Director, the Plan Commission shall specifically detail in writing its basis for the decision. An applicant who has not received approval of a Detailed Development Plan or house design may immediately reapply for approval.

Section 17. Preliminary Development Plan Approval. For any areas within the Property where a Preliminary Development Plan is not a part of this Noble West PD Ordinance or where the criteria for development of a particular area is insufficient to act as a Preliminary Development Plan as in the Multi-Family Area (or if there is a desire to substantially amend or change an approved Preliminary Development Plan), approval of a Preliminary Development Plan for such property must be obtained from the Plan Commission prior to construction of any structure on such property or the issuance of an improvement location permit for such property. Application for approval of a Preliminary Development Plan shall be made to the Plan Commission in accordance with the procedure established in the Zoning Ordinance. Plan Commission approval of the Preliminary Development Plan for such area shall be provided upon a determination by the Plan Commission that (i) such development is in accord with the Overall Plan for the Property, and (ii) such development is architecturally compatible with the overall

development. Upon approval of the Preliminary Development Plan, the applicant must obtain approval of a Detailed Development Plan in accordance with the procedure established in this Noble West PD Ordinance. Preliminary Development Plan approval and Detailed Development Plan approval may be obtained from the Plan Commission simultaneously.

Section 18. Hearing Examiner or Committee. The decision regarding approval or denial of a Preliminary Development Plan may be made by a hearing examiner or a committee designated by the Commission in the same manner that the Commission would act. However, any decision of a hearing examiner or committee which approves or denies any request and modification may be appealed by the Director or any interested party (including the developer) to the Plan Commission in accordance with the Plan Commission's rules of procedure.

Section 19. Change in Development Standards. Upon petition of the land owner, the Plan Commission may (i) approve a development plan or development standards that are not included in or are different from those set forth in this Noble West PD Ordinance and (ii) amend or modify the Commitments, if the Plan Commission determines that such modification or change would not substantially affect the integrity of the Overall Plan for the development of the Property. Any change in any uses or in the location of any uses must be accomplished through an amendment to this Noble West PD Ordinance approved by the Common Council.

EXHIBIT A

LAND DESCRIPTION (SUBJECT TO SURVEY)

A part of the of Section 16, Section 15 and Section 10 all being in Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of Northeast Quarter of said Section 16; thence South 89 degrees 48 minutes 20 seconds East along the north line of said Northeast Quarter a distance of 1339.65 feet to the Northeast corner of the West Half of the said Northeast Quarter; thence South 00 degrees 00 minutes 19 seconds West along the east line of said West Half a distance of 162.58 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 450.21 feet; thence South 00 degrees 00 minutes 21 seconds West a distance of 188.40 feet; thence South 28 degrees 22 minutes 27 seconds East a distance of 145.29 feet; thence South 89 degrees 48 minutes 18 seconds East a distance of 157.94 feet; thence North 00 degrees 00 minutes 21 seconds East a distance of 316.00 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 77.29 feet; thence South 00 degrees 00 minutes 22 seconds West a distance of 216.83 feet; thence South 26 degrees 49 minutes 29 seconds East a distance of 111.17 feet; 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EXHIBIT A

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Also

A part of the Northwest Quarter of Section 15, Township 18 North, Range 4 East, in Hamilton County, Indiana, being described as follows:

Beginning at the northwest corner of said Quarter Section; thence North 89 degrees 49 minutes 39 seconds East along the north line thereof a distance of 457.08 feet; thence South 00 degrees 00 minutes 48 seconds East parallel with the west line of said Quarter a distance of 385.47 feet; thence South 89 degrees 49 minutes 39 seconds West parallel with said north line a distance of 457.08 feet to the west line of said Quarter; thence North 00 degrees 00 minutes 48 seconds West along said west line a distance of 385.47 feet to the **Point of Beginning**, containing 4.0 acres, more or less.

Containing together and in total 685.1 acres, more or less

EXHIBIT B

NOT USED

EXHIBIT C – Noble West Location Plan

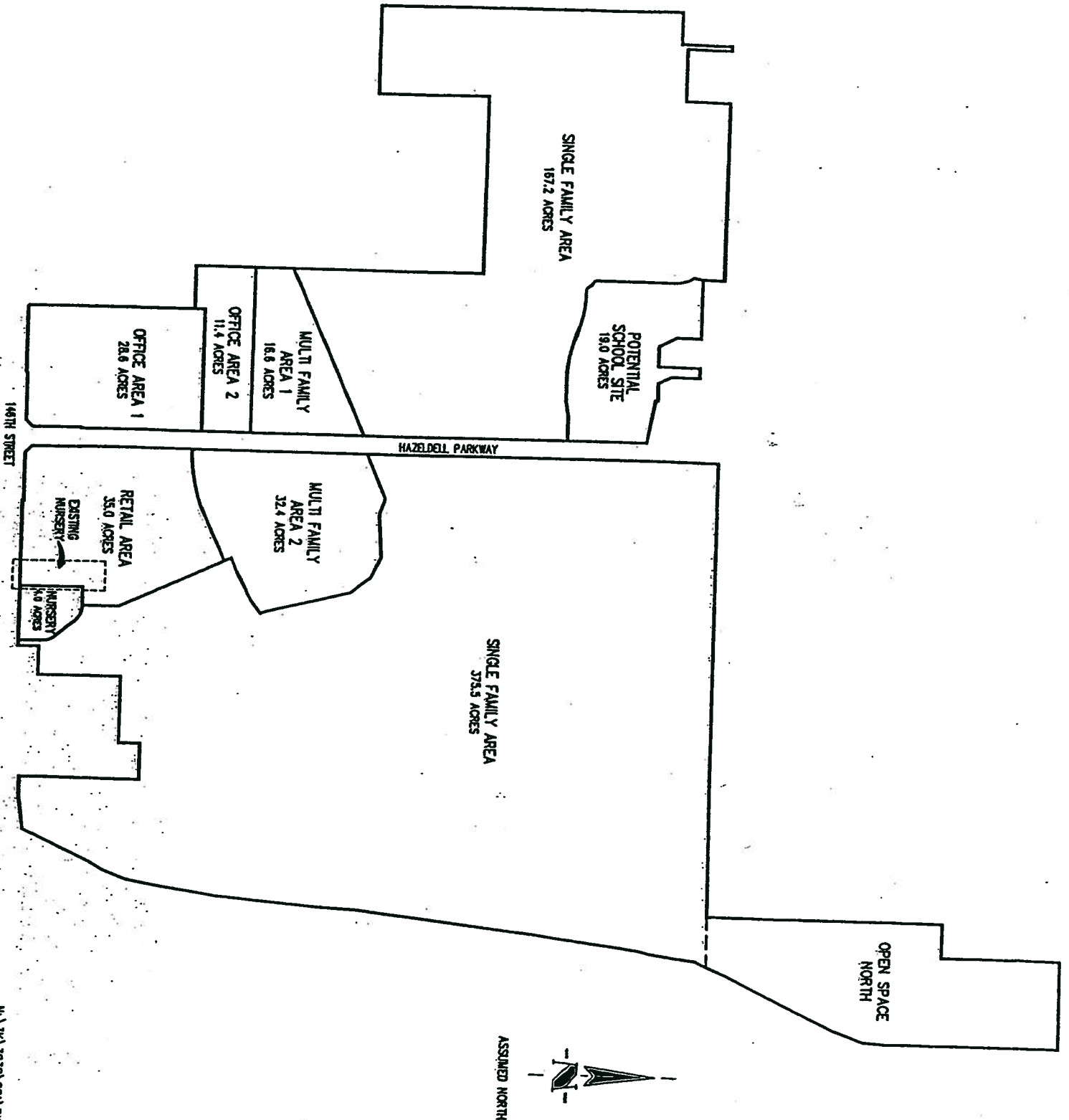


EXHIBIT D – Noble West Overall Plan

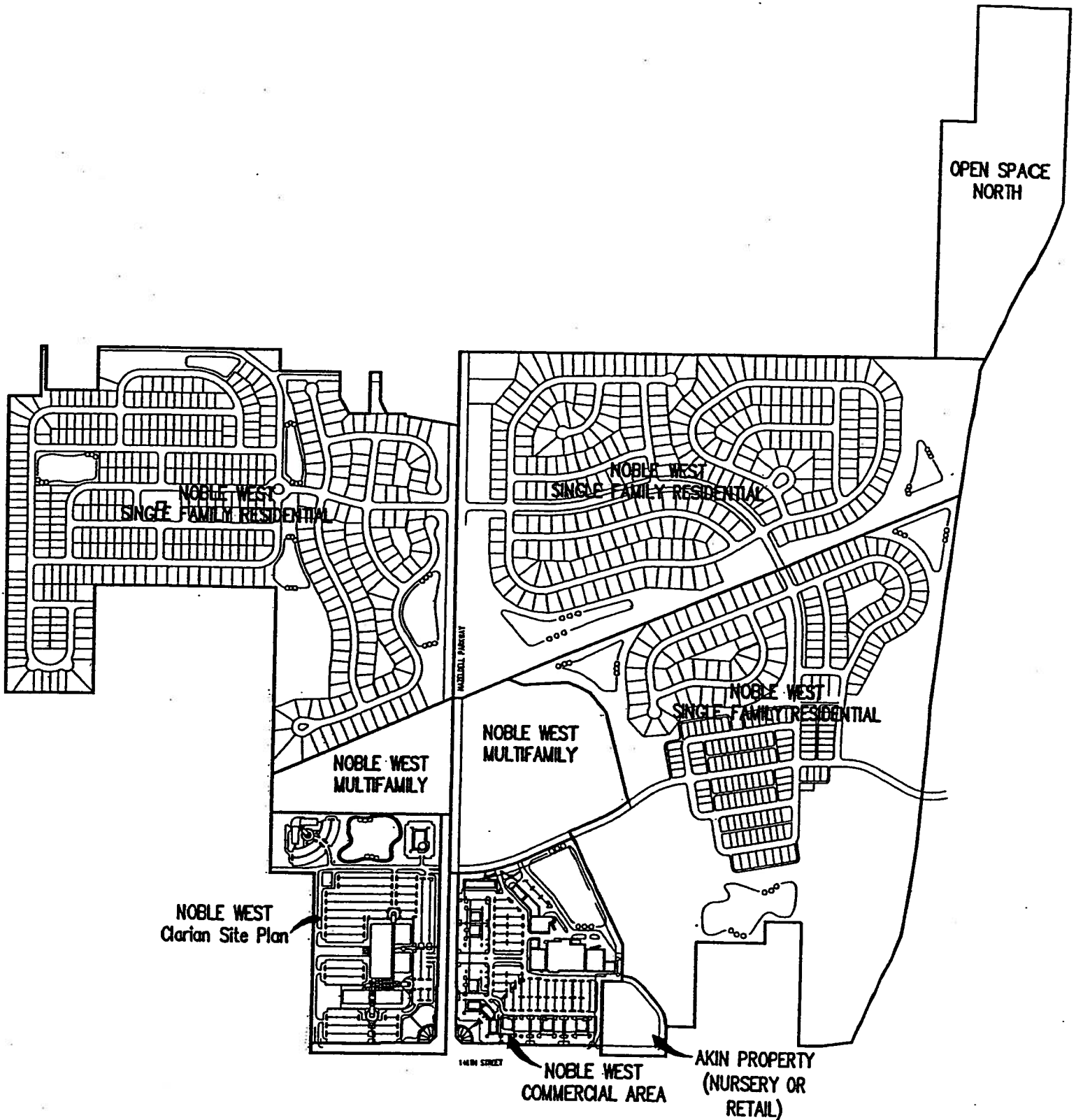


EXHIBIT E – Noble West Residential Parcels

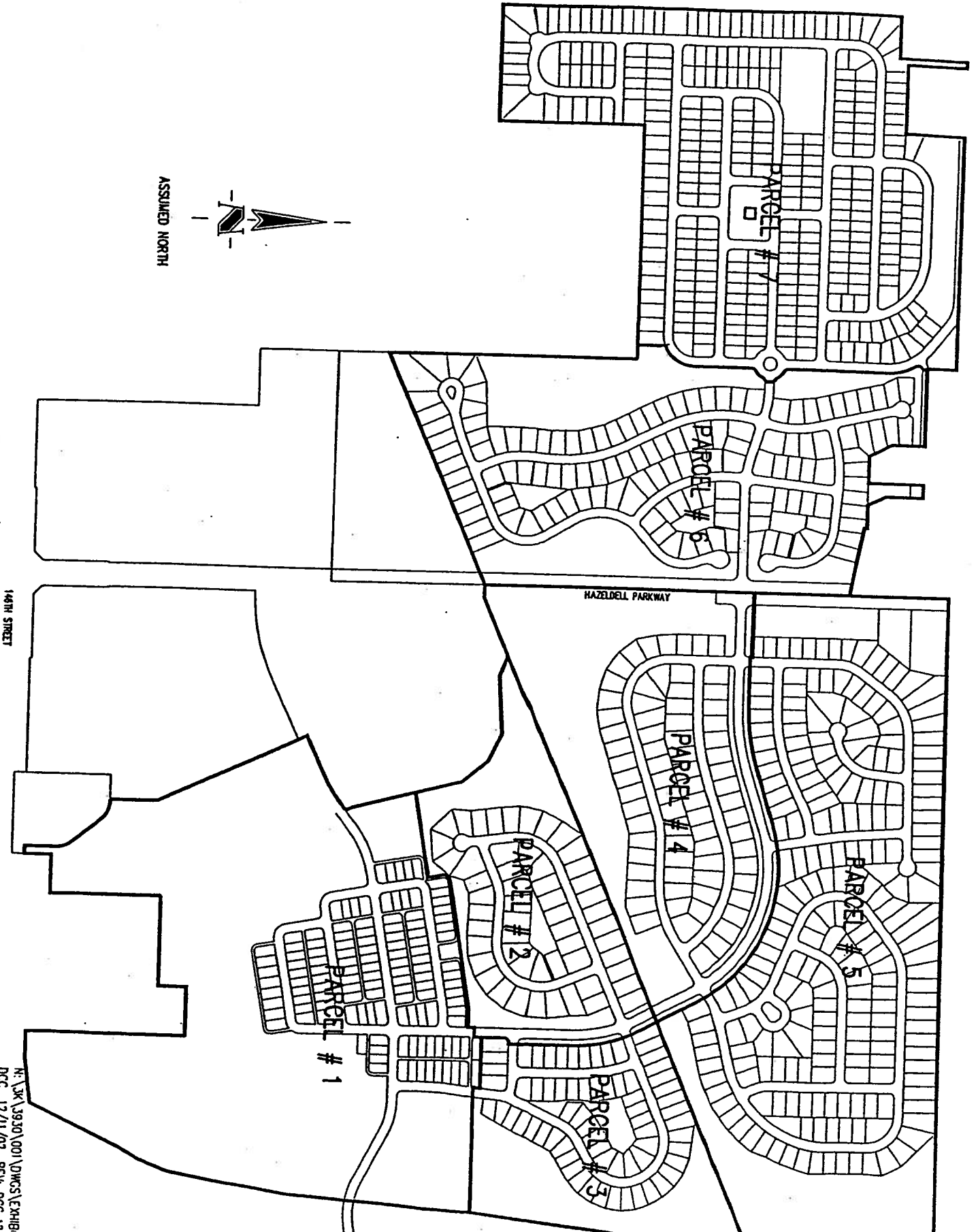


EXHIBIT F – Noble West Residential Bulk Area Requirements

BULK AREA REQUIREMENTS							
Requirements	Parcel 1	Parcel 2	Parcel 3	Parcel 4	Parcel 5	Parcel 6	Parcel 7
Minimum Lot Area	5,400	12,500	8,000	10,800	9,000	10,000	6,500
Minimum Lot Width, measured along front building setback line (Minimum Street Frontage for all lots fronting a public street shall be 45')	50' (Except cul-de-sac lots which may be less)	90' (Except cul-de-sac lots which may be less)	65' (Except cul-de-sac lots which may be less)	90' (Except cul-de-sac lots which may be less)	75' (Except cul-de-sac lots which may be less)	75' (Except cul-de-sac lots which may be less)	60' (Except cul-de-sac lots which may be less)
Minimum Front Yard Setback	15' *	25'	25'	25'	25'	25'	20'
Minimum Side Yard Setback	4'	5'	5'	5'	5'	5'	5'
Aggregate Side Yard Setback	8'	15'	15'	15'	15'	15'	10'
Minimum Rear Yard Setback	14'	20'	20'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'
Floor Area Ratio shall not exceed	0.6	0.5	0.5	0.5	0.5	0.5	0.5
Minimum Floor Area	1,500	1,500	1,500	1,500	1,500	1,500	1,200

* Front Porches, stoops, stairs, balconies, loggias, chimneys, eaves, cornices, awnings, doors and windows may extend into the front yard however shall not be placed within the 10' utility easement

EXHIBIT G

MULTI-FAMILY BULK REQUIREMENTS

(Development Standards)

	MULTI-FAMILY AREA 1	MULTI-FAMILY AREA 2
Min. Lot Width	N/A	N/A
Min. Lot Area	N/A	N/A
Max. Building Height	25'	45'
Interior Streets	Private	Private
Min. Front Yard Setbacks	45' (Public) 20' (Private)	45' (Public) 0' (Private)
Min. Side & Rear Perimeter Yard Setbacks	20' (Primary structure) 5' (Accessory structure)	20' (Primary structure) 5' (Accessory structure)
Min. Distance Between Buildings	10', plus 5' for each story over the first story	10', plus 5' for each story over the first story
Min. Off Street Parking Spaces***	**	**
Min. Floor Area (per dwelling unit)	600 sq. ft.	600 sq. ft.

** Per Table 10.0.3.B of the Zoning Ordinance.

*** Includes all garage spaces.

EXHIBIT H – Noble West Street Classification Plan

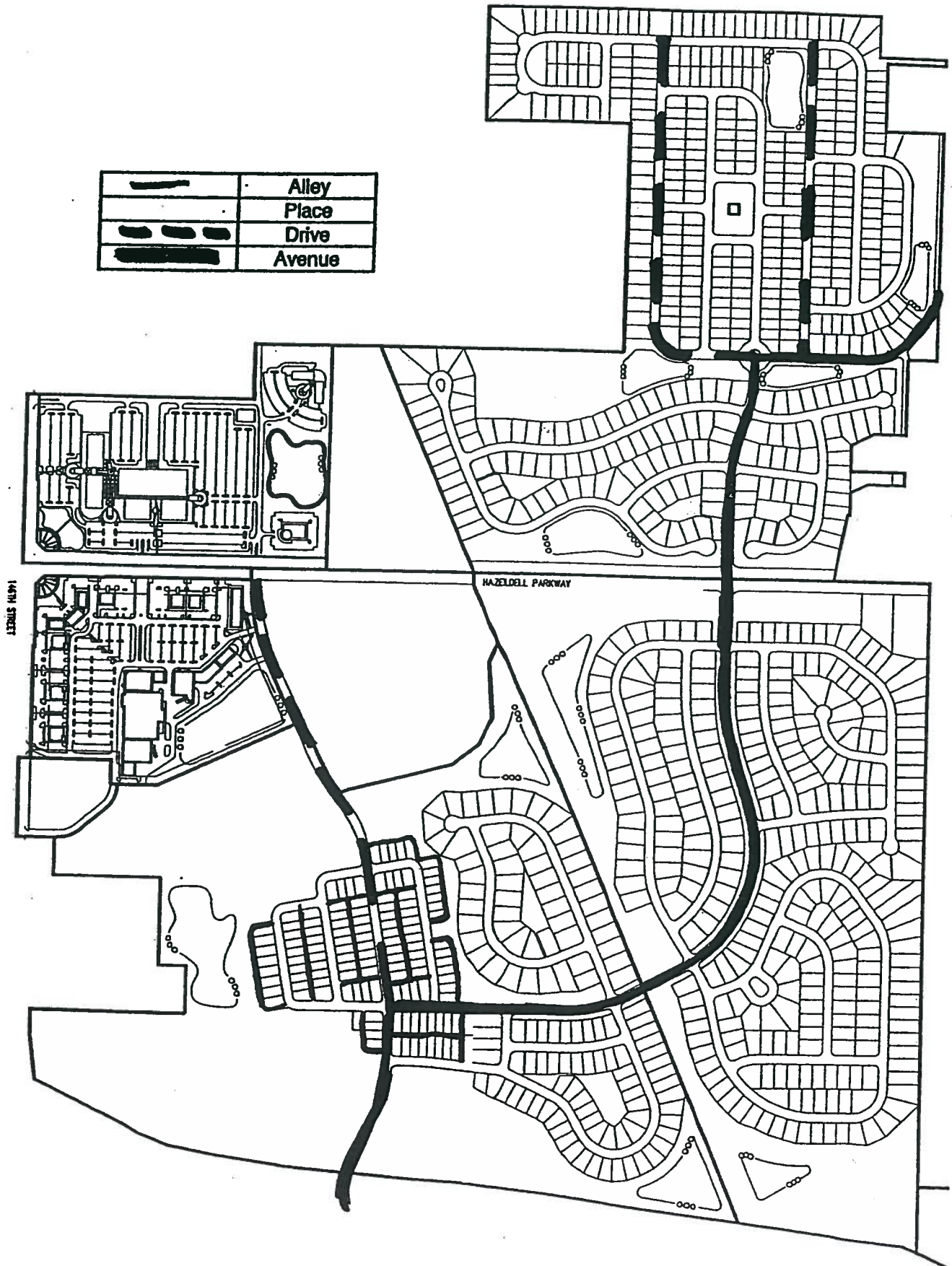


EXHIBIT I
COMMITMENTS

amended and restated

**COMMITMENTS CONCERNING THE DEVELOPMENT
AND USE OF REAL ESTATE**

In accordance with Indiana Code Section 36-7-4-615, Hazel Dell LLC ("Hazel Dell"), The Ralph L. Wilfong, II Charitable Remainder Trust Dated May 21, 2001 and The Paul L. Wilfong Charitable Remainder Unitrust Dated May 21, 2001 (collectively, "Wilfong"), The Chester Browne Charitable Remainder Unitrust ("Browne"), and BDC/Cardinal Associates LP ("Cardinal"), the owners of the following described real estate located in Hamilton County, Indiana (hereafter the "Real Estate"), make the following COMMITMENTS concerning the use and development of the Real Estate to the Noblesville Plan Commission (hereafter the "Plan Commission"). The Real Estate is part of the Noble West Planned Development as established by the Noble West PD Ordinance.

1. Description of Real Estate.

See Exhibit A ("Real Estate") (Noble West Planned Development)

2. Docket No.: 03N-15-0329

3. Definitions: For purposes of these Commitments, unless the context otherwise requires, the words contained herein shall have the meaning ascribed to such word in the Noble West PD Ordinance.

4. Statement of Commitments: The owners as outlined above hereby make the following commitments relating to the Real Estate:

- a. Contemporaneously with the commencement of development of the Office Area, as shown on the Noble West Preliminary Development Plan, the owner of the Office Area shall provide access to Hazel Dell Parkway over and across the Office Area for the real estate located immediately west of the Office Area (the Grace Community Church).
- b. Contemporaneously with the commencement of development of the Retail Area or the Office Area, as shown on the Noble West Preliminary Development Plan, Hazel Dell shall construct or cause to be constructed the gateway features to be located at the northwest and northeast corners of 146th Street and Hazel Dell Parkway, as shown on the Noble West Preliminary Development Plan.
- c. Within ninety (90) days of the recording of these Commitments, Wilfong will execute and record a restrictive covenant that will limit the use of the property designated on the attached Exhibit B as Open Space North to one house, horse pasture, golf course or similar open space or greenspace uses. At said time, Wilfong shall grant an access easement or

right-of-way on Open Space North along the Vestal Drain, for the purpose of the City's construction of a multi-use path.

- d. In accordance with timeframes established in the Memorandum of Understanding between the City of Noblesville, Hazel Dell and BDC/NobleWest, LLC ("BDC") (hereafter the "Memo"), BDC acting as developer on behalf of Hazel Dell shall cause the completion of the reconstruction of the portion of Hazel Dell Parkway (hereafter "Roadway") to be commenced and diligently pursued as outlined in the Memo. Hazel Dell shall be responsible for the cost of the Roadway and shall be entitled to receive road impact fees, as outlined in the Memo, as reimbursement for constructing the Roadway.
 - e. Upon the recording of a secondary plat that would cause at least three hundred (300) lots to be platted within the Property, Hazel Dell and Cardinal, as owners of the Park Area, shall dedicate the Park Area to the City of Noblesville to be used as a public park provided Hazel Dell shall be entitled to receive any applicable park impact fees to be paid in connection with the development of the Property.
5. Binding on Successors and Assigns. These Commitments are binding on the owners of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated by the Plan Commission. These Commitments may be modified or terminated only by a decision of the Plan Commission made at a public hearing after notice as provided by the rules of the Plan Commission or as otherwise provided by I.C. 36-7-4-615.
6. Effective Date. The Commitments contained herein shall be effective upon the adoption of the Noble West PD Ordinance as such is described in the Application.
7. Recording. The undersigned hereby authorizes the Director of the Department of Planning, or the Secretary of the Plan Commission, to record these Commitments in the Office of the Recorder of Hamilton County, Indiana, upon adoption of the Noble West PD Ordinance.
8. Enforcement. These Commitments may be enforced by the Plan Commission and the owners of all parcels of ground adjoining the Real Estate who were entitled to receive personal notice of the rezoning under the rules in force at the time the Commitments were made.

IN WITNESS WHEREOF, the owners of the Real Estate have executed this instrument this ____ day of _____, 200__.

HAZEL DELL, LLC, an Indiana limited liability company,

By: _____
Printed: _____
Title: _____

"Hazel Dell"

THE RALPH L. WILFONG, II CHARITABLE
REMAINDER TRUST DATED MAY 21, 2001
AND THE PAUL L. WILFONG CHARITABLE
REMAINDER UNITRUST DATED MAY 21,
2001

By: _____
Printed: _____
Title: _____

"Wilfong"

THE CHESTER BROWNE CHARITABLE
REMAINDER UNITRUST

By: _____
Chester Browne, Trustee

"Browne"

BDC/CARDINAL ASSOCIATES LP

By: _____
Printed: _____
Title: _____

"Cardinal"

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, by me known and by me known to be the _____ of Hazel Dell LLC, an Indiana limited liability company, and who acknowledged the execution of the foregoing Commitments for and on behalf of said limited liability company.

WITNESS my hand and Notarial Seal this ____ day of _____, 200__.

My Commission Expires:

My County of Residence:

Notary Public

Printed Signature

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, by me known and by me known to be the _____ of The Ralph L. Wilfong, II Charitable Remainder Trust Dated May 21, 2001 and The Paul L. Wilfong Charitable Remainder Unitrust Dated May 21, 2001, and who acknowledged the execution of the foregoing Commitments for and on behalf of said entities.

WITNESS my hand and Notarial Seal this ____ day of _____, 200__.

My Commission Expires:

My County of Residence:

Notary Public

Printed Signature

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared Chester Browne, by me known and by me known to be the Trustee of The Chester Browne Charitable Remainder Unitrust, and who acknowledged the execution of the foregoing Commitments for and on behalf of said Unitrust.

WITNESS my hand and Notarial Seal this ____ day of _____, 200__.

My Commission Expires:

My County of Residence:

Notary Public

Printed Signature

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, by me known and by me known to be the _____ of BDC/Cardinal Associates LP, and who acknowledged the execution of the foregoing Commitments for and on behalf of said limited partnership.

WITNESS my hand and Notarial Seal this ____ day of _____, 200__.

My Commission Expires:

My County of Residence:

Notary Public

Printed Signature

This instrument prepared by Philip A. Nicely, Bose McKinney & Evans LLP, 600 East 96th Street, Suite 500, Indianapolis, Indiana, 46240.

EXHIBIT A

LAND DESCRIPTION (SUBJECT TO SURVEY)

A part of the of Section 16, Section 15 and Section 10 all being in Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of Northeast Quarter of said Section 16; thence South 89 degrees 48 minutes 20 seconds East along the north line of said Northeast Quarter a distance of 1339.65 feet to the Northeast corner of the West Half of the said Northeast Quarter; thence South 00 degrees 00 minutes 19 seconds West along the east line of said West Half a distance of 162.58 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 450.21 feet; thence South 00 degrees 00 minutes 21 seconds West a distance of 188.40 feet; thence South 28 degrees 22 minutes 27 seconds East a distance of 145.29 feet; thence South 89 degrees 48 minutes 18 seconds East a distance of 157.94 feet; thence North 00 degrees 00 minutes 21 seconds East a distance of 316.00 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 77.29 feet; thence South 00 degrees 00 minutes 22 seconds West a distance of 216.83 feet; thence South 26 degrees 49 minutes 29 seconds East a distance of 111.17 feet; 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EXHIBIT A

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Containing together and in total 685.1 acres, more or less

EXHIBIT B

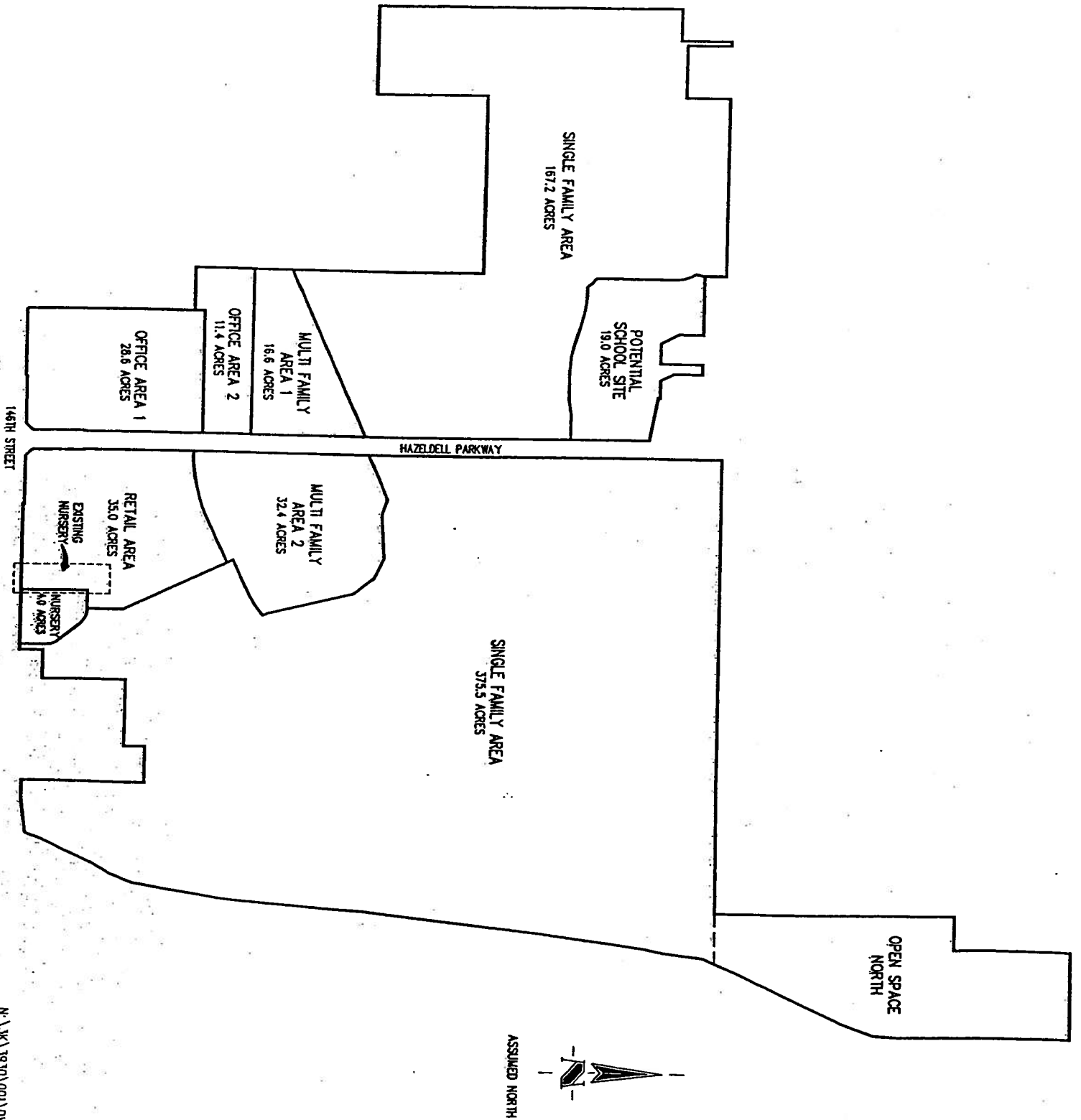


EXHIBIT K – Proposed Public Park

