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Jennifer J Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

## ORDINANCE NO. 53-10-08

### AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE, A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

*Document Cross-Reference Nos. 9809840536; 200200041761*

An ordinance to amend the Unified Development Ordinance and adopted Planned Development Ordinance No. 64-7-06 (the "PD Ordinance") previously approved pursuant to the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "UDO"), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

**WHEREAS**, the Plan Commission of the City of Noblesville has conducted a public hearing on Application Docket No. 08N-15-1235 as required by law in regard to the application filed by Cumberland/146 Partners, LLC (the "Developer") to amend the PD Ordinance regarding the subject real estate containing approximately 11.46 acres, more particularly described in Exhibit A attached hereto (the "Real Estate"); and,

**WHEREAS**, the Plan Commission at its October 20, 2008 meeting sent a favorable recommendation to the Noblesville Common Council by a vote of seven (7) in favor and three (3) opposed;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the PD Ordinance is hereby amended to replace Section 8 of the PD Ordinance, as applicable to the Real Estate, with the following signage provisions:

**SECTION 1. Sign Package.** The maximum number and general location of signs as shown in the sign package, attached hereto as Exhibit B (the "Sign Package") shall be permitted, subject to the following:

- (A) Design Standards.
  - (1) All signage shall be visually consistent with a uniform design theme.
  - (2) A maximum of one color, plus bronze, white or black, may be used on any sign. Garish colors shall be avoided and the color scheme shall be consistent with the building.
  - (3) Street numbers shall be prominently placed as shown in the Sign Package.
- (B) Wall Signs.
  - (1) All letters shall be the same color and shall be halo-lit reverse channel or non-lit channel letters.
  - (2) The items of information shall be limited to the business' or medical service's name and logo. No generic wall signs shall be permitted (e.g., "Community

Imaging" and "Community Physicians of Indiana" will be permitted, but a generic "Imaging" or "Physicians" will not be permitted). There shall be no maximum number of items of information per sign; rather, each sign shall be limited by its maximum permitted size.

- (3) One-Story Building Wall Signs. Each activity may display one wall sign along each public street on which it has frontage; however, to insure a consistent design throughout the development, no one-story building wall sign shall exceed three feet in height. The maximum sign area for all one-story building wall signs shall not exceed twenty percent of the Signable Area (as defined by the City's Unified Development Ordinance (the "UDO")).
- (4) Three-Story Building Wall Signs.
  - (a) Wall signs shall be permitted to be located as shown in the Sign Package. All wall signs shall identify a unique business or medical service.
  - (b) A Building Identification Sign identifying the name of the building (e.g., Hamilton Healthcare Campus) shall be permitted to be located on the north elevation, as shown on the Sign Package, not to exceed six feet in height and thirty-four feet in width.
  - (c) "Primary Tenant Signs" shall be defined as those signs labeled "Primary Tenant" within the Sign Package. Primary Tenant Signs shall be located as shown in the Sign Package, not to exceed five feet in height. In no case shall a single Primary Tenant Sign exceed one hundred and eighty square feet.
  - (d) "Tenant Signs" shall be defined as those signs labeled "Tenant" within the Sign Package. Tenant Signs shall be located as shown in the Sign Package, not to exceed three feet in height. In no case shall a single Tenant Sign exceed sixty square feet.
  - (e) One wall sign on the western facade, generally located as shown in the Sign Package, shall be permitted only to identify an immediate or emergency care center, not to exceed three feet in height.
- (C) Directional Signs shall be permitted as shown in the Sign Package. Directional Signs are not intended to draw attention from 146th Street and Cumberland; instead, they are intended to direct consumers and patients within the Real Estate for safe circulation and accessibility.
- (D) Ground Signs shall be permitted as shown in the Sign Package.
  - (1) All lettering shall be internally lit or non-lit.
  - (2) The electronic display panel (the "EDP"), as shown in the Sign Package, shall be permitted subject to the following provisions:
    - (a) The interval during which each message or copy is displayed shall not be less than ten (10) seconds; and
    - (b) The EDP is permitted to identify (i) the name of and information related to the development; (ii) the development's tenants, and tenants' products, services, and events; and (iii) community and public announcements identified by the City. Except as set forth within this subsection, no off-premise messages shall be permitted.
- (E) One on-site temporary sign to market available space within the development is also permitted. Said temporary sign shall not exceed sixty-four square feet in area per side and shall not exceed twelve feet in height. Said temporary sign is permitted through the duration of construction and shall be removed by the developer prior to receiving the final Certificate of Occupancy from the City.

- (F) All other signs not regulated by this Ordinance shall be regulated by the UDO.
- (G) Evergreen trees within the Real Estate's 146th Street and Cumberland Road landscape buffers shall include a mixture of six-foot tall, eight-foot tall and ten-foot tall evergreen trees at planting. The quantity and location of the various heights shall be equally distributed throughout the landscape buffers.

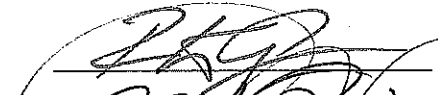



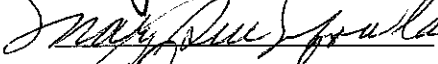
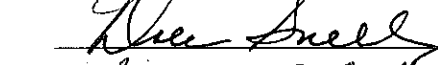

**SECTION 2. Effect.** All other provisions of the PD Ordinance shall remain in effect with the adoption of this ordinance.

**SECTION 3. Approval.** Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 10th day of November, 2008.

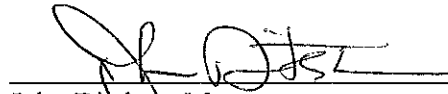
**COMMON COUNCIL OF THE CITY OF NOBLESVILLE**

**AYE**

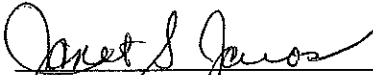
**NAY**

	Brian Ayer	_____
	Mark Boice	_____
	Roy Johnson	_____
	Greg O'Connor	_____
	Mary Sue Rowland	_____
	Dale Snelling	_____
	Stephen C. Wood	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this tenth day of November, 2008.

  
John Ditslear, Mayor  
City of Noblesville, IN

ATTEST:

  
Janet S. Jaros, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney-At-Law, Baker & Daniels, LLP  
Jesse M. Pohlman, Land Use Consultant, Baker & Daniels, LLP  
970 Logan Street, Noblesville, IN 46060, (317) 569-9600

**EXHIBIT A**  
**REAL ESTATE**

Part of Block 2 of the AMLI at Prairie Lakes Secondary Plat, recorded as Instrument Number 200500055139 in the Office of the Recorder of Hamilton County, Indiana, and being located within the Northeast Quarter of Section 19, Township 18 North, Range 5 East, Hamilton County, Indiana being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 19; thence South 00 degrees 00 minutes 17 seconds West (an assumed bearing) a distance of 608.51 feet to the easterly extension of the south line of Riverview Medical Arts Secondary Plat, recorded as Instrument Number 2007019732 in said Recorder's Office, the following two (2) courses are along said easterly extension; 1) thence North 89 degrees 56 minutes 36 seconds West a distance of 60.00 feet to the west line of the land conveyed to the City of Noblesville ("Noblesville Tract") described in Instrument Number 200600040585 on file in said Recorder's Office, and the POINT OF BEGINNING; 2) thence continuing North 89 degrees 56 minutes 36 seconds West a distance of 861.83 feet to the southeast corner of said Riverview Medical Arts Secondary Plat; thence North 00 degrees 03 minutes 25 seconds East along the east line of said Riverview Medical Arts Secondary Plat, a distance of 549.42 feet to the southern right-of-way line of 146th Street as defined by said AMLI at Prairie Lakes Secondary Plat, the following five (5) courses are along the southern right-of-way line of 146th Street; 1) thence North 84 degrees 19 minutes 00 seconds East a distance of 131.02; 2) thence South 05 degrees 48 minutes 02 seconds East a distance of 10.17 feet; 3) thence North 84 degrees 18 minutes 54 seconds East a distance of 318.38 feet to the point of curvature of a non tangent curve concave to the southeast, the radius point being located South 05 degrees 40 minutes 09 seconds East 4,821.14 feet from said point of curvature; 4) thence Easterly 363.91 feet along said curve to a point that is located North 01 degree 20 minutes 40 seconds West 4,821.14 feet from the radius point of said curve; 5) thence South 45 degrees 35 minutes 22 seconds East a distance of 69.97 feet to the western right-of-way line of Cumberland Road as defined by Instrument Number 9909919188 on file in said Recorder's Office; thence South 00 degrees 00 minutes 17 seconds West along said western right-of-way line and the west line of said Noblesville Tract, a distance of 557.95 feet to the POINT OF BEGINNING. Containing 11.466 acres, more or less.

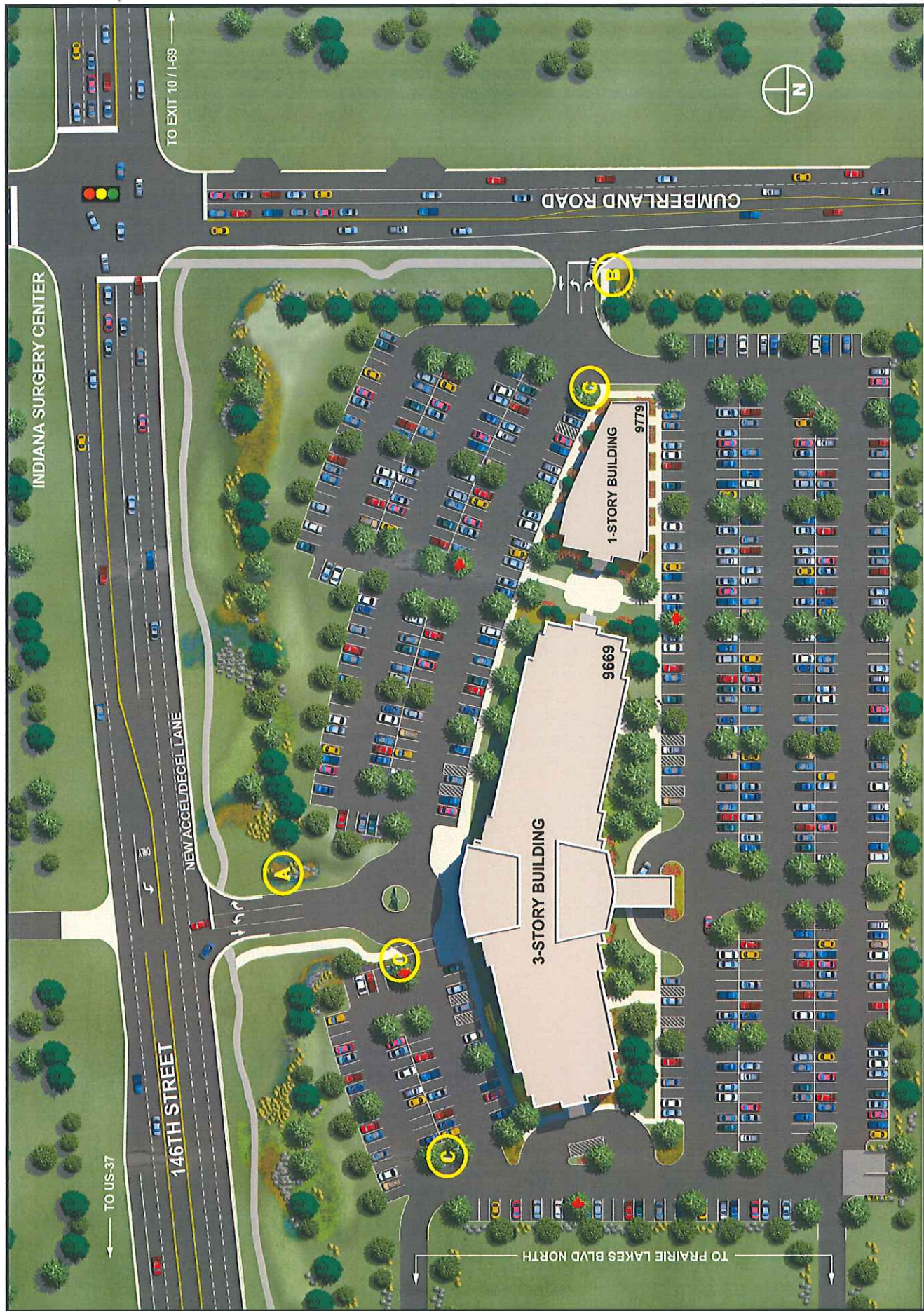
This description describes the same tract of land as described in the title commitment.

**EXHIBIT B**  
**SIGN PACKAGE**

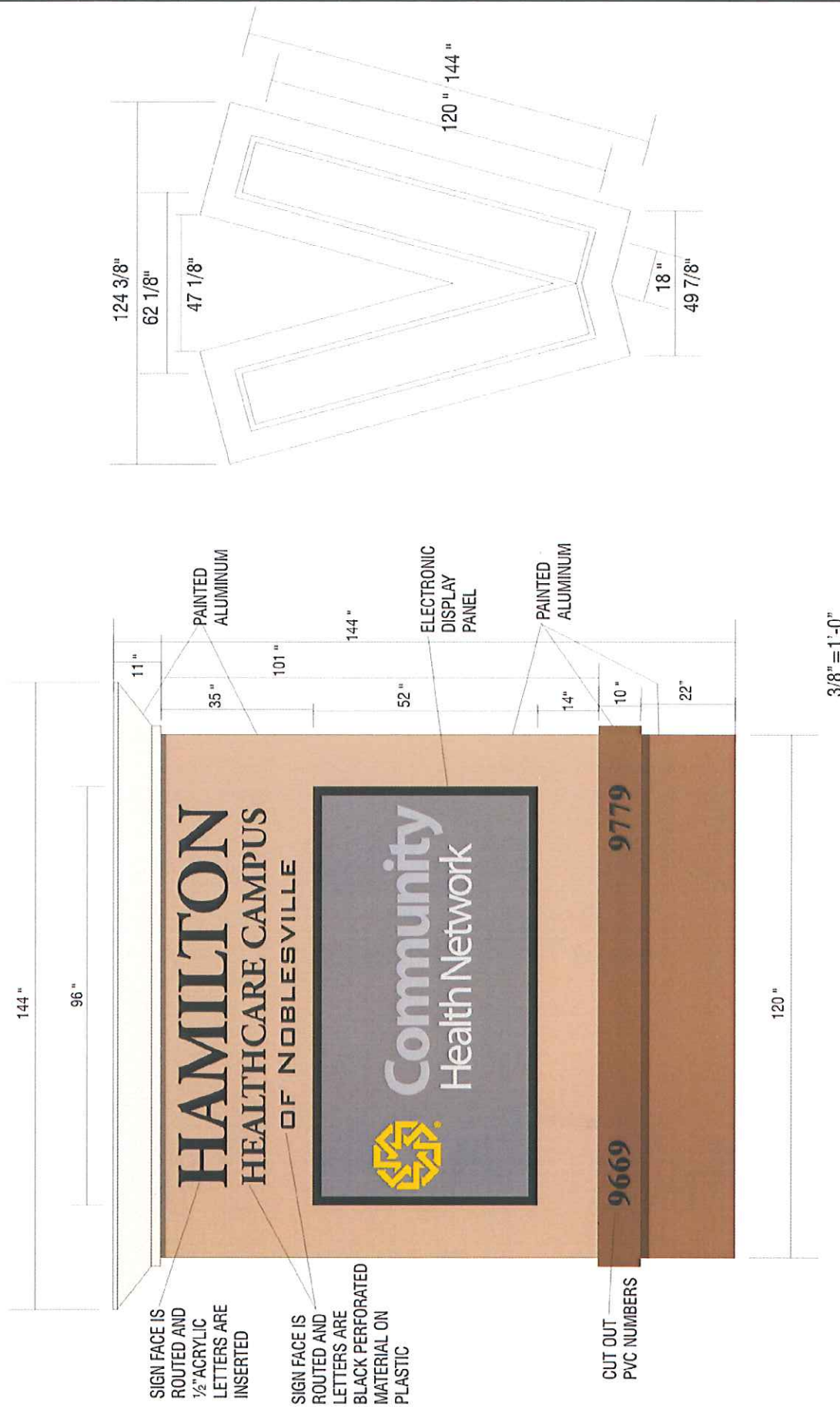
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- B5. 3 Story Building – North and West Elevations
- B6. 3 Story Building – South and East Elevations
- B7. 1 Story Building – North and East Elevations

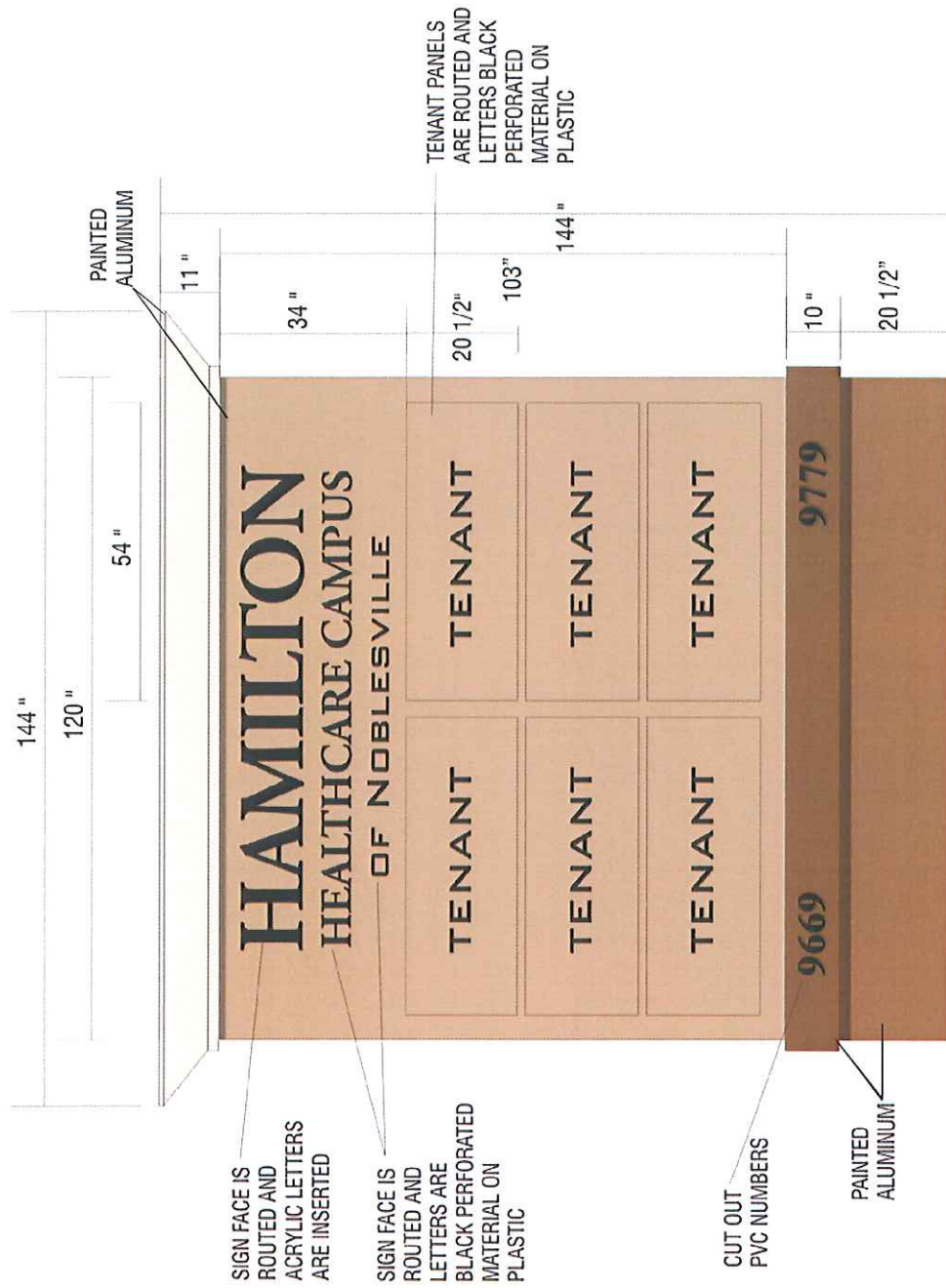








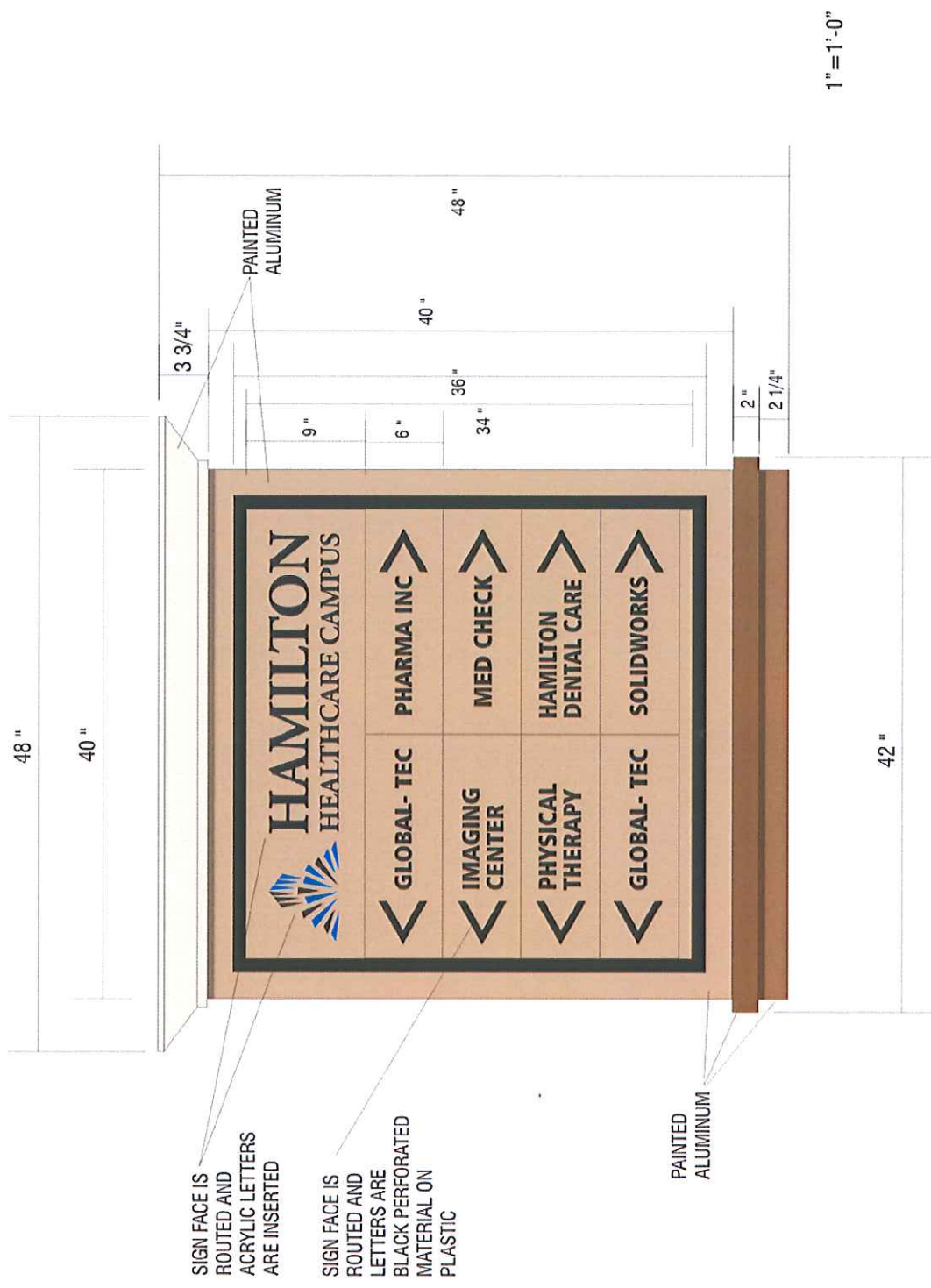
**SIGN "A" - 146TH STREET DESIGNATION SIGN  
WITH ELECTRONIC DISPLAY PANEL**



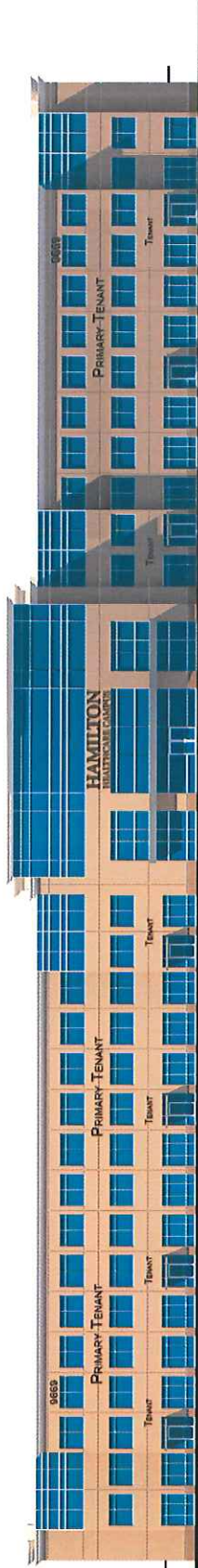
3/8" = 1'-0"

**SIGN "B" - CUMBERLAND ROAD DESIGNATION SIGN**





**SIGN "C" - DIRECTIONAL SIGNS**



**NORTH ELEVATION**  
SCALE: 1" = 10'



**WEST ELEVATION**  
SCALE: 1" = 10'

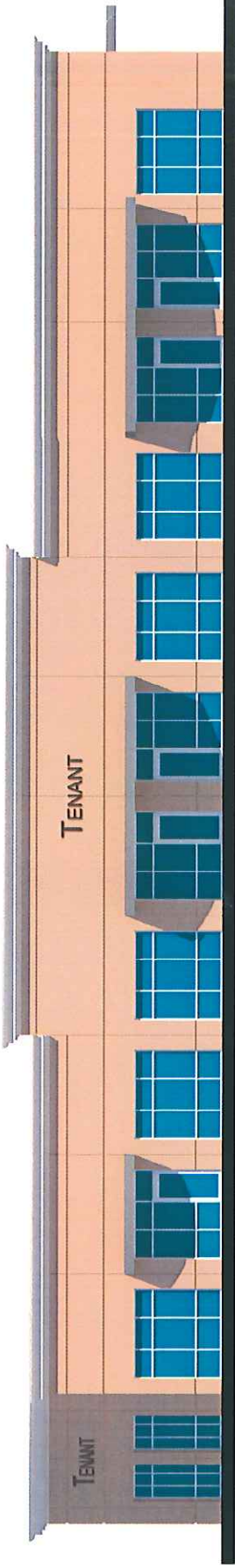


**SOUTH ELEVATION**  
SCALE: 1" = 12'



**EAST ELEVATION**  
SCALE: 1" = 12'

Scenario 1



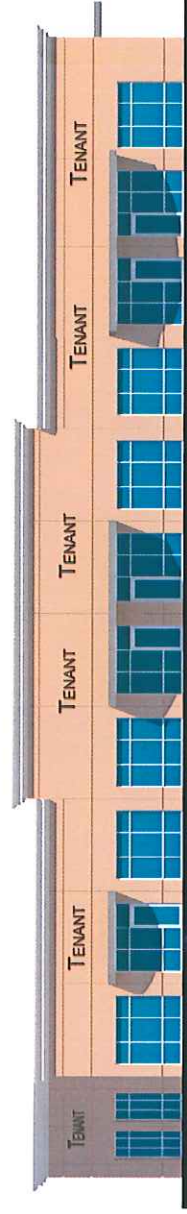
NORTH ELEVATION  
SCALE: 0' 4' 8' 16'

Scenario 2



NORTH ELEVATION  
SCALE: 0' 4' 8' 16'

Scenario 3



NORTH ELEVATION  
SCALE: 0' 4' 8' 16'

Each activity may display a maximum of one wall sign along each public street on which it has frontage. The maximum sign area shall not exceed twenty percent of the signable area.



**Cumberland/146 Partners, LLC  
11805 North Pennsylvania Street  
Carmel, IN 46032**

Document Cross-Reference Ordinance No. \_\_\_\_\_

Date: \_\_\_\_\_, 2008

Members of the Common Council of  
City of Noblesville  
16 S. 10<sup>th</sup> Street, Suite 150  
Noblesville, IN 46060

**RE: Hamilton Healthcare Campus - Memorandum of Understanding**

Dear Members of the Common Council:

This Memorandum of Understanding documents the agreement by Cumberland/146 Partners, LLC (the "Developer") with respect to (i) the providing of time for the City of Noblesville, Indiana (the "City") on the Electronic Display Panel (the "EDP") to be located at the north entrance of the Hamilton Healthcare Campus, adjacent to 146<sup>th</sup> Street, and (ii) the identification of community events and public announcements on the EDP:

- I. Time Allotment for City of Noblesville on the EDP: After completion and upon the commencement of operation of the EDP, and continuing until such time as the EDP becomes permanently inoperative, the City shall be allowed to utilize six (6) 10-second intervals per hour (the "Intervals") for each of the twenty-four (24) hours per day, for each of the seven (7) days per week, during all times when the EDP is operational and not inoperative due by reason of maintenance or repair.
  - A. The City shall use the Intervals for notifications of civic and community events, such as Noblesville Cultural Arts Commission events, Street Dance, Historic Home Tour, or general old town shopping opportunities, but shall not use the Intervals for advertising any specific product, merchant or private business concern; and
  - B. The City's Department of Economic Development (the "Department") shall provide to the Developer the electronic graphics (JPEG format) of appropriate resolution to be used by the City during its Interval, which graphics must be approved, in quality and content, by the Developer prior to display, and which approval will not unreasonably be withheld.

We look forward to a long, successful, and synergistic relationship with the City.

Respectfully submitted,

Cumberland/146 Partners, LLC

By: \_\_\_\_\_

Approved on \_\_\_\_\_, 2008 pursuant to Motion of the Common Council of the City of Noblesville, Indiana.

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

PREPARED BY:  
Steven D. Hardin, Esq., Baker & Daniels, LLP,  
970 Logan Street, Noblesville, IN 46060 (317) 569-4800