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Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
10-12-2006 At 11:20 am.
ORDINANCE 33.00

ORDINANCE NO. 76-9-06

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF
OF THE CITY OF NOBLESVILLE, INDIANA

**Cross Reference: Deed of record recorded with the Recorder of Hamilton County,
Indiana as Instrument No. 2005-00075812**

This Ordinance No. 76-9-06 (the "Cumberland Farms Industrial Park Ordinance") amends the Unified Development Ordinance of the City of Noblesville, Indiana (the "Unified Development Ordinance");

WITNESSETH:

WHEREAS, the Plan Commission of the City of Noblesville (the "Plan Commission") has conducted a public hearing, as required by law, with respect to the Application for Preliminary Development Plan Approval filed under Docket No. 06-J-15-1246;

WHEREAS, the Plan Commission has sent its favorable recommendation to the Common Council of the City of Noblesville (the "Common Council") by a unanimous vote of 10-0.

NOW, THEREFORE, BE IT ORDAINED by the Common Council, meeting in the regular session, that the Unified Development Ordinance and the official Zone Map corresponding to are hereby amended as follows:

Section 1. Zoning. The zoning of the subject real estate, legally described in what is attached hereto and incorporated herein by reference as Exhibit A (the "Real Estate") shall be governed by this Cumberland Farms Industrial Park Ordinance and all prior commitments shall be null and void and replaced and superseded by this Cumberland Farms Industrial Park Ordinance and this Cumberland Farms Industrial Park Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 2. Exhibits. The following exhibits are attached hereto and incorporated herein by reference and, as such, are part of this Cumberland Farms Industrial Park Ordinance as though fully set forth herein:

- Exhibit 1: Legal description of the Real Estate;
- Exhibit 2: Preliminary Development Plan - Overall;
- Exhibit 3: Conceptual Landscape Plan - Overall;
- Exhibit 4: Conceptual Building Elevation

Section 3. Construction and Definitions.

Section 3.1. Construction of Language. The language of this Cumberland Farms Industrial Park Ordinance shall be interpreted in accordance with the following regulations:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Cumberland Farms Industrial Park Ordinance and any illustration or diagram, the text shall control.
- C. The word "shall" is always mandatory and not discretionary.
- D. The word "may" is permissive and at the discretion or option of the Developer.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- F. A "building" or "structure" includes any part thereof, unless otherwise specifically states.
- G. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicated that the connected terms, conditions, provisions, or events may apply singly or in any combination.

3. "Either...or" indicates that all the connected items, conditions, provisions or other events shall apply singly but not in combination.

Section 3.2 Definitions. Unless otherwise stated, the following words shall, for the purpose of this Cumberland Farms Industrial Park Ordinance, have the following meanings:

- A. "Building Height" shall mean the vertical distance measured from the average finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- B. "BZA" shall mean and refer to the City of Noblesville, Indiana Board of Zoning Appeals.
- C. "City" shall mean and refer to the City of Noblesville, Indiana.
- D. "Preliminary Development Plan" shall mean and refer to the preliminary development plan drawing attached hereto and incorporated herein by reference as Exhibit 2 for the overall development. The Preliminary Development Plan illustrates one of the many possible layouts of internal streets, building areas, and parking areas permitted by this Cumberland Farms Industrial Park Ordinance. The Preliminary Development Plan is preliminary, only, and the final site plans may vary in all respects and, as such, by way of example only and not by way of limitation, the size, location, and configuration of the streets, building pads, and parking areas may change.
- E. "Conceptual Building Elevation" shall mean and refer to the elevations in attached hereto and incorporated herein by reference as Exhibit 4 illustrating the type of building(s) to be constructed on the Real Estate.
- F. "County" shall mean and refer to Hamilton County, Indiana.
- G. "Department" shall mean and refer to the Planning Department of the City of Noblesville, Indiana.
- H. "Developer" shall mean and refer to the owner, or its designee, of an area to be developed within the Real Estate.
- I. "Director" shall mean and refer to the official in charge of the Plan Commission Staff or the Executive Director of the Plan Commission and authorized to administer and enforce the Unified Development Ordinance.

- J. "Herein" shall mean and refer to the entirety of, and anywhere within this Cumberland Farms Industrial Park Ordinance Ordinance, and shall not be restricted to a particular paragraph or section in which the word "herein" appears.
- K. "Conceptual Landscape Plan" shall mean and refer to the Conceptual Landscape Plan attached hereto and incorporated herein by reference as Exhibit 3.
- L. "Masonry" shall mean and refer to brick, stone, split-faced block, concrete panel, wainscott, stucco, or the equivalent thereof
- M. "Hayfield Partners LLC Lot" shall mean and refer to Lot Number A-1 as is depicted on the Conceptual Site Plan.
- N. "Plan Commission" shall mean and refer to the City's Plan Commission.
- O. "Real Estate" shall mean and refer to the real estate legally described in what is attached hereto and incorporated herein by reference as Exhibit 1.
- P. "Street" shall mean a right-of-way; either privately held or publicly dedicated, accepted, and maintained; established for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- Q. "Zone Map" shall mean and refer to the official Zone Map corresponding to the City's Unified Development Ordinance.

Section 4. Zoning and Permitted Uses

Section 4.1. Zoning and Permitted Uses for the entire Real Estate. The Zone Map is hereby revised to change the zoning of the Real Estate from its current R-1 zoning classification ("Prior Zoning") to this Cumberland Farms Industrial Park Ordinance and, as such, the zoning, use, and development of the Real Estate shall be governed entirely by this Cumberland Farms Industrial Park Ordinance and not at all by any of the Prior Zoning. Permitted, accessory, and conditional uses under this Cumberland Farms Industrial Park Ordinance shall include the following:

- A. Offices and Institutional Uses:
1. Animal Hospitals and Veterinarian Offices;
 2. Offices; and
 3. Offices and Clinics of medical doctors, physicians, dentists, or other healthcare practitioners.
- B. Cultural or Entertainment Uses:
1. Club or Lodge, private;
 2. Parks and Playgrounds, non-commercial;
 3. Recreation, indoor (Conditional); and
 4. Sports parks (Conditional).
- C. Commercial Retail/Service Uses:
1. Automobile rental (Conditional);
 2. Car washes;
 3. Marine craft sales, repair, and service (Conditional);
 4. Retail sales (Accessory); and
 5. Laundries/dry cleaners with onsite plant.
- D. Industrial Uses:
1. Agricultural processing, accessory (Accessory);
 2. Assembly of finished goods;
 3. Contractor's offices;
 4. Distribution facilities;
 5. Laboratories;
 6. Machine and equipment repair;

7. Manufacturing, light and general;
8. Newspaper printing and job printing;
9. Packaging of finished goods;
10. Warehousing and storage, indoor;
11. Warehousing and storage, outdoor; and
12. Wholesale trade, indoor

E. Communication Uses.

1. Antennae and satellite dishes, individual (Accessory) and
2. Wireless communication service facilities (Conditional).

F. Conditional and Accessory Uses. For any use listed above designated as “Conditional” or “Accessory”, said use shall be subject to the conditional or accessory requirements and standards as the same are set forth in the Unified Development Ordinance.

Section 5. Development Standards. The applicable Development Standards shall be as follows:

Section 5.1. Maximum impervious surface coverage : 80%.

Section 5.2. Maximum building height: forty (40) feet.

Section 5.3. Minimum building height: twenty two (22) feet.

Section 5.4. Front yard setback: thirty (30) feet from all adjacent streets, but for any lot that is immediately adjacent to and east of State Road 19/Cicero Road, the set back adjacent to State Road19/Cicero Road shall be a minimum of sixty (60) feet.

Section 5.5. Side yard setback: twenty (20) feet adjacent to residential and ten (10) feet adjacent to all other uses.

Section 5.6. Rear yard setback: ten (10) feet.

Section 5.7. Minimum building separation: forty (40) feet.

Section 5.8. Minimum parking setback from all streets: twenty (20) feet.

Section 5.9. Minimum lot size: One (1) acre.

Section 6. Architectural Standards.

Section 6.1. State Road 19/Cicero Road Architecture. For any lot that is immediately adjacent to and east of State Road 19/Cicero Road, the following architectural standards and requirements shall apply:

- A. Building Materials and Design. The first four (4) feet, measured from the average finished grade, of the north, south and west elevation shall consist of Masonry building materials, excluding but not limited to, windows, gables, doors, trim, etc. The remaining portions of all elevations may consist of Masonry, EIFS, wood, hardi-plank and/or other equivalent building materials. Permitted roof designs and building materials shall include, but not be limited to, sloped roofs, flat roofs with parapets, metal roofs, and/or other equivalent roof designs and/or roof materials. Awnings shall be permitted, but if awnings are utilized they shall be of a fabric material and shall consist of solid, dark muted colors (no stripes).

Section 6.2. Internal Lots. For all other lots that are not immediately adjacent to and east of State Road 19/Cicero Road the following architectural standards and requirements shall apply:

- A. Building Materials and Design. The first four (4) feet, measured from the average finished grade, of the front elevation shall consist of Masonry building materials, excluding but not limited to, windows, gables, doors, trim, etc. The remaining portions of all elevations may consist of Masonry, EIFS, wood, hardi-plank, metal siding, and/or other equivalent building materials. Permitted roof designs and building materials shall include, but not be limited to, flat roofs with parapets, metal roofs, sloped roofs with shingles, and/or other equivalent roof designs and/or roof materials. Awnings shall be permitted, but if awnings are utilized they shall be of a fabric material and shall consist of solid, dark muted colors (no stripes).

Section 7. Landscaping and Screening of Outside Storage Areas and Dumpster Areas.

Any use provided for herein is permitted to have outside storage. The applicable landscaping and screening standards applicable to perimeter landscaping, base building landscaping, parking lot landscaping and screening of outside storage areas and dumpster areas shall be those specified in the Unified Development Ordinance for the I-2 zoning classification with the following exceptions:

Section 7.1. State Road 19/Cicero Road Perimeter Lot Landscaping. For any lot that is immediately adjacent to and east of State Road 19/Cicero Road, additional perimeter landscaping shall be provided for in accordance with the standards applicable to an Arterial roadway pursuant to the Unified Development Ordinance.

Section 7.2 Brickey Parcel and Screening of Outdoor Storage Areas. A portion of the southern perimeter boundary of the Real Estate is adjacent to a parcel of real estate identified by the Hamilton County Auditor's Office as Tax Parcel No. 10-07-18-00-00-016.000 and which parcel is owned, as of the date of enactment of this Cumberland Farms Industrial Park Ordinance, by Patricia Brickey (hereafter the "Brickey Parcel"). For any lots within the Cumberland Farms Industrial Park that contain outdoor storage and are adjacent to the Brickey Parcel, the I-1 screening standards shall apply to said outdoor storage areas.

Section 8. Signage. The permitted signage and applicable signage standards shall be those that are specified in the Unified Development Ordinance for the I-2 zoning classification. However, a designation sign shall be permitted and if constructed it must be located adjacent to State Road 19/Cicero Road. Said designation sign shall be limited to a maximum of fifteen (15) feet in height, shall be limited to a maximum of fifteen (15) items of information, shall be limited to one hundred (100) square feet of signable area, and its building materials shall consist of masonry products and be compatible with the structures along State Road 19/Cicero Road, including its color scheme. In addition to the designation sign, each individual building within the Cumberland Farms Industrial Park shall be permitted to have one (1) wall sign. Ground signs shall not be permitted within the Cumberland Farms Industrial Park.

Section 9. Lighting. The permitted lighting, lighting fixtures and applicable lighting standards shall be those that are specified in the Unified Development Ordinance for the I-2 zoning classification.

Section 10. Curb Cuts and Private Driveways, Parking Requirements and Septic Systems

Section 10.1. Curb Cuts and Private Driveways. There shall be a maximum of one (1) curb cut adjacent to and serving as ingress and egress to State Road 19/Cicero Road in a location to be approved by the Department, The Department of Engineering, and Board of Public Works. For each lot that exists on the Real Estate, it shall be permitted to have private driveways adjacent to the internal loop road, as the same is conceptually shown on the Conceptual Site Plan, in locations to be approved by the Department, the Department of Engineering, and the Board of Public Works. Private driveways and parking lot areas for any lot must be paved with asphalt, concrete or other similar materials. However, outdoor storage areas may consist of a gravel surface.

Section 10.2 Parking Requirements. The required parking spaces for any permitted use set forth herein shall be based on the applicable parking requirements and standards as the same are specified in the Unified Development Ordinance. Outdoor overnight parking of vehicles associated with the use of a particular lot shall be permitted.

Section 10.3 Septic Systems. For any lot that exists on the Real Estate, it shall be permitted to have a septic field to serve the lot. Any septic field must meet any applicable county and state regulations.

Section 11. Procedural Provisions. The applicable Procedural Provisions shall be as follows:

Section 11.1. Nature of Development Requirements. The development requirements set for in this Cumberland Farms Industrial Park Ordinance are in accordance with the requirements of I.C. 36-7-4-1500 et seq. and are expressed in detailed terms as provided under I.C. 36-7-4-1509(a)(2). Further, as permitted under I.C. 36-7-4-1509(e), the approval process contained in this Section 11 shall be adhered to in order to obtain an Improvement Location Permit.

Section 11.2. Submission of Plans. With regard to all developments, there shall be submitted to the Department plans indicating site layout, landscaping, design, lighting, and signage for all sites and buildings (collectively, the "Plans"). The Plans shall be submitted to the Department in sufficient detail to permit an understanding of the style of the development, the design of the buildings, the number, size, and type of structures, landscaping, signage, lighting, and site design and layout. A complete set of colored, 360-degree elevations detailing the front, rear, and side views of each proposed building shall be provided. Key exterior elements such as materials, windows, and architectural breaks must be rendered in sufficient detail and be accompanied by clear descriptions of materials, colors, and textures.

Section 11.3. Approval. The Plans shall be reviewed by the Department and, if the Plans demonstrate compliance with the requirements and standards of this Cumberland Farms Industrial Park Ordinance, they shall be approved solely by the Department and without the need for any additional approvals or hearings, whether public or otherwise. Any disapproval by the Department of any plans may be appealed to the Plan Commission, and the disapproval of any Plans by the Plan Commission may be appealed to Council.

Section 11.4. Platting. So long as the proposed plat of any area or any part of any area complies with the area requirements and development standards set forth in this Cumberland Farms Industrial Park Ordinance, then the creation, by reason of platting, of a new property line within the Property shall not impose or establish new development standards beyond those specified in this Cumberland Farms Industrial Park Ordinance. Secondary plat shall be required regardless of parcel size and approval of all or any part of any area of a secondary plat shall be by the Department.

The Plan Commission shall sign the secondary plat prior to the completion of public improvements, so long as the subdivider posts a performance bond securable by the City.

Section 11.5. Controlling Developer's Consent. Without the consent of the Controlling Developer, no other Developer, user, owner, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion thereof and, as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the Developer:

1. Improvement location permits for any improvements within the Real Estate;
2. Sign permits for any signs within the Real Estate;
3. Building permits for any buildings within the Real Estate;
4. Primary or secondary plat approval for any part of the Real Estate; and
5. Any text amendments or other variations to the terms and conditions of this Cumberland Farms Industrial Park Ordinance.

Section 11.6. Amendments to Redevelopment Guidelines. The Plan Commission, upon the petition of a Developer at a public hearing conducted per the rules of the Plan Commission, may approve a development guideline that is not included in, or is different from, those set forth in this Cumberland Farms Industrial Park Ordinance so long as (i) the petition is consented to and authorized by the Controlling Developer and (ii) the Plan Commission determines that any such addition or modification would not substantially affect the integrity of the development of the property and is appropriate for the site and its surroundings.

Section 11.7. Hayfield Partners LLC Lot. As of the date of this Cumberland Farms Industrial Park Ordinance, the Developer has filed with the Department Plans associated with the development of the Hayfield Partners LLC Lot (the "Hayfield Partners LLC Lot Plans"). The Department has reviewed the Hayfield Partners LLC Lot Plans and has determined that they conform to the development requirements and standards of this Cumberland Farms Industrial Park Ordinance.


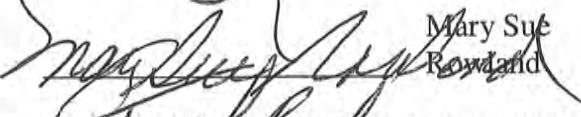
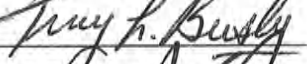

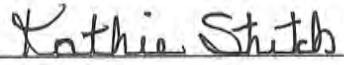
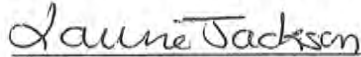
Section 12. Miscellaneous. To the extent that the terms, conditions, and standards set forth in this Cumberland Farms Industrial Park Ordinance are inconsistent with or different from provisions of the Unified Development Ordinance, the terms, conditions, and standards set forth herein shall replace and supersede the Unified Development Ordinance.

Section 13. Upon motion duly made and seconded, this Cumberland Farms Industrial Park Ordinance was fully passed by the members of the Common Council on the 10th day of Oct, 2006.


COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

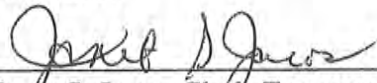
	Brian Ayer	_____
	Mary Sue Rowland	_____
	Terry Busby	_____
	Alan Hinds	_____
_____	Dale Snelling	_____
	Kathie Stretch	_____
	Laurie Jackson	_____

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 10th day of Oct, 2006.



John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:



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

Prepared by James E. Shinaver, Nelson & Frankenberger, 3105 East 98th Street, Suite 170, Indianapolis, IN 46280.

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. James E. Shinaver

All exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

EXHIBIT 1

Legal Description

The following described real estate in Hamilton County, in the State of Indiana:

The South Half of the Northwest Quarter of Section Eighteen (18), Township Nineteen (19) North, Range Five (5) East, and more specifically described as follows: Beginning at the Southwest corner of the Northwest Quarter of Section Eighteen (18), Township Nineteen (19) North, Range Five (5) East marked by an iron pin; thence North on and along the West Section line of said Section, 1321.5 feet to a point marked by an iron pin; thence North 89 degrees 21 minutes East on and along the Quarter Section line 2628.7 feet to a point marked by an iron pin; thence South 00 degrees 04 minutes East on and along the Quarter Section line, 1328.2 feet to the Southeast corner of the Northwest Quarter of said Section marked by an iron pin; thence South 89 degrees 30 Minutes West on and along the Quarter Section line, 2630.3 feet to the point of beginning, containing 79.97 acres, more or less

EXCEPT:

Part of the South Half of the Northwest Quarter of Section 18, Township 19 North, Range 5 East in Noblesville Township, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of the South Half of the Northwest Quarter of Section 18, Township 19 North, Range 5 East; thence Easterly on the north line of said South Half 1025.00 feet; thence Southerly parallel with the West line of the said Northwest Quarter 244.00 feet; thence Westerly parallel with the North line of the South Half of said Northwest Quarter 1025.00 feet to the West line of said Northwest Quarter; thence Northerly on said West line 244.00 feet to the place of beginning.

ALSO EXCEPT:

A part of the South Half of the Northwest Quarter of Section 18, Township 19 North, Range 5 East of the Second Principal Meridian in Noblesville Township of Hamilton County, Indiana, begin more particularly described as follows:

Commencing at the Northeast corner of Section 13, Township 19 North, Range 4 East of the Second Principal Meridian in Noblesville Township of Hamilton County, Indiana, said point being South 01 degrees 31 minutes 20 seconds West 56.76 feet (or 86 links per Government record) of the Northwest corner of Section 18, Township 19 North, Range 5 East; thence South 01 degrees 39 minutes 13 seconds West (assumed bearing) along the West line of said Northwest Quarter of Section 18 a distance of 1275.65 feet to the Northwest corner of the South Half of said Northwest Quarter; thence continue South 01 degrees 39 minutes 13 seconds West along said West line 244.00 feet to the Point of Beginning of the following described real estate; thence South 88 degrees 06 minutes 39 seconds East parallel with the North line of said South Half 1025.00 feet to a 5/8 inch diameter rebar with a yellow cap marked "WEIGH ENGR LS 0012"-"Capped Rebar"; thence South 01 degrees 39 minutes 13 seconds West parallel with said West line 212.49 feet to a "Capped Rebar"; thence North 88 degrees 06 minutes 39 seconds West parallel with the north line of said South Half 1025.00 feet to a point on the West line of said Section 18; thence North 01 degrees 39 minutes 13 seconds East along said West line 212.49 feet to the Point of Beginning, containing 5100 acres, more or less.

69.82 Acreage historic; 69.189 Acreage measured. Acreage in the legal description of the subject real estate is solely for the purposes of identifying and describing the insured land and should not be construed as insuring the quantity of land as set forth in said description.

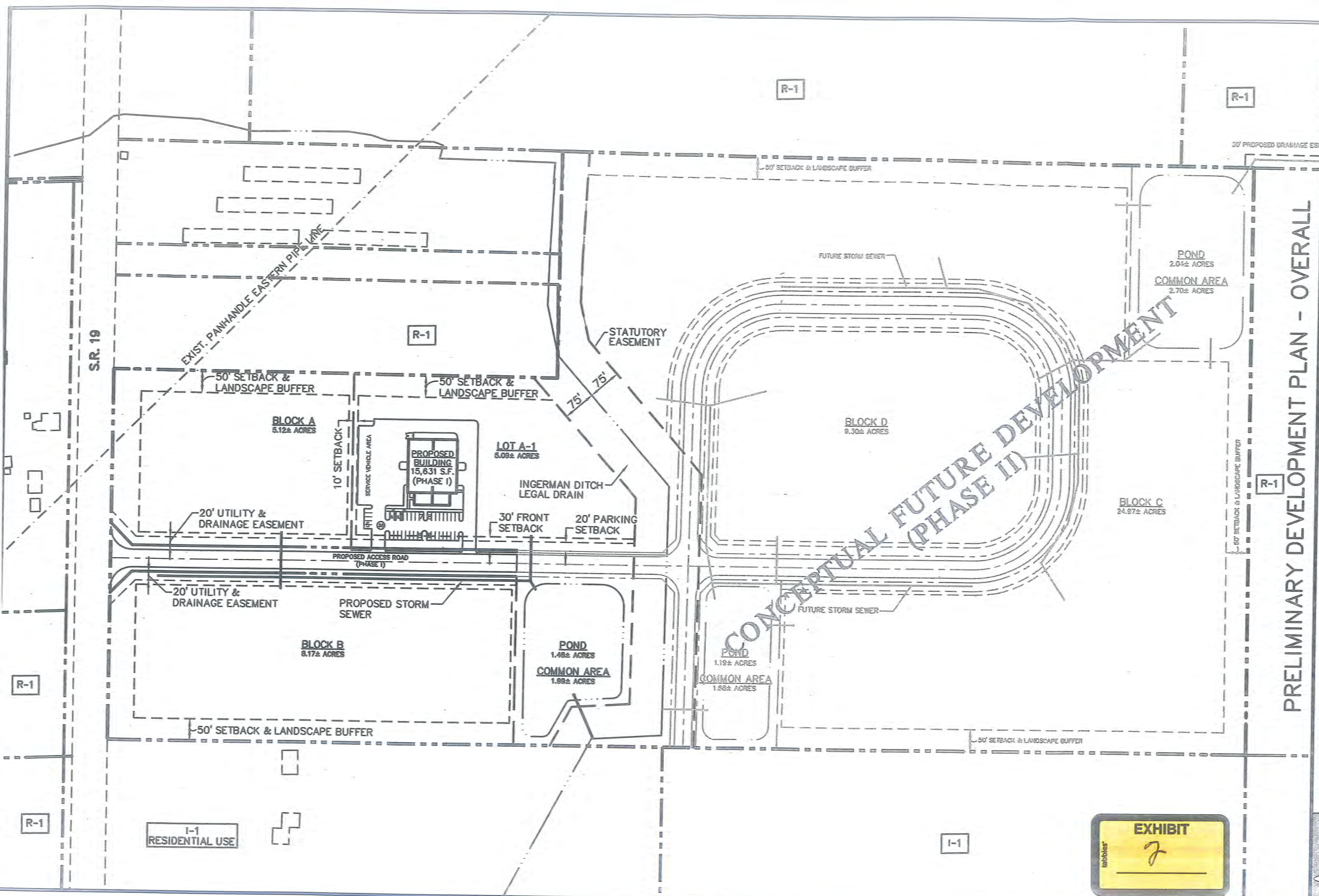
Subject to any and all easements, agreements and restrictions of record. The Address of such real estate is commonly known as Cicero Road Noblesville, Indiana 46060

PRELIMINARY DEVELOPMENT PLAN - OVERALL

AMERICAN CONSULTING, INC.
 Architects
 Consultants
 Engineers
 7260 SHADELAND STATION
 INDIANAPOLIS, IN 46256-3917
 (317) 547-5580 FAX: (317) 543-0270
 Copyright (C) 1966-2006 by American Consulting, Inc.



EXHIBIT 7



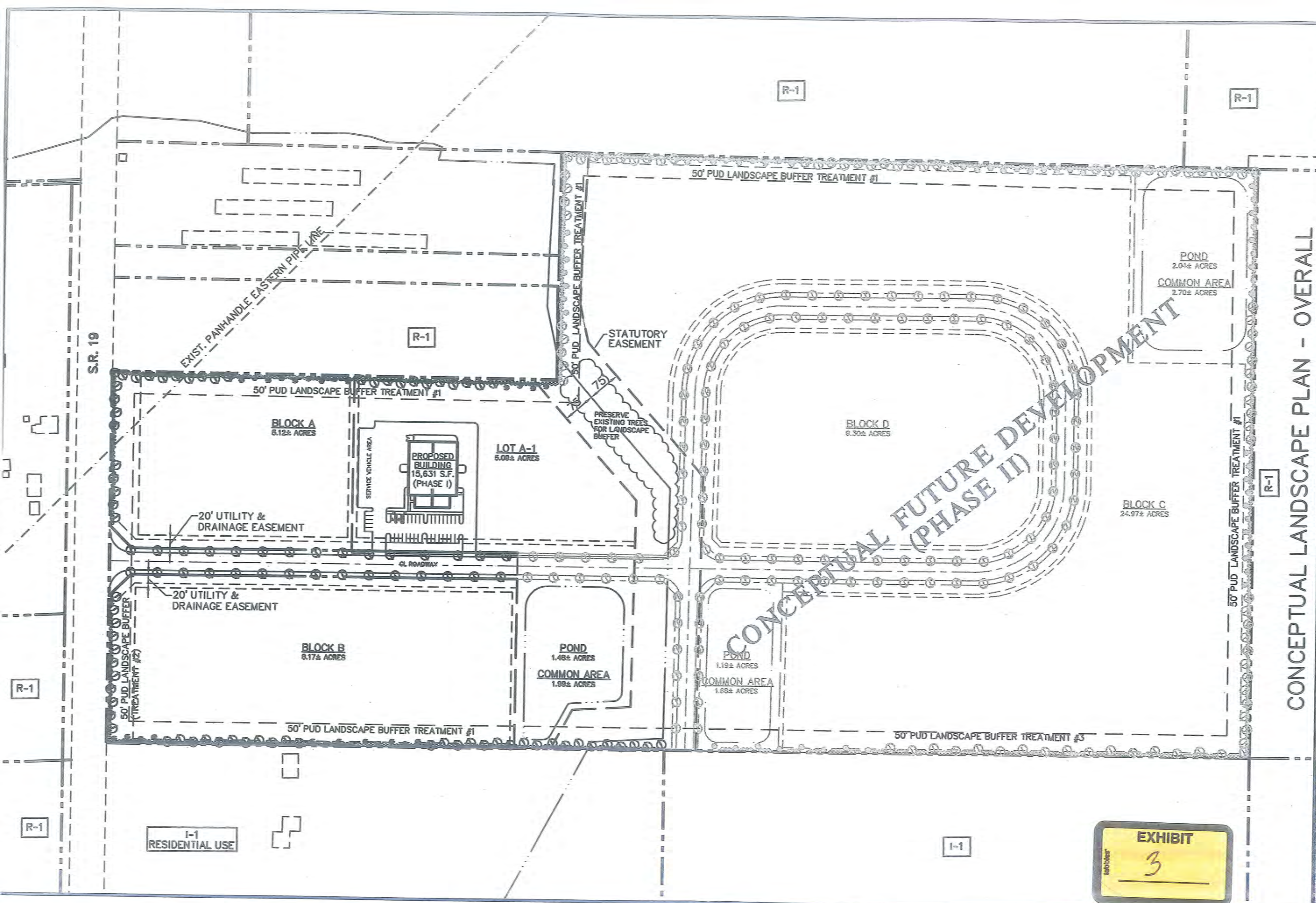
I-1
 RESIDENTIAL USE

AMERICAN CONSULTING, INC.
 Architects
 Consultants
 Engineers
 7260 SHADELAND STATION
 INDIANAPOLIS, IN 46256-3917
 (317) 547-5580 FAX: (317) 543-0270
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CONCEPTUAL LANDSCAPE PLAN - OVERALL

EXHIBIT
3



CUMBERLAND FARMS LLC
21777 RIVERWOOD AVE
NOBLESVILLE
IN 46062

CUMBERLAND FARMS INDUSTRIAL PARK

CONSULTANTS

CERTIFIED BY

DATE: 03/28/09

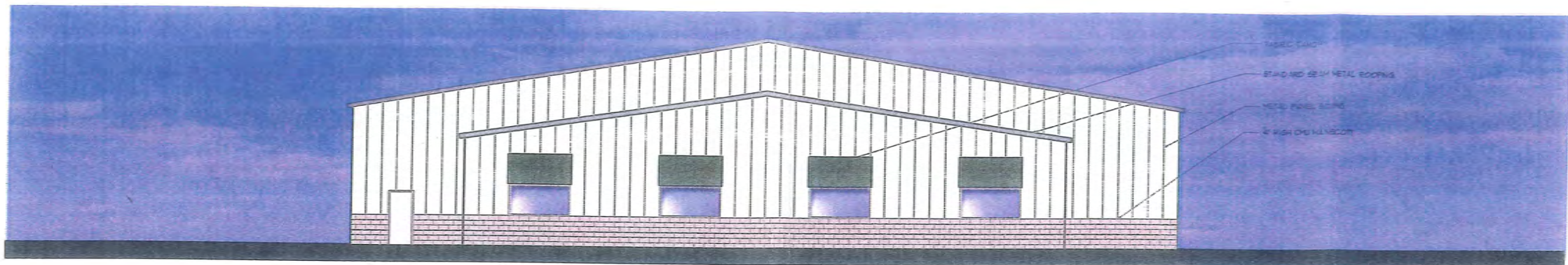
DRAWN BY:

CHECKED BY:

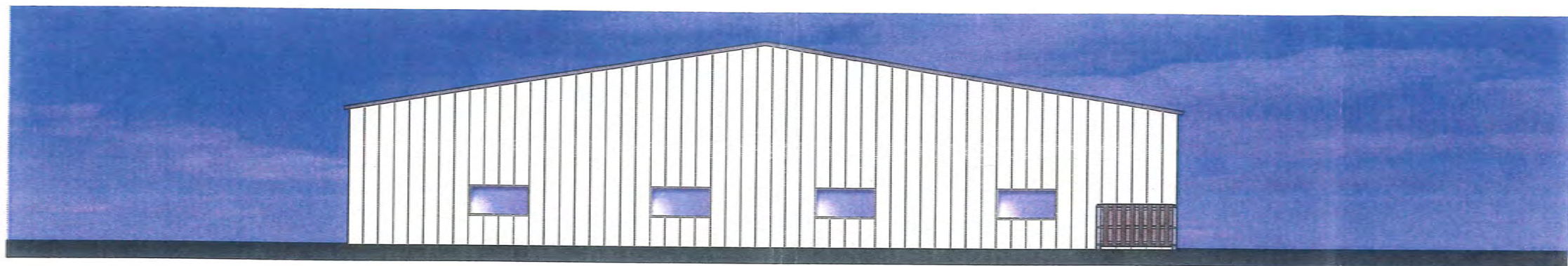
ISSUED FOR: DATE:

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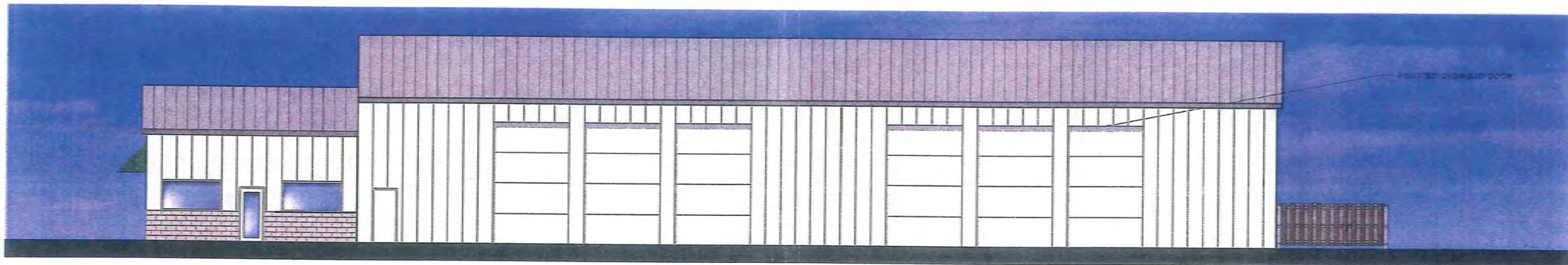
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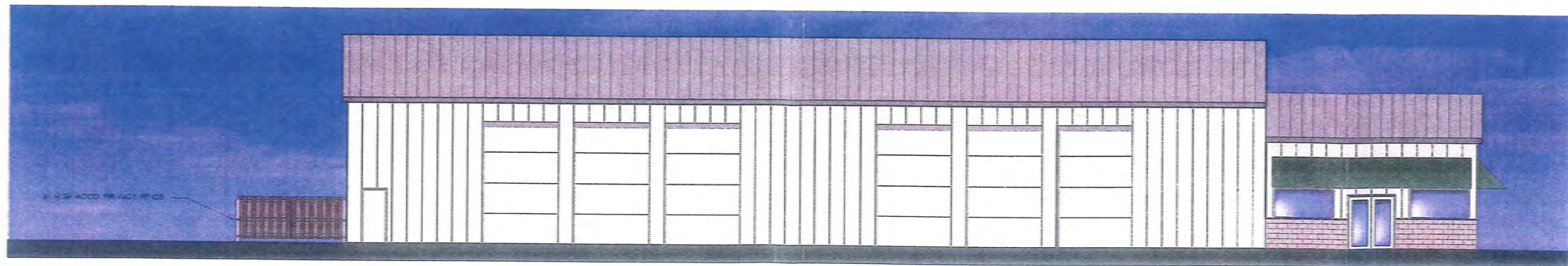
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

