

ORDINANCE NO. _____

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

This is an Ordinance to amend 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 (the "Plan Commission") conducted a public hearing on application number LEGP 0110-2022 (the "Petition") at its January 17, 2023, meeting as required by law in regard to the application filed by Secure Holdings, LLC (the "Developer") for a request in change of zoning (the "Petition"); and

WHEREAS, the Plan Commission sent a favorable recommendation relating to the Petition to the Common Council of the City of Noblesville, Indiana, (the "City Council") by a vote of _____ () in favor and _____ () opposed;

NOW, THEREFORE, BE IT ORDAINED by the City Council, meeting in regular session, it hereby adopts this ordinance (the "Ordinance") as an amendment to the UDO and the Official City of Noblesville Zoning Map (the "Zoning Map") to establish this Planned Development Overlay District (the "District") to read as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Zoning Map is hereby changed to designate the subject real estate generally located southeast of the intersection of State Road 32 and Hazel Dell Road, more particularly described in **Exhibit A**, attached hereto (the "Real Estate"), as a Planned Development Overlay District to be known as **Midland Pointe Planned Development** (the "District").
- 1.2 The District's underlying zoning districts shall be the **R-5 Residential District** for Area A as shown on **Exhibit B**, and the **Planned Business District** for Area B, as shown on **Exhibit B**, (the "Underlying Districts"). Development in the Underlying Districts shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO in effect as of the date of adoption of this Ordinance, and applicable to the Underlying District,

- 1.3 except as modified, revised, supplemented or expressly made inapplicable by this Ordinance (collectively, the “Governing Standards”).
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance and its exhibits are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions.

- 2.1 The general rules of construction set forth in Article 2 of the UDO and the definitions set forth in this Ordinance shall apply to the regulations of this Ordinance. Words not defined herein but defined in the UDO shall be interpreted in accordance with the UDO definition.
- 2.2 “Approved Elevations” shall mean the set of multi-family elevations on file with the City of Noblesville’s Planning and Development Department, as reviewed and approved by the City’s Architectural Review Board at its July 13, 2022, meeting. The exhibit attached hereto as **Exhibit C** is a sampling and general representation of those approved elevations (collectively, the “Approved Elevations”).
- 2.3 “Preliminary Development Plan” shall mean the oversized, scaled development plans on file with the City of Noblesville’s Planning and Development Department dated January 10, 2023. The exhibit attached hereto as **Exhibit B** is a general representation of the oversized plans (collectively, the “Preliminary Development Plan”). A copy of the approved plans is also attached hereto as **Exhibit D**.

Section 3. Permitted Uses.

- 3.1 All uses permitted in the R-5 Residential District shall be permitted within Area A. All uses permitted in the PB District shall be permitted within Area B, except for the uses identified as prohibited uses on **Exhibit E**. Additionally, Downtown Mixed-Use Residential shall be permitted above a non-residential use within Area B.
- 3.2 Accessory Uses and Accessory Buildings customarily incidental to any of the permitted uses shall be permitted.

Section 4. Preliminary Development Plan.

- 4.1 The Preliminary Development Plan and the stipulations and waivers listed in **Exhibit G** are hereby incorporated and approved. Pursuant to Article 8 of the UDO, the Preliminary Development Plan is intended to establish the basic goals and policies, bulk standards, variations/waivers from the Underlying District and layout of the District.

4.2 The maximum number of Dwelling Units in Area A shall not exceed 275.

Section 5. Architectural Standards. The following standards shall apply.

5.1 The Approved Elevations are hereby incorporated and approved. The buildings in Area A shall be substantially consistent with the Approved Elevations. The Director of Planning and Development, including his/her designees, shall review and approve final plans at the time of filing of the Detailed Development Plan and/or Building Permit for compliance.

5.2 If a building does not comply with Section 5.1, then the proposed elevation(s) shall be submitted for review and approval by the Director. The Director's review of the elevation(s) shall be performed in order to determine its compatibility and consistency with the intended quality and character of the District and/or the Approved Elevations.

5.3 Any number of materials may be used for the design of Area B. The following is a list of acceptable materials:

- A. face brick
- B. C.M.U. (concrete masonry units)
- C. concrete brick
- D. glass block
- E. cast stone
- F. poured concrete
- G. precast concrete
- H. colored/decorative concrete
- I. limestone
- J. simulated stone
- K. terracotta
- L. fiber cement siding
- M. stained wood – only in locations minimally exposed to weather
- N. stucco
- O. EFIS (limited to areas 8' above grade)
- P. glass (clear, color, sand blast, etched, etc.)

Section 6. Title, Purpose and Effect. The regulations of *ARTICLE 1. TITLE, PURPOSE AND EFFECT* shall apply.

Section 7. Definitions and Rules of Word Usage. The regulations of *ARTICLE 2. DEFINITIONS AND RULES OF WORD USAGE* shall apply.

Section 8. Administrative Bodies and Officials. The regulations of *ARTICLE 3. ADMINISTRATIVE BODIES AND OFFICIALS* shall apply.

Section 9. Zoning Applications and Approvals. The regulations of *ARTICLE 4. ZONING APPLICATIONS AND APPROVALS* shall apply.

Section 10. Subdivision Procedure. The regulations of *ARTICLE 5. SUBDIVISION PROCEDURE* shall apply.

Section 11. Site Design and Improvement Standards. The regulations of *ARTICLE 6. SITE DESIGN AND IMPROVEMENT STANDARDS* shall apply.

Section 12. Plans, Maps, and Zoning Districts. The regulations of *ARTICLE 7. PLANS, MAPS, AND ZONING DISTRICTS* shall apply.

Section 13. Zoning Districts. The regulations of *ARTICLE 8. ZONING DISTRICTS* shall apply, except as modified below:

- 13.1 *Table 8.B. Summary of Residential Bulk Requirements and Table 8.C Summary of Commercial Bulk Requirements:* Shall not apply. Instead, the following requirements shall apply:

Area	Area A (R5)
Min. Lot Area	Not applicable
Min. Lot Width	Not applicable
Maximum Building Height	60'
Min. Hazel Dell Road Setback	10'
Min. Internal Primary and Secondary Road Setback	0'
Min. Building Separation¹	10'
Min. South Property Line Setback	40'
Min. East Property Line Setback	10'
Floor Area Ratio	Not applicable
Min. Floor Area	500 SF/Unit
Maximum Lot Coverage	Not applicable

¹ Minimum setback on either side of the structure

Area	Area B (PB)
Min. Lot Size	20,000 SF
Min. Lot Width	Not applicable
Maximum Floor Area Ratio	Sixty Percent (0.6)
Maximum Impervious Surface Coverage	85%
Maximum Building Size	N/A
Min. SR 32 Setback	25' ²
Min. Hazel Dell Road Setback	25' ²
Min. Internal Primary Road Setback	10'
Min. Side Yard Setback	0'
Maximum Building Height	60'

² Minimum Setback at the corner of SR 32 and Hazel Dell Road shall be as substantially shown on the Preliminary Development Plan.

Note: Accessory structures such as entry monument signs, roundabout walls and gateway structures shall be permitted within the building setbacks, subject to the City Engineering Department's approval.

- 13.2 **Article 8, Part B, Section 6.C.1.b. Setbacks:** Shall not apply.
- 13.3 **Article 8, Part H, Section 3.F.1.b. Establishment of Site Development Intensity:** Shall not apply. Instead, the maximum number of Dwelling Units within the District shall not exceed 275.
- 13.4 **Article 8, Part H, Section 3.F.2. Establishment of Peripheral Yard:** Shall not apply. Instead, perimeter landscaping shall be as shown on the approved Preliminary Development Plan.
- 13.5 **Article 8, Part H, Section 3.H. Designation of Permanent Common Open Space:** Shall not apply. Instead, *open* space shall be provided as shown on the approved Preliminary Development Plan.
- 13.6 **Article 8, Part H, Section 8.L.7.b. Drive-through Windows and Fueling Stations:** Shall not apply. Instead, vehicular fuel pumps and canopies, and canopies not associated with fuel pumps, shall extend a maximum of seven (7) feet in front of the building facade, nearest to the State Road 32 right-of-way line, of the principal building to which fuel pumps and/or canopies are associated.

Section 14. General Regulations. The regulations of *ARTICLE 9. GENERAL REGULATIONS* shall apply; however, setbacks shall be measured from the property lines as shown on the approved Preliminary Development Plan and not from the right-of-way shown on the thoroughfare plan.

Section 15. Off-Street Parking and Loading. The regulations of *ARTICLE 10. OFF-STREET PARKING AND LOADING* shall apply, except as modified below:

- 15.1 All references to setback distance of parking lots to streets, parcels and buildings shall not apply; instead, all setbacks shall be as shown on the approved Preliminary Development Plan.
- 15.2 **Table 10.0.4.A. Off-Street Parking Dimensions:** Shall apply, except: (i) the minimum stall width for a zero-degree (0°) parking stall shall be eight (8) feet; and (ii) the vehicle projection for a ninety-degree (90°) parking stall shall be eighteen (18) feet.
- 15.3 **Article 10, Section 4.B.1. Dimensions and Layout:** Shall not apply; instead, the off-street parking shall be as shown on the approved Preliminary Development Plan.

- 15.4 *Article 10, Section 4.C.2. Driveways:* Shall not apply; instead, the entrances and exits shall be as generally shown on the approved Preliminary Development Plan.
- 15.5 *Article 10, Section 4.C.4. Location of Parking and Loading Behind Required Setback:* Shall not apply; instead, the parking and loading shall be as generally shown on the approved Preliminary Development Plan.
- 15.6 *Article 10, Section 4.D.3. Marking of Parking:* Shall apply, except bumper guards or wheel guards shall not be required. Instead, curbs shall be integrated with the sidewalk.
- 15.7 *Article 10, Section 6.A.3. Pedestrian Access Along Building Facades Not Adjacent to a Public Sidewalk:* Shall not apply. Instead, the pedestrian walkways shall be as shown generally on the approved Preliminary Development Plan.
- 15.8 *Article 10, Section 6.B.2. Pedestrian Walkway Standards – Along Facades Not Adjacent to Sidewalks:* Shall not apply. Instead, the pedestrian walkways shall be as shown generally on the approved Preliminary Development Plan.
- 15.9 *Article 10, Section 9. Required Off-Street Loading Standards:* Shall not apply.

Section 16. **Signs.** The regulations of *ARTICLE 11. SIGNS* shall apply, except as modified below:

- 16.1 *Article 11, Part B, Section 3.A.4. Design:* Shall not apply.
- 16.2 *Article 11, Part C, Section 1.B.2. Type of Sign Permitted:* Shall apply. In addition, blade and building-mounted signs shall be permitted in the District.
- 16.3 Additional Provisions
 - A. A Program of Signs may be submitted for review and approval to the Plan Commission at a public meeting that may vary from the UDO’s sign regulations as long as it is in keeping with the quality and character of the proposed development.
 - B. Attached hereto as **Exhibit F** is the development signage exhibit, showing the conceptual intent and conceptual size for the proposed development entrance feature sign.

Section 17. **Landscaping and Screening.** The regulations of *ARTICLE 12. LANDSCAPING AND SCREENING* shall not apply. Instead, the landscaping and screening shall be as shown generally on the approved Preliminary Development Plan. Additionally, the following shall apply:

- 17.1 *Article 12, Section 6. Building Base Landscaping:* Shall not apply. Instead, the building base landscaping for Area A shall be as shown generally on the approved Preliminary Development Plan. For Area B: (i) a minimum 5’ wide landscaping strip shall be provided around each building; (ii) pedestrian access ways may

constitute up to 50% of the total area required for the landscaping strip; and (iii) fifteen (15) deciduous or evergreen shrubs or ornamental grasses shall be planted per 100 lineal feet of the landscaping strip (not including the pedestrian access ways).

17.2 **Table 12.0.7.E. Landscape Buffer Yard Requirements:** Shall not apply. Instead, the landscape buffer yards shall be as shown generally on the approved Preliminary Development Plan.

17.3 **Table 12.0.8.B.4. Heating and Cooling Units:** Shall not apply.

Section 18. Environmental Performance Standards. The regulations of *ARTICLE 13. ENVIRONMENTAL PERFORMANCE STANDARDS* shall apply.

Section 19. Nonconforming Uses and Structures. The regulations of *ARTICLE 14. NONCONFORMING USES AND STRUCTURES* shall apply.

Section 20. Enforcement. The regulations of *ARTICLE 15. ENFORCEMENT* shall apply.

Section 21. Procedures.

21.1 **Detailed Development Plan.** Approval of a Detailed Development Plan (“DDP”) shall follow the procedures set out in Article 8, subject to the following clarification: (i) the Director of Planning and Zoning shall approve Minor Changes; and (ii) if a DDP includes a Major Change from the approved Preliminary Development Plan, then, prior to approval of the DDP, an amended Preliminary Development Plan shall be submitted to the City for review by the Technical Advisory Committee and then for review and approval by the Plan Commission following a public hearing. A Major Change from the approved Preliminary Development Plan shall be reviewed and approved by the Technical Advisory Committee and the Plan Commission based upon compliance with the development standards set forth herein and shall be compatible and consistent with the intended quality and character of the District. A Secondary Plat shall be submitted for review and approval as part of any approved DDP.

21.2 **Major Change.** For purposes of this Ordinance, a “Major Change” shall mean: (i) a substantial change to the location of a perimeter entrance as shown on the Preliminary Development Plan; and (ii) significant changes to the drainage management systems, including, but not limited to, BMP’s and legal drains.

21.3 **Minor Change.** For purposes of this Ordinance, a “Minor Change” shall mean any change that: (i) is not a Major Change; and (ii) is consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance for the District. Specifically, changes to the internal street configurations and building configurations, are expected and shall be deemed to be Minor Changes for purposes of this Ordinance.

Approved on this _____ day of _____, 2023 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Brian Ayer		
	Mark Boice		
	Michael J. Davis		
	Gregory P. O'Connor		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Dan Spartz		
	Megan G. Wiles		

ATTEST: _____
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of _____, 2023 at _____ .M.

 Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

Chris Jensen, Mayor

Date

MAYOR'S VETO

Chris Jensen, Mayor

Date

ATTEST: _____
Evelyn L. Lees, City Clerk

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

Prepared by: Steven D. Hardin, Attorney-At-Law, Faegre Drinker Biddle & Reath, LLP
600 East 96th Street, Suite 600, Indianapolis, Indiana 46032 | (317) 569-9600.

EXHIBIT A
REAL ESTATE

Area A Land Description

Part of the Northwest quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, the following description was based on surveys prepared by Timothy D. Higbie, L.S as Survey First LLC project numbers 2021-0022 and 2022-0006, is described as follows:

Commencing at a brass pin in concrete at the Northwest corner of said Northwest quarter; thence along the West line of said quarter (bearings are based on the State Plane Coordinates, Indiana East Zone, on the NAD83, using GPS derived North from NTRIP CORS network) South 00 degrees 02 minutes 09 seconds East 586.51 feet; thence North 88 degrees 31 minutes 22 seconds East 54.76 feet to the East right-of-way of Hazel Dell Drive per Instrument number 200300090653 and Instrument number 200400005003 recorded in the Office of the Hamilton County Recorder and the POINT OF BEGINNING; thence North 88 degrees 31 minutes 22 seconds East 144.32 feet to a tangent curve to the left concave North having a radius of 155.00 feet and a long chord that bears North 68 degrees 55 minutes 58 seconds East and a long chord of 118.12 feet; thence Northeasterly along said curve an arc length of 121.18 feet; thence North 46 degrees 36 minutes 10 seconds East 219.33 feet to a tangent curve to the right, concave Southeast having a radius of 149.01 feet and a long chord that bears North 68 degrees 00 minutes 37 seconds East and a long chord of 108.57 feet; thence Northeasterly along said curve an arc length of 111.13 feet; thence North 89 degrees 25 minutes 03 seconds East 931.66 feet to the East line of the land of Gary Alton Hinshaw Trustees Deed per deed recorded in said Recorder's Office as Instrument number 2012023283; thence along said East line South 00 degrees 02 minutes 23 seconds East 737.79 feet to the North line of a parcel conveyed to the City of Noblesville in Instrument number 2017043039 in said Recorder's Office, a rebar was found 1.2' West and 3.5' North; thence along the North line of said City of Noblesville, South 87 degrees 58 minutes 18 seconds West 73.14 feet; thence along said North line North 89 degrees 43 minutes 39 seconds West 87.51 feet to the Northeast corner of a parcel conveyed to the City of Noblesville in Instrument number 2016004263 in said Recorder's Office (a one-inch diameter iron pipe was found 1.4 feet West and 2.8 feet North); thence North 89 degrees 43 minutes 42 seconds West 812.16 feet along the North lines of the parcels conveyed to the City of Noblesville in Instrument numbers 2016004263 and 2016009905 in said Recorder's Office to a rebar with cap set at the Northeast corner of a parcel to the City of Noblesville in Instrument number 2017042702 in said Recorder's Office; thence North 89 degrees 43 minutes 39 seconds West 456.49 feet to a rebar with cap set on said East right-of-way of Hazel Dell Road by said Instrument number 200400005003; the following two (2) courses are along said right-of-way; 1.) thence North 01 degrees 58 minutes 45 seconds West 473.28 feet; 2.) thence North 04 degrees 24 minutes 11 seconds West 13.99 feet to the POINT OF BEGINNING, containing 22.371 acres more or less.

Area B Land Description

Part of the Northwest quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Hamilton County, Indiana, the following description was based on surveys prepared by Timothy D. Higbie, L.S as Survey First LLC project numbers 2021-0022 and 2022-0006, is described as follows:

Commencing at a brass pin in concrete at the Northwest corner of said Northwest quarter; thence along the West line of said quarter (bearings are based on the State Plane Coordinates, Indiana East Zone, on the NAD83, using GPS derived North from NTRIP CORS network) South 00 degrees 02 minutes 09 seconds East 586.51 feet; thence North 88 degrees 31 minutes 22 seconds East 54.76 feet to the East right-of-way of Hazel Dell Drive per Instrument number 200300090653 and Instrument number 200400005003 recorded in the Office of the Hamilton County Recorder and the POINT OF BEGINNING; the following five (5) courses are along the East and South lines of said right-of-way; 1) thence North 04 degrees 24 minutes 11 seconds West 129.81 feet; 2.) thence North 01 degrees 44 minutes 14 seconds East 24.63 feet; 3.) thence North 01 degrees 44 minutes 15 seconds East 310.83 feet (a concrete right-of-way marker found 0.40 feet North and 0.2' East of the corner); 4) thence North 33 degrees 02 minutes 35 seconds East 72.40 feet (72.39' record), (a concrete right-of-way marker found 0.06 feet South and 0.20 feet East of the corner); 5) thence North 89 degrees 31 minutes 21 seconds East 97.25 feet (a concrete right-of-way marker found 0.03 feet South and 0.40 feet West of the corner); thence North 89 degrees 26 minutes 58 seconds East 264.69 feet along the South line and the Westerly extension of the South line of the right-of-way parcel per Instrument number 200100002817 in said Recorder's Office to the Southeast corner thereof (a concrete right-of-way marker was found 0.3 feet South and 0.4 feet West of corner); thence North 00 degrees 34 minutes 33 seconds West 9.06 feet along the East line of said right-of-way to a rebar found with cap stamped "Structurepoint #0094" (hereafter "Structurepoint rebar") on the South right-of-way line of State Road 32 as described in Deed Record 143, page 70, Deed Record 141, page 435, and Deed Record 141, page 250 in said Recorder's Office; thence North 89 degrees 26 minutes 10 seconds East 883.87 feet along said South right-of-way line to a Structurepoint rebar found on the East line of a parcel conveyed to Herbert E. and Betty Lou W. Boone in Instrument number 200000061947 in said Recorder's Office; thence North 00 degrees 02 minutes 22 seconds West 52.11 feet to the North line of said quarter section; thence along said North line North 89 degrees 25 minutes 18 seconds East 160.60 feet to the Northeast corner of the land of Gary Alton Hinshaw Trustees Deed per deed recorded in said Recorder's Office as Instrument number 2012023283, said point is referenced as 1171.47 feet from the Northeast corner of said Northwest quarter; thence along the East line of said Hinshaw, South 00 degrees 02 minutes 23 seconds East 353.27 feet; thence South 89 degrees 25 minutes 03 seconds West 931.66 feet to a tangent curve to the left, concave South, having a radius of 149.01 feet and a long chord that bears South 68 degrees 00 minutes 37 seconds West and a long chord of 108.57 feet; thence Southwesterly along said curve an arc length of 111.13 feet; thence South 46 degrees 36 minutes 10 seconds West 219.33 feet to a tangent curve to the right, concave North, having a radius of 155.00 feet and a long chord that bears South 68 degrees 55 minutes 58 seconds West and a long chord of 118.12 feet; thence Southwesterly along said curve

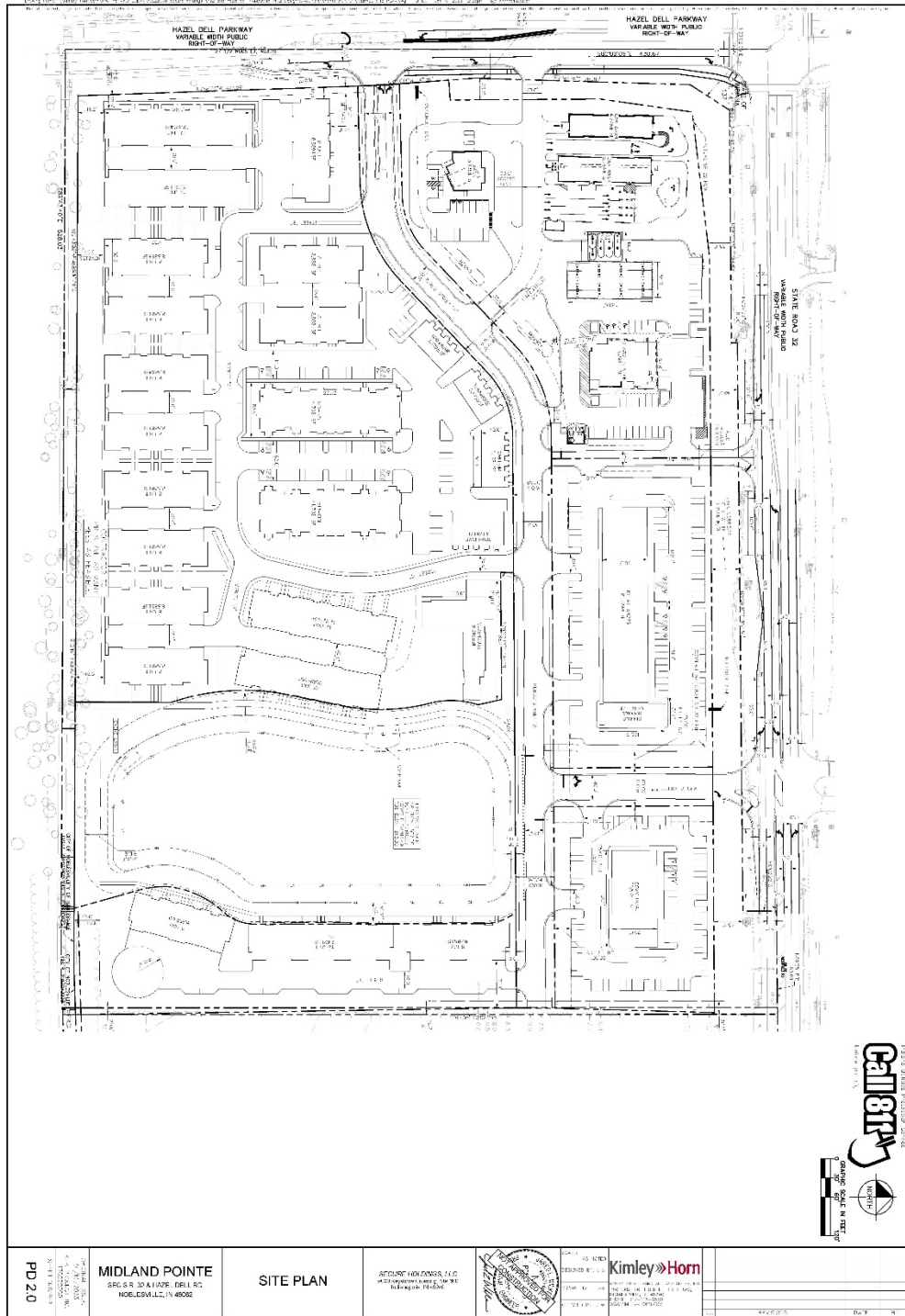
an arc length of 121.18 feet; thence South 88 degrees 31 minutes 22 seconds West 144.32 feet to said right of way and the POINT OF BEGINNING containing 11.901 acres more or less.

Area A Depiction and Area B Depiction



- Area A
- Area B

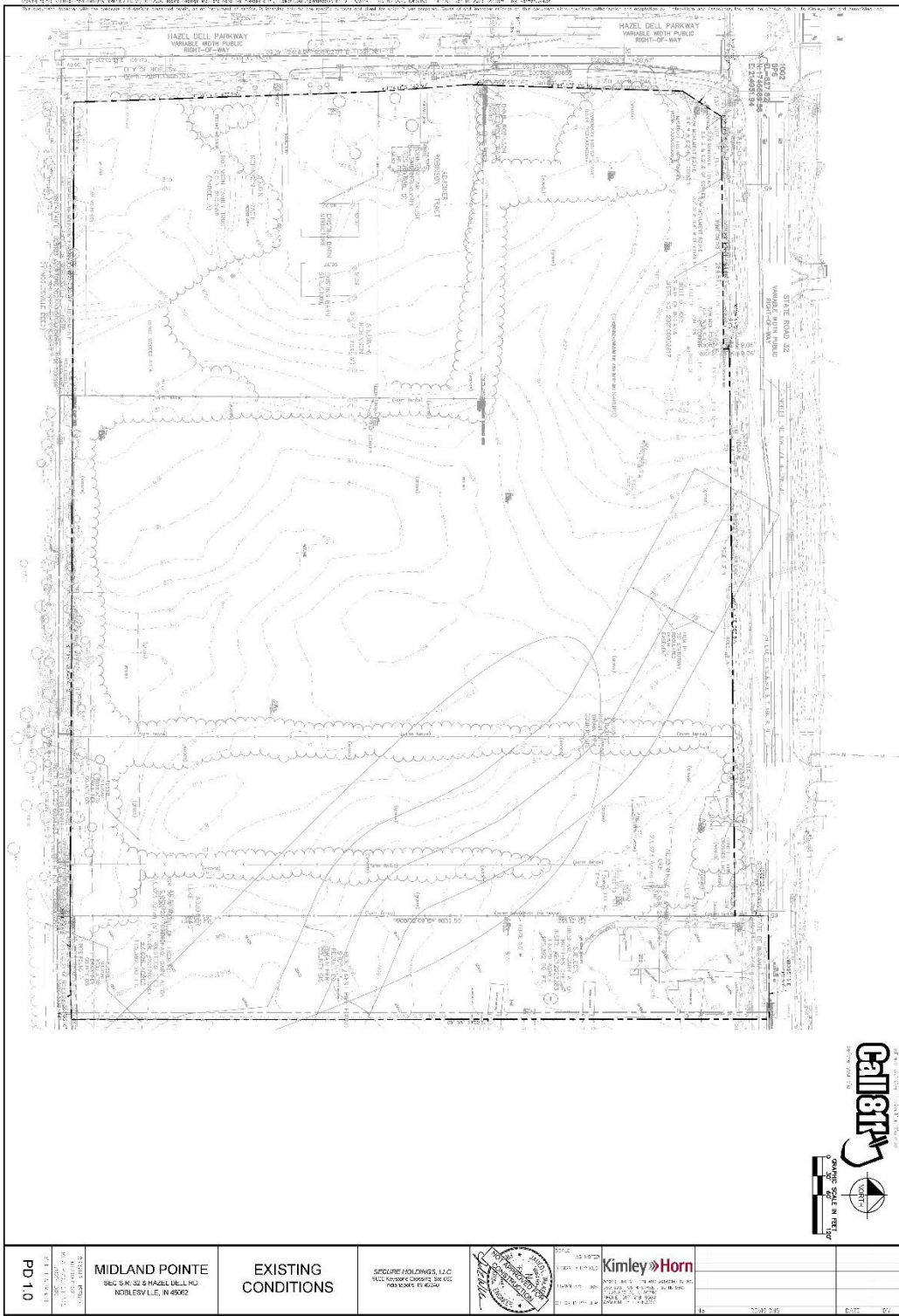
EXHIBIT B PRELIMINARY DEVELOPMENT PLAN

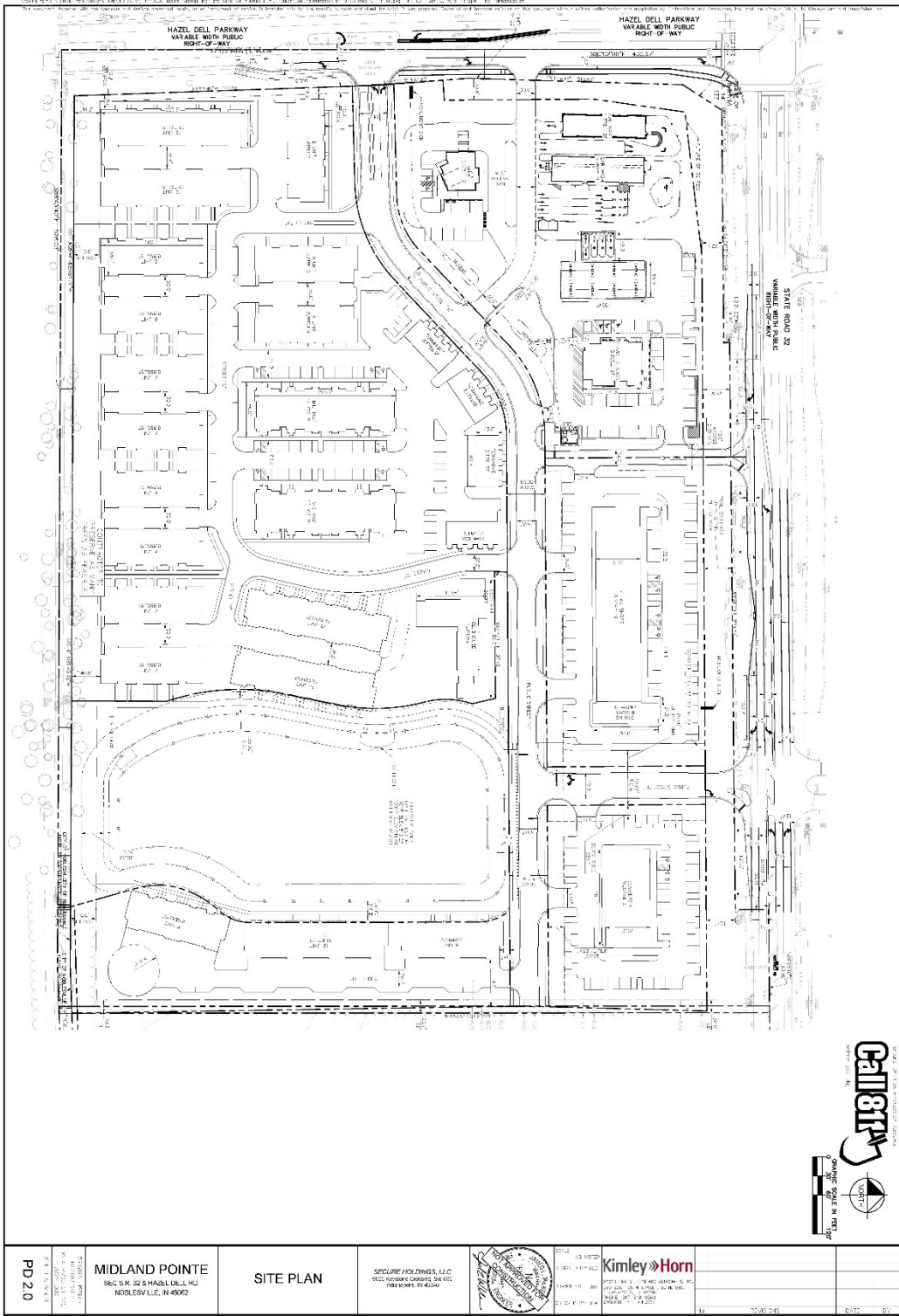


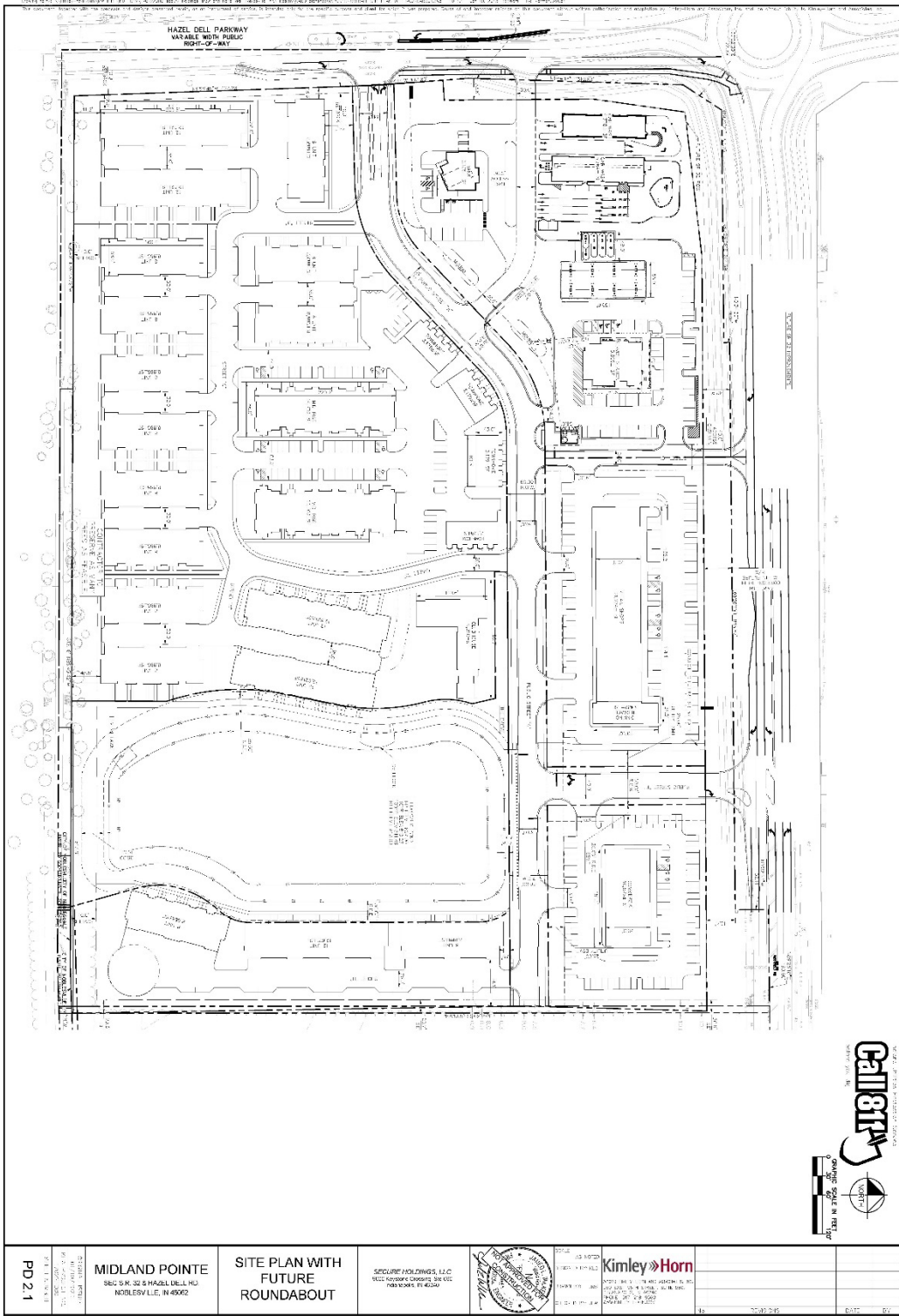
PD 2.0	MIDLAND POINTE <small>SRC SR 30 & 1409, DELL RD HOUSTON, TX 77062</small>	SITE PLAN	<small>ARCHITECT: KIMLEY-HORN, INC. 1409 WEST 14TH STREET, SUITE 900 HOUSTON, TEXAS 77008</small>		Kimley-Horn
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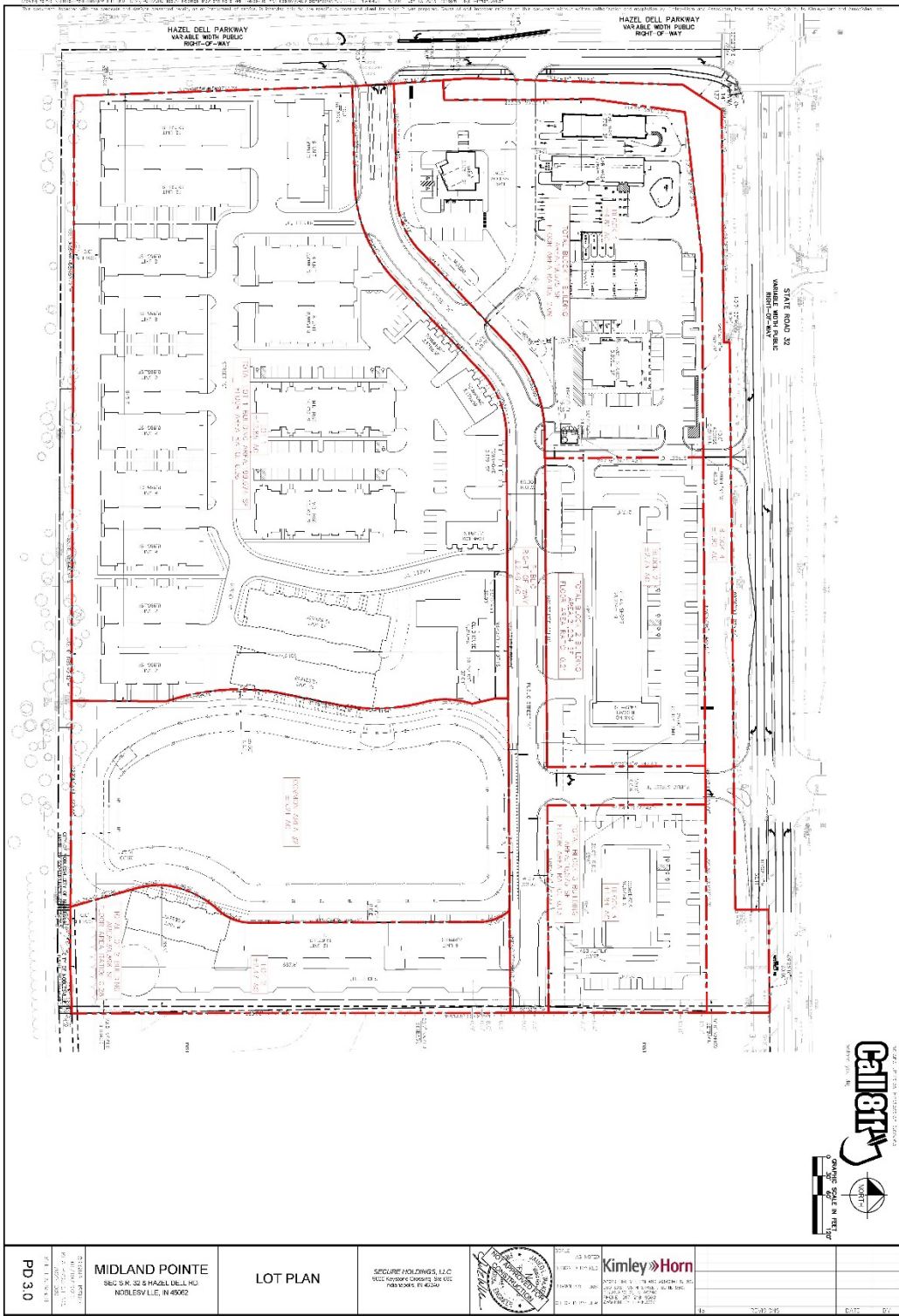
EXHIBIT C
SAMPLING AND GENERAL REPRESENTATION
OF THE APPROVED ELEVATIONS



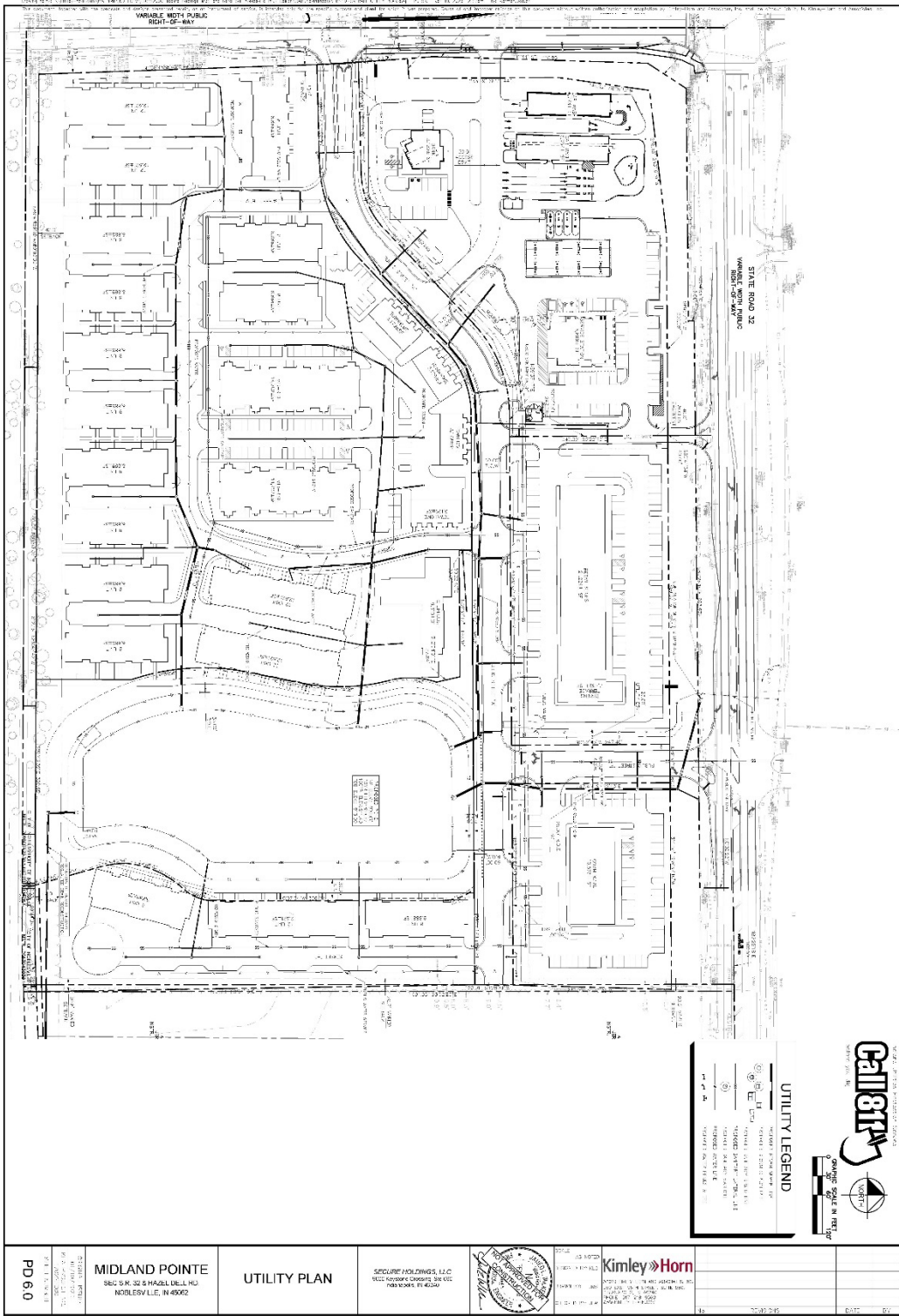








PD 3.0 2/11/2014	MIDLAND POINTE SEC 5 N. 32 E. HAZEL DELL RD NOBLESVILLE, IN 46062	LOT PLAN	SECURE HOLDINGS, LLC 10000 Kessler Crossing, Ste 100 9800 NW 20th St, Ft. Lauderdale, FL 33309		Kimley-Horn 20200 N.W. 11th Street, Suite 100 Fort Lauderdale, FL 33309 Phone: 954.344.5000 Fax: 954.344.5001 www.kimley-horn.com	02-01-14 1/10/14
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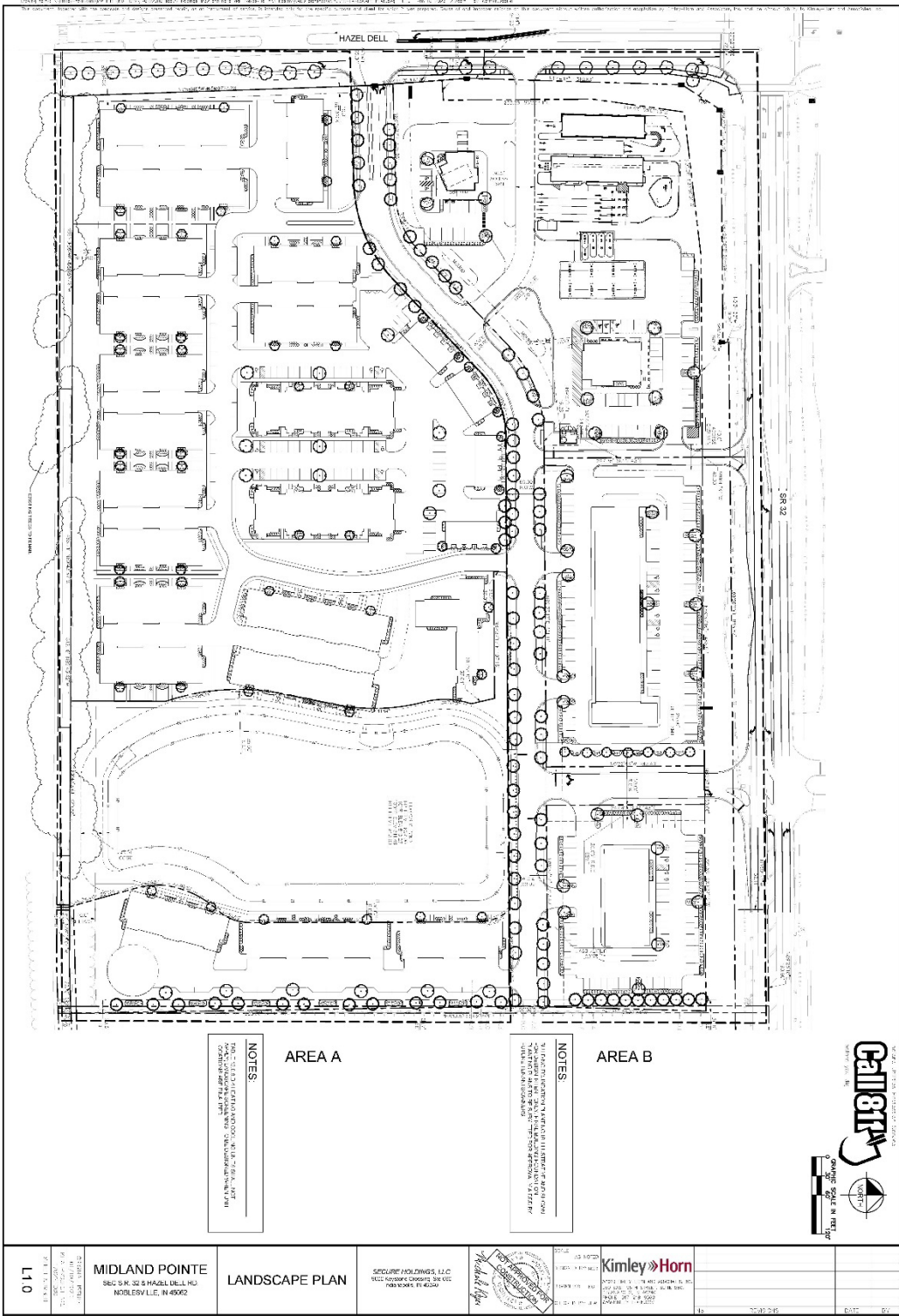
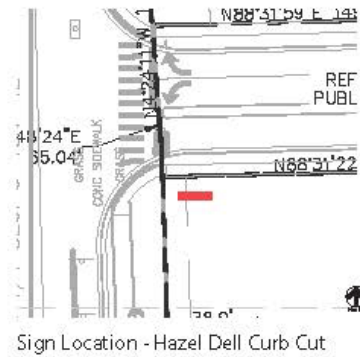
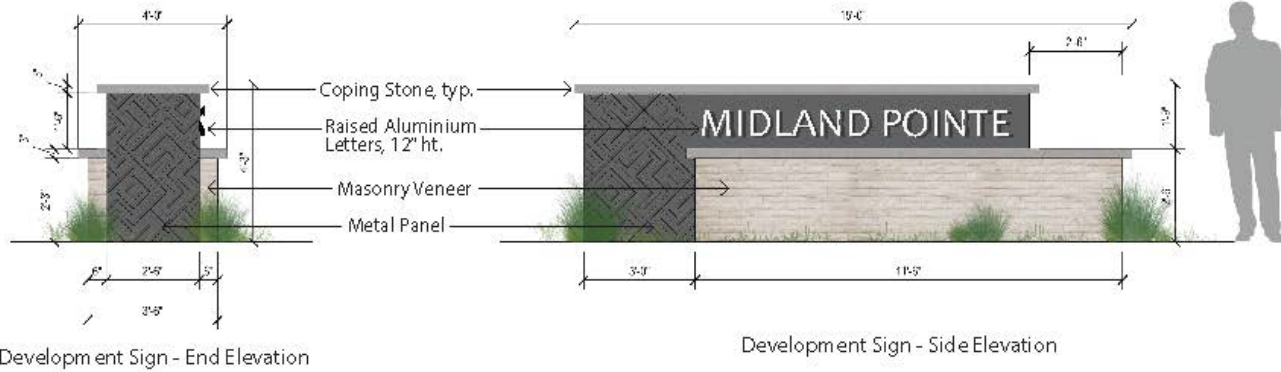


EXHIBIT E
PROHIBITED USE CHART

Tattoo parlor
Piercing studio
Nail salon (specifically not including nail services that are part of a high-end day spa or other similar use)
Massage parlor (specifically not including massage services that are part of a high-end day spa or other similar use)
Refund anticipation loan lenders, title loan businesses, short-term loan providers, cash for precious metal stores and pawn shops
Sexually-oriented business
Adult entertainment business, including retail; night club or cabaret; adult novelty shop or business (including bookstore or video store specializing in adult or sexually explicit material)
Discotheque or otherwise for musical/dance reviews or topless/nude shows
Tobacco shop, cigar lounge, hookah, head or other smoke shop
A facility for the sale or use of paraphernalia used for the ingestion or use of illicit or recreational drugs
Weapon dealers
Tavern, bar, nightclub, or other similar use the primary purpose of which is serving alcohol, excluding any restaurant having entertainment or serving alcohol so long as it generates the majority of its revenues from other than alcoholic beverages and devoting a majority of its customer area to sit down food and beverage service
Store the principal business of which is the sale of alcoholic beverages for consumption off premises
Gambling facility
Billiard or Pool Hall
Second hand or government surplus store
Mattress store
Non-profit or institutional use by any entity which is exempt from property taxation and causes any portion of the Property Location to be exempt from property taxes
Retail telecommunications store
A store selling or advertising primarily “dollar” merchandise
Flea market, consignment or used good store selling primarily distressed or damaged merchandise
Laundromat or dry cleaning processing plant
Animal clinic or pet stores
Businesses that emit noxious odors
Stand-alone fast-food restaurants
Businesses that may adversely affect the health, safety or community morals of the City

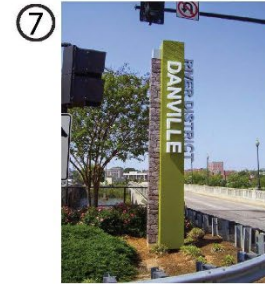
EXHIBIT F
DEVELOPMENT SIGNAGE EXHIBIT



Midland Pointe

Development Signage Concept | September 2022





Midland Pointe

Development Signage - Character Images | September 2022



EXHIBIT G
STIPULATIONS AND WAIVERS

Stipulations

Waivers from State Road 32 Overlay

1. Reduction in distance between frontage road and SR 32 for Road G and F.
2. Reduction in RW width for frontage road.
3. Deletion of the 30' Trail easement and Roadside Corridor requirements (moving it into the INDOT RW).
4. Parking lot setback from SR 32.
5. Artistic piece location along trail and rendering (payment in lieu available if preferred).
6. Canopy setback for gas station in relation to main building and SR 32.

Waivers from UDO

1. Reduction in pavement width to allow two 12' lanes for Commercial Cross Section for Street A east of Street B.
2. Monument Sign setback.
3. Impervious surface coverage.
4. Landscaping requirements.
5. Building setback along Hazel Dell Rd.
6. Potential parking requirements for both residential and commercial uses.
PENDING PARKING CALCULATIONS.