

ORDINANCE NO. 2024-15

**AN ORDINANCE APPROVING RESOLUTION NUMBER 2024-03 OF THE
TOWN OF EDINBURGH PLAN COMMISSION
REZONING CERTAIN PROPERTY FROM R1 TO
PUD – PLANNED UNIT DEVELOPMENT AND DESIGNATING THE PARCEL
AS A PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, the Town of Edinburgh, Indiana Plan Commission (referred to hereafter as the “Plan Commission”) is an advisory Plan Commission to the Town of Edinburgh, Indiana (referred to hereafter as the “Town”), and has, by Resolution Number 2024-03 forwarded a favorable recommendation that the Edinburgh Town Council amend the Zoning Map and rezone the property described in **Exhibit “A”**, attached hereto, from R1 – Suburban Residence to PUD – Planned Unit Development; and

WHEREAS, the Plan Commission has, by Resolution Number 2024-03 forwarded a favorable recommendation that the Edinburgh Town Council approve and adopt the Castle Rock Planned Unit Development Preliminary Plan, attached hereto, as a Planned Unit Development District;

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2024-03 has been certified to the Edinburgh Town Council; and

WHEREAS, the Town Council, after paying reasonable regard to: 1) Town of Edinburgh Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the Town of Edinburgh’s planning jurisdiction, and 5) responsible development and growth, finds the rezoning of the property described in **Exhibit “A”** should be approved; and

WHEREAS, the Town Council, after paying reasonable regard to: 1) Town of Edinburgh Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the Town of Edinburgh’s planning jurisdiction, and 5) responsible development and growth, finds the Castle Rock Planned Unit Development Preliminary Plan, should be approved and adopted as a Planned Unit Development District.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF EDINBURGH, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. **Zoning Map Amended:** The subject property described in **Exhibit “A”** (“Development”) is hereby rezoned from R1 – Suburban Residence to PUD – Planned Unit Development.

Subject to the following conditions:


- A. Petitioner, D.R. Horton – Indiana, LLC, or the owner of the Development, shall be required to make the following written commitments concerning the development of the property:
 1. Roadway improvements for the southeast entrance to the Development at the intersection of CR 650 E and CR 775 S are subject to approval by the Johnson County Highway Department and the Town of Edinburgh.
 2. Roadway improvements at the entrance to the Development at the intersection with U.S. 31 are subject to the Indiana Department of Transportation’s permit process and approval.
 3. None of the streets within the Development shall connect to Orchard Drive. Orchard Drive shall not be used as an access point to the Development.

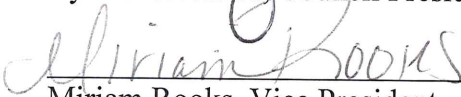
4. The location of the Two-Family Dwellings within the Development shall be limited to the area labeled "Two-Family Dwellings" as depicted on the Concept Plan attached hereto as Exhibit 1 ("Concept Plan"). Single-Family Dwellings may also be constructed in the area labeled "Two-Family Dwellings."
 5. No residential mobile homes or modular homes shall be permitted in the Development.
 6. Infrastructure for utilities shall be installed to meet the standards of the Town of Edinburgh, shall be subject to the Town of Edinburgh's approval, and shall be paid for by Developer, D.R. Horton – Indiana, LLC.
 7. The minimum square footage for homes within the Development shall be nine hundred fifty square feet (950 sq. ft.).
 8. The fifty-foot (50') wide landscaped buffer depicted on the Concept Plan along the common property border with the adjacent Orchard Park neighborhood shall be extended along the north border of the Commercial District to the western boundary of the Development.
 9. A six-foot (6') tall wood or vinyl fence shall be installed along the entire length of the fifty-foot (50') landscaped buffer located at the northern border of the Development with the exact location and material of the fence to be approved by the Planning Staff of the Town of Edinburgh. The portion of the fence in the Residential District of the Development shall be maintained by the Residential District's Homeowners' Association. The portion of the fence in the Commercial District of the Development shall be maintained by the owner and/or the owner's association of the Commercial District.
 10. Developer, D.R. Horton – Indiana, LLC shall construct in the Development an amenity center; swimming pool; playground; game court; and walking trails throughout the Development.
2. **Designation:** The Development is designated as a planned unit development district, pursuant to I.C. 36-7-4-1503.
 3. **Preliminary Plan Approval:** The Castle Rock Planned Unit Development Preliminary Plan that has been stamped "approved Preliminary Planned Unit Development" and signed by the President and Secretary of the Plan Commission, attached hereto, is adopted as a Planned Unit Development District, subject to the conditions set forth in Section 1, above.
 4. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
 5. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
 6. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
 7. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-5-2-10.

INTRODUCED on the 9th day of September 2024.

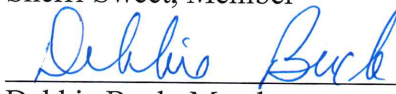
DULY PASSED on this 23rd day of September, 2024, by the Town Council of the Town of Edinburgh, Indiana, having been passed by a vote of 5 in Favor and 0 Opposed.

EDINBURGH TOWN COUNCIL


Ryan Piercefield, Council President


Miriam Rooks, Vice President


Sherri Sweet, Member


Debbie Buck, Member


Michael Bryant, Member

ATTEST:


Rhonda Barrett, Clerk-Treasurer

EXHIBIT A

A part of the Northeast, Northwest and Southwest Quarters of Section 28, Township 11 North, Range 05 East of the Second Principal Meridian, Blue River Township, Johnson County, Indiana. This description prepared by: Bruce E. Strack, Indiana LS 20200057, working for Stoeppelwerth and Associates, Inc. as part of Project 107945DRH, being more particularly described as follows:

Beginning at the Southeast corner of said Northeast Quarter Section, said point being marked by a 5/8 inch diameter rebar found down 0.2 feet; thence South 88 degrees 55 minutes 00 seconds West (assumed bearing), along the South line of said Quarter Section, a distance of 2732.22 feet to the Northeast corner of the aforementioned Southwest Quarter Section; thence South 00 degrees 37 minutes 51 seconds East, along the East line of said Quarter Section, a distance of 2656.11 feet to the Southeast corner thereof; thence South 88 degrees 50 minutes 45 seconds West, along the South line of said Quarter Section, a distance of 1237.90 feet to the East Right-of-Way line of U. S. Highway 31, per Indiana State Highway Commission Project Number 81(12)(1950); thence along said Right-of-Way line the following 4 courses and distances: 1) North 09 degrees 22 minutes 06 seconds West, a distance of 216.49 feet to a point on a non-tangent curve concave easterly, the radius point of which bears North 83 degrees 37 minutes 36 seconds East, a distance of 8508.37 feet from said point; 2) thence northerly along said curve, an arc length of 876.33 feet to a point on said curve, said point being South 89 degrees 31 minutes 40 seconds West, a distance of 8508.37 feet from the radius point of said curve; 3) thence North 00 degrees 28 minutes 20 seconds West, a distance of 1568.20 feet to the South line of the aforementioned Northwest Quarter Section; 4) thence continuing along said line North 00 degrees 28 minutes 20 seconds West, a distance of 1717.86 feet to the Southwest corner of the land described in Instrument Number 2016-016247 in the Office of the Recorder of Johnson County, Indiana; thence with the lines of said land the following 3 courses and distances: 1) North 89 degrees 31 minutes 42 seconds East, a distance of 174.24 feet; 2) thence North 00 degrees 28 minutes 20 seconds West, a distance of 250.00 feet; 3) thence South 89 degrees 31 minutes 42 seconds West, a distance of 174.24 feet to the East Right-of-Way line of said U. S. Highway 31; thence North 00 degrees 28 minutes 20 seconds West, along said Right-of-Way line, a distance of 314.31 feet to the South line of Orchard Park, per plat thereof recorded in Plat Book 9, Page 90 in said Recorder's Office; thence along the lines of said plat the following 3 courses and distances: 1) North 88 degrees 50 minutes 44 seconds East, a distance of 1305.34 feet to the West line of the aforementioned Northeast Quarter Section; 2) thence continuing along said line North 88 degrees 50 minutes 44 seconds East, a distance of 87.30 feet; 3) thence North 01 degree 09 minutes 16 seconds West, a distance of 186.59 feet to the South line of the land described in Instrument Number 2015-017089 in said Recorder's Office; thence North 88 degrees 30 minutes 20 seconds East, along said line, a distance of 1992.50 feet to the westerly Right-of-Way line of the Jeffersonville, Madison & Indianapolis Railroad, defined as being a line 50 feet Southwest, perpendicular to the existing tracks per Instrument Number 2022-026311 in said Recorder's Office; thence South 20 degrees 29 minutes 16 seconds East, parallel with said railroad tracks, a distance of 1918.07 feet to the East Line of the aforementioned Northeast Quarter Section; thence South 00 degrees 38 minutes 54 seconds East, along said line, a distance of 675.57 feet to the Point of Beginning, Containing 288.474 acres, more or less.

RESOLUTION NO. 2024-03

A RESOLUTION OF THE TOWN OF EDINBURGH PLAN COMMISSION

WHEREAS, the Plan Commission of the Town of Edinburgh, Indiana ("Plan Commission") has given careful study to the requirements of the Town of Edinburgh and all of the area within the jurisdiction of the Plan Commission relating to amendments to the Zoning Map;

WHEREAS, the Petitioner, D.R. Horton – Indiana, LLC, filed a petition for rezoning requesting the rezoning and a change to the Zoning Map of certain properties located within the Town of Edinburgh, Indiana, namely:

Parcel Number 41-12-28-034-001.000-046;

Parcel Number 41-12-28-034-012.001-046;

Parcel Number 41-12-28-031-012.000-046;

Parcel Number 41-12-28-024-002.004-046;

Parcel Number 41-12-28-021-002.003-001;

Parcel Number 41-12-28-012-003.001-001; and

Parcel Number 41-12-28-012-002.002-001

more particularly described in **Exhibit "A"** from R1- Suburban Residence to PUD- Planned Unit Development;

WHEREAS, the Petitioner, D.R. Horton – Indiana, LLC, filed the Castle Rock Planned Unit Development Preliminary Plan ("Preliminary Plan") pursuant to the requirements of the Zoning Ordinance of Edinburgh, Indiana;

WHEREAS, after proper notice, as outlined in the Plan Commission's Rules and Procedures and Indiana Code, a public hearing was held in the Edinburgh Town Hall located at

107 S. Holland St., Edinburgh, IN 46124 on the 20th day of August 2024, with the Plan Commission having heard all objections and criticisms and having given careful study and consideration to said petition; and

WHEREAS, at the public hearing held on the 20th day of August 2024, Petitioner, D.R. Horton- Indiana, LLC's Preliminary Plan was approved and its proposal for rezoning received a favorable recommendation from the Plan Commission subject to the following conditions:

1. Petitioner shall be required to make the following written commitments concerning the development of the property:
 - A. Roadway improvements for the southeast entrance to the Development at the intersection of CR 650 E and CR 775 S are subject to approval by the Johnson County Highway Department and the Town of Edinburgh.
 - B. Roadway improvements at the entrance to the Development at the intersection with U.S. 31 are subject to the Indiana Department of Transportation's permit process and approval.
 - C. None of the streets within the Development shall connect to Orchard Drive. Orchard Drive shall not be used as an access point to the Development.
 - D. The location of the Two-Family Dwellings within the Development shall be limited to the area labeled "Two-Family Dwellings" as depicted on the Concept Plan attached hereto as Exhibit 1 ("Concept Plan"). Single-Family Dwellings may also be constructed in the area labeled "Two-Family Dwellings."
 - E. No residential mobile homes or modular homes shall be permitted in the Development.

- F. Infrastructure for utilities shall be installed to meet the standards of the Town of Edinburgh, shall be subject to the Town of Edinburgh's approval, and shall be paid for by Developer.
- G. The minimum square footage for homes within the Development shall be nine hundred fifty square feet (950 sq. ft.).
- H. The fifty-foot (50') wide landscaped buffer depicted on the Concept Plan along the common property border with the adjacent Orchard Park neighborhood shall be extended along the north border of the Commercial Area to the western boundary of the Development.
- I. A six-foot (6') tall wood or vinyl fence shall be installed along the entire length of the fifty-foot (50') landscaped buffer located at the northern border of the Development with the exact location and material of the fence to be approved by the Planning Staff of the Town of Edinburgh. The portion of the fence in the Residential area of the Development shall be maintained by the Residential area's Homeowners' Association. The portion of the fence in the Commercial area of the Development shall be maintained by the owner and/or the owner's association of the Commercial area.

NOW THEREFORE BE IT RESOLVED THAT the Edinburgh Plan Commission hereby forwards a favorable recommendation to the Edinburgh Town Council that:

1. The property described in **Exhibit A**, attached hereto, be rezoned to PUD – Planned Unit Development, subject to the conditions set forth below.
2. The Castle Rock Planned Unit Development Preliminary Plan be approved, subject to the conditions set forth below.

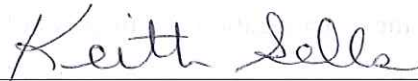
3. The property described in **Exhibit A** be rezoned subject to the following conditions:
 - A. Petitioner shall be required to make the following written commitments concerning the development of the property:
 1. Roadway improvements for the southeast entrance to the Development at the intersection of CR 650 E and CR 775 S are subject to approval by the Johnson County Highway Department and the Town of Edinburgh.
 2. Roadway improvements at the entrance to the Development at the intersection with U.S. 31 are subject to the Indiana Department of Transportation's permit process and approval.
 3. None of the streets within the Development shall connect to Orchard Drive. Orchard Drive shall not be used as an access point to the Development.
 4. The location of the Two-Family Dwellings within the Development shall be limited to the area labeled "Two-Family Dwellings" as depicted on the Concept Plan attached hereto as Exhibit 1 ("Concept Plan"). Single-Family Dwellings may also be constructed in the area labeled "Two-Family Dwellings."
 5. No residential mobile homes or modular homes shall be permitted in the Development.
 6. Infrastructure for utilities shall be installed to meet the standards of the Town of Edinburgh, shall be subject to the Town of Edinburgh's approval, and shall be paid for by Developer.
 7. The minimum square footage for homes within the Development shall be nine hundred fifty square feet (950 sq. ft.).

8. The fifty-foot (50') wide landscaped buffer depicted on the Concept Plan along the common property border with the adjacent Orchard Park neighborhood shall be extended along the north border of the Commercial Area to the western boundary of the Development.
9. A six-foot (6') tall wood or vinyl fence shall be installed along the entire length of the fifty-foot (50') landscaped buffer located at the northern border of the Development with the exact location and material of the fence to be approved by the Planning Staff of the Town of Edinburgh. The portion of the fence in the Residential area of the Development shall be maintained by the Residential area's Homeowners' Association. The portion of the fence in the Commercial area of the Development shall be maintained by the owner and/or the owner's association of the Commercial area.
4. The Castle Rock Planned Unit Development Preliminary Plan shall be stamped "approved Preliminary Planned Unit Development" and be signed by the President and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the Petitioner, and one copy is hereby certified to the Edinburgh Town Council for adoption as a Planned Unit Development District pursuant to the laws governing proposals to change zoning maps.
5. On behalf of the secretary, the staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the Edinburgh Town Council.

6. A copy of this Resolution forwarded to the Edinburgh Town Council shall be accompanied by the proposed Ordinance amending the Zoning Map for the consideration of the Edinburgh Town Council at its meeting.

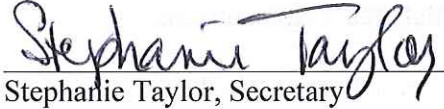
Dated this 9th day of September 2024.

EDINBURGH PLAN COMMISSION



Keith Sells, President / Chairman

ATTEST:



Stephanie Taylor, Secretary

Exhibit A

Prepared for: D.R. Horton - Indiana, LLC
Overall Parcel Exhibit

LAND DESCRIPTION

A part of the Northeast, Northwest and Southwest Quarters of Section 28, Township 11 North, Range 05 East of the Second Principal Meridian, Blue River Township, Johnson County, Indiana. This description prepared by: Bruce E. Strack, Indiana LS 20200057, working for Stoepfelwerth and Associates, Inc. as part of Project 107945DRH, being more particularly described as follows:

Beginning at the Southeast corner of said Northeast Quarter Section, said point being marked by a 5/8 inch diameter rebar found down 0.2 feet; thence South 88 degrees 55 minutes 00 seconds West (assumed bearing), along the South line of said Quarter Section, a distance of 2732.22 feet to the Northeast corner of the aforementioned Southwest Quarter Section; thence South 00 degrees 37 minutes 51 seconds East, along the East line of said Quarter Section, a distance of 2656.11 feet to the Southeast corner thereof; thence South 88 degrees 50 minutes 45 seconds West, along the South line of said Quarter Section, a distance of 1237.90 feet to the East Right-of-Way line of U. S. Highway 31, per Indiana State Highway Commission Project Number 81(12)(1950); thence along said Right-of-Way line the following 4 courses and distances: 1) North 09 degrees 22 minutes 06 seconds West, a distance of 216.49 feet to a point on a non-tangent curve concave easterly, the radius point of which bears North 83 degrees 37 minutes 36 seconds East, a distance of 8508.37 feet from said point; 2) thence northerly along said curve, an arc length of 876.33 feet to a point on said curve, said point being South 89 degrees 31 minutes 40 seconds West, a distance of 8508.37 feet from the radius point of said curve; 3) thence North 00 degrees 28 minutes 20 seconds West, a distance of 1568.20 feet to the South line of the aforementioned Northwest Quarter Section; 4) thence continuing along said line North 00 degrees 28 minutes 20 seconds West, a distance of 1717.86 feet to the Southwest corner of the land described in Instrument Number 2016-016247 in the Office of the Recorder of Johnson County, Indiana; thence with the lines of said land the following 3 courses and distances: 1) North 89 degrees 31 minutes 42 seconds East, a distance of 174.24 feet; 2) thence North 00 degrees 28 minutes 20 seconds West, a distance of 250.00 feet; 3) thence South 89 degrees 31 minutes 42 seconds West, a distance of 174.24 feet to the East Right-of-Way line of said U. S. Highway 31; thence North 00 degrees 28 minutes 20 seconds West, along said Right-of-Way line, a distance of 314.31 feet to the South line of Orchard Park, per plat thereof recorded in Plat Book 9, Page 90 in said Recorder's Office; thence along the lines of said plat the following 3 courses and distances: 1) North 88 degrees 50 minutes 44 seconds East, a distance of 1305.34 feet to the West line of the aforementioned Northeast Quarter Section; 2) thence continuing along said line North 88 degrees 50 minutes 44 seconds East, a distance of 87.30 feet; 3) thence North 01 degree 09 minutes 16 seconds West, a distance of 186.59 feet to the South line of the land described in Instrument Number 2015-017089 in said Recorder's Office; thence North 88 degrees 30 minutes 20 seconds East, along said line, a distance of 1992.50 feet to the westerly Right-of-Way line of the Jeffersonville, Madison & Indianapolis Railroad, defined as being a line 50 feet Southwest, perpendicular to the existing tracks per Instrument Number 2022-026311 in said Recorder's Office; thence South 20 degrees 29 minutes 16 seconds East, parallel with said railroad tracks, a distance of 1918.07 feet to the East Line of the aforementioned Northeast Quarter Section; thence South 00 degrees 38 minutes 54 seconds East, along said line, a distance of 675.57 feet to the Point of Beginning, Containing 288.474 acres, more or less.



STOEPPELWERTH

ALWAYS ON

7965 East 106th Street, Fishers, IN 46038-2505
phone: 317.849.5935 fax: 317.849.5942

JOB NO. 107945DRH

DRAWN BY: JAB

CHECKED BY: BES

DATE DRAWN: 04/01/2024

FIELDWORK DATE:

PAGE

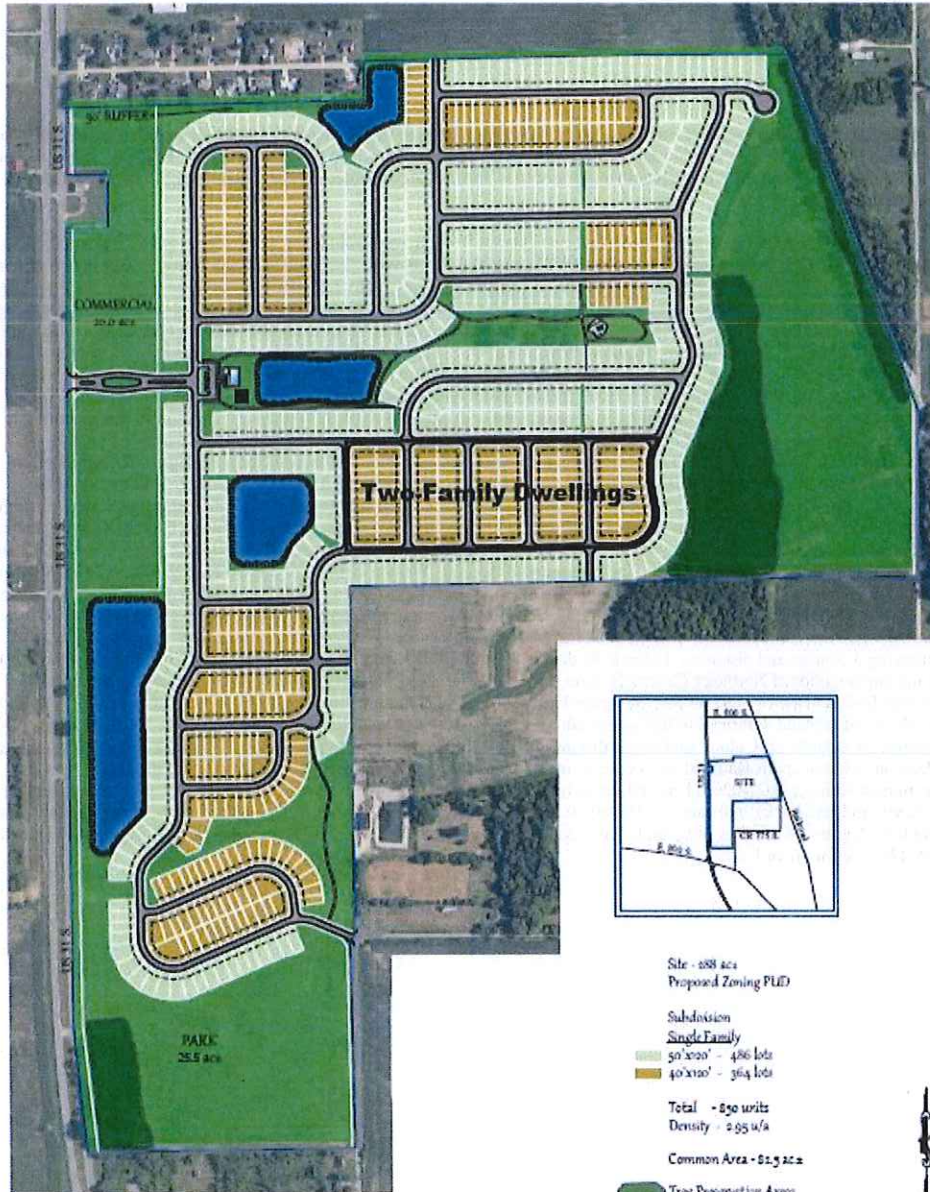
1

OF 2 SHEETS

concept plan

Castle Rock

Edinburgh, IN



D·R·HORTON
America's Builder



**TOWN OF EDINBURGH PLAN COMMISSION
FINDINGS OF FACT**

Applicant: D. R. Horton – Indiana, LLC
9210 North Meridian Street
Indianapolis, IN 46260

Agent: Brian J. Tuohy, Attorney
50 S. Meridian Street, Suite 700
Indianapolis, IN 46204

Subject Property: 5464 & 7573 US 31 and adjacent parcels on the east side of US 31
north of SR 252

Parcel Number 41-12-28-034-001.000-046;
Parcel Number 41-12-28-034-012.001-046;
Parcel Number 41-12-28-031-012.000-046;
Parcel Number 41-12-28-024-002.004-046;
Parcel Number 41-12-28-021-002.003-001;
Parcel Number 41-12-28-012-003.001-001; and
Parcel Number 41-12-28-012-002.002-001

Owners of Property: Michael L. King Richard L. Wertz
7120 US Hwy 31 2240 Heather Glen Way
Edinburgh, IN 46124 Franklin, IN 46131

Case Number: PC 2024-07

FINDINGS OF FACT

Comes now the Town of Edinburgh Plan Commission having heard the evidence presented at the public hearing held on August 20, 2024. Pursuant to Indiana Code 36-7-4-603, the Edinburgh Plan Commission after paying reasonable regard to:

1. the comprehensive plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;

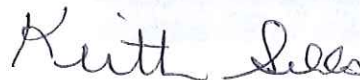
4. the conservation of property values throughout the jurisdiction; and
5. responsible development and growth

finds as follows:

1. Applicant has satisfied all documentation requirements, legal, and public notification specified in the Town of Edinburgh Planning Commission Application Packet.
2. The Plan Commission recommends a **Favorable Recommendation** of the Castle Rock Planned Unit Development Preliminary Plan and rezoning to PUD – Planned Unit Development be forwarded to the Edinburgh Town Council with the condition that:
 - A. Petitioner shall be required to make the following written commitments concerning the development of the property:
 1. Roadway improvements for the southeast entrance to the Development at the intersection of CR 650 E and CR 775 S are subject to approval by the Johnson County Highway Department and the Town of Edinburgh.
 2. Roadway improvements at the entrance to the Development at the intersection with U.S. 31 are subject to the Indiana Department of Transportation's permit process and approval.
 3. None of the streets within the Development shall connect to Orchard Drive. Orchard Drive shall not be used as an access point to the Development.
 4. The location of the Two-Family Dwellings within the Development shall be limited to the area labeled "Two-Family Dwellings" as depicted on the Concept Plan attached hereto as Exhibit 1 ("Concept Plan"). Single-Family Dwellings may also be constructed in the area labeled "Two-Family Dwellings."

5. No residential mobile homes or modular homes shall be permitted in the Development.
6. Infrastructure for utilities shall be installed to meet the standards of the Town of Edinburgh, shall be subject to the Town of Edinburgh's approval, and shall be paid for by Developer.
7. The minimum square footage for homes within the Development shall be nine hundred fifty square feet (950 sq. ft.).
8. The fifty-foot (50') wide landscaped buffer depicted on the Concept Plan along the common property border with the adjacent Orchard Park neighborhood shall be extended along the north border of the Commercial Area to the western boundary of the Development.
9. A six-foot (6') tall wood or vinyl fence shall be installed along the entire length of the fifty-foot (50') landscaped buffer located at the northern border of the Development with the exact location and material of the fence to be approved by the Planning Staff of the Town of Edinburgh. The portion of the fence in the Residential area of the Development shall be maintained by the Residential area's Homeowners' Association. The portion of the fence in the Commercial area of the Development shall be maintained by the owner and/or the owner's association of the Commercial area.

DATED this September 9, 2024.

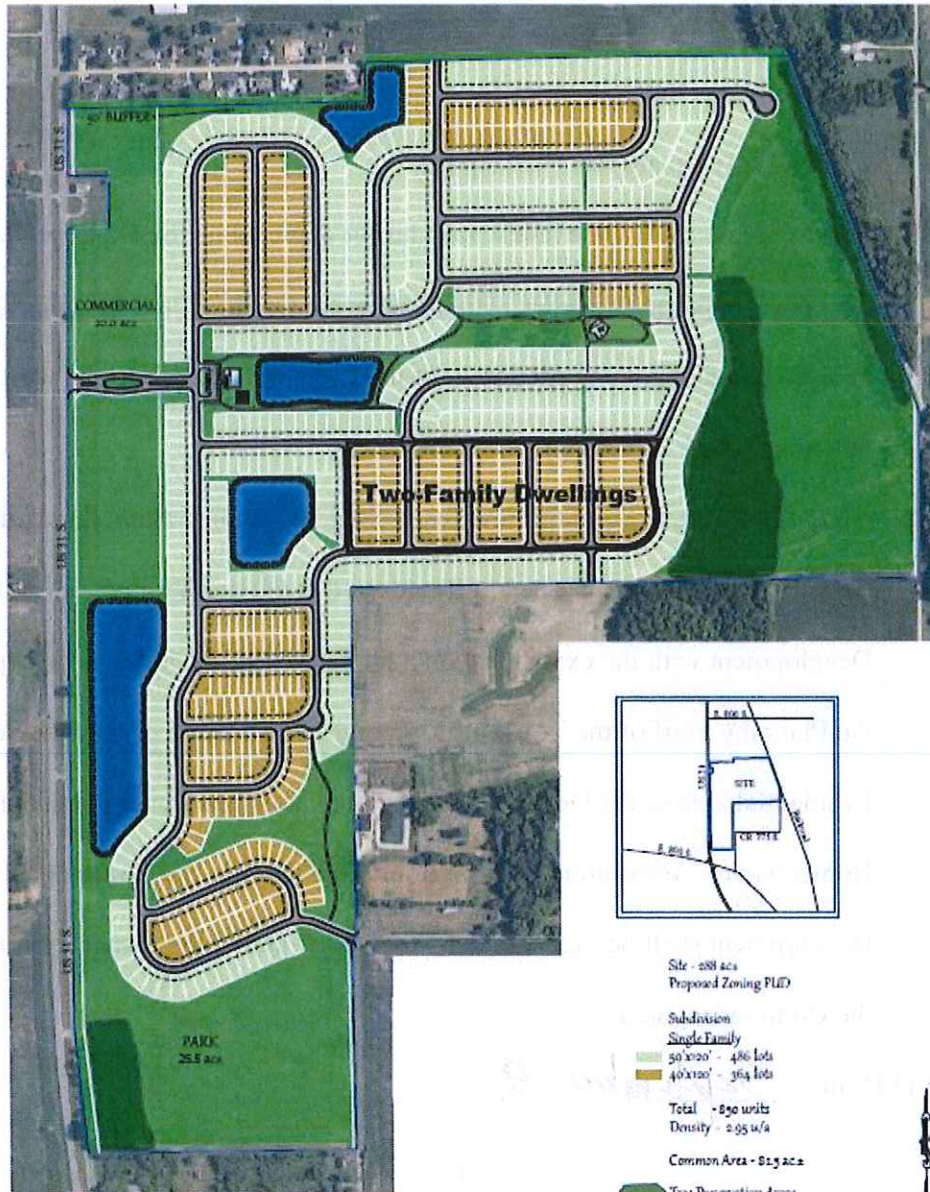


Keith Sells, Chairman
Town of Edinburgh Plan Commission

concept plan

Castle Rock

Edinburgh, IN



D·R·HORTON
America's Builder



Keith Sell
Stephani Taylor

*Approved Preliminary
Planned Unit
Development*

Castle Rock Planned Unit Development

Preliminary Plan
Edinburgh, IN

Petitioner / Developer:
D.R. Horton – Indiana, LLC
9210 N. Meridian Street
Indianapolis, IN 46260

Attorney for Petitioner:
Brian J. Tuohy
Tuohy Bailey & Moore LLP
50 South Meridian Street, Suite 700
Indianapolis, IN 46204

*Approved Preliminary
Planned Unit
Development*

Table of Contents

Page

Overview of Proposed Development.....	3
General Project Development Standards.....	4
Residential District	5
Business District.....	10
Community Park District.....	12

Exhibit “A” – Legal Description

Exhibit “B” – Proposed Concept Plan

Exhibit “C” – Proposed Phasing Plan

Exhibit “D” – Character Exhibit of Proposed Detached
Single-Family Dwellings

Exhibit “E” - Character Exhibit of Proposed Attached Two-Family
Dwellings

Overview of Proposed Development

General Location and Surrounding Properties

The proposed Castle Rock Development (“Development” or “Castle Rock”) is generally located on the east side of U.S. 31 and north of State Road 252. There are residential and agricultural uses surrounding the site. Access to the Development will be obtained via US 31, and CR 650 E / CR 775 S.

Conceptual Planning

The Development is situated on approximately 288.474 acres +/- and is currently zoned PG. The legal description for the property is attached as Exhibit A. The property is currently used mostly for agricultural purposes, with two residences. The proposed Development provides a mix of residential type uses, commercial uses and public park land as approximately depicted on the proposed Concept Plan attached hereto as Exhibit B (“Concept Plan”).

Castle Rock aims to provide a dynamic multi-use development with uses that are compatible with surrounding uses and which creates an attractive and efficient environment to live, shop or work. The Development addresses the following goals of the Edinburgh Comprehensive Plan:

- to “[e]nhance the Town’s desirability as a place to live . . . by providing high quality, diverse housing stock through the approval of new residential development”. *Town of Edinburgh Comprehensive Plan, p. 14;*
- to “[s]eek opportunities to expand the commercial base of the Town by encouraging appropriate commercial development offering goods and services to local residents and the greater region.” *Town of Edinburgh Comprehensive Plan, p. 15; and*
- to “protect and enhance the Town’s parks, open space and environmental features in order to maintain a high quality-of-life, active and passive recreation, and superior facilities and programming.” *Town of Edinburgh Comprehensive Plan, p. 18.*

General Project Development Standards

1. General.

The Development shall include distinct districts aimed at providing a variety of residential, commercial, and public uses that will be compatible with surrounding uses.

2. Districts. There shall be three distinct Districts within the Development:

- a. Residential District shall consist of approximately 242.97 acres and include detached single-family dwellings consisting of one-story and two-story homes on individual deeded lots or attached two-family dwellings with each dwelling unit on an individually deeded lot. There shall be no more than 850 Residential lots, as approximately depicted on the Concept Plan. Residential lots shall be a minimum of 4,800 square feet.
- b. Business District shall be located near the northwest portion of the Development with access directly to US 31. The Business District shall consist of approximately 20 acres as approximately depicted on the Concept Plan.
- c. Community Park District shall be permanent open space conveyed to the Town of Edinburgh at no cost for use as a public park. The Community Park District shall consist of approximately 25.5 acres as approximately depicted on the Concept Plan.

3. Phasing.

The Development shall be constructed in phases in substantial compliance with the Phasing Plan attached hereto as Exhibit C (the "Phasing Plan"); provided that such Phasing Plan may be modified in accordance with the final plats approved for each section of the Development.

4. Streets and Street Signs

The streets within the Development shall be public streets and built to the standards of the Town of Edinburgh. Street signage shall be in accordance with the Zoning Ordinance of Edinburgh, Indiana (the "EZO") in effect at the time this Preliminary Plan for the Development is approved by the Edinburgh Town Council and shall be consistent with the Town's specifications and standards. The initial installation of street signage shall be the responsibility of the Developer.

5. Intersection Improvements

- a. Developer shall coordinate installation of roadway improvements at the intersection of U.S. 31 and the access drive to/from the Development with the Indiana Department of Transportation. Such roadway improvements shall be

***Approved Preliminary
Planned Unit
Development***

installed prior to the completion of Section 1 of the Development as approximately depicted on the Phasing Plan.

- b. Developer shall coordinate installation of roadway improvements at the intersection of CR 650 E and CR 775 S with the Johnson County Highway Department and the Town of Edinburgh. Such roadway improvements shall be installed prior to the completion of Section 1 of the Development as approximately depicted on the Phasing Plan.

6. Sidewalks.

Concrete sidewalks a minimum of 5' wide shall be provided along both sides of all public streets within the Development excluding the Development's frontage along US 31.

7. Utilities

The Development shall be served by municipal sewer and water service and the stormwater drainage system shall meet the standards of the Town of Edinburgh's Subdivision Control Ordinance.

Residential District

I. District Intent:

The purpose of the Residential District (the "Residential District") is to permit up to approximately 850 dwellings designed as one-story and two-story detached single-family homes on individual deeded lots or attached two-family dwellings with each dwelling unit on an individually deeded lot. Each lot will have underground utilities, municipal water and municipal sewer facilities.

II. Permitted Uses:

A. The following uses shall be Permitted Uses within the Residential District:

1. Single Family Dwelling
2. Two Family Dwelling
3. Amenity Area for Residents
4. Family Child Care Home
5. Gardening and Horticulture

B. The following uses shall be permitted as Accessory Uses within the Residential District:

**Approved Preliminary
Planned Unit
Development**

1. Structures subordinate and secondary to the primary residential use, including porches, decks, patios, mini-barns, sheds, workshops, hot tubs, cabanas, greenhouses and other accessory buildings or structures similar and comparable in character to these uses.
 2. Private swimming pool, as long as access is controlled by means of a wall or fence or such other means as approved by the State of Indiana.
 3. Fences, hedges, driveways, curbs, retaining walls, lattice-work, screens, trees, flower, plants, mailboxes, nameplates, lamp posts, bird bath, benches, and landscaping are permitted as accessory uses and may be located in any required front, side or rear yard.
 4. Sign
- C. The following uses shall be permitted by Special Exception within the Residential District:
1. Group Child Care Center, Class A
 2. Home Occupation; provided that the home occupation complies with Section 156.181 of the EZO.
 3. Houses of Worship
 4. Libraries and Museums
 5. Private Clubs or Camps
 6. Public and Private Schools
 7. Public & Private Utility Services and Facilities

III. Development Standards within the Residential District

A. Applicable Standards:

For real estate within the Residential District, the standards within this Preliminary Plan shall apply. The District Regulations set forth in Division 2 of the EZO and the Highway Corridor Overlay District Standards set forth in Division 3 of the EZO shall not apply to development within the Residential District.

B. Residential District Standards:

Maximum Dwelling Units	850
Maximum Dwelling Units Per Acre	3.5
Minimum Lot Area	4,800 sf
Minimum Lot Width at building line	40 ft
Minimum Depth Front Yard	25 ft
Minimum Width Side Yard Aggregate	10 ft
Minimum Width Side Yard*	5 ft
Minimum Side Yard Setback for Accessory Buildings	3 ft
Minimum Depth Rear Yard	20 ft
Minimum Rear Yard Setback for Accessory Buildings	3 ft

**Approved Preliminary
Planned Unit
Development**

Minimum Ground Floor Area One-Story	900 sf
Minimum Ground Floor Area Two-Story	525 sf
Minimum Area Two-Story	1,400 ft
Maximum Building Height	35 ft
Maximum Accessory Building Height	15 ft
* The minimum width of the side yard between attached two-family dwelling units within the same building is 0'.	

A maximum of 400 lots shall have a minimum lot area of 4,800 sf (40' wide x 120' long). The remaining lots shall have a minimum lot area of 6,000 sf (50' wide x 120' long).

C. Signs:

Signs throughout the Residential District shall be subject to the regulations set forth in Division 6. Sign Regulations of the EZO for the R-3 zoning district.

D. General Regulations:

- No accessory use or structure shall be permitted except in association with an existing principal structure or use of land.
- On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way lines thirty-five (35) feet from the point of their intersection.
- A permit for a temporary structure or land use such as construction facilities including use of a mobile home as a temporary residence pending reconstruction or repair of a damaged permanent residence, seasonal sales or uses of a similar nature may be issued by the Zoning Administrator provided the following conditions are adhered to:
 - The use is, in fact, temporary and will terminate at a specific time not to exceed one (1) year.
 - The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.
 - Adequate parking, both off-street and on-street, is available within 500 feet of the proposed site.
 - Outdoor lighting will be shielded or directed away from adjoining residential property and streets.
 - The sign regulations of Division 6 of the EZO shall be observed.
 - Neighboring uses are not adversely affected.
- All uses shall comply with the Performance standards set forth in Section 156.182 of the EZO.

***Approved Preliminary
Planned Unit
Development***

E. Open Space:

There shall be a total of approximately 82.5 acres of common area for an overall open space percentage of approximately 33.9% of the Residential District.

F. Orchard Park Buffer:

An approximately 50 ft wide landscaped buffer ("Buffer") shall be installed along the border where the Residential District is adjacent to the existing Orchard Park neighborhood. The Buffer shall include a berm of at least 2 ft in height. At least two (2) shade trees, four (4) evergreen trees and ten (10) shrubs per one hundred (100) linear feet shall be installed on top of the berm.

G. Lighting:

- Streetlights shall be installed by the developer of the Residential District. The locations and quantities of streetlights shall be determined by the Town of Edinburgh's Electric Department.
- Streetlights shall be a standard Town of Edinburgh approved fixture.
- All street intersections, corners or major curves, end of cul-de-sacs, neighborhood entrances, and every three hundred to four hundred (300-400) feet on straight roads shall have a minimum of one streetlight.
- In lieu of streetlights, on private streets within the Residential District, yard lights or other sufficient alternative lighting may be installed, as approved by Town of Edinburgh Electric Department.
- Streetlights (or alternative lighting on private streets) shall be installed and operational prior to the dedication of such streets to the Town of Edinburgh.

H. Parking:

Each single-family detached dwelling and each unit of a two-family dwelling shall have at minimum a single car attached garage which will provide a minimum of one (1) off-street parking space per dwelling unit. Additionally, each single-family detached dwelling and each unit of a two-family dwelling shall have a private driveway which will provide a minimum of one (1) off-street parking space per dwelling unit. Any off-street parking space located on a private driveway may be located within the required front yard of the dwelling.

I. Landscaping:

Each lot within the Residential District shall include at minimum one (1) tree and four (4) shrubs.

*Approved Preliminary
Planned Unit
Development*

IV. Architectural Standards:

- All homes within the Residential District will contain attached single or 2-car garages. Three car garages may be available as an option on certain lots within the Residential District.
- At least five (5) notably unique floor plans for detached single-family dwellings ("SF Floor Plans") shall be utilized within any single phase of the Residential District. The same five (5) SF Floor Plans may be utilized for each phase of the Residential District. At least three (3) notably unique floor plans for attached two-family dwellings ("TF Floor Plans") shall be utilized for any single phase of the Residential District. The same three (3) TF Floor Plans may be utilized for each phase of the Residential District.
- All homes within the Residential District will have exterior siding material made only of wood, fiber-cement board, composite lap siding or heavy gauge vinyl (with a minimum thickness of 0.044").
- All homes within the Residential District shall have 30-year dimensional shingles.
- All homes within the Residential District shall have two Dusk to Dawn Coach Lights.
- All homes within the Residential District shall have concrete driveways.
- Front loading garage doors on all homes within the Residential District shall not exceed 60% of the primary structure's total width.
- Detached single-family dwellings within the Residential District that have the same front elevation shall not be constructed adjacent to each other on either side or immediately across the street from each other.
- Attached two-family dwellings within the Residential District that have the same color scheme shall not be constructed adjacent to each other on either side or immediately across the street from each other.
- Detached single-family dwellings within the Residential District shall be substantially similar in character to the sample homes presented in the Character Exhibit of Proposed Detached Single-Family Dwellings attached hereto as Exhibit D (but such Exhibit D is not intended to be an exclusive presentation of the homes that may be built).
- Attached two-family dwellings within the Residential District shall be substantially similar in character to the sample homes presented in the Character Exhibit of Proposed Attached Two-Family Dwellings attached hereto as Exhibit E (but such Exhibit E is not intended to be an exclusive presentation of the homes that may be built).

V. Homeowners' Association/Covenants:

The maintenance and upkeep of the common areas within the Residential District including detention ponds, open space and amenities shall be the responsibility of a mandatory homeowners' association ("HOA"), to be established pursuant to the terms of a Declaration of Covenants, Conditions and Restrictions ("Covenants") to be recorded prior to final plat approval for the Development. The Covenants shall apply to all real estate within the Residential District.

Business District

I. District Intent:

The purpose of the Business District is to provide a commercial area in close proximity to residential districts and US 31 in order to provide retail and service uses appropriate for meeting the convenience shopping and service needs of neighboring residents and travelers on US 31.

II. Permitted Uses:

A. The following uses shall be Permitted Uses within the Business District:

1. Banking & Credit Services
2. Clothing Services
3. Commercial Recreational Uses
4. Community Centers
5. Drinking Establishments: Bars, Taverns & Lounges
6. Eating Places, Restaurants & Drive-ins
7. Fire & Police Stations
8. Funeral Homes
9. Gardening and Horticulture
10. Government Services
11. Grocery, meat or supermarket
12. Group Child Care Center, Class A
13. Group Child Care Center, Class B
14. Hotels and Motels
15. Houses of Worship
16. Libraries & Museums
17. Nursing Homes & Convalescent Centers
18. Parking Lots
19. Parks & Playgrounds
20. Personal Services
21. Professional Services
22. Private Clubs or Camps
23. Public & Private Utility Services & Facilities
24. Publishing & printing
25. Retail Sales
26. Theaters
27. Veterinary Clinic & Kennel

B. The following uses shall be permitted as Accessory Uses within the Business District:

1. Automated Teller Machine
2. Drive-Through
3. Game Courts
4. Outdoor Seating or Patio

5. Pick-up Station for Dry Cleaning or Laundry
6. Recycling Collection Point
7. Satellite Dish Antenna
8. Sign
9. Swimming Pool or Hot Tub
10. Vending Machine or Self-Serve Kiosk
11. Walk-Up Window

***Approved Preliminary
Planned Unit
Development***

C. The following uses shall be permitted by Special Exception within the Business District:

1. Bed & Breakfast Inn
2. Public & Private Schools
3. Rooming & Boarding Houses

III. Development Standards:

A. Applicable Standards:

For real estate within the Business District, the standards within this Preliminary Plan shall apply. Additionally, the Highway Corridor Overlay District Standards set forth in Division 3 of the EZO shall apply to the Business District. The District Regulations set forth in Division 2 of the EZO shall not apply to development within the Business District.

B. District Standards:

Minimum Depth Front Yard	75 ft
Minimum Width Side Yard Aggregate	20 ft
Minimum Width Side Yard Setback for Accessory Buildings	5 ft
Minimum Depth Rear Yard	20 ft
Minimum Rear Yard Setback for Accessory Buildings	5 ft
Maximum Building Height	35 ft

IV. Development Plan

A development plan shall be submitted and approved by the Edinburgh Plan Commission for any development in the Business District as provided by the Highway Corridor Overlay District set forth in Division 3 of the EZO.

*Approved Preliminary
Planned Unit
Development*

Community Park District Development Standards

I. District Intent:

The purpose of the Community Park District is to provide the Town of Edinburgh with a means of setting aside land for preserved natural areas and active recreational amenities for the benefit of the residents of the Town of Edinburgh.

II. Permitted Uses:

All Permitted Uses and Special Exceptions of the Park and Greenbelt (PG) District set forth in the EZO shall be allowed within the Community Park District. Additionally, other uses determined as appropriate by the Town of Edinburgh Town Council shall also be permitted within the Community Park District.

III. Development:

The Community Park District shall be located in the southern portion of the Development. It is the intent of the Developer to deed, at no cost to the Town, the entirety of the acreage within the Community Park District to the Town of Edinburgh. The dedication of this land shall be at time mutually agreed to by the Developer and the Town but no earlier than sixty (60) days after Developer's purchase of the property or of the completion of improvements within the area of the Community Park District and Developer's recordation of the final plat of the area containing the Community Park District.

EXHIBIT A
Legal Description

*Approved Preliminary
Planned Unit
Development*

LAND DESCRIPTION

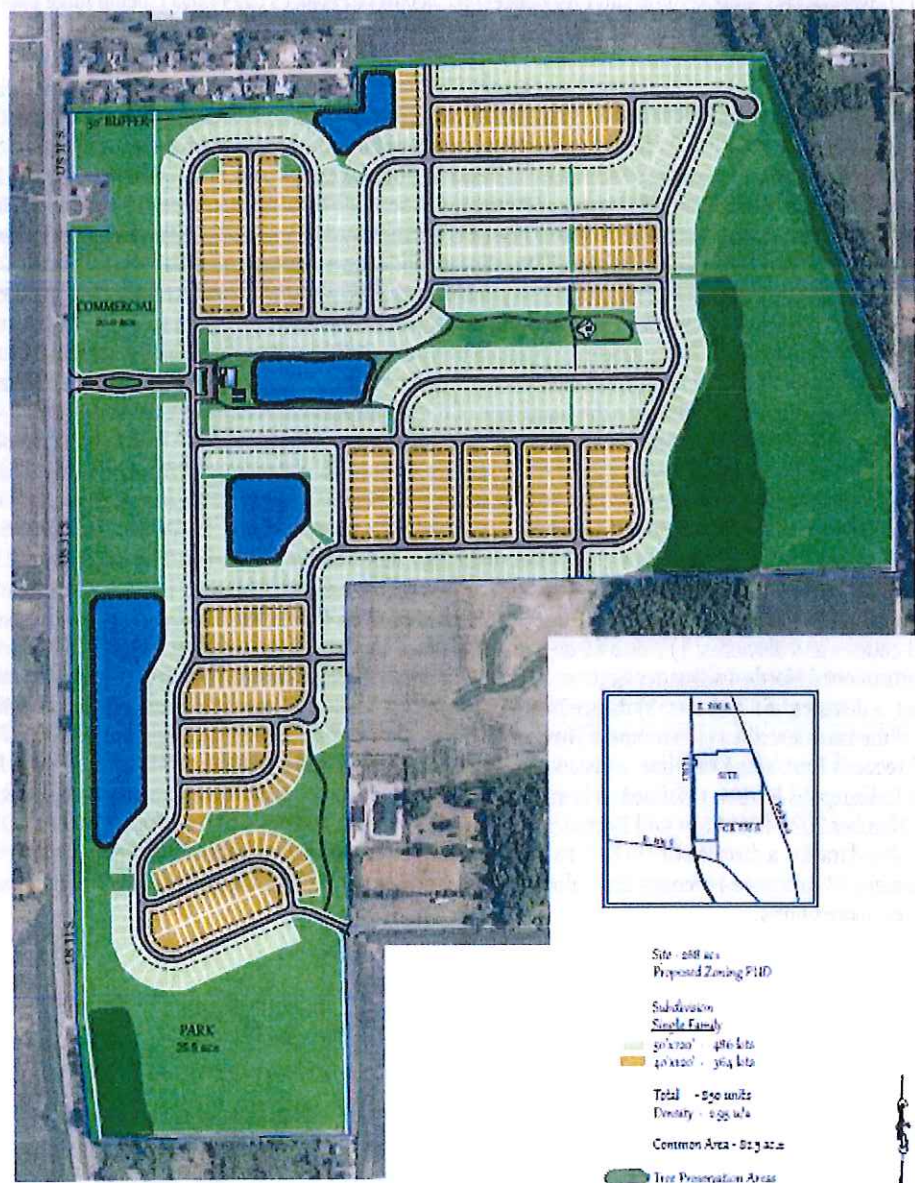
A part of the Northeast, Northwest and Southwest Quarters of Section 28, Township 11 North, Range 05 East of the Second Principal Meridian, Blue River Township, Johnson County, Indiana. This description prepared by: Bruce E. Strack, Indiana LS 20200057, working for Stoeppelwerth and Associates, Inc. as part of Project 107945DRH, being more particularly described as follows:

Beginning at the Southeast corner of said Northeast Quarter Section, said point being marked by a 5/8 inch diameter rebar found down 0.2 feet; thence South 88 degrees 55 minutes 00 seconds West (assumed bearing), along the South line of said Quarter Section, a distance of 2732.22 feet to the Northeast corner of the aforementioned Southwest Quarter Section; thence South 00 degrees 37 minutes 51 seconds East, along the East line of said Quarter Section, a distance of 2656.11 feet to the Southeast corner thereof; thence South 88 degrees 50 minutes 45 seconds West, along the South line of said Quarter Section, a distance of 1237.90 feet to the East Right-of-Way line of U. S. Highway 31, per Indiana State Highway Commission Project Number 81(12)(1950); thence along said Right-of-Way line the following 4 courses and distances: 1) North 09 degrees 22 minutes 06 seconds West, a distance of 216.49 feet to a point on a non-tangent curve concave easterly, the radius point of which bears North 83 degrees 37 minutes 36 seconds East, a distance of 8508.37 feet from said point; 2) thence northerly along said curve, an arc length of 876.33 feet to a point on said curve, said point being South 89 degrees 31 minutes 40 seconds West, a distance of 8508.37 feet from the radius point of said curve; 3) thence North 00 degrees 28 minutes 20 seconds West, a distance of 1568.20 feet to the South line of the aforementioned Northwest Quarter Section; 4) thence continuing along said line North 00 degrees 28 minutes 20 seconds West, a distance of 1717.86 feet to the Southwest corner of the land described in Instrument Number 2016-016247 in the Office of the Recorder of Johnson County, Indiana; thence with the lines of said land the following 3 courses and distances: 1) North 89 degrees 31 minutes 42 seconds East, a distance of 174.24 feet; 2) thence North 00 degrees 28 minutes 20 seconds West, a distance of 250.00 feet; 3) thence South 89 degrees 31 minutes 42 seconds West, a distance of 174.24 feet to the East Right-of-Way line of said U. S. Highway 31; thence North 00 degrees 28 minutes 20 seconds West, along said Right-of-Way line, a distance of 314.31 feet to the South line of Orchard Park, per plat thereof recorded in Plat Book 9, Page 90 in said Recorder's Office; thence along the lines of said plat the following 3 courses and distances: 1) North 88 degrees 50 minutes 44 seconds East, a distance of 1305.34 feet to the West line of the aforementioned Northeast Quarter Section; 2) thence continuing along said line North 88 degrees 50 minutes 44 seconds East, a distance of 87.30 feet; 3) thence North 01 degree 09 minutes 16 seconds West, a distance of 186.59 feet to the South line of the land described in Instrument Number 2015-017089 in said Recorder's Office; thence North 88 degrees 30 minutes 20 seconds East, along said line, a distance of 1992.50 feet to the westerly Right-of-Way line of the Jeffersonville, Madison & Indianapolis Railroad, defined as being a line 50 feet Southwest, perpendicular to the existing tracks per Instrument Number 2022-026311 in said Recorder's Office; thence South 20 degrees 29 minutes 16 seconds East, parallel with said railroad tracks, a distance of 1918.07 feet to the East Line of the aforementioned Northeast Quarter Section; thence South 00 degrees 38 minutes 54 seconds East, along said line, a distance of 675.57 feet to the Point of Beginning, Containing 288.474 acres, more or less.

EXHIBIT B
Concept Plan

concept plan

Castle Rock
Edinburgh, IN

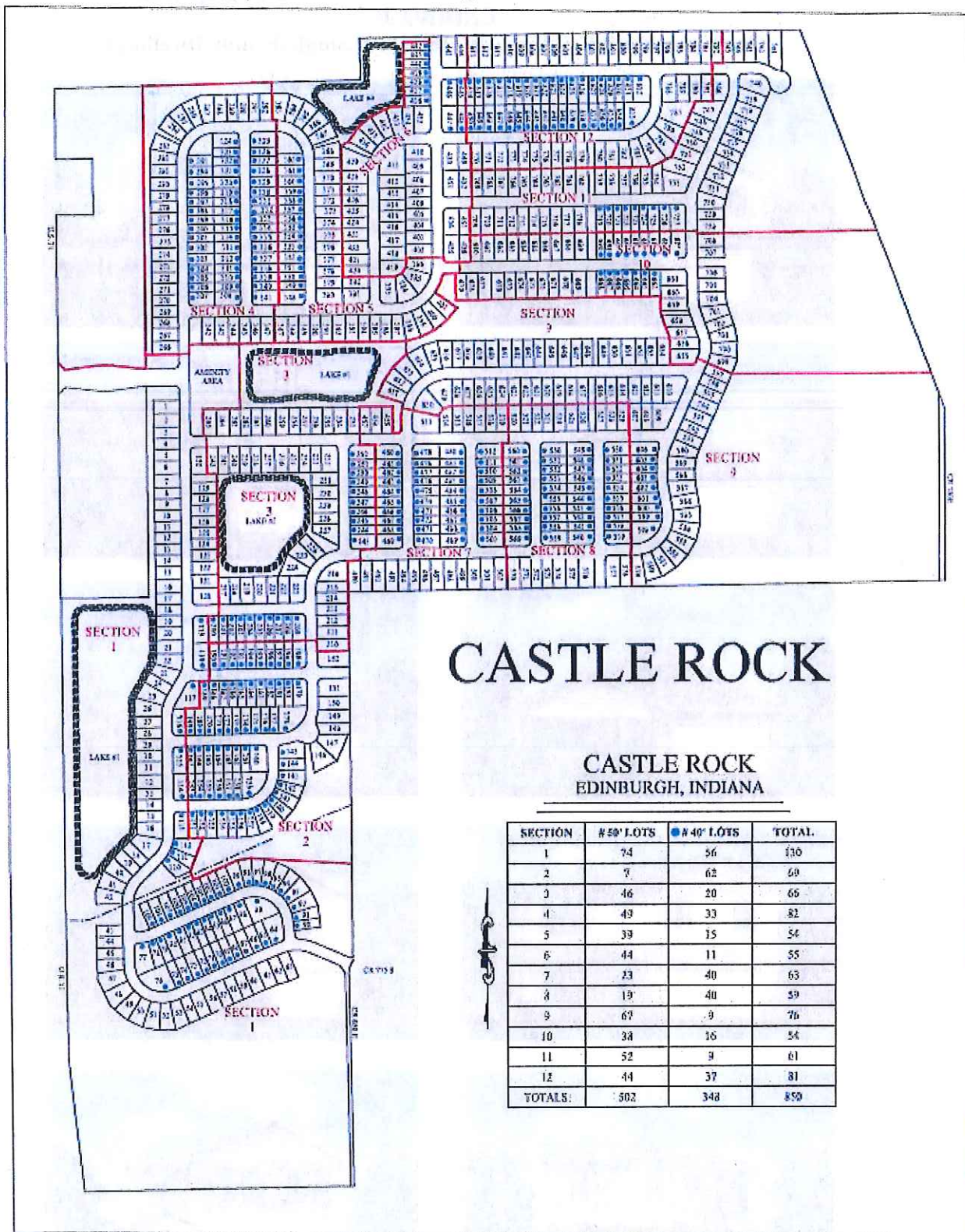


D·R·HORTON
America's Builder



Exhibit C
Phasing Plan

Approved Preliminary
Planned Unit
Development



*Approved Preliminary
Planned Unit
Development*

EXHIBIT D
Character Exhibit of Proposed Detached Single-Family Dwellings



*Approved Preliminary
Planned Unit
Development*

EXHIBIT E
Character Exhibit of Proposed Attached Two-Family Dwellings

